

NO. 26

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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WEDNESDAY, FEBRUARY 21, 2018

**Wednesday, February 21, 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:

Let us bow in prayer and remember the remarkable life of Billy Graham, a man chosen by God to preach the Gospel to more people than any person in history.

Gracious and loving God, today our nation has given back to you Billy Graham. His unwavering faith of ninety nine years and his life changing message for millions of people, has now stood the test of time. We rejoice that he is now at home at last with his beloved wife and the God he has so faithfully served.

May his life and his message continue to inspire many generations to come and may we strive to be a better people as a result of the example he set. We offer this prayer in Your holy name, Amen.

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

**Point of Quorum**

At 12:03 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	Cash
Climer	Corbin	Davis
Fanning	Goldfinch	Gregory
Hutto	Leatherman	Malloy
Martin	Massey	McElveen
Nicholson	Reese	Rice
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Williams

[SJ]

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Young

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**  
State of South Carolina Office of the Governor

February 21, 2018

Mr. President and Members of the Senate:

I am transmitting herewith notice of my intent to withdraw my nomination of Ms. Cyndi Mosteller for appointment to the Board of the South Carolina Department of Health and Environmental Control.

Respectfully,  
Henry Dargan McMaster

**Withdrawal of Statewide Appointment**

On motion of Senator PEELER, the Senate acceded to the Governor's request and the Clerk was directed to return the appointment to the Governor.

**Statewide Appointment**

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2015, and to expire June 30, 2019

1st Congressional District:

Cynthia C. Mosteller, 574 Needlerush Parkway, Mt. Pleasant, SC 29464 *VICE* Mark Lutz

**Doctor of the Day**

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

**Leave of Absence**

At 12:09 P.M., Senator MARTIN requested a leave of absence beginning at 12:47 P.M. until Tuesday, February 27, 2018 at 12:07 P.M.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

[SJ]

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**Remarks to be Printed**

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

**CO-SPONSORS ADDED**

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

S. 878 Sen. Campsen  
S. 888 Sen. Rankin  
S. 996 Sen. Shealy

**RECALLED**

S. 974 -- Senators J. Matthews and Hutto: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PEDESTRIAN BRIDGE IN THE CITY OF ORANGEBURG THAT CROSSES CHESTNUT STREET THE "DR. EMILY ENGLAND CLYBURN PEDESTRIAN BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Senator GROOMS 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.

**OBJECTION TO RECALL**

S. 968 -- Senator Peeler: A JOINT RESOLUTION TO PROVIDE THAT FOR THE 2018 GUBERNATORIAL ELECTION AND ELECTION CYCLE, THE STATE ELECTION COMMISSION SHALL ESTABLISH THE PROCEDURES, TO INCLUDE NECESSARY DEADLINES, BY WHICH A PERSON NOMINATED FOR THE OFFICE OF GOVERNOR SELECTS A LIEUTENANT GOVERNOR AS A JOINT-TICKET RUNNING MATE PURSUANT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895.

Senator RANKIN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Judiciary.

Senator MALLOY objected.

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**RECOMMITTED**

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.

Senator CAMPSSEN explained the Resolution.

On motion of Senator CAMPSSEN, the Resolution was recommitted to Committee on Fish, Game and Forestry.

**RECOMMITTED**

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.

Senator CAMPSSEN explained the Resolution.

On motion of Senator CAMPSSEN, the Resolution was recommitted to Committee on Fish, Game and Forestry.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1031 -- Senator Rice: A SENATE RESOLUTION TO CONGRATULATE BEHAVIORAL HEALTH SERVICES OF PICKENS COUNTY ON BEING RECOGNIZED FOR ITS TIRELESS CONTRIBUTIONS TO THE PROTECTION OF ABUSED CHILDREN BY THE FRIENDS OF PICKENS COUNTY GUARDIAN AD LITEM.

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The Senate Resolution was adopted.

S. 1032 -- Senator Shealy: A SENATE RESOLUTION TO HONOR AND RECOGNIZE POLO ROAD ELEMENTARY SCHOOL'S

[SJ]

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**GIRLS ON THE RUN GROUP FOR THEIR OUTSTANDING FUNDRAISING EFFORTS FOR PUERTO RICO.**

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The Senate Resolution was adopted.

S. 1033 -- Senators Shealy, Hutto, McElveen, Jackson, Hembree, Climer, Young, Turner, Campbell, Goldfinch, Gregory, Bennett, Verdin and M. B. Matthews: A BILL TO AMEND SECTION 63-7-1640 OF THE 1976 CODE, RELATING TO FAMILY PRESERVATION AND REUNIFICATION, TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO FOREGO REASONABLE EFFORTS TO REUNIFY A FAMILY IN THE CASE OF TORTURE; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, TO ADD TORTURE, OR CONSPIRING TO COMMIT TORTURE, AS A GROUND FOR TERMINATING A PARENT'S RIGHTS; TO AMEND SECTION 16-3-85, RELATING TO HOMICIDE BY CHILD ABUSE, TO ADD DEATH OF A CHILD BY TORTURE, OR BY CONSPIRING TO TORTURE, AS ACTIONS CONSTITUTING THE OFFENSE, AND TO ESTABLISH CRIMINAL PENALTIES; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-100 TO PROVIDE THAT TORTURING A CHILD, OR ALLOWING ANOTHER TO TORTURE A CHILD, IS A CRIMINAL OFFENSE, AND TO ESTABLISH PENALTIES; AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the General Committee.

S. 1034 -- Senator Cromer: A BILL TO AMEND CHAPTER 54, TITLE 48 OF THE 1976 CODE, RELATING TO THE TAKE PALMETTO PRIDE IN WHERE YOU LIVE COMMISSION, BY ADDING SECTION 48-54-50, TO CREATE THE PALMETTO PRIDE ADVISORY COMMITTEE FOR THE PURPOSES OF PROVIDING RECOMMENDATIONS TO THE TAKE PALMETTO PRIDE IN WHERE YOU LIVE COMMISSION.

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Senator CROMER spoke on the Bill.

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

S. 1035 -- Senator Williams: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE

[SJ]

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SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF COLONEL NORMAN P. HUGGINS AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

S. 1036 -- Senators Verdin and Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE CLEMSON UNIVERSITY AGRICULTURAL EDUCATION PROGRAM ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY.

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

H. 4475 -- Reps. Tallon, Hixon and W. Newton: A BILL TO AMEND SECTION 23-6-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF PUBLIC SAFETY AND ITS DIVISIONS, SO AS TO DELETE THE DIVISIONS ESTABLISHED PURSUANT TO THIS SECTION, AND TO DELETE THE PROVISION THAT TRANSFERRED THE RESPONSIBILITIES OF CERTAIN AGENCIES TO THE DEPARTMENT OF PUBLIC SAFETY, TO PROVIDE THAT THE DEPARTMENT IS COMPRISED OF THE DIVISIONS OUTLINED IN THIS CHAPTER, AND TO PROVIDE THAT THE DEPARTMENT SHALL MAINTAIN A LIST OF ITS DIVISIONS ON THE DEPARTMENT'S WEBSITE.

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

H. 4676 -- Reps. Collins and Felder: A BILL TO AMEND SECTIONS 56-1-50, AS AMENDED, 56-1-125, 56-1-175, AS AMENDED, AND 56-1-180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A BEGINNER'S PERMIT, A CONDITIONAL DRIVER'S LICENSE, AND A SPECIAL RESTRICTED DRIVER'S LICENSE, AND THE REQUIREMENT THAT CERTAIN INDIVIDUALS MUST REGISTER WITH THE UNITED STATES SELECTIVE SERVICE, ALL SO AS TO REVISE CERTAIN TERMS.

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

H. 4682 -- Rep. Willis: A BILL TO AMEND SECTION 56-9-540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF PROVIDING PROOF OF FINANCIAL

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RESPONSIBILITY, SO AS TO DELETE THE FILING OF A BOND AND THE FILING OF A CERTIFICATE OF DEPOSIT OF MONEY OR SECURITIES AS METHODS OF ESTABLISHING PROOF OF FINANCIAL RESPONSIBILITY; AND TO REPEAL SECTIONS 56-9-570 AND 56-9-580 BOTH RELATING TO ESTABLISHING PROOF OF FINANCIAL RESPONSIBILITY BY THE FILING OF A BOND OR A CERTIFICATE OF DEPOSIT OF MONEY OR SECURITIES.

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

H. 4705 -- Reps. Bannister, Elliott, Arrington, Long, Chumley, B. Newton, Martin, Henderson-Myers, G. R. Smith, Trantham, Bryant, Hamilton, Hixon, S. Rivers, Stringer, Brawley and Ballentine: A BILL TO AMEND SECTION 63-7-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT, SO AS TO ADD RELIGIOUS COUNSELORS AS MANDATED REPORTERS.

Read the first time and referred to the General Committee.

**REPORTS OF STANDING COMMITTEE**

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 217 -- Senators Bryant, Rice, Cromer, Martin, Corbin, Verdin, Turner, Young, Timmons, Davis, Talley, Shealy, Grooms, Peeler, Goldfinch, Climer, Gambrell, Williams, Gregory, Cash and Hembree: A BILL TO AMEND CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO THE ADMINISTRATION OF THE GOVERNMENT GENERALLY, BY ADDING ARTICLE 5, TO ENACT THE PERSONHOOD ACT OF SOUTH CAROLINA, TO ESTABLISH THAT THE RIGHT TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING VESTS AT FERTILIZATION AND THAT THE RIGHTS OF DUE PROCESS AND EQUAL PROTECTION, GUARANTEED BY ARTICLE I, SECTION 3 OF THE CONSTITUTION OF THIS STATE, VEST AT FERTILIZATION FOR EACH BORN AND PREBORN HUMAN BEING.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3865 -- Reps. Bernstein, Delleney, Ridgeway, King, Whipper, J.E. Smith and Knight: A BILL TO AMEND THE CODE OF LAWS



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OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA PREGNANCY ACCOMMODATIONS ACT”; TO AMEND SECTION 1-13-30, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA HUMAN AFFAIRS LAWS, SO AS TO REVISE THE TERMS “BECAUSE OF SEX” OR “ON THE BASIS OF SEX” USED IN THE CONTEXT OF EQUAL TREATMENT FOR WOMEN AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS; TO AMEND SECTION 1-13-80, AS AMENDED, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES OF AN EMPLOYER, SO AS TO ADD CERTAIN OTHER UNLAWFUL EMPLOYMENT PRACTICES IN REGARD TO FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS FOR AN APPLICANT FOR EMPLOYMENT OR EMPLOYEE WITH LIMITATIONS BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS, AND TO PROVIDE FOR NOTICE AND APPLICABILITY TO EMPLOYEES TO WHOM THE ABOVE PROVISIONS APPLY; AND TO PROVIDE NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION SHALL PROMULGATE REGULATIONS, WHICH SHALL IDENTIFY SOME REASONABLE ACCOMMODATIONS ADDRESSING KNOWN LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS THAT MUST BE PROVIDED TO A JOB APPLICANT OR EMPLOYEE, UNLESS THE EMPLOYER CAN DEMONSTRATE THAT DOING SO WOULD IMPOSE AN UNDUE HARDSHIP.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2018, and to expire July 1, 2022

3rd Congressional District:

Jake Rasor, Jr., 103 Calvert Avenue, Clinton, SC 29325 *VICE* Larry L. Yonce

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Received as information.

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

6th Congressional District:

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

Received as information.

**Message from the House**

Columbia, S.C., February 21, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

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.

Very respectfully,

Speaker of the House

Received as information.

[SJ]

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 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.

**READ THE THIRD TIME  
SENT TO THE HOUSE**

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

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.

S. 916 -- Senator Cromer: A BILL TO AMEND SECTION 48-52-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM TEN ADDITIONAL YEARS.

**Recorded Vote**

Senator MARTIN desired to be recorded as voting against the third reading of the Bill.

**SECOND READING BILL**

H. 4272 -- Reps. Spires and Forrest: A BILL TO EXTEND THE ONE PERCENT SALES TAX IMPOSED BY ACT 378 OF 2004, THE

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**LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF ACT, FOR AN ADDITIONAL SEVEN YEARS.**

Senator SETZLER explained the Bill.

**H. 4272--Ordered to a Third Reading**

On motion of Senator SETZLER, H. 4272 was ordered to receive a third reading on Thursday, February 22, 2018.

**REMOVED FROM CONSENT CALENDAR**

H. 3427 -- Reps. Lucas, Loftis, Allison, Stringer, Erickson, Simrill, G.R. Smith, McKnight, Robinson-Simpson, Martin, West, Long, Burns, Atwater, McCoy, Hardee, Hewitt, Fry, Jordan, Murphy, Spires, G.M. Smith, McCravy, Clemmons, McEachern, Taylor, Arrington, Johnson, Huggins, Hamilton, Elliott, Funderburk, Bales, Bannister, Blackwell, Bradley, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Crawford, Delleney, Dillard, Douglas, Forrest, Forrester, Hayes, Henderson, Herbkersman, Hiott, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Quinn, S. Rivers, Ryhal, Sandifer, Tallon, Thayer, Whitmire, Anderson, Anthony, Gagnon, Parks, Pitts, Ott, King, Henegan, Willis, Yow, Williams, Jefferson, Duckworth, White, Finlay, Bernstein, J.E. Smith, Bedingfield, Felder, Bennett, Davis, Mitchell, Rutherford, Neal, Stavrinakis, Govan, Putnam, Collins, Brown, Weeks, Hosey, Bowers, V.S. Moss, Howard, Kirby, Sottile, Whipper, Norrell, Ballentine, Toole, Thigpen, Cogswell, Daning, Crosby, Knight, Wheeler and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA COMPUTER SCIENCE EDUCATION INITIATIVE" BY ADDING SECTION 59-29-250 SO AS TO PROVIDE THE PURPOSE OF THE SECTION, TO PROVIDE THAT, BEGINNING WITH THE 2018-2019 SCHOOL YEAR, PUBLIC HIGH SCHOOLS AND PUBLIC CHARTER HIGH SCHOOLS SHALL OFFER CERTAIN COMPUTER SCIENCE COURSEWORK, TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND ENSURE IMPLEMENTATION OF GRADE-APPROPRIATE STANDARDS FOR COMPUTER SCIENCE AND COMPUTATIONAL THINKING FOR PUBLIC SCHOOL STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE, TO PROVIDE RELATED REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE REQUIREMENTS FOR THE OFFICE OF THE GOVERNOR TO ESTABLISH CRITERIA AND PROCESSES FOR DESIGNATING SCIENCE, TECHNOLOGY,

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ENGINEERING, AND MATH COMMUNITIES AND REGIONS, AND TO PROVIDE RELATED REQUIREMENTS OF SUCH COMMUNITIES AND REGIONS.

The Senate proceeded to a consideration of the Bill.

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

S. 857 -- Senator Setzler: A BILL TO AMEND SECTION 59-51-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WIL LOU GRAY OPPORTUNITY SCHOOL BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD BY ELIMINATING TWO EX OFFICIO SEATS.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE explained the committee amendment.

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

H. 4612 -- Reps. Sandifer and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-11-262 SO AS TO PROVIDE APPLICANTS FOR GENERAL AND MECHANICAL LICENSURE SUBJECT TO FINANCIAL STATEMENT REQUIREMENTS MAY INSTEAD PROVIDE CERTAIN SURETY BONDS, AND TO PROVIDE REQUIREMENTS CONCERNING THE SURETY BONDS.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 888 -- Senators Hembree, Gregory, Bennett, Grooms, Climer, Shealy, Peeler, Goldfinch, Massey, Talley, Verdin, Turner, Timmons, Alexander, Cash, Gambrell, Campbell, Senn, Young, Cromer, Davis, Rice, Martin, Corbin and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-25-47 SO AS TO PROVIDE CERTAIN PUBLIC SCHOOL FACULTY MEMBERS ANNUALLY MAY RECEIVE PAYMENTS FOR UNUSED ANNUAL LEAVE AND SICK LEAVE IN EXCESS OF NINETY DAYS AT AN ESTABLISHED RATE OF SUBSTITUTE PAY FOR THEIR JOB CLASSIFICATION, TO PROVIDE THESE PAYMENTS ARE AVAILABLE TO TEACHERS IN PUBLIC

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SCHOOL DISTRICTS AND CHARTER SCHOOLS, AND TO PROVIDE THESE PROVISIONS DO NOT AMEND OR REPEAL EXISTING PROGRAMS THAT MAKE SIMILAR PAYMENTS BUT AT LOWER RATES, OR RELATED RIGHTS OF SCHOOL DISTRICTS OR LEGISLATIVE DELEGATIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\888C004.AGM.WAB18), which was adopted:

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

/ SECTION 1. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59-25-47. (A) A local school district board of trustees or, in the case of a charter school, the governing body of a charter school, is authorized to adopt a policy consistent with the school district or, in the case of a charter school, the school budget, providing that all certified and noncertified public school teachers identified in the Professional Certified Staff listing, certified special school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a school district or a charter school who earn, but do not use sick and annual leave in excess of ninety days, may be eligible to receive payment at the end of each fiscal year for these earned days in excess of ninety days for each excess day at a district’s or charter school’s established rate of substitute pay for their individual job classification, or another amount, subject to approval by the local school board, or, in the case of a charter school, the governing body of the charter school. This provision applies only to sick leave and annual leave in excess of ninety days that is accrued after July 1, 2018.

(B) Notwithstanding any provision contained in this section, this section does not and may not be construed to amend or to repeal:

(1) the rights of a school district, charter school, or legislative delegation to set or restrict any existing teacher incentive payment programs; or

(2) any existing teacher incentive payment programs provided by current law or any existing limitation on the fiscal autonomy of a school district or charter school that are more restrictive than any incentives provided in subsection (A).”

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

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
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	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--45**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 911 -- Senator Alexander: A BILL TO AMEND SECTION 12-39-360 OF THE 1976 CODE, RELATING TO A COUNTY'S AUTHORITY TO EXTEND THE PAYMENT OF PROPERTY TAXES FOR SERVICE MEMBERS IN OR NEAR A HAZARD DUTY

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ZONE, TO REQUIRE EACH COUNTY TO ALLOW FOR A DEFERMENT, TO PROVIDE THAT THE DEFERMENT BEGINS ON THE TAX DUE DATE AND ENDS NINETY DAYS AFTER THE LAST DATE OF DEPLOYMENT, AND TO PROVIDE THAT NO INTEREST MAY BE CHARGED DURING THE DEPLOYMENT UNLESS THE TAX IS NOT PAID WITHIN THE NINETY-DAY GRACE PERIOD.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG911C001.BBM.DG18), which was adopted:

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

/ SECTION 1. Section 12-39-360 of the 1976 Code is amended to read:

“Section 12-39-360. Upon application from the taxpayer or his agent, a county may must extend the date for filing returns and the payment of property taxes for persons serving with the United States Armed Forces or National Guard in or near a hazard duty zone. The deferment begins on the tax due date and ends ninety days after the last date of deployment. The auditor may require the taxpayer to provide proof of deployment. If the tax is paid in full within ninety days after the last date of deployment, then no interest may be charged. When the property tax amount is not paid in full within the ninety days, interest may be charged on any unpaid amount at the rate it would have accrued since the original property tax due date.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

Alexander  
Campbell

Allen  
Campsen

Bennett  
Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
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	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--45**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 917 -- Senators Kimpson and Scott: 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.

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 41; Nays 1**

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**AYES**

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

**Total--41**

**NAYS**

Rice

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (758R001.DR.SFT), which was adopted:

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

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/SECTION 1. Section 50-25-1330(B)(2) of the 1976 Code is amended to read:

“(2) operate any boat, watercraft, or any other type of vessel between midnight and one hour before sunrise, except that public access to Lake H. Taylor Blalock for the purpose of hunting waterfowl on ~~South Carolina Department of Natural Resources~~ department leased premises shall be open ~~weekly~~ on Wednesday mornings during the federal waterfowl hunting season beginning at 5:00 a.m. ~~during the federal waterfowl hunting season~~, provided the hunting of waterfowl shall no longer be allowed on Lake H. Taylor Blalock after ~~December 31, 2018~~ the 2023-2024 federal waterfowl hunting season, unless reauthorized in statute;”

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

Senator CAMPSen explained the committee amendment.

The amendment was adopted.

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

**Ayes 38; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	McElveen	Nicholson
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--38**

**NAYS**

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**Total--0**

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

**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

Senator SETZLER explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

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**NAYS  
Total--0**

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

**CARRIED OVER**

S. 534 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59-18-325, AS AMENDED,

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RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59-18-330, AS AMENDED, RELATING TO THE COORDINATION AND ADMINISTRATION OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS, SO AS TO PROVIDE THE STATE SHALL PARTICIPATE AS AN INDIVIDUAL EDUCATION SYSTEM IN THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT AND TO PROVIDE ASSOCIATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB-BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS,

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SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

The Senate proceeded to a consideration of the Bill.

Senator FANNING explained the Bill.

On motion of Senator HEMBREE, 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.

The Senate proceeded to a consideration of the Bill.

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

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.

The Senate proceeded to a consideration of the Bill.

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Senator MASSEY explained the Bill.

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

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.

Senator MASSEY explained the Resolution.

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

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.

Senator MASSEY explained the Resolution.

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

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.

Senator MASSEY explained the Resolution.



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

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.

Senator MASSEY explained the Resolution.

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

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.

Senator MASSEY explained the Resolution.

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

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 HUTTO, the Bill was carried over.

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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.

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

**AMENDED, 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.

The Senate proceeded to a consideration of the Bill.

Senators HUTTO and SCOTT proposed the following amendment (DG759C004.BBM.DG18), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking item ( ) (a) contained on lines 25 through 37 and inserting:

/ “( ) (a) to the extent not already exempt pursuant to Section 12-37-250 and this section, the dwelling house in which he resides and a lot not to exceed one acre of land owned in fee or for life, or jointly with a spouse, by a person with a brain or spinal cord injury, two hundred fifty thousand dollars of property tax value, as defined in Section 12-37-3135, minus any amount exempted pursuant to Section 12-37-250 as a result of total and permanent disability, is exempt from all property taxation provided the person furnishes satisfactory proof of his disability to the Department of Revenue. The exemption is allowed to the surviving spouse of the person so long as the spouse does not remarry, resides in the dwelling, and obtains the fee or a life estate in the dwelling. To qualify for the exemption, the dwelling house must be the domicile of the person who qualifies for the exemption and the person must possess a doctor’s statement declaring that the person is permanently and totally disabled, as defined in Section 12-37-250, as a result of the brain or spinal cord injury; /

Re-number sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

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The amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED  
CARRIED OVER**

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

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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

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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.

The Senate proceeded to a consideration of the Bill.

The General Committee proposed the following amendment (805R001.DR.KS), which was adopted:

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

/SECTION 1. Chapter 11, Title 63 of the 1976 Code is amended by adding:

“ARTICLE 22

Department of Children's Advocacy

Section 63-11-2210. There is created the Department of Children's Advocacy. The department shall be headed by the State Child Advocate, who is the director of the department. The Governor shall appoint the State Child Advocate from three candidates recommended by the Joint Citizens and Legislative Committee on Children and upon the advice and consent of the Senate for a term of six years. The Governor may reappoint the State Child Advocate for additional terms. The State Child Advocate is subject to removal by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon recommendation of the Joint Citizens and Legislative Committee on Children. A vacancy shall be filled in the same manner as appointment.

Section 63-11-2215. The Department of Administration shall provide administrative support to the Department of Children's Advocacy for the performance of its duties, including, but not limited to, financial accounting support, human resources administrative support, information technology shared services support, procurement services, and logistical support.

Section 63-11-2220. The department shall be comprised of deputy child advocates, investigators, and other staff to be employed as necessary by the State Child Advocate to carry out the duties of the department as authorized by law. The deputy child advocates serve at will and may be removed by the State Child Advocate. The State Child

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Advocate shall fix the salaries of all staff subject to the funds authorized in the annual general appropriations act.

Section 63-11-2230. For purposes of this article:

(1) 'Critical incident' means the fatality, near fatality, or serious bodily or emotional injury of a child who is in the custody of or receiving services from a state agency, or circumstances that result in a reasonable belief that a state agency failed in its duty to protect a child, resulting in the imminent risk or suffering of serious bodily or emotional injury, or death, of a child.

(2) 'State agency' means an agency as provided in Section 63-11-2240(A).

Section 63-11-2240. (A) 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.

(B) The State Child Advocate must not have been the director or deputy director of a state agency for a period of four years preceding his appointment. This subsection does not apply to deputy directors employed by the Department of Children's Advocacy.

(C) The State Child Advocate must be selected without regard to political affiliation and on the basis of integrity and a capability for strong leadership and must possess the following minimum qualifications:

(a) a baccalaureate degree from an accredited college or university; and

(b) at least ten years of experience in family or children's law, children's social work, or children's health and welfare.

Section 63-11-2250. Any and all information and records acquired by the Department of Children's Advocacy in the exercise of the office's purpose and duties under this chapter shall be confidential and exempt from public disclosure under Chapter 4, Title 30.

Section 63-11-2260. The State Child Advocate shall receive compensation as established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.

Section 63-11-2270. The Department of Children's Advocacy shall:

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(1) ensure that children under the care of a state agency, particularly children served by the child welfare or juvenile justice systems, receive timely, safe, and effective services and shall safeguard the health, safety, and well-being of all children receiving services;

(2) examine, on a system-wide basis, the care and services that state agencies provide children and shall provide recommendations to improve the quality of those services in order to give each child the opportunity to live a full and productive life;

(3) develop and promote a broad vision for reform, driven by the values and goals of child-serving agencies, to make the services and programs provided by state agencies more effective for children, youth, families, and communities;

(4) receive and investigate complaints related to the provision of services to children by a state agency, shall review and monitor the complaints that reasonably cause the department to believe that a child may be in need of assistance, and shall ensure that the complaints are resolved. If a complaint is not resolved by the relevant state agency within a reasonable period of time in light of the circumstances, if the resolution is determined to be unsatisfactory to the State Child Advocate, or if the complaint reasonably causes the State Child Advocate to believe that a child may be in need of immediate assistance, then the State Child Advocate may conduct an investigation of the complaint;

(5) receive and investigate complaints from children in the care of the State, shall assist such children in resolving problems and concerns associated with their placement and plans for lifelong adult connections and independent living, shall ensure that relevant state agencies have been alerted to the complaints, and shall facilitate intra-agency cooperation, if appropriate;

(6) undertake activities designed to educate the public regarding the services and the independent role of the department and the mission of state agencies in providing services to children and families;

(7) annually submit a report to the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, and Joint Citizens and Legislative Committee on Children detailing the State Child Advocate's activities; and

(8) have access at any and all reasonable times to any facility, residence, program, or portion thereof that is operated, licensed, or funded by a state agency and shall have unrestricted access to all electronic information systems records, reports, materials, and employees in order to better understand the needs of children in the custody of the State or children who are receiving services from a state

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agency. The Department of Children's Advocacy shall also have access to relevant records held by the clerks of the family courts and the clerks of the probate courts and shall also have the right to inspect and copy such records, without cost.

Section 63-11-2280. (A) A state agency shall inform the Department of Children's Advocacy within twenty-four hours of a critical incident.

(B)(1) The State Child Advocate may perform an independent investigation of a critical incident, or the State Child Advocate may review a completed critical incident investigation performed by a state agency. If the State Child Advocate conducts his own investigation, then he shall investigate:

- (a) the factual circumstances surrounding the critical incident;
- (b) whether an agency's activities or services provided to a child and his family were adequate, appropriate, and in accordance with agency policies and state and federal law; and
- (c) whether the agency's policies, regulations, training, or delivery of services or state law can be improved.

(C) As part of an investigation, the State Child Advocate may:

- (1) administer oaths;
- (2) examine witnesses under oath;
- (3) issue subpoenas and subpoenas duces tecum; and
- (4) examine the records, reports, audits, reviews, papers, books, recommendations, contracts, correspondence, or any other documents maintained by an agency.

(D) The State Child Advocate may apply to a circuit court for an order holding an individual in contempt of court if the individual refuses to give sworn testimony under a subpoena issued by the State Child Advocate or otherwise disobeys a subpoena or subpoena duces tecum issued by the State Child Advocate.

(E) In addition to the reporting requirements in subsection (A), if the State Child Advocate has reasonable cause to believe that a crime has occurred or is occurring, then he shall immediately report the matter to the appropriate state or federal law enforcement agencies and prosecuting authorities with jurisdiction over the matter.

Section 63-11-2290. (A) The Department of Children's Advocacy shall establish a toll-free public telephone number and an electronic complaint submission form on the department's website for the purpose of receiving complaints relative to the provision of services to children by a state agency. The department shall transfer a complainant to the



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appropriate agency if the complainant's submission is related to abuse, neglect, or an open matter within another agency.

(B) The following agencies must post the toll-free public telephone number and the web address of the department's electronic complaint submission form prominently in clear view of all employees and the public and in a conspicuous location on the agency's website:

- (1) Department of Social Services;
- (2) Department of Mental Health;
- (3) Department of Juvenile Justice;
- (4) Department of Health and Environmental Control;
- (5) Department of Health and Human Services;
- (6) Department of Disabilities and Special Needs;
- (7) John de la Howe School;
- (8) School for the Deaf and Blind; and
- (9) Wil Lou Gray Opportunity School.

Section 63-11-2295. (A) Complaints regarding any allegations against the State Child Advocate, the Department of Children's Advocacy, or any of its affiliated divisions should be submitted in writing to the State Inspector General under the authority provided by the provisions of Chapter 6, Title 1. The State Inspector General shall determine if an investigation is warranted and shall provide a written finding at the end of an investigation, which must be provided to the complainant, the Governor, the Joint Citizens and Legislative Committee on Children, and the State Child Advocate.

(B) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of an agency, an employee of an entity contracting with an agency, a foster parent, or a recipient of family and children's services for any communication made, or information given or disclosed, to aid the department in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith."

SECTION 2. Section 63-7-360 of the 1976 Code is amended to read:

"Section 63-7-360. A person required under Section 63-7-310 to report cases of suspected child abuse or neglect, including workers of the department, who has reason to believe a child has died as the result of child abuse or neglect, shall report this information to the appropriate medical examiner or coroner. Any other person who has reason to believe that a child has died as a result of child abuse or neglect may report this information to the appropriate medical examiner or coroner. The medical examiner or coroner shall accept the report for investigation and shall report his findings to the appropriate law enforcement agency,

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the circuit solicitor's office, the county department of social services, the Department of Children's Advocacy, and, if the institution making a report is a hospital, ~~to~~ the hospital."

SECTION 3. Section 63-11-500(A) of the 1976 Code is amended to read:

"Section 63-11-500. (A) There is created the Cass Elias McCarter Guardian ad Litem Program in South Carolina. The program shall serve as a statewide system to provide training and supervision to volunteers who serve as court-appointed special advocates for children in abuse and neglect proceedings within the family court, pursuant to Section 63-7-1620. This program must be administered by the ~~Department of Administration~~ Department of Children's Advocacy."

SECTION 4. Section 63-11-700(A) of the 1976 Code is amended to read:

"Section 63-11-700. (A) There is created, within the ~~Department of Administration~~ Department of Children's Advocacy, the Division for Review of the Foster Care of Children. The division must be supported by a board consisting of ~~eight~~ seven members, all of whom must be past or present members of local review boards. There must be one member from each congressional district, all appointed by the Governor with the advice and consent of the Senate."

SECTION 5. Section 63-11-730(A) of the 1976 Code is amended to read:

"Section 63-11-730. (A) No person may be employed by the ~~Division for Review of the Foster Care of Children, within the Department of Administration,~~ Department of Children's Advocacy or may serve on the state or a local foster care review board if the person:

(1) is the subject of an indicated report or affirmative determination of abuse or neglect as maintained by the Department of Social Services in the Central Registry of Child Abuse and Neglect pursuant to Subarticle 13, Article 3, Chapter 7;

(2) has been convicted of or pled guilty or nolo contendere to:

(a) an 'offense against the person' as provided for in Title 16, Chapter 3;

(b) an 'offense against morality or decency' as provided for in Title 16, Chapter 15; or

(c) contributing to the delinquency of a minor, as provided for in Section 16-17-490."

SECTION 6. Section 63-11-1310 of the 1976 Code is amended to read:

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“Section 63-11-1310. It is the purpose of this article to develop and enhance the delivery of services to severely emotionally disturbed children and youth and to ensure that the special needs of this population are met appropriately to the extent possible within this State. To achieve this objective, the Continuum of Care for Emotionally Disturbed Children Division is established as a division of the ~~Department of Administration~~ Department of Children’s Advocacy. This article supplements and does not supplant existing services provided to this population.”

SECTION 7. Section 63-11-1340 of the 1976 Code is amended to read:

“Section 63-11-1340. The ~~Governor~~ State Child Advocate may appoint a Director of the Continuum of Care to serve at his pleasure ~~who is subject to removal pursuant to the provisions of Section 1-3-240~~. The director shall employ staff necessary to carry out the provisions of this article. The funds for the division director, staff, and other purposes of the Continuum of Care Division must be provided in the annual general appropriations act. The department, upon the recommendation of the division director, may promulgate regulations in accordance with this article and the provisions of the Administrative Procedures Act and formulate necessary policies and procedures of administration and operation to carry out effectively the objectives of this article.”

SECTION 8. Section 63-11-1360 of the 1976 Code is amended to read:

“Section 63-11-1360. The Continuum of Care Division shall submit an annual report to the ~~Department of Administration~~ Governor and General Assembly on its activities and recommendations for changes and improvements in the delivery of services by public agencies serving children.”

SECTION 9. Section 63-11-1510 of the 1976 Code is amended to read:

“Section 63-11-1510. There is established the Interagency System for Caring for Emotionally Disturbed Children, an integrated system of care to be developed by the Continuum of Care for Emotionally Disturbed Children in the ~~Department of Administration~~ Department of Children’s Advocacy, the Department of Disabilities and Special Needs, the ~~State Department of Health and Human Services~~ Finance Commission, the Department of Mental Health, and the Department of Social Services to be implemented by November 1, 1994. The goal of the system is to implement South Carolina’s Families First Policy and to support children in a manner that enables them to function in a community setting. The

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system shall provide assessment and evaluation procedures to insure a proper service plan and placement for each child. This system must have as a key component the clear identification of the agency accountable for monitoring on a regular basis each child's care plan and procedures to evaluate and certify the programs offered by providers.”

SECTION 10. Section 63-11-1930(A) is amended by adding an appropriately numbered item to read:

“( ) the State Child Advocate;”

SECTION 11. Section 59-36-20 of the 1976 Code is amended to read:

“Section 59-36-20. (A) The State Board of Education and the State Department of Education are responsible for establishing a comprehensive system of special education and related services and for ensuring that the requirements of the Federal Individuals with Disabilities Education Act are carried out. Other state agencies which provide services for children with disabilities are directed to cooperate in the establishment and support of the system. Agencies with responsibilities under this chapter include: the Department of Mental Retardation, the School for the Deaf and the Blind, the Commission for the Blind, the Department of Health and Environmental Control, the Department of Mental Health, the State Department of Social Services, Continuum of Care, and the State Department of Education.

(B) All public education programs for children with disabilities within the State, including all programs administered by any other state or local agency, are under the general supervision of the persons responsible for education programs for children with disabilities in the State Department of Education and must meet the standards of the State Board of Education.

(C) No provision of this section or of this chapter may be construed to limit the responsibilities of agencies other than the Department of Education from providing or paying for some or all of the cost of services to be provided the state's children with disabilities and the level of service must, at a minimum, be similar to that provided individuals with similar needs. ~~If agencies are unable to agree on responsibilities for a particular child, the issue must be decided by the Children's Case Resolution System, Article 11, Chapter 11, Title 63.~~”

SECTION 12. Items (1), (21), (22), and (23) of Section 63-7-1990(B) are amended to read:

“(1) the ~~ombudsman of the office of the Governor or the Governor's designee~~ Department of Children's Advocacy;

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(21) the Division for the Review of the Foster Care of Children, ~~Office of the Governor~~, for purposes of certifying in accordance with Section 63-11-730 that no potential employee or no nominee to and no member of the state or a local foster care review board is a subject of an indicated report or affirmative determination;

(22) employees of the Division for the Review of the Foster Care of Children, ~~Office of the Governor~~ and members of local boards when carrying out their duties pursuant to Article 7 of Chapter 11; the department and the division shall limit by written agreement or regulation, or both, the documents and information to be furnished to the local boards;

(23) the Division of Guardian ad Litem, ~~Office of the Governor~~, for purposes of certifying that no potential employee or volunteer is the subject of an indicated report or an affirmative determination;”

SECTION 13. Article 1, Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1-3-60. The Governor shall designate, by executive order, the appropriate agency to administer the South Carolina Developmental Disabilities Council in accordance with the Federal Developmental Disabilities Act of 2000, Pub. Law 106-402. The Department of Administration shall provide such administrative support to the Developmental Disabilities Council as it may request and require in the performance of its duties, including, but not limited to, financial accounting support, human resources administrative support, information technology shared services support, procurement services, and logistical support.”

SECTION 14. Section 1-11-10(A)(5) of the 1976 Code is deleted.

SECTION 15. Article 11, Chapter 11, Title 63 of the 1976 Code is repealed.

SECTION 16. Section 1-11-10(A)(8) of the 1976 Code is deleted.

SECTION 17. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections on the subject of establishing the Department of Children’s Advocacy as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

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SECTION 18. A. Where the provisions of this act transfer duties, programs, or services of the Department of Administration to the Department of Children's Advocacy, the employees, authorized appropriations, and assets and liabilities of these divisions, services, and programs also are transferred to and become part of the Department of Children's Advocacy. All classified or unclassified personnel employed by the divisions, programs, services, or initiatives transferred from the Department of Administration, either by contract or by employment at will, become on July 1, 2019 employees of the Department of Children's Advocacy, with the same compensation, classification, and grade level, as applicable. Before the transfer of the applicable divisions, programs, services, or initiatives of the Department of Administration pursuant to this act, these agencies and organizations shall cause all necessary actions to be taken to accomplish this transfer in accordance with state and federal laws and regulations.

B. Applicable regulations promulgated by the Department of Administration are continued and are considered to be promulgated by the Department of Children's Advocacy. Applicable contracts entered into by the Department of Administration are continued and are considered to be devolved upon the Department of Children's Advocacy at the time of the transfer.

SECTION 19. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 20. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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,

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sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 21. This act takes effect July 1, 2019. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the committee amendment.

The amendment was adopted.

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

**OBJECTION**

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.

Senator LEATHERMAN objected to consideration of the Bill.

**ADOPTED**

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.

The Resolution was adopted, ordered sent to the House.

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

**MOTION ADOPTED**

At 1:26 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

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**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 THE SPECIAL ORDERS.**

**DEBATE INTERRUPTED**

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.

[SJ]



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

Senator VERDIN explained the Bill.

**Amendment No. P1**

Senator MASSEY proposed the following amendment (3929R003.SP.ASM), which was ruled out of order:

Amend the committee report, as and if amended, page [3929-2], by striking line 41 and inserting:

/ property owner with standing within a one-mile radius of the proposed building /

Amend the committee report further, as and if amended, page [3929-3], by striking line 30 and inserting:

/ the affected residence as established by DHEC unless /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the perfecting amendment.

**Point of Order**

Senator MALLOY raised a Point of Order that the perfecting amendment was out of order inasmuch as it was not germane to the committee amendment.

Senator HUTTO spoke on the point of order.

The PRESIDENT sustained the Point of Order.

The perfecting amendment was ruled out of order.

The Committee on Agriculture and Natural Resources proposed the following amendment (3929R001.SP.DVB):

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

/SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-65. (A) In making a staff decision on a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, pursuant to Section 44-1-60(D), or if the department conducts a final review conference related to a decision on a permit, license, certification, or other approval of a poultry

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facility or another animal facility, except a swine facility, pursuant to Section 44-1-60(F), the department shall base its decision solely on whether the permit complies with the applicable department regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

(B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or another animal facility, other than a swine facility:

(1) only an applicant, permittee, licensee, or affected person may request a final review conference pursuant to Section 44-1-60(F);

(2) only an affected person may request a contested case hearing pursuant to Section 44-1-60(G);

(3) only an applicant, permittee, licensee, or affected person may become a party to a final review conference;

(4) only an affected person may become a party to a contested case hearing; and

(5) only an applicant, permittee, licensee, or affected person is entitled as of right to be admitted as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.

(C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, the department only may take into consideration the existing development on and use of property owned or occupied by an affected person on the date the department receives the applicant's complete application package as prescribed by regulation. The department must not take into consideration any changes to the development or use of property after receipt of the application, including, but not limited to, the construction of a residence.

(2) If a property owner signs a setback waiver of the right to contest the issuance of a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, including waiver of the right to notice and a public hearing on a permit, license, certification, or other approval and to file a contested case or other action, then the affected person may not withdraw or rescind the waiver.

(D) An applicant, permittee, licensee, or affected person who has exhausted all administrative remedies within the department relating to a decision to issue or deny a permit, license, certification, or other approval of a poultry facility or another animal facility, except a swine facility, and who is aggrieved by a final decision may request a contested

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case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

(E) For purposes of this section, ‘affected person’ means a property owner within a one-mile radius of the proposed building footprint or permitted poultry facility or other animal facility, except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other approval for the failure to comply with the specific grounds set forth in the applicable department regulations governing the permitting of poultry facilities and other animal facilities, other than swine facilities.”

SECTION 2. Section 44-1-60(A) of the 1976 Code is amended to read:

“(A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case ~~shall~~ must be made using the procedures set forth in this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 44-1-65.”

SECTION 3. Section 46-45-80 of the 1976 Code is amended to read:

“Section 46-45-80. Any setback distances given in R. 61-43, Standards for Permitting of Agricultural Animal Facilities, are minimum siting requirements as established by the Department of Health and Environmental Control. As long as the established setbacks are achieved, the ~~The~~ department may not require additional setback distances ~~on a case-by-case basis considering the factors set forth in the regulation.~~ Such distances from property lines or residences may be waived or reduced by written consent of the adjoining property owners, ~~or otherwise without consent of the adjoining property owners, when there are innovative and alternative technologies approved by the department pursuant to the Innovative and Alternative Technologies Section of R. 61-43.~~ All ~~agricultural~~ animal facilities affected by these setback provisions must have ~~a vegetative~~ an evergreen buffer between the facility and the affected ~~residence~~ person as established by DHEC unless otherwise agreed to in writing by the adjoining landowners.”

SECTION 4. Nothing in this act shall be construed as affecting or applying to confined swine feeding operations.

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

Re-number sections to conform.

Amend title to conform.

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Senator CAMPSSEN spoke on the committee amendment.

**ACTING PRESIDENT PRESIDES**

At 3:10 P.M., Senator SETZLER assumed the Chair.

Senator CAMPSSEN continued speaking on the committee amendment.

**Point of Quorum**

At 3:31 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator KIMPSON spoke on the amendment.

**RECESS**

At 3:53P.M., on motion of Senator LEATHERMAN, with unanimous consent and Senator KIMPSON retaining the floor, the Senate recessed from business until 4:05 P.M.

At 4:45 P.M., the Senate resumed.

**PRESIDENT PRESIDES**

At 4:45 P.M., the PRESIDENT assumed the Chair.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent and with Senator KIMPSON retaining the floor on H. 3929, the Senate agreed to stand adjourned.

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Margaret Nixon of Conway, S.C. Margaret and her late husband operated Conway Ambulance and Wrecker Service and the Oak Haven Motel in Myrtle Beach. She was a member of Jamestown Baptist Church and was actively involved in the Lydia Sunday School and Senior Sunshine Group. Margaret was a loving mother and devoted grandmother who will be dearly missed.

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and

**MOTION ADOPTED**

On motion of Senators ALEXANDER, ALLEN, BENNETT, CAMPBELL, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GOLDFINCH, GREGORY, GROOMS, 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 Reverend Billy Graham. After graduating from the Bible Institute, Rev. Graham went to Wheaton College where he received an anthropology degree. He was a role model for aspiring evangelists and authored more than 30 books. In 1943, he married Ruth McCue Bell and became one of the best known Christian evangelist for more than 60 years. His son Franklin Graham succeeded him as head of the Billy Graham Evangelistic Association. Rev. Graham spread his influence across the country and around the world and will be dearly missed.

**ADJOURNMENT**

At 4:46 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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