

NO. 25

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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TUESDAY, FEBRUARY 20, 2018

**Tuesday, February 20, 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:

Today we will pray the prayer of President George Washington for the United States of America, in celebration of his birthday.

Let us pray. "Almighty God; we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without whose example in these things we can never hope to be a happy nation. Grant our supplication we beseech Thee, through Jesus Christ, our Lord. Amen"

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

**Point of Quorum**

At 2:03 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	Climer
Cromer	Davis	Gambrell
Goldfinch	Gregory	Hembree
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
Nicholson	Peeler	Rice
Sabb	Setzler	Shealy

Sheheen  
Turner  
Young

Talley  
Verdin

Timmons  
Williams

A quorum being present, the Senate resumed.

#### **REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4760

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-61-610 et seq.

SUBJECT: South Carolina Stroke Care System

Received by Lieutenant Governor January 9, 2018

Referred to Committee on Medical Affairs

Legislative Review Expiration May 9, 2018

Withdrawn and Resubmitted February 16, 2018

Document No. 4801

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-67-70

SUBJECT: Board of Examiners in Speech-Language Pathology and Audiology

Received by Lieutenant Governor January 9, 2018

Referred to Committee on Medical Affairs

Legislative Review Expiration May 9, 2018

Withdrawn and Resubmitted February 16, 2018

#### **REGULATION RESUBMITTED**

The following was received:

Document No. 4792

Agency: Department of Insurance

Chapter: 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, and 38-9-200 et seq.

SUBJECT: Credit for Reinsurance

Received by Lieutenant Governor January 9, 2018

Referred to Committee on Banking and Insurance

Legislative Review Expiration May 9, 2018

Resubmitted February 20, 2018

#### **Leave of Absence**

On motion of Senator GROOMS, at 2:05 P.M., Senator CAMPSEN was granted a leave of absence until 3:30 P.M.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**Remarks to be Printed**

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

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**RECALLED**

S. 814 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF CALHOUN AND RUTLEDGE STREETS IN THE CITY OF CHARLESTON "OFFICER JAMES OWENS, JR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Senator KIMPSON 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. 1024 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR TARTAN DAY SOUTH UPON THE OCCASION OF ITS JOINING IN THE TWENTIETH ANNIVERSARY CELEBRATION OF THE NATIONAL CAPITAL TARTAN DAY.

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The Senate Resolution was adopted.

S. 1025 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE ROBERT LOUIS HARRIS ON BEING NAMED 2017-2018 RICHLAND COUNTY SCHOOL DISTRICT ONE

TEACHER OF THE YEAR AND TO COMMEND HIM FOR HIS YEARS OF DEDICATED SERVICE AS AN EDUCATOR.

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The Senate Resolution was adopted.

S. 1026 -- Senators Timmons, Martin and Corbin: A BILL TO REPEAL SECTION 4 OF ACT 432 OF 1947, AS AMENDED BY SECTION 2 OF ACT 105 OF 2013; TO AMEND ACT 432 OF 1947, AS LAST AMENDED BY ACT 105 OF 2013, BY ADDING A NEW SECTION, TO PROVIDE FOR THE DUTIES OF THE GREENVILLE HEALTH SYSTEM BOARD OF TRUSTEES; TO AMEND ACT 432 OF 1947, AS LAST AMENDED BY ACT 105 OF 2013, BY ADDING A NEW SECTION, TO PROVIDE FOR THE APPOINTMENT OF AN INTERIM PRESIDENT AND TO PROVIDE DUTIES, TO PROVIDE FOR A NEWLY FORMED 501(c)(3) AND ITS DUTIES, TO PROVIDE FOR THE DISTRIBUTION OF THE ACCRUED INTEREST INCOME FROM MONIES, AND TO PROVIDE FOR THE ELECTION OF BOARD MEMBERS AND FOR THEIR TERMS; TO AMEND ACT 432 OF 1947, AS LAST AMENDED BY ACT 105 OF 2013, BY ADDING A NEW SECTION, TO PROVIDE THAT GREENVILLE HEALTH SYSTEM SHALL ENGAGE IN AND ESTABLISH A COMPETITIVE BIDDING PROCESS; TO AMEND ACT 432 OF 1947, AS LAST AMENDED BY ACT 105 OF 2013, BY ADDING A NEW SECTION, TO PROVIDE FOR THE DISTRIBUTION OF ALL MONIES COLLECTED FROM THE SALE OF THE ASSETS; TO PROVIDE THAT NO PUBLIC MONIES OR ASSETS MAY BE EXPENDED OR LIQUIDATED TO PURSUE LEGAL CHALLENGES RELATED TO THIS ACT; TO PROVIDE THAT THE PERSONS HOLDING EXECUTIVE POSITIONS WITHIN THE 501(c)(3) ORGANIZATIONS SHALL VACATE ALL OFFICE SPACE CONTROLLED BY GREENVILLE HEALTH SYSTEM; TO REPEAL ANY PROVISION IN CONFLICT WITH THE PROVISIONS OF THIS ACT; TO PROVIDE THAT, UPON FINAL DISTRIBUTION OF THE ASSETS, ACT 432 OF 1947 AND ALL AMENDMENTS TO THE ACT ARE REPEALED WITH EXCEPTIONS; AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE VOID IF THE SOUTH CAROLINA SUPREME COURT PUBLISHES AN OPINION DETERMINING THAT THE BOARD OF TRUSTEES OPERATED WITHIN ITS LEGAL AUTHORITY.

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

[SJ]

Senator TIMMONS explained the Bill.

**Point of Order**

Senator ALEXANDER raised a Point of Order that the Bill was out of order inasmuch as it is a Statewide Bill and should be referred to the appropriate standing committee.

Senator ALEXANDER spoke in favor of the Point of Order.

Senator MARTIN spoke against the Point of Order.

Senator SABB spoke in favor of the Point of Order.

Senator TIMMONS spoke in favor of the Point of Order.

The PRESIDENT overruled the Point of Order.

**Motion Adopted**

On motion of Senator ALLEN, with unanimous consent, S. 1026 will not be considered before Wednesday, February 28, 2018.

**Statement by Senators ALEXANDER and TURNER**

Today, S. 1026 was introduced to sell the Greenville Hospital System. That Bill was placed on the local calendar. We disagree with that decision because we believe that it is a statewide Bill and because we believe that a Bill of this significance deserves more input and debate than it can have on the Senate's local legislation calendar.

When the Speaker of the House referred identical legislation to the House Judiciary Committee, he placed a statement in the House Journal explaining that decision. He began by saying that "I cannot let the politics of legislation dictate my decision as to where a Bill should be referred." He went on to explain why he sent it to committee rather than let it be considered local legislation as the Lt. Governor did in the Senate. He said, "If a Bill affects or touches upon more than one county it is not "local" and should be treated as "statewide" legislation. A perfect example of this legislation concerning the Greenville County School District which extends beyond Greenville County boundaries to include land in surrounding counties. As a result, all legislation concerning the Greenville County School District is placed on the statewide Calendar." He concluded by stating that "based upon the fact that this legislation affects land in counties other than Greenville County it must be treated as statewide legislation." We believe that the Speaker was absolutely correct and that since the Senate legislation affects land in counties other than Greenville should be treated in the same manner and should be referred to Committee.

There is also a practical reason why we believe that the Bill should have been sent to Committee. By treating this Bill as local legislation, what the proponents of the Bill have done is cut out debate and public participation. In Committee, the Bill would have been referred to a subcommittee and given those who have an opinion as to what should be done to the Greenville Hospital System the opportunity to come and have their voices heard. On the local calendar, those people who want to be heard cannot have that opportunity. Also, debate is limited to 30 minutes for Bills on the local legislation calendar despite the tremendous impact this legislation has.

Because we believe that a Bill that impacts residents in more than one county, impacts thousands of jobs, and impacts billions of dollars of state assets deserves more than 30 minutes of debate and lets the people of those affected by the legislation be heard, we oppose the decision of the Lt. Governor to make the Bill local legislation and thereby cut off debate and public testimony.

S. 1027 -- Senator Young: A BILL TO AMEND SECTION 41-27-370(4) OF THE 1976 CODE, RELATING TO UNEMPLOYMENT, TO PROVIDE THAT THE FILING PROVISIONS IMPOSED PURSUANT TO A REGULATION OR PROCEDURE OF THE DEPARTMENT DO NOT APPLY TO EMPLOYERS IN THIS STATE WITH FEWER THAN FIFTY EMPLOYEES.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1028 -- Senators Bennett and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9-1-5 SO AS TO CLOSE THE SOUTH CAROLINA RETIREMENT SYSTEM; BY ADDING CHAPTER 22 TO TITLE 9 SO AS TO ESTABLISH THE "SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN" TO PROVIDE EMPLOYEES WITH A DEFINED BENEFIT RETIREMENT PLAN AND TO PROVIDE DETAILS OF THE PLAN; BY ADDING CHAPTER 24 TO TITLE 9 SO AS TO ESTABLISH THE "SOUTH CAROLINA WEALTHBUILDER-PRIMARY RETIREMENT SAVINGS PLAN" TO PROVIDE EMPLOYEES WITH A DEFINED CONTRIBUTION RETIREMENT PLAN AND TO PROVIDE DETAILS OF THE PLAN; TO AMEND SECTION 9-1-310, RELATING TO ADMINISTRATIVE COSTS, SO AS TO ADD A REFERENCE TO THE SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN; TO AMEND SECTION 9-1-1340, RELATING TO CERTAIN

CONFLICTS OF INTEREST, SO AS TO ADD A REFERENCE TO THE SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN; TO AMEND SECTION 9-11-40, RELATING TO DEFINITIONS, SO AS TO ADD THE "SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN" TO THE DEFINITION OF "CORRELATED SYSTEM"; TO AMEND SECTION 9-16-10, RELATING TO DEFINITIONS, SO AS TO ADD THE "SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN" TO THE DEFINITION OF "RETIREMENT SYSTEM"; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE SYSTEM, SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON INVESTMENTS OF THE SOUTH CAROLINA SHARED-RISK DEFINED BENEFIT PLAN MAY NOT EXCEED THE LESSER OF SIX PERCENT OR THREE HUNDRED BASIS POINTS ABOVE THE THREE YEAR AVERAGE OF TWENTY-YEAR TREASURY YIELDS; TO REPEAL CHAPTER 20, TITLE 9 RELATING TO THE STATE OPTIONAL RETIREMENT PROGRAM; AND TO DIRECT THE CODE COMMISSIONER TO MAKE CERTAIN CHANGES.

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

S. 1029 -- Senator Jackson: A JOINT RESOLUTION TO ESTABLISH A FACT-FINDING STUDY COMMITTEE TO REVIEW THE EVENTS OF FEBRUARY 8, 1968, REFERRED TO AS THE "ORANGEBURG MASSACRE," AND TO MAKE A REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY CONCERNING THE HISTORICAL, SOCIAL, AND ETHICAL RAMIFICATIONS OF THOSE EVENTS; TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, STAFF, AND REPORTING REQUIREMENTS; AND TO ABOLISH THE STUDY COMMITTEE UPON SUBMISSION OF ITS REPORT.

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

S. 1030 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE MARCH 13, 2018 AS "WESLEY BRYAN DAY" IN SOUTH CAROLINA AND TO COMMEND WESLEY BRYAN FOR HIS OUTSTANDING ACCOMPLISHMENTS IN THE SPORT OF GOLF.

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



H. 4077 -- Reps. G. R. Smith, Erickson, J. E. Smith, McKnight, McCoy, Norrell, Kirby, Bales, McEachern, Gilliard, Loftis, Burns, Allison, Douglas, McCravy, Hamilton, Fry, Henderson, Elliott, W. Newton, Martin, V. S. Moss, Long, Robinson-Simpson, West, Collins, Bradley, Arrington, Bedingfield, Putnam, Johnson, Bowers, Anthony, Bannister, Bennett, Blackwell, Clary, Crawford, Daning, Delleney, Forrest, Forrester, Herbkersman, Hixon, Jordan, Lucas, Magnuson, Murphy, B. Newton, S. Rivers, Sandifer, Sottile, Stringer, Taylor, Tallon, Thayer, White, Whitmire, Willis, Hiott, Yow, Toole and Mace: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3780 SO AS TO PROVIDE DEFINITIONS, TO ALLOW FOR AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND AND FOR TUITION PAYMENTS MADE TO AN ELIGIBLE SCHOOL FOR AN EXCEPTIONAL NEEDS CHILD WITHIN THE TAXPAYER'S CUSTODY OR CARE, TO PROVIDE FOR ANNUAL LIMITS ON INCOME TAX CREDITS AVAILABLE, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO CREATE THE "EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND", TO PROVIDE FOR GOVERNANCE AND ADMINISTRATION OF THE FUND, TO PROVIDE FOR THE MANNER IN WHICH GRANTS ARE AWARDED, AND TO PROVIDE THAT THE EDUCATION OVERSIGHT COMMITTEE IS RESPONSIBLE FOR DETERMINING WHICH SCHOOLS ARE ELIGIBLE.

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

H. 4377 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, V. S. Moss, Clyburn, Bennett, Arrington, Daning, Govan, Weeks, Henderson, Henderson-Myers, Williams and Knight: A BILL TO AMEND SECTION 58-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE PUBLIC SERVICE COMMISSION, SO AS TO REVISE THE MEMBERSHIP; TO AMEND SECTION 58-3-30, RELATING TO THE COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION, SO AS TO REQUIRE THE COMMISSIONERS AND THEIR EMPLOYEES TO ATTEND AT LEAST SIX HOURS OF CONTINUING EDUCATION CURRICULUM; TO AMEND

SECTION 58-3-225, RELATING TO THE CONDUCT OF MEETINGS OF THE PUBLIC SERVICE COMMISSION, SO AS TO REQUIRE THE COMMISSIONERS TO QUESTION THE PARTIES THOROUGHLY DURING HEARINGS OF CONTESTED CASES WHEN APPROPRIATE; AND TO AMEND SECTION 58-3-260, RELATING TO COMMUNICATIONS WITH THE PUBLIC SERVICE COMMISSION, SO AS TO ALLOW THE PUBLIC UTILITIES REVIEW COMMITTEE AND CERTAIN OTHER LEGISLATIVE OVERSIGHT COMMITTEES TO COMMUNICATE WITH THE PUBLIC SERVICE COMMISSION IN CERTAIN CIRCUMSTANCES.

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

H. 4478 -- Reps. Tallon, Hixon and W. Newton: A BILL TO AMEND SECTION 23-23-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, SO AS TO AUTHORIZE ITS DIRECTOR TO DETERMINE THE LOCATION OF A TRAINING FACILITY.

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

H. 4729 -- Reps. Delleney, Yow, McCravy, Finlay, Spires, Loftis, G. R. Smith, Norrell, Funderburk, Huggins, Magnuson, Hewitt, Cobb-Hunter, Jordan, Clary, Johnson, Bennett, Martin, Bernstein, W. Newton, Fry, G. M. Smith, Caskey, Long, Burns, Chumley, Bannister, Trantham, Bryant, Duckworth, Elliott, Forrest, Hayes, Henderson, Henegan, Herbkersman, Hiott, McCoy, D. C. Moss, Pitts, Pope, Simrill, J. E. Smith, Tallon, Toole, Wheeler, White, Willis and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-6-141 SO AS TO PROHIBIT THE DEPARTMENT OF REVENUE FROM ISSUING MORE THAN THREE RETAIL DEALER LICENSES TO ONE LICENSEE; BY ADDING SECTION 61-6-151 SO AS TO PROHIBIT A LICENSEE FROM HAVING AN INTEREST IN A RETAIL LIQUOR STORE OTHER THAN THE THREE STORES COVERED BY HIS RETAIL DEALER'S LICENSE; AND TO AMEND SECTION 61-6-1636, RELATING TO THE SALE OF ALCOHOLIC LIQUOR BY THE DRINK, SO AS TO ALLOW A LICENSED WHOLESALER TO DELIVER NEW ALCOHOLIC LIQUOR TO A PERSON LICENSED TO SELL ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION UNDER CERTAIN CIRCUMSTANCES.

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

H. 4828 -- Reps. Hixon, Hiott, Yow and Williams: A BILL TO AMEND SECTION 50-9-740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES YOUTH HUNTING DAYS, SO AS TO PROVIDE THAT YOUTH HUNTERS FIFTEEN YEARS OF AGE AND UNDER MUST BE ACCOMPANIED BY A LICENSED ADULT ON A YOUTH HUNTING DAY AND TO PROVIDE THAT THE LICENSE AND TAG REQUIREMENT IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4900 -- Rep. S. Rivers: A BILL TO AMEND SECTION 7-7-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

H. 4908 -- Reps. S. Rivers, Mack, Arrington, Bennett, Cogswell, Mace, Pendarvis and Sottile: A BILL TO AMEND SECTION 7-7-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CHARLESTON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF 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.

H. 4943 -- Rep. Howard: A CONCURRENT RESOLUTION TO DECLARE MARCH 2018 AS BLEEDING DISORDERS AWARENESS MONTH IN THE STATE OF SOUTH CAROLINA AND TO INCREASE RECOGNITION OF THE ILLNESS.

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

#### **REPORTS OF STANDING COMMITTEES**

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 785 -- Senator Cromer: A BILL TO AMEND SECTION 37-6-502, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO REVISE THE MEMBERSHIP OF THE COMMISSION.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 815 -- Senators Gambrell and Shealy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-2150 SO AS TO ESTABLISH PROHIBITED ACTS FOR PHARMACY BENEFIT MANAGERS AND TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 38-71-2130, RELATING TO THE DUTIES OF A PHARMACY BENEFIT MANAGER, SO AS TO REQUIRE A PHARMACY BENEFIT MANAGER TO REIMBURSE A PROVIDER WITHIN SEVEN BUSINESS DAYS OF PAYMENT BY A PAYOR.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 877 -- Senator Alexander: A BILL TO AMEND SECTION 40-60-330(B)(11) OF THE 1976 CODE, RELATING TO APPRAISAL MANAGEMENT COMPANY REGISTRATION REQUIREMENTS, TO PROVIDE THAT THE REGISTRATION REQUIRED IN SECTION 40-60-330(A) MUST INCLUDE A SURETY BOND IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 4654 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-43-100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING REQUIREMENTS FOR INDIVIDUAL AND AGENCY INSURANCE PRODUCERS, SO AS TO REQUIRE AN APPLICANT TO PROVIDE A COMPLETE SET OF FINGERPRINTS WITH THE APPLICATION, TO PROVIDE THAT FAILURE TO PROVIDE A COMPLETE SET OF FINGERPRINTS CONSTITUTES GROUNDS FOR DENIAL OF AN APPLICATION, AND TO PROVIDE EXCEPTIONS TO THE FINGERPRINTING REQUIREMENT UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 4655 -- Reps. Sandifer and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA INSURANCE DATA SECURITY ACT" BY ADDING CHAPTER 99 TO TITLE 38 SO AS TO DEFINE NECESSARY TERMS; TO REQUIRE A LICENSEE TO DEVELOP, IMPLEMENT, AND MAINTAIN A COMPREHENSIVE INFORMATION SECURITY PROGRAM BASED ON THE LICENSEE'S RISK ASSESSMENT AND TO ESTABLISH CERTAIN REQUIREMENTS FOR THE SECURITY PROGRAM, TO PROVIDE MINIMUM REQUIREMENTS FOR A LICENSEE'S BOARD OF DIRECTORS, IF APPLICABLE, TO REQUIRE A LICENSEE TO MONITOR THE SECURITY PROGRAM AND MAKE ADJUSTMENTS IF NECESSARY, TO PROVIDE THAT THE LICENSEE MUST ESTABLISH AN INCIDENT RESPONSE PLAN AND TO ESTABLISH CERTAIN REQUIREMENTS FOR THE INCIDENT RESPONSE PLAN, TO REQUIRE A LICENSEE TO SUBMIT A STATEMENT TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE ANNUALLY; TO ESTABLISH CERTAIN REQUIREMENTS FOR A LICENSEE IN THE EVENT OF A CYBERSECURITY EVENT; TO REQUIRE A LICENSEE TO NOTIFY THE DIRECTOR OF CERTAIN INFORMATION IN THE EVENT OF A CYBERSECURITY EVENT; TO GRANT THE DIRECTOR THE POWER AND AUTHORITY TO EXAMINE AND INVESTIGATE A LICENSEE; TO PROVIDE THAT DOCUMENTS, MATERIALS, OR OTHER INFORMATION IN THE CONTROL OR POSSESSION OF THE DEPARTMENT MUST BE TREATED AS CONFIDENTIAL AND TO AUTHORIZE THE DIRECTOR TO SHARE OR RECEIVE CONFIDENTIAL DOCUMENTS UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER; TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 4656 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-9-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ADOPT ADDITIONAL REQUIREMENTS FOR REINSURANCE

CREDITS, TO REQUIRE A REINSURER TO DEMONSTRATE IT HAS ADEQUATE FINANCIAL CAPACITY TO MEET ITS REINSURANCE OBLIGATIONS TO QUALIFY FOR A CREDIT, TO ALLOW FOR THE REDUCTION OF A TRUSTEED SURPLUS FOR AN ASSUMING INSURER WHO HAS PERMANENTLY DISCONTINUED UNDERWRITING NEW BUSINESS, TO ALLOW FOR CREDIT WHEN REINSURANCE IS CEDED AND ENUMERATE CERTAIN ELIGIBILITY REQUIREMENTS, TO ALLOW FOR AN ASSUMING INSURER WHO IS NOT LICENSED, CERTIFIED, OR ACCREDITED IN THIS STATE TO BECOME ELIGIBLE FOR A CREDIT UNDER CERTAIN CIRCUMSTANCES, TO ALLOW THE DIRECTOR TO SUSPEND OR REVOKE THE ACCREDITATION OR CERTIFICATION, TO REQUIRE AN INSURER TO MANAGE ITS REINSURANCE RECOVERABLES PROPORTIONATE TO ITS BOOK OF BUSINESS, AND TO AUTHORIZE THE DIRECTOR TO ADOPT RULES AND REGULATIONS; AND TO AMEND SECTION 38-9-210, RELATING TO LIABILITY REDUCTIONS FOR REINSURANCE, SO AS TO AUTHORIZE THE DIRECTOR TO ADOPT ADDITIONAL REQUIREMENTS FOR AN ASSET OR REDUCTION FROM LIABILITY FOR REINSURANCE CEDED BY A DOMESTIC INSURER AND TO EXPAND THE ACCEPTABLE FORM OF SECURITY FOR A LIABILITY REDUCTION.

Ordered for consideration tomorrow.

#### **Message from the House**

Columbia, S.C., February 15, 2018

Mr. President and Senators:

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

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.

Very respectfully,

Speaker of the House

Received as information.

[SJ]

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

**REMOVED FROM CONSENT CALENDAR**

S. 758 -- Senator Reese: A BILL TO AMEND SECTION 50-25-1330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT RESTRICTIONS ALONG LAKE H. TAYLOR BLALOCK, SO AS TO EXTEND THE PERIOD FOR THE HUNTING OF WATERFOWL ON THE LAKE TO DECEMBER 31, 2023.

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

S. 812 -- Senator Hembree: A BILL TO AMEND SECTION 33-57-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RAFFLES CONDUCTED BY NONPROFIT ORGANIZATIONS FOR CHARITABLE PURPOSES, SO AS TO INCREASE THE VALUE OF NONCASH PRIZES ALLOWED FOR THESE RAFFLES; AND TO AMEND SECTION 33-57-140, RELATING TO STANDARDS FOR THESE RAFFLES, SO AS TO INCREASE THE ALLOWANCE FOR THE PRICE OF A RAFFLE TICKET PRODUCED BY NONPROFIT ORGANIZATIONS FOR CHARITABLE PURPOSES.

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

S. 997 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - REAL ESTATE APPRAISERS BOARD, RELATING TO REAL ESTATE APPRAISERS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4766, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY the Resolution was moved to the Statewide Second Reading Calendar.

S. 998 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO REAL ESTATE COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4776, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY the Resolution was moved to the Statewide Second Reading Calendar.

S. 999 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-MANUFACTURED HOUSING BOARD, RELATING TO LICENSE RENEWAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4798, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY the Resolution was moved to the Statewide Second Reading Calendar.

S. 1000 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4761, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.



Senator MASSEY explained the Resolution.

On motion of Senator MASSEY the Resolution was moved to the Statewide Second Reading Calendar.

S. 1001 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF ELEVATORS AND AMUSEMENT RIDES, RELATING TO FEE SCHEDULES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4793, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

Senator MASSEY explained the Resolution.

On motion of Senator MASSEY the Resolution was moved to the Statewide Second Reading Calendar.

S. 805 -- Senators Shealy, Sheheen, Young, McLeod, McElveen and Climer: A BILL TO AMEND CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO CHILDREN'S SERVICES AGENCIES, BY ADDING ARTICLE 22, TO CREATE THE DEPARTMENT OF CHILDREN'S ADVOCACY, TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY THE STATE CHILD ADVOCATE, TO PROVIDE THAT THE DEPARTMENT SHALL BE COMPRISED OF DEPUTY CHILD ADVOCATES, INVESTIGATORS, AND OTHER STAFF TO BE EMPLOYED AS NECESSARY BY THE STATE CHILD ADVOCATE, TO PROVIDE THAT THE STATE CHILD ADVOCATE IS RESPONSIBLE FOR ENSURING THAT CHILDREN RECEIVE ADEQUATE PROTECTION AND CARE FROM SERVICES OR PROGRAMS OFFERED BY THE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF JUVENILE JUSTICE, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, THE JOHN DE LA HOWE SCHOOL, THE WIL LOU GRAY OPPORTUNITY SCHOOL, AND THE SCHOOL FOR THE DEAF AND BLIND, TO PROVIDE THAT RECORDS ACQUIRED BY THE DEPARTMENT ARE

CONFIDENTIAL, TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT, TO PROVIDE THAT THE STATE CHILD ADVOCATE MAY PERFORM AN INDEPENDENT INVESTIGATION OF A CRITICAL INCIDENT OR REVIEW A COMPLETED CRITICAL INCIDENT INVESTIGATION PERFORMED BY A STATE AGENCY, TO PROVIDE FOR THE PARAMETERS OF AN INVESTIGATION, TO PROVIDE THAT THE DEPARTMENT OF CHILDREN'S ADVOCACY SHALL ESTABLISH A SINGLE, STATEWIDE, TOLL-FREE CHILD ABUSE HOTLINE TO RECEIVE ALL REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT, AND TO PROVIDE FOR FURTHER PURPOSES AND PUBLICATION OF THE HOTLINE; TO AMEND SECTION 1-3-240(C)(1) OF THE 1976 CODE, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, TO ADD THE STATE CHILD ADVOCATE AS A PERSON APPOINTED THAT MAY BE REMOVED BY THE GOVERNOR FOR MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY; TO AMEND SECTION 63-7-360 OF THE 1976 CODE, RELATING TO MANDATORY REPORTING TO THE CORONER, TO PROVIDE THAT THE MEDICAL EXAMINER OR CORONER SHALL ACCEPT REPORTS FROM PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT AND REPORT HIS FINDINGS TO THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-7-370 OF THE 1976 CODE, RELATING TO DOMESTIC VIOLENCE REPORTING, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER UPON RECEIPT OF A REPORT OF DOMESTIC VIOLENCE SHALL REPORT THE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES AND TO THE DEPARTMENT OF CHILDREN'S ADVOCACY'S SINGLE, STATEWIDE, TOLL-FREE CHILD ABUSE HOTLINE IF THE PEOPLE INVOLVED IN THE REPORTED DOMESTIC VIOLENCE ARE RESPONSIBLE FOR THE WELFARE OF A CHILD; TO AMEND SECTION 63-11-500(A) AND SECTION 63-11-540 OF THE 1976 CODE, BOTH RELATING TO THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM, TO PROVIDE THAT THE PROGRAM MUST BE ADMINISTERED BY THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-11-700(A) AND SECTION 63-11-730(A) OF THE 1976 CODE, BOTH RELATING TO THE DIVISION FOR REVIEW OF THE FOSTER CARE OF CHILDREN, TO PROVIDE THAT THE DIVISION FOR REVIEW IS WITHIN THE DEPARTMENT OF CHILDREN'S

ADVOCACY OF THE FOSTER CARE OF CHILDREN; TO AMEND SECTIONS 63-11-1310, 63-11-1340, 63-11-1360, AND 63-11-1510 OF THE 1976 CODE, ALL RELATING TO THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN, TO PROVIDE THAT THE CONTINUUM OF CARE IS WITHIN THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-11-1930(A) OF THE 1976 CODE, RELATING TO THE STATE CHILD FATALITY ADVISORY COMMITTEE, TO ADD THE STATE CHILD ADVOCATE AS A COMMITTEE MEMBER; TO AMEND SECTION 59-36-20 OF THE 1976 CODE, RELATING TO THE COMPREHENSIVE SYSTEM OF SPECIAL EDUCATION AND SERVICES, TO DELETE ANY REFERENCE TO THE CHILDREN'S CASE RESOLUTION SYSTEM; TO REPEAL ARTICLE 11, CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO THE CHILDREN'S CASE RESOLUTION SYSTEM; TO DELETE SECTION 1-11-10(A)(8) OF THE 1976 CODE, RELATING TO THE CHILDREN'S CASE RESOLUTION SYSTEM; AND TO DEFINE NECESSARY TERMS.

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

S. 889 -- Senator Campbell: A BILL TO AMEND SECTION 4-10-330(A)(1) OF THE 1976 CODE, RELATING TO THE CONTENTS OF BALLOT QUESTIONS UNDER THE CAPITAL PROJECT SALES TAX ACT, TO PROVIDE THAT AN ORDINANCE MUST SPECIFY WHETHER THE PURPOSE OF THE TAX PROCEEDS WOULD INCLUDE ECONOMIC DEVELOPMENT PROJECTS, INCLUDING, BUT NOT LIMITED TO, INFRASTRUCTURE, LAND PURCHASES, AND SITE DEVELOPMENT PROJECTS, AND TO MAKE TECHNICAL CHANGES.

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

S. 934 -- Senators Talley and Setzler: A BILL TO AMEND SECTION 59-123-60(A)(3) OF THE 1976 CODE, RELATING TO THE POWERS OF THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, TO PROVIDE AN EXEMPTION FOR INFORMATION TECHNOLOGY PROCURED IN ASSOCIATION WITH THE MEDICAL UNIVERSITY HOSPITAL AUTHORITY.

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

S. 937 -- Senators Hutto and M.B. Matthews: A BILL TO AMEND SECTION 59-53-600(A) AND (B) OF THE 1976 CODE, RELATING TO THE TEMPORARY DEVOLUTION OF POWERS, DUTIES, AND OBLIGATIONS VESTED IN THE DENMARK TECHNICAL COLLEGE AREA COMMISSION TO THE STATE BOARD FOR TECHNICAL COMPREHENSIVE EDUCATION, TO EXTEND THE DEVOLUTION TO JANUARY 1, 2019, FROM NOVEMBER 1, 2018, AND TO PROVIDE THAT SECTION 59-53-600 IS REPEALED ON JANUARY 1, 2019.

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

S. 1002 -- Senators Cromer, Scott, Climer, Goldfinch, Bennett, Timmons and Allen: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA STATE FLAG STUDY COMMITTEE CHARGED WITH PROPOSING AN OFFICIAL, UNIFORM DESIGN FOR THE STATE FLAG.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

Senator SCOTT explained the Bill.

On motion of Senator HUTTO the Resolution was moved to the Statewide Second Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 796 -- Senator Sheheen: A JOINT RESOLUTION TO PROVIDE FOR THE OBSERVANCE OF THE SESTERCENTENNIAL OF THE AMERICAN REVOLUTION IN SOUTH CAROLINA AND TO ESTABLISH THE AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION OF SOUTH CAROLINA.

The Senate proceeded to a consideration of the Resolution.

The General Committee proposed the following amendment (796R001.DR.VAS), which was adopted:

Amend the joint resolution, as and if amended, page 1, by striking lines 41 through 42 and inserting:

- / (a) the Governor, ex officio, or his designee;
- (b) the Lieutenant Governor, ex officio, or his designee; /

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

/SECTION \_\_. The South Carolina American Revolution Sestercentennial Commission may develop or adopt appropriate branding in order to promote its efforts to the public. /

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Resolution.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4005 -- Reps. J.E. Smith and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-215 SO AS TO DECLARE THE THIRD WEEK IN

OCTOBER OF EACH YEAR AS "SOUTH CAROLINA NATIVE PLANT WEEK" AND ENCOURAGE ALL SOUTH CAROLINIANS TO RECOGNIZE THE ESSENTIAL VALUE AND IMPORTANCE OF THE NATIVE PLANTS OF SOUTH CAROLINA TO OUR STATE'S HISTORY, ECONOMIC LANDSCAPE, AND ENVIRONMENT.

The Senate proceeded to a consideration of the Bill.

Senator SCOTT 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
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	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. 916 -- Senator Cromer: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976,

[SJ]

RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM TEN ADDITIONAL YEARS.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

Senator CROMER explained the Bill.

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

**Ayes 42; Nays 1**

**AYES**

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

**Total--42**

**NAYS**

Martin

**Total--1**

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

**CARRIED OVER**

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 HUTTO, the Bill was carried over.

S. 866 -- Senators Cromer, Scott, Reese, Verdin, J. Matthews and Nicholson: A BILL TO PROVIDE THAT TAX CREDITS FOR THE PURCHASE OF GEOTHERMAL MACHINERY AND EQUIPMENT SHALL BE REPEALED ON JANUARY 1, 2029.

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

S. 971 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF REGISTRATION FOR FORESTERS, RELATING TO LICENSURE FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4769, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 972 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4799, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

#### **AMENDED, CARRIED OVER**

S. 917 -- Senators Kimpson, Scott and Campsen: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, SO AS TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO proposed the following amendment (917R001.SP.CBH), which was adopted:



Amend the bill, as and if amended, page 1, lines 39 through 41, by striking and inserting the following:

/ demand;

(7) control and repair of flooding and drainage within or on tourism-related lands or areas; or

(8) site preparation, including, but not limited to, demolition, repair, or construction, to be used for the subitems of this section.” /

Amend the bill further, as and if amended, page 2, lines 31 through 33, by striking and inserting the following:

/ demand;

(7) control and repair of flooding and drainage within or on tourism-related lands or areas; or

(8) site preparation, including, but not limited to, demolition, repair, or construction, to be used for the subitems of this section.” /

Amend the bill further, as and if amended, page 3, lines 40 through 42, by striking and inserting the following:

/ (ix) site preparation, including, but not limited to, demolition, repair, or construction, to be used for the subitems of this section; and

(x) control and repair of flooding and drainage within or on tourism-related lands or areas.

If applying the provisions of item (b)(x) relating to flooding and /  
Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

#### **ADOPTED**

S. 975 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE FEBRUARY 2018 AS “AMERICAN HEART MONTH” IN SOUTH CAROLINA AND TO PROMOTE HEART DISEASE AWARENESS TO THE CITIZENS OF THIS STATE.

The Resolution was adopted.

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 Resolution was adopted, ordered returned to the House.

H. 4844 -- Reps. Bernstein, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett, Blackwell, Bowers, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 26 THROUGH MARCH 4, 2018, AS “EATING DISORDERS AWARENESS WEEK” IN THE STATE OF SOUTH CAROLINA TO COINCIDE WITH NATIONAL EATING DISORDERS AWARENESS WEEK AND TO DECLARE THURSDAY, MARCH 1, 2018, AS “EATING DISORDERS AWARENESS DAY” IN SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

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

### **MADE SPECIAL ORDER**

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.

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

Senator VERDIN explained the Bill and argued in favor of the motion.

Senator KIMPSON argued in opposition of the motion.

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

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

**Ayes 41; Nays 4**

#### **AYES**

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

Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

#### **NAYS**

Campsen	Davis	Kimpson
<i>Matthews, Margie</i>		

**Total--4**

The Bill was made a Special Order.

#### **Statement by Senators CAMPSSEN and DAVIS**

We voted against placing H. 3929 (commonly referred to as the "Poultry Bill") on special order because it removes DHEC's discretion in granting permits for chicken farms. It also denies property owners living more than a mile from such farms of the opportunity to be heard if they are negatively impacted.

There are instances in which odor emanating from a chicken operation would likely flow farther than a mile and severely degrade the quality of life and property value of neighbors. For example, in mountainous or hilly regions, air flows uphill as it warms during the day, and downhill as it cools at night. On a daily basis these air flows could easily carry chicken farm odor well over a mile. Prevailing winds could likewise carry the odor over a mile across a lake, bay or pond. As every timber manager engaged in prescribed timber burns knows, smoke can settle at night and flow for miles through bottom land, much like water. It is possible chicken farm odor will do likewise.

In these, and other instances we have yet contemplated, it is possible some property owners living further than a mile from a chicken farm could be severely impacted. Yet in every instance the Bill deprives all property owners living more than a mile from the farm from being heard. At a minimum these property owners should have an opportunity to weigh in to a state permitting decision, and DHEC should have the liberty to exercise a modicum discretion upon hearing their concerns.

### **MOTION ADOPTED**

At 3:48 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

### **THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

### **CARRIED OVER**

(R128, H3720) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

On motion of Senator SETZLER, the veto was carried over.

### **THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

### **H. 3649--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator DAVIS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator DAVIS spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--43**

**NAYS**

**Total--0**

The Report of Conference Committee was adopted as follows:

## **H. 3649--Conference Report**

The General Assembly, Columbia, S.C., May 11, 2017

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

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

/ SECTION 1. Section 40-3-60 of the 1976 Code is amended to read:

“Section 40-3-60. (A) The board may adopt rules governing its proceedings and shall elect a chairman, ~~vice chairman~~ vice chairman, and secretary who shall serve a term of one year. The board may promulgate regulations necessary to carry out the provisions of this chapter and shall adopt a seal with which all its official documents must be sealed.

(B) The board may advise and recommend action to the department in the development of statutory revisions and other matters as the department may request in regard to the administration of this chapter.”

SECTION 2. Section 40-3-115 of the 1976 Code is amended to read:

“Section 40-3-115. The board has jurisdiction; ~~over the actions of licensees and former licensees as provided in Section 40-1-115~~

(1) over practice undertaken by nonlicensed individuals and firms and the actions committed or omitted by current and former licensees during the entire period of licensure; and

(2) to act on any matter that arises during the practice authorization period of licensed practitioners and firms, as provided for in Section 40-1-115.”

SECTION 3. Section 40-22-280(B)(2) of the 1976 Code, as last amended by Act 259 of 2016, is further amended to read:

“(2) buildings and structures ~~not requiring a permit by the authority having jurisdiction less than three stories high and less than five thousand square feet in area~~, except that buildings and structures classified as assembly, ~~business~~, educational, ~~factory and industrial~~, high hazard, institutional, ~~mercantile, storage, and utility occupancies~~ or uses ~~in as defined by the International Code Series~~, as adopted by the State of South Carolina, regardless of size or area, are not exempt from the provisions of this chapter;”

SECTION 4. This act takes effect upon approval by the Governor. / Amend title to conform.

/s/Sen. Tom Davis

/s/Rep. Heather A. Crawford

/s/Sen. Thomas D. Corbin

/s/Rep. Todd K. Atwater

/s/Sen. John L. Scott, Jr.

/s/Rep. Carl L. Anderson

On Part of the Senate.

On Part of the House.

,and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

#### **READ THE THIRD TIME**

#### **SENT TO THE HOUSE**

S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: 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.

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

The question then was third reading of the Joint Resolution.



There being no further amendments, the Joint Resolution was read the third time, passed and ordered sent to the House of Representatives with amendments.

**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. Phillip Warren of Pauline, S.C. Phillip was a life-long friend of Senator MARTIN. He was an avid Clemson fan who enjoyed hunting, fishing, golfing and coaching little league sports. Phillip was a member of Philadelphia Baptist Church and attended First Baptist Church. He was employed with Honeywell Aerospace. Phillip was a loving husband and devoted father who will be dearly missed.

**ADJOURNMENT**

At 4:03 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 12:00 Noon.

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