

NO. 30

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

WEDNESDAY, FEBRUARY 28, 2018

Wednesday, February 28, 2018
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:45 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:

Philippians 4:4,5

“Rejoice in the Lord always; again I will say, Rejoice. Let your gentleness be known to everyone. The Lord is near.”

Let us pray. Gracious God, in the hustle and bustle of our everyday lives, it is ever so common that we don't feel You near to us. Could it be that we have lost our ability to rejoice each day? Could it be that our pride or our insecurity keeps us at a safe distance from You and others. Your word today challenges us to break down those barriers if we want to feel the joy and peace of Your presence in our daily lives. Empower us O God, to rejoice in You each day and let our gentleness be known to everyone. May those who have ears hear. May those who have eyes see. We offer this prayer in Your holy name, Amen.

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

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed to recess at 11:50 A.M. for the purpose of attending the Joint Assembly.

Committee to Escort

The PRESIDENT appointed Senators CASH, McLEOD, GOLDFINCH, HEMBREE and MALLOY to escort the Honorable Donald W. Beatty, Chief Justice of the South Carolina Supreme Court, and members of his party to the House of Representatives for the Joint Assembly.

RECESS

At 11:50 A.M., on motion of Senator LEATHERMAN, the Senate recessed from business for the purpose of attending the Joint Assembly.

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JOINT ASSEMBLY

Chief Justice of the South Carolina Supreme Court

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 4617, a Concurrent Resolution adopted by both Houses.

The Honorable Donald W. Beatty, Chief Justice of the South Carolina Supreme Court, and members of his party, were escorted to the rostrum by Senators CASH, McLEOD, GOLDFINCH, HEMBREE and MALLOY and Representatives Pendarvis, Norrell, Trantham, Cole and Johnson.

The PRESIDENT introduced the Honorable Donald W. Beatty, Chief Justice of the South Carolina Supreme Court.

Chief Justice Beatty addressed the Joint Assembly as follows:

**STATE OF THE JUDICIARY
Chief Justice Donald W. Beatty**

Introduction / Overview

Thank you very much. Please be seated.

Lieutenant Governor Bryant, Speaker Lucas, President Pro Tempore Leatherman, Speaker Pro Tempore Pope, Members of the Joint Assembly, Members of the Judiciary, Ladies and Gentlemen. Thank you for this opportunity to share with you the state of your judiciary.

Before I begin the business at hand, I would first like to acknowledge the many contributions of women to the success of this great country of ours. Tomorrow marks the beginning of Women's History Month. A cursory review of our shared history will reveal that women did more than just stand behind their man, often they led him. I submit to you that is still the case even today. Please join me in a salute to women.

Coincidentally, today marks the last day of Black History Month. My undergraduate alma mater, South Carolina State University, is visiting the capitol with other Historical Black Colleges and Universities. Will you join me in welcoming them today? As you are aware, my beloved alma mater has faced significant financial challenges over the past decade. Although the University still has significant financial needs, I am happy to say that I believe that things have gotten better and the institution is on its way back. I am hopeful that the road back leads to a position of prominence that it once held.

I appear before you today to present my first State of the Judiciary Address as Chief Justice. I must begin by thanking each of you for

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electing me to this position. I am truly honored to have been given the tremendous privilege to serve our State in this capacity.

Those of you that heard the remarks at my Investiture Ceremony know that it has been "an improbable journey." As part of this journey, I served as a member of the House of Representatives in the early 1990s. I am now facing the seats that I once sat in many years ago. Drawing on my experience as a former legislator, it is my hope to communicate this address in a way that is beneficial to all branches of our State Government.

Last year, I chose not to address you because I had been Chief Justice for only a few weeks. Having served in this position for a year, I now feel it is appropriate to make this address.

Immediately before assuming the position of Chief Justice, I began an assessment of the Judicial Branch of our government. In doing so, I confirmed my belief that the third branch of government is comprised of hundreds of conscientious and hardworking people. Employees who enjoy serving the people of South Carolina. That observation holds true for the Supreme Court down to your local Clerk of Court's office.

I discovered that the Judicial Branch was doing a lot, notwithstanding its meager resources. Our judges had the highest case filings per judge than anywhere else in the country. I believe that has been the case for the last decade. I recalled then-Chief Justice Toal's Power Point presentations to this body on multiple occasions where she informed you of this fact. That Power Point presentation was always accompanied by a graph that showed that judicial salaries have been basically stagnant since the early nineties and that our judges were paid less than the Southeastern average. Today, that gap has widen by \$20,000.

My assessment of the Judicial Branch revealed that some employees were using converted coat closets for workspace, file rooms for offices. IT equipment was approaching the end of its life cycle. Morale was at an all-time low. If that wasn't enough, I learned that we were facing a projected budget shortfall of about \$3.5 million. I came to the leadership of this august body and shared my findings and concerns and you took action. You appropriated sufficient funding to handle our projected deficit and to cover additional operating expenses. We at the Judicial Branch thank you.

Placing our financial status aside for the moment, let me briefly mention some of the activities of the Judicial Department over the past year.

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2017 Accomplishments

In December 2015, we implemented Electronic Filing in the Court of Common Pleas. This E-Filing system is designed to receive and store documents in Common Pleas cases that are filed in electronic form by authorized E-Filers with each county's Clerk of Court Office.

The success of this project cannot be overstated. As of this month, E-Filing has been implemented in 30 counties across the state with more scheduled to go "live" in the next 6 months. When it first began, there were 25 Registered E-Filers. We now have over 6,500. At last count, there were approximately 490,000 filings. It is projected that by the end of January 2019, all 46 counties will be using E-Filing.

E-Filing has increased the efficiency of our attorneys as they can file, serve, and view documents via the Internet even outside of normal working hours. It also provides them with instant notice whenever the court files a document.

Also, Clerks of Court deal with less paperwork and mail, and spend less time searching for paper documents and files. Employees in these offices are now able to "catch up" on other administrative tasks. The public has also benefitted from this project as it may view, with limited restrictions, most case documents online.

Due to the success of E-Filing, it is our goal to continue this project in the Family and Appellate Courts.

E-Citations

Similar to E-Filing, our IT Department is working to implement Electronic Transmission of Tickets ("E-Citations"). This project includes: (1) the E-Filing of tickets and Citation Enhancements to the Case Management System ("CMS"); (2) the electronic reporting of dispositions from courts to the South Carolina Department of Motor Vehicles; (3) the importing of E-Tickets into CMS; and (4) establishing a web portal for small municipal courts that do not have access to a Court Case Management System so that they can electronically report case dispositions.

Once this program is fully operational in late 2018, it will eliminate the paperwork in summary courts and the time-consuming process of entering this information manually.

Business Continuity / Disaster Recovery Plan

Our IT Department is also working on a Disaster Recovery/Business Continuity Plan. A proposed Business Continuity Plan has been drafted

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and a "Crisis Team," which is comprised of representatives from all departments, is actively training.

IT is also partnering with Clemson University as a remote site to ensure that court data is preserved and that the Judicial Branch can continue to operate the statewide court system in the event of a disaster, either natural or manmade.

As of this month, the IT Department is nearing Phase 5 of this seven-phase project. With this plan, it is our goal to avoid such devastation as that experienced by the Texas court system following Hurricane Harvey.

Bar Applications / Uniform Bar Examination ("UBE")

In February 2017, we began using the Uniform Bar Examination prepared by the National Conference of Bar Examiners. With its adoption, we completely revised the website for the Office of Bar Admissions and are now accepting and processing Bar Applications online.

Our adoption of the UBE has been extremely successful as the standardized questions of the UBE have alleviated previous problems concerning the grading of Bar Exams. Further, the use of the UBE is tremendously beneficial to our attorneys as their law licenses are now portable to other states.

As part of this process, we have also adopted a Course of Study on South Carolina law to replace the costly, week-long, Bridge-the-Gap Program. The Course of Study is more efficient because it is an online course that can be completed in less than eight hours.

Digital Audio Recorder Project

In keeping with new technology, we are pursuing a pilot project to utilize Digital Recorders on a limited basis in five counties throughout the state. On January 9th of this year, Digital Recording went "Live" in a family court proceeding in Anderson County. As of this month, Dorchester, Greenville, Richland, and Sumter counties have also gone "Live" in a select number of courtrooms.

I am hopeful that this technology will combat the significant shortage of Court Reporters. As recently reported in local news media, we have been forced to cancel terms of court and delay hearings solely because there was no available Court Reporter.

Digital Recorders are not intended to replace Court Reporters. Instead, they will provide "relief" for the current shortage. The significance of this project cannot be overstated as the number of Court Reporters

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continues to dwindle due to retirement and the lack of any training programs in South Carolina.

The shortage of Court Reporters is not a problem unique to South Carolina. There is a nationwide shortage and the shortage seems to grow each year. We are trying to take a proactive approach to this problem with our digital recording project. Additionally, we believe that this will assist with the morale problem of our current Court Reporters. No longer will they be routinely required to travel long distances on short notice to prevent the cancellation of a term of court.

Docket Management Task Force

Despite this set back, I am able to report significant progress in the resolution of cases in a timely manner due, in part, to the help of our Task Forces and Docket Committees. The Docket Management Task Force, under the leadership of Justice Kaye Hearn, continues to guide our trial courts toward achieving case disposition benchmarks.

General Sessions Docket Committee

Relatively soon, the General Sessions Docket Committee will resume meeting and will be chaired by Justice Hearn. The Committee, which is comprised of judges, solicitors, public defenders, clerks of court, and private attorneys, previously met for approximately one year. Although much work needs to be done, I believe the Committee has a strong foundation to build upon.

We are currently evaluating judge-run dockets in two circuits. This method of docket management has been in place in the Seventh Circuit for some time now with outstanding results. This method involves a collaborative effort of the chief judge and the solicitor. The other pilot program is ongoing in the Ninth Circuit and being led by Judge Dennis.

We expect that the Committee will ultimately submit a proposed order that will satisfy all stakeholders. It will also seek solutions to reduce the number of criminal cases that remain on the docket for more than 365 days.

Family Court Docket Committee

Led by Judge Aphrodite Konduros and Judge Ronald Norton, the Family Court Docket Committee is working to address several issues, including: (1) the increase of self-represented litigants in family court; (2) the need to reduce delays in DSS cases; and (3) the appointment and payment of Guardians ad Litem.

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Also, as several of you have requested, this Committee is working toward implementing the "one judge/one case" method. It is our goal to ultimately assign one judge to follow a custody case, and possibly TPR cases, all the way through to conclusion.

Additionally, with potential input from this Committee, we are reviewing a project (the "CFS" Project) between DSS and Xerox to establish a Family Court Case Management System in 2019 that will receive and disburse child support payments.

As a final note on family court matters, it was my great pleasure to authorize and schedule special terms of court for "Adoption Days" last August and December. During these terms, judges were able to finalize numerous, uncontested adoption cases initiated by DSS as well as private cases. Given its success, I intend to authorize these terms periodically each year.

Common Pleas Docket Committee

The continued success in Common Pleas Court is due, in part, to the work of the Common Pleas Docket Committee which is chaired by Circuit Court Judge William Seals. All but one circuit met the benchmark of resolving at least 80% of civil cases in 365 days or less. I would add that all circuits have met this benchmark for family court cases.

Chief Justice's Commissions

Our Commissions have also been influential.

Commission on the Profession

Under the leadership of Justice John Kittredge, the Commission on the Profession has been responsible for many innovations in the legal profession. Most recently, the Commission devised and implemented mentoring programs for young lawyers and new magistrates. As a result, we have seen a noticeable decline in ethical complaints for both groups.

The Commission is currently studying several significant issues, including the funding of the Judiciary. As part of this effort, several members of the Commission have been in contact with key members of the state's business community. I must thank the business community for being so receptive. Not only have they listened, but they have offered their help as well as ideas for a solution to the Judiciary's lack of funding.

For more on this Commission, I would direct you to the recently created website that is linked through the Judicial Department's website.

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Commission on Continuing Legal Education and Specialization

The Commission on Continuing Legal Education and Specialization, which is now under the watchful eye of Justice "Buck" James, is actively researching the creation of a centralized department for judicial education and the electronic filing of CLE reports.

Access to Justice Commission

Another instrumental Commission is the Access to Justice Commission, which is chaired by Justice John Few. The Commission is currently working to create a pro bono program that will use a new software program, like a digital marketplace, which will readily connect lawyers with lower-income individuals who are in need of legal services. This software program has had a trial rollout with promising results. Once it is fully tested, we anticipate using it statewide.

Pilot Programs

We also have several Pilot Programs, for example, Business Court.

Business Court

Business Court continues to yield positive results. What began as a Pilot Program in limited counties, has now been expanded to cover all counties in South Carolina. Circuit Court Judge Roger Young continues to serve as the Chief Business Court Judge for Administrative Purposes.

Evaluation (Vision / Strategic Goals)

I am grateful for these successes and intend to build upon them. However, we cannot simply remain "status quo."

Vision

With a change in leadership comes the opportunity to pursue new ideas and innovations. As President John F. Kennedy stated: "Change is the law of life. And those who look only to the past or present are certain to miss the future."

I believe change is needed as my vision for the future is to:

Establish an effective, financially
stable, independent branch of
government.

In order to achieve this vision, significant reform must be made.

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Strategic Goals

While it is still early, I have so far identified the following strategic goals needed to make this vision a reality:

1. Foster a cooperative (not subservient) relationship between the Judicial Branch, the General Assembly, and the Governor's Office while maintaining a focus on the constitutional separation of powers;
2. Restructure the organization of departments within the Judicial Branch;
3. Facilitate the efficient resolution of cases in all courts through improved docket management, revitalized case management systems, and enhanced infrastructure;
4. Ensure access to justice for all regardless of income, disability, or language barriers; and
5. Foster a legal profession that is innovative in providing legal services to the public.

These goals may appear overly ambitious. However, my vision is not entirely new. In fact, it has been stated for decades.

I believe that only through innovation and sustainable funding can we hope to pursue our mission which requires becoming a co-equal, independent branch of government.

While I cannot control the funding of the Judiciary, I have worked during this year to ensure the efficiency of our court operations.

Innovation

To achieve the identified goals, I have begun implementing change in several key areas.

Summary Court System

As many of you are aware, there is a critical need for reform in our summary court system. I receive complaints about our summary courts on a routine basis. In fact, the deficiencies in this system are so great that they have been the subject of state and national news articles and lawsuits.

The issues range from mismanagement of funds to flagrant violations of the Sixth Amendment right to counsel. This cannot and will not continue.

Although it is only the beginning of addressing these problems, I have so far taken the following corrective action:

1. I completely overhauled the assignment of the Chief and Associate Chief Judges in all summary courts. In the past, a

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judge assigned to one of these positions would serve for many years without challenge. I now intend to rotate the assignment of these positions. This was done not just for the sake of change. I believe that systematic rotation will lead to more accountability and transparency in these courts.

2. I now require regular audits of summary court financial records. If, after reviewing the audits, I perceive financial mismanagement, I require the Chief Judge in that county to submit monthly or quarterly reports. Hopefully, this oversight will prevent financial mismanagement in the future.
3. I have personally addressed the summary court judges at their mandatory conferences and in email correspondence. I believe that such direct involvement will ensure that all summary court judges are aware of the current problems in their courts.
4. I approved procedures and policies created by Court Administration to address the treatment of unrepresented defendants in summary courts. Routinely, summary court judges have sentenced these defendants, who are often indigent, to jail time without the benefit of a lawyer. This is a clear violation of the Sixth Amendment right to counsel. Although I cannot force counties to hire much-needed public defenders for these courts, I can and will ensure that judges comply with the Sixth Amendment.
5. To combat this problem, summary court judges will be required to go through a "check list" on a bench card with each defendant that appears in court. This check list includes instructing the defendant about the right to counsel, the waiver of this right, and the right to a jury trial. I have also instructed judges to take into consideration a defendant's ability to pay before sentencing a defendant to a fine.

In response to these directives, several counties took the initiative to recall and evaluate outstanding bench warrants. Although I did NOT direct this action, I must commend those counties and summary court judges that worked tirelessly to ensure that all bench warrants were properly issued. I believe this is the first step toward constitutional compliance.

Judicial Education

Finally, I have begun working on a plan to better educate and train our judges, particularly those who are new to the bench. As you are well

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aware, our new judges are younger and less experienced than judges elected in the past.

In order to effectively educate our judiciary, both new and seasoned judges, I believe we must: (1) create a centralized education department; (2) establish an educational structure specific to each level of our judiciary; and (3) utilize new technology to efficiently and effectively communicate the most current information and provide training.

With the assistance of the Commission on Continuing Legal Education & Specialization, we are in the process of researching how other state and federal judicial education systems operate. Using this information, we intend to tailor a program for our South Carolina judiciary.

Current Finances

However, without sustainable funding, we will never be able to achieve these goals nor will we be able to efficiently operate the statewide court system.

Last year, we were fortunate that the General Assembly provided funding for a minimal level of service for court operations. But, this amount is inadequate to fully fund the current and future needs of the Judicial Branch.

We provide core government functions to the citizens of South Carolina. Yet, we receive less than 0.75% of State Recurring General Appropriations. In the past, in order to supplement this amount, we have been forced to depend on fines and fees. We cannot continue to do so. It is an unstable source of revenue with yearly amounts moving in a downward trajectory.

I am appreciative that Senator Malloy introduced Senate Bill 69, which would authorize a referendum to amend the Constitution to require that the Judicial Branch's budget be **1%** of the previous general fund.

This would give the Judicial Branch a "flat", recurring percentage of General Appropriations. A recurring percentage would not only provide sustainable funding, but would provide a significant measure of independence as a separate branch of government.

Although this Bill is now before the Senate Finance Committee, its success is uncertain. Until such amendment becomes effective, we will have to pursue funding through the normal procedure.

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Financial Future

In January, I presented the Judicial Branch's 2018-2019 Budget request to the House Ways & Means Law Enforcement and Criminal Justice Subcommittee and the Criminal Justice Subcommittee of the Senate Finance Committee. In the budget, I identified the following priorities:

In terms of Urgent Needs for Recurring Appropriations:

- An increase in support staff in various areas that support statewide administrative and court functions;
- A Judicial Salary increase that provides comparable salaries for those with similar executive decision-making responsibilities in our state and other judges within the Southeast; and
- The development of an in-house court education program that will fulfill mandates and requirements for justices, judges of all courts, Clerks of Court, Registers of Deeds, Interpreters, and other judicial staff.

In terms of Urgent Needs for Non-Recurring Appropriations:

- Renovations for the Calhoun and Brown Buildings to reconfigure the much needed office space;
- Improvements for Security within the Supreme Court Building;
- The modernization of the antiquated/vulnerable statewide Case Management System;
- The expansion of the Digital Courtroom Recording Project.

As you can see, this is a "NEED" list not a "WISH" list. All of these budget items are crucial and must be fully funded for the Judiciary to operate efficiently. Inadequate funding threatens our success.

Inadequate Funding Threatens Our Success

Judicial Salaries

Quite simply, we are in a financial crisis. As all of you know, my request for an increase in judges' salaries has received the most attention and has spawned four bills [S.107 (amendment); S.725; S.910; H.4801]. These bills have generated much debate and created tension between members of the House and Senate.

The issue of an increase in judges' salaries has been the subject of news articles and social media attacks. In fact, the request has been

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characterized as "greedy" and "unwarranted." A review of the facts reveals that is not the case.

Judges' salaries have remained at the same level since the 1990s and are well below those of comparable positions in state agencies and those in other Southeastern states.

For example, the salary for the Chief Justice, who is responsible for an entire branch of state government, is significantly less than: {Identify Positions}

The Chief Justice's salary is also nearly \$20,000 less than the average salary of a Chief Justice in the Southeast.

In 2007, the Hay Study was commissioned to evaluate judicial salaries. Based on that study, the Chief Justice's salary was to be set at \$171,063. This amount was not adopted and no increase was implemented. Accounting for inflation, this amount is now projected to be \$202,403.

As you can see, I am not making an unreasonable request. Instead, it is a request to create a salary structure that is equitable.

I continually hear that you want qualified judicial candidates. But, without providing just and competitive levels of compensation, you cannot expect to attract and retain qualified individuals for judgeships. There are several bills pending that would address this long-neglected problem. I request that they receive due consideration and are passed. It appears that the sides are close to resolution and I strongly urge them to continue their frank and open discussions.

Court Operations Will Be Detrimentially Affected

Although my request for an increase in judges' salaries has received the most attention, it is not my sole concern. I am genuinely concerned about how the lack of funding will detrimentally affect the state of South Carolina.

Right now, we are paying full-time employees who operate core functions in the Judicial Branch with fines and fees. These positions include Human Resources, Procurement, Finance, Appellate Court Staffing, and Court Administration.

Unfortunately, these fines and fees have steadily declined. At their peak in Fiscal Year 2008-2009, these fines totaled close to \$17 million. For the Fiscal Year 2017-2018, the projected amount is just under \$14 million.

Some of you have suggested increasing the amount of fines and fees to compensate for our budget shortfall. However, any increase would yield negligible results for us since these fines and fees are apportioned

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to all agencies within our State's government. More importantly, these fees cannot be set so high that access to the courts is cost prohibitive.

If the decline in fines and fees continues at this accelerated rate, we will have to either furlough court employees or reduce our workforce. If this happens, the number of court terms will be reduced, case progress will stall, and the increasing backlog of cases will continue.

In turn, our State's business climate will be detrimentally affected. Specifically, cases involving businesses, which represent approximately 70% of all civil cases, will be significantly delayed.

I also believe South Carolina will no longer be able to recruit, create, or retain businesses if our legal system is in crisis. The ripple effect will be a loss of jobs and revenue in our state. Clearly, this will impact all economic development in South Carolina.

The effect of the lack funding for the Judicial Branch will also be felt in each county. With fewer workers employed for core operating functions, cases in General Sessions court may cease to be resolved in a timely fashion. With this delay comes overcrowding in jails and costly maintenance of these defendants. My research reveals that it costs approximately \$55 a day to house each defendant. These increased expenses will require counties to divert funds from other areas of need.

Further, because of the constitutional mandate for "speedy trials," criminal cases will have to be given scheduling priority over civil cases. If this is done, all civil litigants, including private individuals and state agencies, will experience years of delay at trial and on the appellate level.

My fears from a lack of funding for the Judicial Branch are not purely a matter of economics. Because a significant portion of our budget is spent on Informational Technology, I fear the repercussions of inadequate funding to this department.

Currently, we are operating with a Case Management System that is quickly becoming obsolete. Using federal grants totaling approximately \$53 million, CMS was implemented in 2005. As identified in our budget request, we will need to modernize the existing CMS over a five-year period.

Without funding, we risk inefficient court operations as the Judicial Branch retains the exclusive responsibility for maintaining 46 independent, county database configurations as well as supporting and enhancing the CMS application. If any of our technology-based systems fail, we risk the potential loss of crucial court data, the inability to share data with the Executive and Legislative branches, as well as the inability to complete the E-Filing rollout for the Court of Common Pleas in all counties.

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Additionally, without adequate funding, we will not be able to retain and recruit quality IT personnel who provide much needed technical support to Clerks of Court, judges, and law clerks in all counties.

Finally, we need additional funding to update the Judicial Branch's infrastructure. Last year, we contracted to renovate the Brown Building to alleviate some of our need for additional office space. However, the "bureaucratic" delays and lack of financing have effectively stalled any forward progress.

Until this problem is solved, we will continue to have employees working in "closets" and converted hallways in the Calhoun Building. I would also add that the Calhoun and Supreme Court Buildings need significant work done to repair water damage due to leaking roofs and windows.

History of Insufficient Funding

I emphasize that this financial crisis is not due to poor stewardship of our resources. Chief Justices Toal and Pleicones were both fiscally responsible in managing these resources.

However, the reality is that the resources have always been insufficient. Now, with the ever-increasing needs of the Judicial Branch, we are faced with a shortfall unless you provide not just adequate, but sustainable funding.

Encouraged By Recent Discussions with Legislators

Over the past year, I have spoken with several of you regarding this financial crisis. I have been so encouraged by these discussions. You graciously allowed me to explain this critical issue and seemed to share my concerns.

But, equally important, these meetings presented an opportunity to have an open and honest dialogue about fostering a working relationship between all branches of government. We all recognized the need to work together but, also, the need to "stay in our own lanes."

In 1788, James Madison eloquently explained this principle in the Federalist Number 48, stating:

It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident, that none of them ought to possess, directly or indirectly, an overruling influence over the others, in the administration of their respective powers. It will not be

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denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.

As you can see, putting this into practice is an age-old problem. However, solving this problem is necessary to avoid the danger of a constitutional crisis.

I recognize that each branch is unique in its function and should retain its independence. Yet, for South Carolina to be successful, the branches of government must be equal in power and work together in synergy.

So, I respectfully ask that you work with me, and those in the Judicial Branch, toward the ultimate goal of establishing three separate, but equally powerful, branches of government.

The first step toward achieving this goal is not just the "adequate" funding of the Judicial Branch of government, but the "sustainable" funding. Only then will the Judicial Branch gain any measure of autonomy.

Conclusion

I want to thank you for allowing me the opportunity to present this address. I know that you have many pressing issues to tackle during this legislative session. So, I truly appreciate you taking time from your schedule today. As I continue my tenure as Chief Justice, I look forward to working with you for the betterment of South Carolina.

Question / Answer Period

As a first step toward working together, I would like to take this opportunity to do something a little different. At this time, I would invite you to ask questions.

Although this is not the usual format for the "State of the Judiciary," I would like to foster an open dialogue. So, with the time remaining, I intend to answer your questions and address your concerns.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

AFTERNOON SESSION

The Senate reassembled at 1:15 P.M. and was called to order by the PRESIDENT.

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RECESS

At 1:16 P.M., on motion of Senator LEATHERMAN, the Senate recessed from business until 2:00 P.M.

At 2:07 P.M., the Senate resumed.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Reappointment, South Carolina State Ports Authority, with the term to commence February 13, 2018, and to expire February 13, 2023

At-Large:

David J. Posek, 274 Doral Dr., Pawleys Island, SC 29585

Referred to the Committee on Transportation.

Doctor of the Day

Senator McLEOD introduced Dr. Helmut Albrecht of Columbia, S.C., Doctor of the Day.

Leave of Absence

At 2:08 P.M., Senator MARTIN requested a leave of absence for Thursday, March 1, 2018.

Leave of Absence

At 3:59 P.M., Senator McELVEEN requested a leave of absence for Senator JOHNSON for the balance of the day.

CO-SPONSORS ADDED

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

S. 337 Sen. Shealy
S. 575 Sen. Scott
S. 805 Sens. Jackson, Turner, Davis, Talley and Verdin
S. 995 Sen. Rice

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RECALLED AND ADOPTED

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

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Invitations.

The Resolution was recalled from the Committee on Invitations.

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

There was no objection.

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

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

RECALLED AND ADOPTED

S. 835 -- Senator Goldfinch: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF GLENN'S BAY ROAD AND UNITED STATES HIGHWAY 17 BYPASS IN HORRY COUNTY "GAVIN BRUNETTI INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

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

The Resolution was recalled from the Committee on Transportation.

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

There was no objection.

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

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

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Privilege of the Chamber

On motion of Senator DAVIS, on behalf of Senator RANKIN, the Privilege of the Chamber, to that area behind the rail, was extended to Mrs. Eleanor Katherine Wells on the occasion of her retirement from the South Carolina Senate.

PRESIDENT PRESIDES

The PRESIDENT assumed the Chair.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1057 -- Senators McLeod, Senn, M. B. Matthews and Shealy: A BILL TO AMEND SECTION 59-63-910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATORY MONTHLY FIRE DRILLS IN ALL PUBLIC SCHOOLS, SO AS TO INSTEAD REQUIRE MONTHLY SAFETY AND EMERGENCY EVACUATION DRILLS OR ACTIVE SHOOTER TRAINING DRILLS, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION AND STATE LAW ENFORCEMENT DIVISION TO COLLABORATE ON THE DEVELOPMENT OF CERTAIN RELATED TRAINING MATERIALS, AND TO PROVIDE CERTAIN RELATED TRAINING ANNUALLY FOR TEACHERS; AND TO REDESIGNATE ARTICLE 9, CHAPTER 63, TITLE 59 AS "SAFETY DRILLS".

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

S. 1058 -- Senator Corbin: A BILL TO AMEND SECTIONS 56-5-1210, 56-5-1220, AND 56-5-1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF A DRIVER OF A MOTOR VEHICLE INVOLVED IN AN ACCIDENT, SO AS TO REVISE THE PENALTIES IMPOSED FOR VIOLATIONS OF THESE PROVISIONS.

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

S. 1059 -- Senator Davis: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE

[SJ]

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HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON TUESDAY, NOVEMBER 13 AND THURSDAY, NOVEMBER 15 AND FRIDAY, NOVEMBER 16, 2018. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

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

S. 1060 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4754, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1061 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CREDENTIAL CLASSIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4788, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1062 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO APPLICATION FOR TEACHING CREDENTIAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4789, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

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S. 1063 -- Senators Campbell and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-51-67 SO AS TO PROVIDE PERMIT REQUIREMENTS FOR LICENSED PODIATRISTS SEEKING TO INDEPENDENTLY ENGAGE IN ANKLE SURGERY PROCEDURES, TO PROVIDE THESE PERMITS ARE ISSUED BY THE BOARD OF MEDICAL EXAMINERS, TO CREATE THE JOINT PODIATRIC SURGERY ADVISORY COMMITTEE TO EVALUATE APPLICANTS FOR SUCH PERMITS, TO PROVIDE THE BOARD OF MEDICAL EXAMINERS MAY INVESTIGATE VIOLATIONS INVOLVING PERMITS, TO REQUIRE THE BOARD OF MEDICAL EXAMINERS TO PROMULGATE CERTAIN RELATED REGULATIONS, AND TO PROVIDE THE ISSUANCE OF A PERMIT BY THE BOARD OF MEDICAL EXAMINERS MAY NOT BE CONSTRUED TO OBLIGATE A HOSPITAL OR OUTPATIENT SURGICAL FACILITY TO GRANT HIM PRIVILEGES TO PERFORM SUCH PROCEDURES AT THE HOSPITAL OR OUTPATIENT SURGICAL FACILITY; TO AMEND SECTION 40-51-20, RELATING TO DEFINITIONS CONCERNING THE PODIATRISTS AND PODIATRY PRACTICE ACT, SO AS TO PROVIDE NECESSARY DEFINITIONS; AND TO AMEND SECTION 40-51-65, RELATING TO LICENSURE REQUIREMENTS TO PRACTICE PODIATRY, SO AS TO PROVIDE LICENSED PODIATRISTS MAY NOT INDEPENDENTLY ENGAGE IN THE SURGICAL TREATMENT OF THE ANKLE WITHOUT A PERMIT ISSUED BY THE BOARD OF MEDICAL EXAMINERS.

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

H. 3195 -- Reps. King, Ridgeway, Anderson, Brown, Pendarvis, Gilliard, Weeks and Henderson-Myers: A BILL TO AMEND SECTION 53-3-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF THE NINETEENTH DAY OF JUNE OF EACH YEAR AS "JUNETEENTH CELEBRATION OF FREEDOM DAY", SO AS TO PROVIDE THAT IT ALSO IS RECOGNIZED AS "SICKLE CELL DAY IN SOUTH CAROLINA" IN COMMEMORATION OF "WORLD SICKLE CELL DAY".

Read the first time and referred to the General Committee.

H. 4488 -- Reps. Henderson, Fry, Hewitt, West, Spires, Atwater, Erickson, Norrell, Weeks, Douglas, Dillard, Ridgeway and Huggins: A

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BILL TO AMEND SECTION 44-53-1650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO PERSONS AUTHORIZED TO HAVE ACCESS TO DATA MAINTAINED IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO AUTHORIZE CORONERS, DEPUTY CORONERS, MEDICAL EXAMINERS, AND DEPUTY MEDICAL EXAMINERS IN CERTAIN CIRCUMSTANCES.

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

H. 4672 -- Reps. Elliott, B. Newton, Allison, Felder, Bryant, Putnam, Martin, Arrington, Thigpen, Gagnon, Thayer, Douglas, Govan, Anderson, McGinnis, Huggins, Tallon, Daning, D. C. Moss, Long, Henderson, Mace, Cogswell, West, Chumley, Gilliard, Atwater, J. E. Smith, Bernstein, Jefferson, Williams, W. Newton, Henderson-Myers, Ballentine, Bowers, Weeks and M. Rivers: A BILL TO AMEND SECTION 56-1-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VISION SCREENING REQUIRED FOR ISSUANCE OF A DRIVER'S LICENSE, SO AS TO PROVIDE THAT VISION SCREENING IS REQUIRED UPON RENEWAL OF A LICENSE, AND TO PROVIDE THAT A CERTIFICATE OF VISION EXAMINATION FORM MUST BE EXECUTED BY THE CERTIFYING OPHTHALMOLOGIST OR OPTOMETRIST.

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

H. 4981 -- Reps. Simrill, Felder and Bryant: A BILL TO AMEND SECTION 7-7-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD ONE PRECINCT, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

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REPORTS OF STANDING COMMITTEES

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 11 -- Senators Davis and Campsen: A BILL TO AMEND SECTION 38-75-485, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO EXPAND THE PROGRAM TO INCLUDE FLOOD DAMAGE.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 412 -- Senators Campbell, Massey, J. Matthews, Shealy, Gambrell, Nicholson, Williams, Grooms, Allen, Talley, Rice and Turner: A BILL TO AMEND SECTION 12-6-3530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO INCREASE THE TAX CREDIT FOR COMMUNITY DEVELOPMENT CORPORATIONS AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FROM THIRTY-THREE PERCENT OF AMOUNTS INVESTED TO ONE-HUNDRED PERCENT OF AMOUNTS INVESTED, TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT OF TAX CREDITS AT FIVE MILLION DOLLARS, TO ESTABLISH TAX CREDIT RESERVE ACCOUNTS FOR THE FIRST THREE QUARTERS OF EACH TAX YEAR SO AS TO AVOID THE DEPLETION OF CREDITS BY AN INDIVIDUAL TAXPAYER; TO DELETE THE PRO-RATA DISTRIBUTION OF TAX CREDITS, TO ALLOW FINANCIAL INSTITUTIONS WITH TAX LIABILITIES IN THIS STATE TO INVEST IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF RECEIVING A TAX CREDIT, TO PROVIDE THAT RETURNS ON INVESTMENTS IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS AND CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS MAY NOT EXCEED THE TOTAL AMOUNT OF THE INITIAL INVESTMENT, TO QUALIFY THE SOUTH CAROLINA ASSOCIATION FOR COMMUNITY ECONOMIC DEVELOPMENT AS A COMMUNITY DEVELOPMENT CORPORATION AND TO QUALIFY THE SOUTH CAROLINA COMMUNITY CAPITAL ALLIANCE AS A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION; AND TO AMEND SECTION 4 OF ACT 314 OF 2000,

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AS AMENDED, RELATING TO COMMUNITY DEVELOPMENT CORPORATIONS AND FINANCIAL INSTITUTIONS, SO AS TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT UNTIL JUNE 30, 2027.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation polled out S. 654 favorable:

S. 654 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF MOTOR VEHICLES NAME THE DEPARTMENT OF MOTOR VEHICLES' FIELD OFFICE LOCATED AT 509 LIBERTY STREET IN BATESBURG-LEESVILLE "CORPORAL KYLE CARPENTER FIELD OFFICE" AND TO ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION THAT CONTAIN THE DESIGNATION.

**Poll of the Transportation Committee
Polled 17; Ayes 16; Nays 0; Not Voting 1**

AYES

Grooms	Leatherman	Rankin
Verdin	Malloy	Peeler
Campbell	Bennett	Hembree
McElveen	Johnson	Kimpson
Sabb	<i>M.B. Matthews</i>	Climer
McLeod		

Total--16

NAYS

Total--0

NOT VOTING

Campsen

Total--1

Ordered for consideration tomorrow.

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Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 1038 -- Senators Hutto and J. Matthews: 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 REIMPOSED AT THE 2016 GENERAL ELECTION IS DELAYED UNTIL MAY 1, 2020, AND EXPIRES ON APRIL 30, 2027.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 3125 -- Reps. McEachern, Pitts and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-645 SO AS TO ALLOW TEMPORARY PLACEMENT OF A CHILD WITH A RELATIVE OR ALTERNATIVE CAREGIVER PURSUANT TO A SAFETY PLAN, TO PROVIDE REQUIREMENTS FOR A SAFETY PLAN, AND TO LIMIT THE DURATION OF A SAFETY PLAN TO NINETY DAYS, WITH EXCEPTIONS; BY ADDING SUBARTICLE 10 TO ARTICLE 3, CHAPTER 7, TITLE 63 SO AS TO ALLOW DSS TO OFFER PROTECTIVE SERVICES PURSUANT TO A CHILD AND FAMILY PLAN IN CERTAIN CHILD ABUSE OR NEGLECT MATTERS, TO PROVIDE REQUIREMENTS FOR A CHILD AND FAMILY PLAN, TO LIMIT THE DURATION OF A CHILD AND FAMILY PLAN TO SIX MONTHS, WITH EXCEPTIONS, AND TO PROVIDE FOR TERMINATION OF FAMILY PRESERVATION SERVICES; TO AMEND SECTION 63-7-20, AS AMENDED, RELATING TO DEFINITIONS USED IN CHAPTER 7, TITLE 63, SO AS TO ADD DEFINITIONS FOR "SAFETY PLAN", "PLACEMENT PLAN", AND "TREATMENT PLAN"; TO AMEND SECTION 63-7-650, RELATING TO REQUIREMENTS BEFORE PLACING A CHILD WITH A RELATIVE OR OTHER PERSON WHEN THE CHILD IS TAKEN INTO EMERGENCY PROTECTIVE CUSTODY, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 63-7-690, RELATING TO PLACEMENT OF A CHILD WITH A RELATIVE OR OTHER PERSON INSTEAD OF TAKING THE

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CHILD INTO DSS CUSTODY, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Education submitted a favorable with amendment report on:

H. 3513 -- Reps. Anthony and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-45 SO AS TO PROVIDE RETIRED EDUCATOR TEACHING CERTIFICATES FOR PEOPLE WHO MEET CERTAIN CRITERIA, TO PROVIDE INITIAL RETIRED EDUCATOR CERTIFICATES ARE VALID FOR THIRTY YEARS AND MAY BE RENEWED, AND TO PROVIDE RELATED REQUIREMENTS AND CONDITIONS.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

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

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable with amendment report on:

[SJ]

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

Ordered for consideration tomorrow.

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Appointments Reported

Senator SHEALY from the General Committee submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina Department of Vocational Rehabilitation, with the term to commence March 15, 2016, and to expire March 15, 2023

6th Congressional District:

Lori Bell Beard, P. O. Box 1754, Walterboro, SC 29488-0017 *VICE*
Alease G. Samuels

Received as information.

INVITATIONS ACCEPTED

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

Thursday, March 1, 2018 - 8:00-10:00 A.M.

Members and Staff, Breakfast, Room 112, Blatt Building, by the **SOUTH CAROLINA EMS ASSOCIATION**

Tuesday, March 6, 2018 - 5:30-7:30 P.M.

Members and Staff, Reception, Capital City Club, by **CAPITOL CONSULTING STRATEGIES**

Wednesday, March 7, 2018 - 8:00-10:00 A.M.

Members and Staff, Breakfast, Room 112, Blatt Building, by the **ASSOCIATION OF COSMETOLOGY SALON PROFESSIONALS**

Wednesday, March 7, 2018 - 11:00 A.M.-2:00 P.M.

Members and Staff, Luncheon, Statehouse Grounds, by the **AIRCRAFT OWNERS AND PILOTS ASSOCIATION**

Wednesday, March 7, 2018 - 5:00-7:00 P.M.

Members and Staff, Reception, Capital City Club, by the **SOUTH CAROLINA INSURANCE ASSOCIATION**

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Wednesday, March 7, 2018 - 6:00-8:00 P.M.

Members and Staff, Reception, Columbia Museum of Art, by the **FLORENCE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP “FLORENCE COUNTY DAY”**

Tuesday, March 20, 2018 - 5:30-8:00 P.M.

Members and Staff, Reception, 701 Whaley, by the **CONSERVATION VOTERS OF SC “SC CONSERVATION COALITION”**

Tuesday, March 20, 2018 - 6:00-8:00 P.M.

Members, Reception, Capital City Club, by the **GOVERNOR’S SCHOOL FOR THE ARTS FOUNDATION**

Wednesday, March 21, 2018 - 8:00-10:00 A.M.

Members and Staff, Breakfast, Room 112, Blatt Building, by the **PIEDMONT MUNICIPAL POWER ASSOCIATION/SC ASSOCIATION OF MUNICIPAL POWER SYSTEMS**

Wednesday, March 21, 2018 - 11:30 A.M.-2:00 P.M.

Members and Staff, Luncheon, Room 112, Blatt Building, by the **SC HUMAN SERVICES PROVIDER ASSOCIATION**

Wednesday, March 21, 2018 - 5:30-8:00 P.M.

Members and Staff, Ballgame/picnic, Spirit Communications Ball Park, by **BLUE CROSS BLUE SHIELD OF SOUTH CAROLINA**

Thursday, March 22, 2018 - 8:00-10:00 A.M.

Members and Staff, Breakfast, Room 112, Blatt Building, by **LEADERSHIP 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

[SJ]

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Total--0

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 1055 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, APRIL 11, 2018, AS THE TIME TO ELECT AN AT-LARGE MEMBER TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL FOR A TERM TO EXPIRE JUNE 30, 2021, AND TWO AT-LARGE MEMBERS WHOSE TERMS WILL EXPIRE JUNE 30, 2022; FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2024; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY FROM THE FIRST CONGRESSIONAL DISTRICT, SEAT 1, FOR A TERM TO EXPIRE JUNE 30, 2022, A MEMBER FROM THE FIFTH CONGRESSIONAL DISTRICT, SEAT 5, FOR A TERM TO EXPIRE JUNE 30, 2022, A MEMBER FROM THE SIXTH CONGRESSIONAL DISTRICT, SEAT 6, FOR A TERM TO EXPIRE JUNE 30, 2022, AND AT-LARGE MEMBERS TO SEATS 8, 10, 12, 13, AND 14, RESPECTIVELY, ALL FOR TERMS TO EXPIRE JUNE 30, 2022; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY FROM THE FIRST CONGRESSIONAL DISTRICT, SEAT 1, FOR A TERM TO EXPIRE JUNE 30, 2024, A MEMBER FROM THE FIFTH CONGRESSIONAL DISTRICT, SEAT 5, FOR A TERM TO EXPIRE JUNE 30, 2024, AND A MEMBER FROM THE SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, FOR A TERM TO EXPIRE JUNE 30, 2022; AND TO ELECT THREE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, AT LARGE, FOR TERMS TO EXPIRE JUNE 30, 2022.

Returned with concurrence.

Received as information.

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

**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. 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.

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.

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Bill.

Senator CAMPBELL explained the Bill.

The question being the second reading of the Bill.

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

[SJ]

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Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

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.

The Committee on Education proposed the following amendment (WAB\857C002.AGM.WAB18), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate section to read:

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/ SECTION __. Chapter 51, Title 59 of the 1976 Code is amended by adding:

“Section 59-51-35. (A) Within one year of taking office, all persons elected as members of the board of trustees after July 1, 2018, and who are not serving on the board on that date, shall complete successfully an orientation program on the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, school leadership and board relations, at-risk programs, finance, school law, ethics, and community relations, as determined by the board of trustees.

(B) In addition to the orientation program in subsection (A), the board shall provide for training of new and existing board members as reasonable and necessary to adequately serve the at-risk students in their care.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

The question then was second reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

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Total--43

NAYS

Total--0

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

AMENDED, SECOND READING FAILED

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.

Senator SHEHEEN proposed the following amendment (759R002.SP.VAS), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 26 through 42 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. 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; /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

Senator RANKIN spoke on the Bill.

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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 8; Nays 34

AYES

Alexander	Campbell	Goldfinch
Gregory	Hembree	Rankin
Reese	Senn	

Total--8

NAYS

Allen	Bennett	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Grooms	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--34

There being no further amendments, the Bill failed to be read the second time.

READ THE SECOND TIME

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,

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

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

CARRIED OVER

S. 866 -- Senators Cromer, Scott, Reese, Verdin, J. Matthews and Nicholson: A BILL TO PROVIDE THAT TAX CREDITS FOR THE

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PURCHASE OF GEOTHERMAL MACHINERY AND EQUIPMENT SHALL BE REPEALED ON JANUARY 1, 2029.

On motion of Senator CROMER, 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.

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.

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.

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.

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

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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.

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

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

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

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

The Senate proceeded to the consideration of the Bill.

Senator CROMER explained the Bill

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

H. 4655 -- Reps. Sandifer and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA INSURANCE DATA SECURITY ACT" BY

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

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

H. 4656 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-9-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REINSURANCE CREDITS, SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ADOPT ADDITIONAL REQUIREMENTS FOR REINSURANCE CREDITS, TO REQUIRE A REINSURER TO DEMONSTRATE IT HAS ADEQUATE FINANCIAL CAPACITY TO MEET ITS REINSURANCE OBLIGATIONS TO QUALIFY FOR A CREDIT, TO ALLOW FOR THE REDUCTION OF A TRUSTEED SURPLUS FOR AN ASSUMING INSURER WHO HAS PERMANENTLY

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

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

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

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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.

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

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

S. 785 -- Senator Cromer: A BILL TO AMEND SECTION 37-6-502, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO REVISE THE MEMBERSHIP OF THE COMMISSION.

The Senate proceeded to a consideration of the Bill.

Committee on Banking and Insurance proposed the following amendment (DG\785C002.BBM.DG18), which was adopted:

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

/ SECTION 1. Section 37-6-502 of the 1976 Code is amended to read:

“Section 37-6-502. The Commission on Consumer Affairs shall be composed of nine members, one of whom shall be the Secretary of State as an ex officio member; four members shall be appointed by the Governor with advice and consent of the Senate and the remaining four members shall be elected by the General Assembly, one member shall be appointed by the President Pro Tempore of the Senate, one member shall be appointed by the Chairman of the Senate Banking and Insurance Committee, one member shall be appointed by the Speaker of the House of Representatives, and one member shall be appointed by the Chairman of the House Labor, Commerce and Industry Committee. In making appointments, the appointing authorities shall select members who are representative of the racial, gender, and geographical diversity of the State. Members of the commission shall elect a chairman. Terms of the members shall be four years unless otherwise stipulated in this section, and upon the expiration of the terms, the Governor shall appoint a member and the General Assembly shall elect one member respectively coterminous with the appointing authority, and until his successor is

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appointed and qualified. With the exception of the ex officio member, any vacancy in the office of a member shall be filled by the ~~Governor by appointment for the unexpired term~~ applicable appointing authority. Members of the commission shall be eligible for reappointment. No person associated with any businesses regulated by the Commission on Consumer Affairs shall be eligible to serve on the commission as defined by Section ~~8-13-20~~ 8-13-100 ~~of the Code of Laws of South Carolina.~~”/

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

OBJECTION

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.

Senator CORBIN objected to the consideration of the Bill.

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

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OFFERED BY THE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF JUVENILE JUSTICE, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, THE JOHN DE LA HOWE SCHOOL, THE WIL LOU GRAY OPPORTUNITY SCHOOL, AND THE SCHOOL FOR THE DEAF AND BLIND, TO PROVIDE THAT RECORDS ACQUIRED BY THE DEPARTMENT ARE CONFIDENTIAL, TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT, TO PROVIDE THAT THE STATE CHILD ADVOCATE MAY PERFORM AN INDEPENDENT INVESTIGATION OF A CRITICAL INCIDENT OR REVIEW A COMPLETED CRITICAL INCIDENT INVESTIGATION PERFORMED BY A STATE AGENCY, TO PROVIDE FOR THE PARAMETERS OF AN INVESTIGATION, TO PROVIDE THAT THE DEPARTMENT OF CHILDREN'S ADVOCACY SHALL ESTABLISH A SINGLE, STATEWIDE, TOLL-FREE CHILD ABUSE HOTLINE TO RECEIVE ALL REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT, AND TO PROVIDE FOR FURTHER PURPOSES AND PUBLICATION OF THE HOTLINE; TO AMEND SECTION 1-3-240(C)(1) OF THE 1976 CODE, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, TO ADD THE STATE CHILD ADVOCATE AS A PERSON APPOINTED THAT MAY BE REMOVED BY THE GOVERNOR FOR MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY; TO AMEND SECTION 63-7-360 OF THE 1976 CODE, RELATING TO MANDATORY REPORTING TO THE CORONER, TO PROVIDE THAT THE MEDICAL EXAMINER OR CORONER SHALL ACCEPT REPORTS FROM PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT AND REPORT HIS FINDINGS TO THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-7-370 OF THE 1976 CODE, RELATING TO DOMESTIC VIOLENCE REPORTING, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER UPON RECEIPT OF A REPORT OF DOMESTIC VIOLENCE SHALL REPORT THE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES AND TO THE DEPARTMENT OF CHILDREN'S ADVOCACY'S SINGLE, STATEWIDE, TOLL-FREE CHILD ABUSE HOTLINE IF THE

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PEOPLE INVOLVED IN THE REPORTED DOMESTIC VIOLENCE ARE RESPONSIBLE FOR THE WELFARE OF A CHILD; TO AMEND SECTION 63-11-500(A) AND SECTION 63-11-540 OF THE 1976 CODE, BOTH RELATING TO THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM, TO PROVIDE THAT THE PROGRAM MUST BE ADMINISTERED BY THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-11-700(A) AND SECTION 63-11-730(A) OF THE 1976 CODE, BOTH RELATING TO THE DIVISION FOR REVIEW OF THE FOSTER CARE OF CHILDREN, TO PROVIDE THAT THE DIVISION FOR REVIEW IS WITHIN THE DEPARTMENT OF CHILDREN'S ADVOCACY OF THE FOSTER CARE OF CHILDREN; TO AMEND SECTIONS 63-11-1310, 63-11-1340, 63-11-1360, AND 63-11-1510 OF THE 1976 CODE, ALL RELATING TO THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN, TO PROVIDE THAT THE CONTINUUM OF CARE IS WITHIN THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-11-1930(A) OF THE 1976 CODE, RELATING TO THE STATE CHILD FATALITY ADVISORY COMMITTEE, TO ADD THE STATE CHILD ADVOCATE AS A COMMITTEE MEMBER; TO AMEND SECTION 59-36-20 OF THE 1976 CODE, RELATING TO THE COMPREHENSIVE SYSTEM OF SPECIAL EDUCATION AND SERVICES, TO DELETE ANY REFERENCE TO THE CHILDREN'S CASE RESOLUTION SYSTEM; TO REPEAL ARTICLE 11, CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO THE CHILDREN'S CASE RESOLUTION SYSTEM; TO DELETE SECTION 1-11-10(A)(8) OF THE 1976 CODE, RELATING TO THE CHILDREN'S CASE RESOLUTION SYSTEM; AND TO DEFINE NECESSARY TERMS.

Senator MALLOY objected to the consideration of the Bill.

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,

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

The Senate proceeded to the consideration of the Bill.

Senator MARTIN spoke on the Bill.

Senator MARTIN objected to further consideration of the Bill.

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.

Senator NICHOLSON objected to the consideration of the Bill.

ADOPTED

S. 951 -- Senator Grooms: A SENATE RESOLUTION MEMORIALIZING CONGRESS TO AUTHORIZE A PILOT

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PROGRAM BETWEEN THE STATES OF GEORGIA, SOUTH CAROLINA, AND NORTH CAROLINA GRANTING COMMERCIAL DRIVER'S LICENSE HOLDERS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE THE RIGHT TO OPERATE IN INTERSTATE COMMERCE AND TO HAUL INTERSTATE COMMODITIES WITHIN AND BETWEEN THESE STATES.

The Resolution was adopted.

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

MADE SPECIAL ORDER

S. 872 -- Senators Timmons and Martin: A BILL TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT A PERSON CONVICTED OF A CAPITAL CRIME AND HAVING IMPOSED UPON HIM THE SENTENCE OF DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR, AT THE ELECTION OF THE PERSON, LETHAL INJECTION, IF IT IS AVAILABLE AT THE TIME OF ELECTION, UNDER THE DIRECTION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, TO PROVIDE THAT THE PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, AND TO PROVIDE THAT IF EXECUTION BY LETHAL INJECTION UNDER THIS SECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION, THEN THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON.

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

Senator MALLOY argued in opposition of the motion.

Senator MARTIN argued in favor of the motion.

Senator MALLOY argued in opposition of the motion.

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

The Bill was made a Special Order.

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MOTION ADOPTED

At 3:53 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

CARRIED OVER

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

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

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**READ THE THIRD TIME
RETURNED TO THE HOUSE**

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

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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 third reading of the Bill.

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

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

AMENDMENT PROPOSED, CARRIED OVER

H. 3867 -- Reps. Herbkersman, Pitts, Hayes, Anthony, Cobb-Hunter, Whipper and Brown: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROPERTY TAX, SO AS TO EXEMPT ALL PROPERTY DEVOTED TO HOUSING LOW INCOME RESIDENTS IF THE PROPERTY IS OWNED BY AN INSTRUMENTALITY OF A NONPROFIT HOUSING CORPORATION.

The Senate proceeded to a consideration of the Bill.

Senator GREGORY proposed the following amendment (3867R005.SP.CKG):

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

/ SECTION 1. Section 12-37-220(B) of the 1976 Code is amended by adding appropriately numbered items at the end to read:

“(53) eighty percent of the fair market value of a distributed energy resource required to be returned, pursuant to Section 12-37-970, or to be appraised and assessed, pursuant to Section 12-4-540;

(a) this exemption applies for property that became operational after property tax year 2017 and only applies for the twenty consecutive property tax years after the distributed energy resource becomes operational. This exemption only applies if the taxpayer elects not to take any additional exemptions as defined in Section 4-12-30. Renewable

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energy properties that have an executed fee in lieu agreement are not eligible for this exemption;

(b) for purposes of this item, ‘distributed energy resource’ means property that is defined in Section 58-39-120(C). This definition includes, but is not limited to, all equipment required to meet all applicable safety, performance, interconnection, and reliability standards established by the commission, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities;

(54)(a) effective for property tax years beginning after 2017, a renewable energy resource property having a nameplate capacity of no greater than twenty kilowatts, as measured in alternating current;

(b) for purposes of this item, ‘renewable energy resource’ means property that is defined pursuant to Section 58-40-10(F). This definition includes, but is not limited to, all components that enhance the operational characteristics of the generating equipment, such as an advanced inverter or battery storage device, and all equipment required to meet all applicable safety, performance, interconnection, and reliability standards established by the commission, the National Electrical Code, the National Electric Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authority.”

SECTION 2. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2017. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN moved to carry over the Bill.

Senator GROOMS moved to table the motion to carry over.

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

Ayes 16; Nays 24

AYES

Alexander	Campbell	Cash
Davis	Goldfinch	Gregory
Grooms	Hembree	Hutto
Massey	McElveen	Rankin

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Reese	Senn	Talley
Verdin		

Total--16

NAYS

Allen	Bennett	Climer
Corbin	Cromer	Fanning
Gambrell	Kimpson	Leatherman
Malloy	Martin	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rice	Sabb	Scott
Setzler	Shealy	Timmons
Turner	Williams	Young

Total--24

The Senate refused to table the motion to carry over.

Motion Failed

Senator SETZLER moved that the Senate stand adjourned.

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

Ayes 13; Nays 28

AYES

Allen	Fanning	Hutto
Kimpson	Malloy	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Sabb	Scott	Setzler
Sheheen		

Total--13

NAYS

Alexander	Bennett	Campbell
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Leatherman	Martin

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

Total--28

The Senate refused to adjourn.

Motion Adopted

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

AMENDMENT PROPOSED, CARRIED OVER

H. 3442 -- Reps. Delleney, Felder, Pope, Martin, Norrell, B. Newton, Simrill, Norman, Thayer, Putnam, Clary, Hamilton, Yow, W. Newton, Kirby, Erickson, Knight, Hixon, Elliott, Henderson, Bedingfield, V.S. Moss, Wheeler, Ballentine, King, Henegan and West: A BILL TO AMEND SECTION 63-9-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDIVIDUALS WHO MAY ADOPT A CHILD, SO AS TO ADD CIRCUMSTANCES UNDER WHICH A NONRESIDENT MAY ADOPT AND TO PROVIDE FOR THE RIGHT TO FILE A PETITION FOR ADOPTION; AND TO AMEND SECTION 63-9-750, RELATING TO ADOPTION HEARINGS, SO AS TO MAKE TECHNICAL CORRECTIONS.

The Senate proceeded to a consideration of the Bill.

Senators HUTTO and CLIMER proposed the following amendment (JUD3442.008):

Amend the committee report, as and if amended, page [3442-2], by striking lines 28 through 36, in Section 63-9-60(C), as contained in SECTION 1, and inserting therein the following:

/ (C) A petition for adoption of a child may be filed pursuant to this section regardless of which individual or entity has custody of the child. When the department has custody of a child, the rights granted herein to South Carolina residents and nonresidents shall not be diminished, invalidated or negatively affected in any way. /

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

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/ SECTION __. Subarticle 3, Article 1, Chapter 9, Title 63 of the 1976 Code is amended by adding:

“Section 63-9-370. (A) Consent or relinquishment for the purpose of adoption, pursuant to Section 63-9-310, for a minor child who is in the custody of the department by a removal action under Section 63-7-1660, is valid, binding, and enforceable. However, if a cause of action for the termination of parental rights affecting a minor child who is in the custody of the department by a removal action under Section 63-7-1660 was filed prior to the execution of a consent or relinquishment, then the consent or relinquishment and any further action on the petition for adoption, while valid, remains subject to the pendency of the termination of parental rights action and any order of the court pursuant thereto.

(B) Notwithstanding subsection (A), the department may move the court to make specific written findings that the consent or relinquishment has been freely, knowingly, and voluntarily given or that the consent or relinquishment is invalid on any of the following grounds:

(1) the adoptee lacks the mental capacity to give consent pursuant to Section 63-9-310(A)(1);

(2) the person lacks the mental capacity to give consent pursuant to Section 63-9-320(A)(2) as a result of:

(a) suffering from mental illness, impairment, or deficiency;

(b) being under the influence of alcohol or illegal drugs or abusing prescription medication; or

(c) being impaired by medical treatment; or

(3) the consent or relinquishment was not given voluntarily or was obtained through undue influence, duress, or coercion.

(C) The custody of a minor child who is in the custody of the department shall not be modified pursuant to a consent or relinquishment prior to a hearing being held in court, wherein the department is a party, for the purpose of determining whether the requirements of this section and Section 63-9-60 have been met with regard to standing of the petitioner and validity of any consent or relinquishment for the purpose of adoption.

(D) Notwithstanding any other provision in this section, the court must consider the best interests of the child in making any findings pursuant to this section.” /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator MALLOY spoke on the Bill.

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

Motion Adopted

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

ADJOURNMENT

At 4:24 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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