

NO. 27

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

THURSDAY, FEBRUARY 22, 2018

Thursday, February 22, 2018
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.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:

Proverbs 11:30

“Live right and you will eat from the life giving-tree. And if you act wisely, others will follow.”

Let us pray. Gracious God, we pray that You will bless the leaders of our State. Give them the inspiration and the wisdom to navigate difficult people and difficult decisions. Forgive them for any mistakes or compromises they may have made.

Let no personal ambition blind them from seeing that the means are not justified by the ends; that every action, every decision must stand on its own as honorable and worthy.

Give them divine common sense and the courage to know what is right, to seek what is right and to do what is right according to Your word. For it is in Your name that we pray, Amen.

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

Call of the Senate

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

Alexander	Bennett	Campsen
Cash	Climer	Cromer
Davis	Fanning	Gambrell
Gregory	Hembree	Jackson
Johnson	Leatherman	Malloy
Massey	<i>Matthews, John</i>	Nicholson
Peeler	Rice	Sabb
Shealy	Sheheen	Talley
Timmons	Verdin	Young

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A quorum being present, the Senate resumed.

Recorded Presence

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

COMMUNICATION

February 21, 2018

Jeffrey S. Gossett, Clerk
South Carolina Senate
401 Gressette Building
Columbia, South Carolina 29201

Dear Mr. Clerk

Please be advised that the members of the Seventh Congressional Delegation voted this morning to approve Governor McMaster's appointee, Tony K. Cox, to the South Carolina Department of Transportation Commission for a four-year term commencing February 16, 2017, and expiring February 15, 2021. A copy of the weighted voting summary for both the Senate and House members is attached for your review.

Very truly yours,
Hugh K. Leatherman, Sr.
Senate District 31

Confirmation

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence February 16, 2017, and to expire February 15, 2021

7th Congressional District:

Tony K. Cox, 817 Saint Charles Road, North Myrtle Beach, SC 29582

MESSAGE FROM THE GOVERNOR

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

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Statewide Appointments

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2018, and to expire July 1, 2021

SC Association of Black Educators:

Teresa L. Pope, 1311 Huntcliff Trace, Aiken, SC 29803-8834 *VICE*
Ronald Epps

Referred to the Committee on Education.

Reappointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2017, and to expire August 15, 2021

At-Large:

Charles E. Gardner, 127 Haviland Ave., Greenville, SC 29607

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, Department of Transportation Commission, with the term to commence February 15, 2018, and to expire February 15, 2022

4th Congressional District:

Woodrow Wilson Willard, Jr., 314 South Pine Street, Building 200, Spartanburg, SC 29302

Referred to the Committee on Transportation.

Initial Appointment, Department of Transportation Commission, with the term to commence February 15, 2018, and to expire February 15, 2022

2nd Congressional District:

John Hay Burris, 840 Tryst Point, Chapin, SC 29036 *VICE* John N. Hardee

Referred to the Committee on Transportation.

Doctor of the Day

Senators NICHOLSON and GAMBRELL introduced Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

Expression of Personal Interest

Senator JOHNSON rose for an Expression of Personal Interest.

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Expression of Personal Interest

Senator ALEXANDER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator YOUNG rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

Privilege of the Chamber

On motion of Senator DAVIS, on behalf of Senator SCOTT, the Privilege of the Chamber, to that area behind the rail, was extended to Ms. Janet Parker of WACH FOX News to honor her many years of excellence as a broadcast journalist.

CO-SPONSORS ADDED

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

S. 784 Sen. Rice
S. 890 Sen. Turner

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1037 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE TIM BOURRET UPON THE OCCASION OF HIS RETIREMENT AS SPORTS INFORMATION DIRECTOR, TO COMMEND HIM FOR HIS FORTY YEARS OF OUTSTANDING SERVICE TO CLEMSON UNIVERSITY, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1038 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-10-390 SO AS TO PROVIDE THAT FOR ANY COUNTY WHICH BEGAN THE REIMPOSITION OF A CAPITAL PROJECTS SALES TAX ON APRIL 1, 2013, AND REIMPOSED THE TAX AT THE 2016 GENERAL ELECTION, THE REIMPOSED TAX THAT COMMENCED ON APRIL 1, 2013, IS EXTENDED UNTIL APRIL 30, 2020, AND THE COMMENCEMENT OF THE TAX THAT WAS

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REIMPOSED AT THE 2016 GENERAL ELECTION IS DELAYED UNTIL MAY 1, 2020, AND EXPIRES ON APRIL 30, 2027.

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

S. 1039 -- Senator Sheheen: A BILL TO AMEND SECTION 56-5-5850, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAGGING, REMOVAL, AND DISPOSITION OF A VEHICLE LEFT UNATTENDED ON A HIGHWAY OR OTHER PROPERTY, SO AS TO PROVIDE THAT THE COLORED TAG PLACED ON THE VEHICLE BY A LAW ENFORCEMENT OFFICER MUST BE CAPABLE OF REFLECTING LIGHT.

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

S. 1040 -- Senators Davis and Rice: A BILL TO AMEND SECTION 9-1-1085, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO PROVIDE THAT, BEGINNING JULY 1, 2019, ALL NEW EMPLOYEES SHALL PARTICIPATE IN A DEFINED CONTRIBUTION PLAN, AND TO REQUIRE THE PARTICIPATING EMPLOYERS OF THE SYSTEM TO APPROPRIATE CERTAIN FUNDS.

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Senator DAVIS spoke on the Bill.

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

S. 1041 -- Senator Davis: A BILL TO AMEND PART 1, CHAPTER 6, TITLE 37 OF THE 1976 CODE, BY ADDING SECTION 37-6-119, TO DEFINE AND PROHIBIT UNFAIR PRACTICES TARGETING VULNERABLE ADULTS BY OBTAINING MONEY, PROPERTY, OR PERSONALLY IDENTIFYING INFORMATION THROUGH DECEPTION, INTIMIDATION, UNDUE INFLUENCE, OR FALSE MISLEADING, OR DECEPTIVE ACTS OR PRACTICES; TO PROVIDE A RIGHT OF ACTION, RECOVERY AMOUNTS, AND PENALTIES; AND TO PROVIDE THAT THE REMEDIAL PROVISIONS OF THIS CHAPTER ARE CUMULATIVE.

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Read the first time and referred to the Committee on Banking and Insurance.

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S. 1042 -- Senator Gambrell: A BILL TO AMEND SECTION 38-1-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DEFINE THE TERM "INTERNATIONAL MAJOR MEDICAL INSURANCE" AND TO INCLUDE THIS FORM OF INSURANCE IN THE DEFINITION FOR THE TERM "SURPLUS LINES INSURANCE".

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1043 -- Senator Turner: A BILL TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE UNTIL DECEMBER 31, 2025.

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

S. 1044 -- Senator Shealy: A BILL TO AMEND SECTION 50-13-260 OF THE 1976 CODE, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, TO ESTABLISH A YEAR-ROUND "CATCH AND RELEASE" ZONE ON THE LOWER REACH OF THE SALUDA RIVER.

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

S. 1045 -- Senators Shealy and McLeod: A BILL TO AMEND CHAPTER 2, TITLE 61 OF THE 1976 CODE, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING SECTION 61-2-115, TO PROVIDE THAT ALL ALCOHOLIC BEVERAGES SOLD AT RETAIL TO CONSUMERS WITHIN THE STATE MUST FIRST COME TO REST AND THAT THE PHYSICAL TRANSFER OF ALCOHOLIC BEVERAGES TO CONSUMERS MUST OCCUR ON A RETAILER'S LICENSED PREMISES, TO PROVIDE THAT ALL ALCOHOLIC BEVERAGES THAT DO NOT COME TO REST ARE CONTRABAND AND MAY BE SEIZED BY THE DIVISION, TO PROVIDE THAT ALCOHOLIC BEVERAGES THAT COME TO REST BY THREE O'CLOCK P.M. MAY BE MADE AVAILABLE FOR SALE TO RETAILERS THE NEXT CALENDAR

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DAY, TO PROVIDE FOR PENALTIES, AND TO DEFINE NECESSARY TERMS.

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

S. 1046 -- Senators M. B. Matthews, McElveen, Johnson, Malloy, Hutto, Nicholson and Sheheen: A BILL TO AMEND SECTIONS 44-53-360(b) AND (e) OF THE 1976 CODE, RELATING TO PRESCRIPTIONS OF NARCOTICS AND CONTROLLED SUBSTANCES, TO PROVIDE THAT PRESCRIPTIONS FOR SCHEDULE II CONTROLLED SUBSTANCES AS PROVIDED IN SECTIONS 44-53-210(b) AND (c) AND PRESCRIPTIONS FOR SCHEDULE III CONTROLLED SUBSTANCES AS PROVIDED IN SECTIONS 44-53-230(d) AND (e) MUST NOT EXCEED A SEVEN-DAY SUPPLY FOR A FIRST PRESCRIPTION, AND TO PROVIDE THAT PRESCRIPTIONS FOR A SECOND OR SUBSEQUENT PRESCRIPTION FOR THE SAME TREATMENT PLAN MUST NOT EXCEED A FOUR-DAY SUPPLY.

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Read the first time and referred to the Committee on Medical Affairs.

S. 1047 -- Senator Hutto: 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 PROVIDE THAT THE ORANGEBURG COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A NINE MEMBER BOARD OF TRUSTEES ELECTED FROM SINGLE-MEMBER DISTRICTS, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE ELECTION DISTRICTS.

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

S. 1048 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin,

[SJ]

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Williams and Young: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MILDRED R. JOHNSON FOR HER DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

H. 4078 -- Rep. Huggins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "MILITARY PRIORITY REGISTRATION ACT"; AND BY ADDING SECTION 59-103-37 SO AS TO PROVIDE PRIORITY COURSE ENROLLMENT FOR MILITARY-RELATED STUDENTS, AND TO DEFINE NECESSARY TERMINOLOGY.

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

H. 4434 -- Reps. Clary, Elliott, Cogswell, Collins, Henderson-Myers, Felder, Pope, Taylor, Ott, Thayer, Govan, Cole and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 33, TITLE 59 SO AS TO DEFINE NECESSARY TERMS, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE A UNIVERSAL SCREENING TOOL FOR USE BY LOCAL SCHOOL DISTRICTS TO SCREEN STUDENTS IN KINDERGARTEN THROUGH SECOND GRADE FOR CHARACTERISTICS OF DYSLEXIA BEGINNING WITH THE 2019-2020 SCHOOL YEAR; TO PROVIDE SPECIFIC ABILITIES THAT THE SCREENING TOOL MUST MEASURE; TO PROVIDE THAT PARENTS AND OTHER CERTAIN PARTIES MAY REQUEST THIS DYSLEXIA SCREENING FOR A STUDENT; TO REQUIRE LOCAL SCHOOL DISTRICTS TO CONVENE SCHOOL-BASED PROBLEM-SOLVING TEAMS TO ANALYZE SCREENING DATA AND PROGRESS MONITORING DATA TO ASSIST TEACHERS IN PLANNING AND IMPLEMENTING APPROPRIATE INSTRUCTION AND EVIDENCE-BASED INTERVENTIONS FOR ALL STUDENTS; TO REQUIRE DYSLEXIA-SPECIFIC INTERVENTIONS FOR STUDENTS INDICATED BY SCREENINGS TO HAVE CHARACTERISTICS OF DYSLEXIA; TO REQUIRE THE DEPARTMENT TO PROVIDE RELATED PROFESSIONAL DEVELOPMENT RESOURCES FOR EDUCATORS; TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RELATED REGULATIONS; AND TO CREATE A DYSLEXIA ADVISORY

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**COUNCIL TO ADVISE THE DEPARTMENT IN MATTERS
RELATING TO DYSLEXIA.**

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

H. 4810 -- Reps. Gilliard, Williams, Hosey, Jefferson, Cobb-Hunter, Henegan, Ott, King, Govan, Howard, Pendarvis, Brown, Huggins, Ballentine, Henderson-Myers, W. Newton, McCoy, Hewitt, Stavrinakis, Bannister and Herbkersman: A JOINT RESOLUTION TO CREATE THE "SCHOOL METAL DETECTOR STUDY COMMITTEE" TO STUDY WHETHER IT IS IN THE PUBLIC INTEREST TO REQUIRE THE INSTALLATION AND USE OF METAL DETECTORS AT PUBLIC SCHOOLS IN THIS STATE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, AND TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY.

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

REPORTS OF STANDING COMMITTEES

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 784 -- Senators Goldfinch and Rice: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FORTY-YEAR RETREAT POLICY FROM THE SHORELINE, SO AS TO PROHIBIT THE SEAWARD MOVEMENT OF THE BASELINE AFTER DECEMBER 31, 2019.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Invitations polled out H. 4858 favorable:

H. 4858 -- Reps. Kirby, Yow, Clyburn, Gilliard, Cobb-Hunter, Williams, McKnight, Robinson-Simpson, Brawley, Alexander, Norrell, Ott, Atwater, Jefferson, Bernstein, Wheeler, McGinnis, Douglas, Hosey, Henderson-Myers, Trantham, Arrington, Stavrinakis, Davis, Magnuson, B. Newton, Bamberg, McCravy, J.E. Smith, Bales, Bennett, Brown, Cogswell, Crosby, Dillard, Elliott, Felder, Forrest, Johnson, Loftis, Lowe, V.S. Moss, Pendarvis, Pitts, M. Rivers, G.R. Smith, Taylor, Thigpen, Young, Henegan, Anderson, McEachern and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-240 SO AS TO DESIGNATE THE

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TWENTY-FIRST DAY OF OCTOBER OF EACH YEAR AS "DR. RONALD MCNAIR DAY" IN SOUTH CAROLINA

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

AYES

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Johnson	Nicholson	Hembree
Young	Goldfinch	

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Invitations polled out H. 4928 favorable:

H. 4928 -- Rep. Delleney: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 15, 2018, HOWEVER, THE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

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

AYES

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Johnson	Nicholson	Hembree
Young	Goldfinch	

Total--11

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NAYS

Total--0

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

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.

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

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:

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“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 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.

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(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 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.”

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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.

Senator KIMPSON spoke on the amendment.

Debate was interrupted by adjournment.

Objection

Senator LEATHERMAN moved, with Senator KIMPSON retaining the floor on H. 3929, that the Senate stand adjourned.

Senator CLIMER objected.

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. 4272 -- Reps. Spires and Forrest: A BILL TO EXTEND THE ONE PERCENT SALES TAX IMPOSED BY ACT 378 OF 2004, THE LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF ACT, FOR AN ADDITIONAL SEVEN YEARS.

By prior motion of Senator SETZLER.

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Julia Mitchell Shealy of Batesburg-Leesville, S.C. Ms. Shealy was an active member of Wittenberg Lutheran Church where she served in a variety of roles. Julia taught at Gilbert Elementary, was a homemaker and worked at Economy Furniture Company for 25 years. She was a kind and giving lady who loved her church, family and community. Julia was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Thomas "Tom" Edison Thrift of Seneca, S.C. Tom served in the United States Army from 1951-1953. He was co-owner and founder of Thrift Brothers, Inc. and was best known for being one of the most successful road builders in the nation. Tom was a member of the Westminster American Legion and Lion's Club and worked with numerous agencies in humanitarian efforts. He served on the board at Anderson University and was a lifelong member of IPTAY at Clemson University. Tom was a faithful member of Westminster Baptist Church for over sixty years. Tom was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 12:51 P.M., on motion of Senator KIMPSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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