

NO. 46

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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WEDNESDAY, MARCH 28, 2018

**Wednesday, March 28, 2018**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the acting PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 28: 8-9

“The Lord is the strength of his people; he is the saving refuge of his anointed. O save your people, and bless your heritage; be their shepherd and carry them forever.”

Let us pray. Gracious and loving God, since the founding of our nation, You have been the strength of our people. Our strength as a country has not come from our Congress or our military. We do not say “in Congress we trust”. We do not say “in the military we trust”. We say “in God we trust”.

You, O God, have anointed us and blessed us with a powerful spiritual heritage. May we as a people in leadership positions honor this heritage and remain resolute in our faith and honorable in our service to You and this State. In doing so, may the Senators here feel Your strength and Your guidance carrying them both now and in the days to come. For it is in Your all powerful name that we pray, Amen.

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

**Call of the Senate**

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

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Nicholson	Peeler	Rice
Senn	Setzler	Shealy
Talley	Timmons	Turner

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Williams

Young

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators SHEHEEN and GROOMS recorded their presence subsequent to the Call of the Senate.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence February 15, 2018, and to expire February 15, 2022

At-Large:

Kristen E. Blanchard, 704 Mayfield Ct., Fort Mill, SC 29720-4722  
*VICE* New Seat

Referred to the Committee on Transportation.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committee for consideration:

Document No. 4809

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Section 44-7-260

SUBJECT: Standards for Licensing Crisis Stabilization Unit Facilities

Received by Lieutenant Governor March 28, 2018

Referred to Committee on Medical Affairs

Document No. 4810

Agency: Department of Health and Environmental Control

Chapter: 30

Statutory Authority: 1976 Code Sections 44-1-60, 48-39-50, and 48-39-280(E)

SUBJECT: Administrative Procedures

Received by Lieutenant Governor March 28, 2018

Referred to Committee on Medical Affairs

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**CO-SPONSORS ADDED**

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

S. 547 Sen. Climer  
S. 995 Sen. Turner  
S. 1028 Sen. Turner

**RECALLED**

S. 1070 -- Senators Fanning and Rankin: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 32 IN FAIRFIELD COUNTY ALONG INTERSTATE HIGHWAY 77 THE "COUNTY COUNCILMEN DAVID BROWN & CARNELL MURPHY INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "COUNTY COUNCILMEN DAVID BROWN & CARNELL MURPHY INTERCHANGE".

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

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

S. 820 -- Senators Fanning and Climer: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS UPON A REFERENDUM VOTE, SO AS TO DELETE A PRIOR REFERENCE TO A DATE.

Senator HUTTO asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed that when the Senate stands adjourned on Thursday, March 29, that it will adjourn to meet Monday, April 2, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up; and, further, that

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when the Senate stands adjourned on Monday, April 2, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Tuesday, April 3, Wednesday, April 4, and Thursday, April 5, and Friday, April 6 under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up. And further, the Senate would meet in regular statewide session Monday, April 9, at 2:00 P.M.

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

**Ayes 32; Nays 13**

#### **AYES**

Alexander	Allen	Campbell
Campsen	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Scott	Setzler
Sheheen	Williams	

**Total--32**

#### **NAYS**

Bennett	Cash	Climer
Davis	Kimpson	Rice
Senn	Shealy	Talley
Timmons	Turner	Verdin
Young		

**Total--13**

Having received the necessary votes, the motion was adopted.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

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S. 1147 -- Senator Bennett: A BILL TO AMEND SECTION 7-7-230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DORCHESTER COUNTY, SO AS TO CORRECT OUTDATED LANGUAGE AND REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 1148 -- Senator Bennett: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 1149 -- Senator Goldfinch: A BILL TO AMEND SECTION 54-7-670, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HOBBY LICENSES, SO AS TO ESTABLISH THAT A HOBBY LICENSE IS NOT REQUIRED TO COLLECT SHARKS TEETH.

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

S. 1150 -- Senators Massey and Sheheen: A BILL TO AMEND SECTION 2-17-17 OF THE 1976 CODE, RELATING TO OUTSIDE LOBBYISTS, TO PROVIDE THAT A DEPARTMENT DIRECTOR, CONSTITUTIONAL OFFICER, AGENCY DIRECTOR, STATE BOARD OR COMMISSION, OR GOVERNING BODY OF ANY OTHER ENTITY OF STATE GOVERNMENT MAY NOT EMPLOY OR CONTRACT WITH A LOBBYIST WHO IS NOT A FULL-TIME EMPLOYEE OF THE STATE.

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

H. 4795 -- Reps. Herbkersman, Simrill, W. Newton and Bradley: A BILL TO AMEND SECTION 56-15-10, AS AMENDED, CODE OF

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LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERMS "DEALER" OR "MOTOR VEHICLE DEALER" TO EXCLUDE CERTAIN PERSONS CONDUCTING AUCTIONS IN CONJUNCTION WITH THE ANNUAL HILTON HEAD ISLAND CONCOURS D'ELEGANCE.

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

**REPORT OF STANDING COMMITTEE**

Senator SHEALY from the General Committee polled out H. 5169 favorable:

H. 5169 -- Reps. J.E. Smith, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Dellene, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 2018 AS THE "MONTH OF THE MILITARY CHILD" IN SOUTH CAROLINA AND TO ENCOURAGE SOUTH CAROLINA'S CONTINUED COMMITMENT AND SUPPORT FOR MILITARY CHILDREN LIVING IN SOUTH CAROLINA.

**Poll of the General Committee**

**Polled 17; Ayes 16; Nays 0; Not Voting 1**

**AYES**

Shealy	Sheheen	Young
Johnson	McElveen	Allen

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Hembree	Turner	Climer
Fanning	Goldfinch	McLeod
Talley	Timmons	Gambrell
Cash		

**Total--16**

**NAYS**

**Total--0**

**NOT VOTING**

Scott

**Total--1**

Ordered for consideration tomorrow.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 4968 -- Reps. Hiott, Clary and Collins: A BILL TO AMEND ACT 489 OF 1998, RELATING TO THE ADVISORY ELECTION AMONG PICKENS COUNTY VETERANS TO NOMINATE A CANDIDATE TO THE PICKENS COUNTY LEGISLATIVE DELEGATION FOR RECOMMENDATION FOR APPOINTMENT AS PICKENS COUNTY VETERANS AFFAIRS OFFICER, SO AS TO DESIGNATE THE OFFICE OF THE PICKENS COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AS THE POLLING LOCATION FOR THE ELECTION; TO ESTABLISH A THREE-WEEK VOTING PERIOD DURING THE BOARD'S NORMAL HOURS OF OPERATION IN WHICH TO CONDUCT THE ELECTION, TO AUTHORIZE ABSENTEE VOTING, AND TO SPECIFY WHEN THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF PICKENS COUNTY SHALL MEET TO CERTIFY RESULTS.

H. 4870 -- Reps. B. Newton, Norrell, Yow and Lucas: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF

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SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO ADD ONE PRECINCT, AND REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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 THIRD TIME  
SENT TO THE HOUSE**

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

S. 854 -- Senators Sheheen, Scott and Nicholson: A BILL TO AMEND SECTIONS 9-1-1540, 9-9-65, AND 9-11-80, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, AND THE POLICE OFFICERS RETIREMENT SYSTEM, RESPECTIVELY, SO AS TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION FOR DISABILITY RETIREMENT IS FILED IF THE LAST DAY THE MEMBER WAS EMPLOYED IN THE SYSTEM OCCURRED NOT MORE THAN ONE YEAR BEFORE THE DATE OF FILING.

S. 1041 -- Senators Davis, Campsen and Young: A BILL TO AMEND PART 1, CHAPTER 6, TITLE 37 OF THE 1976 CODE, BY ADDING SECTION 37-6-119, TO DEFINE AND PROHIBIT UNFAIR PRACTICES TARGETING VULNERABLE ADULTS BY OBTAINING MONEY, PROPERTY, OR PERSONALLY IDENTIFYING INFORMATION THROUGH DECEPTION,

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INTIMIDATION, UNDUE INFLUENCE, OR FALSE MISLEADING, OR DECEPTIVE ACTS OR PRACTICES; TO PROVIDE A RIGHT OF ACTION, RECOVERY AMOUNTS, AND PENALTIES; AND TO PROVIDE THAT THE REMEDIAL PROVISIONS OF THIS CHAPTER ARE CUMULATIVE.

**HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4727 -- Reps. White, Hardee, Yow, Huggins, Jefferson, Hosey, Anderson, West, Hewitt, Finlay, Ott, Duckworth, Sandifer, Davis, Clary, B. Newton, J.E. Smith, Rutherford, Bernstein, W. Newton, Herbkersman, McCoy, Lowe, Elliott and S. Rivers: A BILL TO AMEND SECTION 48-59-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND VOTING PRIVILEGES TO CERTAIN MEMBERS AND TO PROHIBIT CERTAIN MEMBERS FROM SERVING AS CHAIRMAN; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO DEVELOP CRITERIA AND A CONSERVATION PRIORITIZATION MAP, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO REQUIRE CERTAIN ACCESS DISCLOSURES ON A GRANT OR LOAN APPLICATION, AND TO PROHIBIT THE PURCHASE OF A CONSERVATION EASEMENT FOR MORE THAN FIVE HUNDRED THOUSAND DOLLARS; TO REPEAL SECTION 12-24-95 RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND TO REPEAL SECTION 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND.

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**REMOVED FROM CONSENT CALENDAR**

S. 982 -- Senator Hutto: A BILL AMEND SECTION 56-1-286, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF A LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES AND HAVE A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE WHO IS SERVING A SUSPENSION OR DENIAL OF A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-385, RELATING TO THE REINSTATEMENT OF PERMANENTLY REVOKED DRIVER'S LICENSES, SO AS TO LIMIT APPLICATION TO OFFENSES OCCURRING PRIOR TO OCTOBER 1, 2014; TO AMEND SECTION 56-1-400, RELATING TO SURRENDER OF A LICENSE AND ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICE ON A LICENSE, SO AS TO REORGANIZE FOR CLARITY, REMOVE THE REQUIREMENT THAT A PERSON SEEKING TO HAVE A LICENSE ISSUED MUST FIRST PROVIDE PROOF THAT ANY FINE OWED HAS BEEN PAID, AND INCLUDE REFERENCE TO THE HABITUAL OFFENDER STATUTE; TO AMEND SECTION 56-1-1090, RELATING TO REQUESTS FOR RESTORATION OF THE PRIVILEGE TO OPERATE A MOTOR VEHICLE, SO AS TO ALLOW A PERSON CLASSIFIED AS AN HABITUAL OFFENDER TO OBTAIN A DRIVER'S LICENSE WITH AN INTERLOCK RESTRICTION IF HE PARTICIPATES IN THE INTERLOCK IGNITION PROGRAM; TO AMEND SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE PROVISIONAL LICENSES FOR FIRST OFFENSE DRIVING UNDER THE INFLUENCE UNLESS THE OFFENSE WAS CREATED PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO AMEND 56-1-1340, RELATING TO THE ISSUANCES OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM INTERNAL STATUTORY REFERENCES; TO AMEND SECTION 56-5-2941, AS AMENDED, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO INCLUDE REFERENCE TO THE HABITUAL OFFENDER STATUTE, REMOVE EXCEPTIONS TO IGNITION INTERLOCK DEVICES FOR OFFENDERS WHO ARE NONRESIDENTS AND FIRST TIME OFFENDERS OF DRIVING UNDER THE INFLUENCE WHO DID NOT REFUSE TO

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SUBMIT TO CHEMICAL TESTS AND HAD AN ALCOHOL CONCENTRATION OF LESS THAN FIFTEEN ONE HUNDREDTHS OF ONE PERCENT OR MORE, REQUIRE DEVICE MANUFACTURERS PAY CERTIFICATION FEES ASSOCIATED WITH IGNITION INTERLOCK DEVICES, PERMIT THOSE DRIVERS WITH PERMANENTLY REVOKED LICENSES AFTER OCTOBER 2014 TO SEEK RELIEF AFTER FIVE YEARS, AND MAKE THE RECORDS OF THE IGNITION INTERLOCK DEVICES THE RECORDS OF THE DEPARTMENT OF PROBATION, PARDON AND PAROLE; TO AMEND SECTION 56-5-2951, RELATING TO TEMPORARY ALCOHOL LICENSES, SO AS TO REQUIRE AN IGNITION INTERLOCK DEVICE RESTRICTION ON A TEMPORARY ALCOHOL LICENSE AND TO DELETE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES; AND TO AMEND SECTION 56-5-2990, RELATING TO SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE AND THE PERIOD OF SUSPENSION, SO AS TO REQUIRE AN IGNITION INTERLOCK DEVICE IF A FIRST TIME OFFENDER OF DRIVING UNDER THE INFLUENCE SEEKS TO END A SUSPENSION.

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

S. 1120 -- Senator Campsen: A BILL TO ENACT THE "SOUTH CAROLINA LIEUTENANT GOVERNOR RESTRUCTURING ACT OF 2018" INCLUDING PROVISIONS TO AMEND SECTIONS 1-3-620, 1-17-20, 1-23-125(B), 1-23-125(D), 2-3-30, 2-3-90, 7-11-30(A), 7-17-10, 10-1-40, 14-27-20(10), 14-27-30, 14-27-40(2), 14-27-80, 44-56-840(A), AND 59-6-15(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR, SO AS TO REVISE STATUTORY REFERENCES TO CONFORM TO CONSTITUTIONAL AND STATUTORY CHANGES CONCERNING SELECTION AS PART OF A JOINT TICKET AND TO MAKE THE GOVERNOR RESPONSIBLE FOR THE EXISTING DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR SO THE GOVERNOR MAY DETERMINE HOW THOSE DUTIES AND RESPONSIBILITIES MAY BE ACCOMPLISHED; TO AMEND SECTIONS 1-11-720(A)(9), 1-30-10(A), 9-1-10(11)(g), 9-1-10(14), 29-4-60(D), 43-21-10, 43-21-20, 43-21-45, 43-21-60, 43-21-70, 43-21-100, 43-21-130(A)(1), 43-21-190(2),

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44-36-20(21), 44-36-50, 44-36-310, 44-36-320(7), AND 44-36-330, RELATING TO THE OFFICE OF THE LIEUTENANT GOVERNOR, DIVISION ON AGING, SO AS TO CREATE IN THE EXECUTIVE BRANCH A DEPARTMENT ON AGING; TO REQUIRE, ON OR BEFORE JANUARY 1, 2019, THE CODE COMMISSIONER TO PREPARE AND DELIVER A REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES RECOMMENDING ANY ADDITIONAL APPROPRIATE AND CONFORMING CHANGES TO THE 1976 CODE OF LAWS REFLECTING THE PROVISIONS OF THIS ACT; AND ON OR BEFORE JANUARY 1, 2019, TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON AGING TO PREPARE AND DELIVER A REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES RECOMMENDING ANY ADDITIONAL CHANGES TO THE DEPARTMENT ON AGING CREATED BY THIS ACT TO ENHANCE EFFICIENT AND COST EFFECTIVE DELIVERY OF SERVICES TO THE AGING COMMUNITY IN ACCORDANCE WITH THE FEDERAL OLDER AMERICANS ACT.

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

S. 1128 -- Senators Rankin, Hutto, Massey, McElveen, Sabb, Gambrell and Climer: A JOINT RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF TO FILE AN ACTION IN CIRCUIT COURT TO REQUIRE THE PRODUCTION OF DOCUMENTS OR WITNESSES IN CERTAIN CIRCUMSTANCES IF AN ENTITY HAS PROVIDED GOODS OR SERVICES TO A UTILITY FOR THE DESIGN, CONSTRUCTION, OR OPERATION OF A FACILITY THAT HAS BEEN THE SUBJECT OF A PROCEEDING CONCERNING THE BASE LOAD REVIEW ACT; TO PROVIDE THAT THE ONLY RELIEF THE COURT MAY ORDER IS FOR THE PRODUCTION OF DOCUMENTS, REQUIRING THE APPEARANCE OF WITNESSES, ALLOWING THE OFFICE OF REGULATORY STAFF TO TAKE DEPOSITIONS, OR A COMBINATION THEREOF; TO REQUIRE THE ACTION TO BE HEARD AS AND DECIDED AS EXPEDITIOUSLY AS CONSISTENT WITH DUE PROCESS; AND TO PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY WITH A COURT ORDER ISSUED PURSUANT TO THIS JOINT RESOLUTION.

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

S. 1135 -- General Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO WILDERNESS THERAPEUTIC CAMPS FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 4771, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

Senator YOUNG explained the Resolution.

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

**READ THE SECOND TIME**

S. 802 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-225 SO AS TO DEFINE TERMS FOR PURPOSES OF THE OFFENSES OF BREACH OF TRUST WITH FRAUDULENT INTENT AND OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES; AND TO AMEND SECTIONS 16-13-230 AND 16-13-240, RELATING TO BREACH OF TRUST WITH FRAUDULENT INTENT AND OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES, RESPECTIVELY, BOTH SO AS TO FURTHER DEFINE THE ELEMENTS OF THE OFFENSES.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

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

**Motion Under Rule 26B**

Senator HUTTO asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

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There was no objection.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 834 -- Senator Turner: A BILL TO AMEND SECTION 56-1-146 OF THE 1976 CODE, RELATING TO THE SURRENDER OF A DRIVER'S LICENSE BY A PERSON CONVICTED OF CERTAIN CRIMES, TO AMEND THE DEFINITION FOR A CRIME OF VIOLENCE.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0834.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 23-29 and inserting:

/ or nolo contendere to a ~~crime of violence~~ violent crime as defined in Section ~~16-23-10(3)~~ 16-1-60 on or after July 1, ~~2011~~ 2018, in this State, the clerk of court must notify by mail, electronic mail, or facsimile the Department of Motor Vehicles within thirty days of the conviction of guilt or nolo contendere plea. The Department of Motor Vehicles must then notify the person who was convicted of the ~~crime of violence~~ violent crime as defined in Section ~~16-23-10(3)~~ 16-1-60 that he must /

Amend the bill further, as and if amended, page 1, by striking line 40 and inserting:

/ SECTION 2. Section 56-1-148 of the 1976 Code is amended to read:

“Section 56-1-148. (A) As used in this chapter ‘identifying code’ means a symbol, number, or letter of the alphabet developed by the department to identify a person convicted of or pleading guilty or nolo contendere to a crime of violence as defined in Section ~~16-23-10(3)~~ 16-1-60 on or after July 1, ~~2011~~ 2018. The symbol, number, or letter of the alphabet shall not be defined on the driver's license or special identification card.

(B) In addition to the contents of a driver's license provided for in Section 56-1-140 or a special identification card provided for in Section 56-1-3350, a person who has been convicted of or pled guilty or nolo contendere to a ~~crime of violence~~ violent crime as defined in Section ~~16-23-10(3)~~ 16-1-60 on or after July 1, ~~2011~~ 2018, must have an identifying code determined by the department affixed to the reverse side of his driver's license or special identification card. The code must identify the person as having been convicted of a violent crime. The

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code must be developed by the department and made known to the appropriate law enforcement officers and judicial officials of this State.

(C) The presence of a special identifying code on a person's driver's license or special identification card may not be used as a grounds to extend the detention of the person by a law enforcement officer or grounds for a search of the person or his vehicle.

(D) ~~The department shall charge a fee of fifty dollars for affixing the identifying code provided in subsection (B). This fee is in addition to the fee provided for in Section 56-1-140. This fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.~~

(E) A person whose driver's license or special identification card has been canceled pursuant to Section 56-1-146 may apply for a new license or special identification card in a manner prescribed by the department. The department must issue by mail or in person a new license or special identification card with the identifying code required by this section after payment of the fifty-dollar fee provided in subsection (C). The department must not issue a new driver's license to a person during any period of suspension or revocation for any reason other than Section 56-1-146 and a driver's license may only be issued after the period of suspension or revocation has ended and the person is otherwise eligible to be issued a license.

~~(F)(E)~~ The intent of placing an identifying code on a driver's license or special identification card that identifies a person who has been convicted of a ~~crime of violence~~ violent crime as defined in Section ~~16-23-10(3)~~ 16-1-60 is to promote the state's fundamental right to provide for the public health, welfare, and safety of its citizens and law enforcement officers. Notwithstanding this legitimate stated purpose, this provision is not intended to violate the guaranteed constitutional rights of persons who have violated our state's laws.

~~(G)(F)~~ If a person's conviction or guilty plea for a ~~crime of violence~~ violent crime as defined in Section ~~16-23-10(3)~~ 16-1-60 is reversed on appeal, or if the person is subsequently pardoned, then the person may apply for a driver's license or special identification card that does not have the identifying code affixed.

~~(H)(G)~~ A person who is not convicted of a subsequent ~~crime of violence~~ violent crime as defined in Section ~~16-23-10(3)~~ 16-1-60 for five years after he has completely satisfied the terms of his sentence or during the term of the person's probation or parole, whichever the sentencing judge determines is appropriate, may file an application with the



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department to have the identifying code affixed to his driver's license or special identification card removed.

~~(H)~~(H) A person must provide appropriate supporting documentation prescribed by the department to verify his eligibility to have the identifying code removed pursuant to subsection ~~(F)~~ (E) or ~~(G)~~ (F). Upon verification and payment of the fee provided in Section 56-1-140, the person must be issued a new driver's license or special identification card."

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect July 1, 2018. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy

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

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 959 -- Senators Corbin and Hembree: A BILL TO AMEND SECTION 16-11-770 OF THE 1976 CODE, RELATING TO ILLEGAL GRAFFITI VANDALISM, TO PROVIDE THAT, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-3-540, 22-3-545, 22-3-550, AND 14-25-65, A FIRST OFFENSE MAY BE TRIED IN MAGISTRATES OR MUNICIPAL COURT.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

Senator HUTTO spoke on the Bill.

The question being the second reading of the Bill.

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

**Motion Under Rule 26B**

Senator CORBIN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (1044R001.DR.JTM), which was adopted:

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

/ SECTION 1. Section 50-13-260 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

"() In order to establish a year-round 'catch and release' zone on the lower reach of the Saluda River, it is unlawful to take and retain trout from the eastbound I-20 bridge downstream to Stacey's Ledge."

SECTION 2. The Department of Natural Resources shall make a study of the lower Saluda River trout fishery and make recommendations on any needed modifications to the fishery by November 1, 2023.

SECTION 3. The provisions of this act are repealed on June 30, 2025.

SECTION 4. This act takes effect on July 1, 2018. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch

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Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1099 -- Senator Campbell: A BILL TO AMEND SECTION 48-20-280 OF THE 1976 CODE, RELATING TO THE APPLICATION OF THE SOUTH CAROLINA MINING ACT, TO ADD EXEMPTIONS FOR THE DEPARTMENT OF COMMERCE, DIVISION OF PUBLIC RAILWAYS, AND PERSONS ACTING UNDER CONTRACT WITH THE DEPARTMENT OF COMMERCE.

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:

**Ayes 40; Nays 0; Abstain 1**

**AYES**

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory

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Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Rankin
Reese	Rice	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

**ABSTAIN**

Campsen

**Total--1**

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

**READ THE SECOND TIME**

S. 1101 -- Senators Young, Hutto and Massey: A BILL TO AMEND ACT 205 OF 2016, RELATING TO AN EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, TO EXTEND THE SUNSET PROVISION TO NOVEMBER 30, 2020.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

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**AYES**

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

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1111 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-2730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEDERAL FISHING REGULATIONS, SO AS TO PROVIDE A SPECIFIC SIZE AND POSSESSION LIMIT FOR COBIA.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSEN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 567 -- Senator Sheheen: A BILL TO AMEND SECTION 41-18-30 OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF AND EXCEPTIONS TO THE "SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE", TO EXCLUDE OPEN-WHEEL MOTORSPORT VEHICLES, KARTS, SUPER-KARTS, GEARBOX OR SHIFTER KARTS, OR GO-KARTS USED FOR RACING AT SPEEDS IN EXCESS OF FIFTY MILES PER HOUR.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

Senator HUTTO spoke on the Bill.

The question being the second reading of the Bill.

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

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**Motion Under Rule 26B**

Senator SHEHEEN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**READ THE SECOND TIME**

S. 874 -- Senator Talley: A BILL TO AMEND SECTION 56-5-170(A) OF THE 1976 CODE, RELATING TO THE DEFINITION OF AUTHORIZED EMERGENCY VEHICLES, TO ADD ORGAN PROCUREMENT ORGANIZATION VEHICLES TO THE DEFINITION.

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 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

**Total--0**



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

**READ THE SECOND TIME**

S. 932 -- Senators Campbell, Hembree, Bennett, Williams and Grooms: A BILL TO AMEND ARTICLE 5, CHAPTER 5, TITLE 57 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, BY ADDING SECTION 57-5-880, TO PROVIDE THAT AN ENTITY UNDERTAKING A TRANSPORTATION IMPROVEMENT PROJECT SHALL BEAR THE COSTS RELATED TO RELOCATING WATER AND SEWER LINES; TO PROVIDE THE REQUIREMENTS FOR UTILITIES TO BE ELIGIBLE FOR RELOCATION PAYMENTS; AND TO DEFINE NECESSARY TERMS.

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 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

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**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (1027R001.DR.TRY), which was adopted:

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

/SECTION 1. Section 41-27-370(4) of the 1976 Code is amended to read:

“(4) An individual may not be considered unemployed in a week, not to exceed two in any benefit year, in which the department finds his unemployment is due to a vacation week that is constituted a vacation period without pay by reason of a written contract between the employer and the employees or by reason of the employer’s written vacation policy ~~and practice to~~ for his employees. This provision applies only if the department finds employment will be available for the claimant with the employer at the end of a vacation period as described in this section. This subsection is not applicable to a claimant whose employer fails to comply, in respect to this vacation period, with the requirements of a regulation or procedure of the department regarding the filing of a notice, report, information, or claim in connection with an individual, group, or mass separation arising from the vacation, provided that filing requirements imposed pursuant to such a regulation or procedure of the department do not apply to employers in this State with fewer than fifty employees.”

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

Renumber sections to conform.

Amend title to conform.

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Senator BENNETT explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1083 -- Senators Grooms, Campbell and Verdin: A BILL TO AMEND SECTION 56-3-210 OF THE 1976 CODE, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSING, TEMPORARY LICENSE PLATES, AND THE TRANSFER OF LICENSE PLATES, TO PROVIDE THAT THE DEPARTMENT IS AUTHORIZED TO ADMINISTER A PROGRAM

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FOR AND REGULATE THE ISSUANCE OF TEMPORARY LICENSE PLATES FOR NEWLY ACQUIRED VEHICLES; TO PROVIDE FOR DESIGN AND OTHER SPECIFICATIONS; TO PROVIDE THAT THE DEPARTMENT IS AUTHORIZED TO ADMINISTER AN ELECTRONIC SYSTEM FOR COUNTY AUDITOR'S OFFICES, LICENSED MOTOR VEHICLE DEALERS, LEASING COMPANIES, AND OTHER ENTITIES AUTHORIZED BY THE DEPARTMENT TO USE IN ISSUING TEMPORARY LICENSE PLATES; TO PROVIDE THAT ANY PERSON OR ENTITY AUTHORIZED BY THIS SECTION TO ISSUE A TEMPORARY LICENSE PLATE SHALL MAINTAIN RECORDS AS REQUIRED BY THE DEPARTMENT; TO PROVIDE FOR EXEMPTIONS; AND TO PROVIDE FOR PENALTIES.

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:

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

[SJ]

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**Total--0**

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

**READ THE SECOND TIME**

S. 1124 -- Senator Sheheen: A BILL TO AMEND SECTION 23-11-10 OF THE 1976 CODE, RELATING TO THE TIME FOR ELECTION OF SHERIFFS, TO PROVIDE THAT A COUNTY MAY HOLD A SHERIFF'S ELECTION EVERY FOUR YEARS DURING THE GENERAL ELECTION IN NON-PRESIDENTIAL ELECTION YEARS; AND TO AMEND SECTION 7-13-20 OF THE 1976 CODE, RELATING TO THE TIME FOR ELECTION OF CERTAIN COUNTY OFFICERS, TO PROVIDE THAT A COUNTY MAY HOLD A SHERIFF'S ELECTION EVERY FOUR YEARS DURING THE GENERAL ELECTION IN NON-PRESIDENTIAL ELECTION YEARS.

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 41; Nays 0**

**AYES**

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

**Total--41**

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**NAYS**

**Total--0**

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

**AMENDMENT WITHDRAWN**

**AMENDED, READ THE SECOND TIME**

S. 189 -- Senator Goldfinch: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 43 TO TITLE 33 SO AS TO ENACT THE "UNIFORM LIMITED LIABILITY COMPANY ACT OF 2017", TO PROVIDE FOR THE MANNER IN AND REQUIREMENTS UNDER WHICH LIMITED LIABILITY COMPANIES ARE ORGANIZED, OPERATED, REGULATED, DISSOLVED, TRANSFERRED, AND CONVERTED; AND TO REPEAL CHAPTER 44, TITLE 33 RELATING TO THE "UNIFORM LIMITED LIABILITY COMPANY ACT OF 1996".

The Senate proceeded to a consideration of the Bill.

Senator TURNER proposed the following amendment (189R001.SP.RT), which was withdrawn:

Amend the bill, as and if amended, page 34, by striking lines 14-17 and inserting:

/ interest. /

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was withdrawn.

Senator GOLDFINCH proposed the following amendment (189R002.SP.SLG), which was adopted:

Amend the bill, as and if amended, page 69, by striking line 30 and inserting:

/ SECTION 5. This act takes effect July 1, 2019. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

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The amendment was adopted.

The question then was second reading of the Bill.

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

**Motion Under Rule 26B**

Senator GOLDFINCH asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT WITHDRAWN  
AMENDED, READ THE SECOND TIME**

S. 709 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 23, TITLE 59 SO AS TO REQUIRE FIRE AND SAFETY INSPECTIONS AT ALL PUBLIC SCHOOL FACILITIES AT LEAST ANNUALLY, AND TO PROVIDE RELATED POWERS AND DUTIES OF THE OFFICE OF THE STATE FIRE MARSHAL.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\709C004.AGM.WAB18), which was withdrawn:

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

/ SECTION 1. Chapter 23, Title 59 of the 1976 Code is amended by adding:

**“Article 4**

**School Fire and Safety Inspections**

Section 59-23-410. (A) Beginning with School Year 2019-2020 and in addition to requirements pursuant to Article 9, Title 59, Chapter 63, all new and existing district and public charter school owned or occupied properties at least once every three school years must have a fire and life safety inspection during the active school year, except the Office of the State Fire Marshal may adopt regulations providing for inspections at more frequent intervals. A fire and life safety inspection must include a review of the documentation of the school’s monthly self-assessment pursuant to this section. The Office of the State Fire Marshal shall offer training for related preventative maintenance, reporting, and monthly self-assessments as required in this article.

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(B) Pursuant to state law and regulations, the Office of the State Fire Marshal shall work in conjunction with the State Department of Education's Office of School Facilities to ensure a fire and life safety inspection of each new school is conducted before occupancy and to ensure that additions to schools and school alterations are also inspected.

(C) The inspections required in this section must be made only by qualified and registered inspectors with the Office of the State Fire Marshal. Qualifications must be defined in regulation and should include, but are not limited to, training and testing requirements.

(D) An inspection form must contain all information required by the Office of the State Fire Marshal. The inspection report must be completed not more than thirty days after the inspection is conducted. A copy of the prior three inspection reports must be maintained by the school or school district and the inspecting authority.

(1) The Office of the State Fire Marshal has the authority to audit fire and life safety reports and inspections and may revoke an approved inspector's registration for cause.

(2) An approved inspector shall provide a summary report of the inspections conducted to the Office of the State Fire Marshal each quarter in the format required by the Office of the State Fire Marshal. If a fire department or local entity employs more than one approved inspector, the fire department or local entity shall submit a cumulative quarterly report.

(E) Upon an inspection that indicates a fire or safety hazard, a compliance inspection to determine if the school facility has corrected the violation must be conducted within a timeframe commensurate with the severity of the violation as determined by the Office of the State Fire Marshal or the approved inspector.

(F) In addition to the inspections prescribed in this section, each school, including charter schools, shall perform a monthly fire and life safety self-assessment, pursuant to guidelines to be provided by the Office of the State Fire Marshal and the State Department of Education.

(1) Each district superintendent and charter school leader shall appoint personnel who are tasked with performing the fire and life safety self-assessments.

(2) The Office of the State Fire Marshal shall provide initial and annual training for personnel performing the fire and life safety self-assessments. The Office of the State Fire Marshal shall provide a report to the department that contains the name of the person appointed by the superintendent or charter school leader and notification that the person has completed the training. If the department determines that a



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school district is noncompliant, the department shall notify the district superintendent, charter school leader, and board chair in writing that the district or charter school is out of compliance.

(3) A copy of each school's monthly self-assessment must be maintained onsite for three years and must be made available upon request.

(4) Failure to conduct the monthly fire and life safety self-assessments and to provide the required documentation shall result in penalties against a school district or a public charter school.

(G) A school, school district, or public charter school subject to an inspection shall pay the fees necessary for the Office of the State Fire Marshal to conduct fire and life safety inspections. Fees must be established in regulation by the Office of the State Fire Marshal and should be sufficient, but not excessive, to cover expenses including the total of direct or indirect costs to the State for the operation of this program. These fees should be retained by the Office of the State Fire Marshal to be used to carry out the provisions of this chapter.

(H) The Office of the State Fire Marshal or approved inspector shall have the authority to issue citations and fines to enforce the provisions of this chapter. Any fines collected pursuant to this section must be remitted to the State Treasurer to be credited to the state public school building fund.

(I) A school district or charter school may appeal any citations, findings, or fees issued by the Office of State Fire Marshal or an approved inspector pursuant to regulations adopted by the Office of State Fire Marshal.

Section 59-23-420. The Office of the State Fire Marshal shall promulgate regulations governing the fire and safety inspections of new and existing public schools and charter schools in the interest of public safety and to protect the public welfare. These regulations must include, but are not limited to:

(1) the amount of fees charged and collected for inspections, and in setting these fees, consideration must be given to the reasonable time required to conduct an inspection, reasonable hourly wages paid to inspectors, and reasonable transportation and similar expenses;

(2) a registration procedure and qualification requirements for inspectors authorized under this chapter;

(3) conformance with the fire prevention and protection standards based upon nationally recognized standards for the prevention of fires and the protection of life and property;

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(4) the structure for administrative and civil penalties and procedure for collection of penalties for noncompliance with the required inspections and self-assessments; and

(5) any other regulation the Office of State Fire Marshal considers necessary to implement the provisions of this article.

Section 59-23-430. A political subdivision may not make or maintain an ordinance, bylaw, or resolution providing for the licensing of inspectors designated under this article. An ordinance, bylaw, or resolution relating to the annual fire and safety inspections for operating public school facilities within the limits of the political subdivision which conflicts with the provisions of this article or with regulations promulgated by the division is void. Nothing in this article prohibits the local jurisdiction from enforcing fees and penalties in accordance with its own laws and ordinances.

Section 59-23-440. All penalties collected by the Office of State Fire Marshal for noncompliance with provisions in this section must be remitted to the State Treasurer to be credited to the state public school building fund for the sole purpose of providing eligible districts funding to address critical fire and life safety violations identified by an inspection or self-assessment. School districts may apply to the department on a prescribed form for funding that only may be used for the sole purpose of remediating any deficiencies as cited and as agreed upon in the remediation plan developed by the district and approved by the Office of State Fire Marshal or approved inspector.”

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

Amend the bill further, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_\_. Section 59-63-910 of the 1976 Code is amended to read:

“Section 59-63-910. All teachers or superintendents in charge of the schools of the State which are supported in whole or in part by taxation shall conduct fire safety and security drills at least once each month. ~~Any teacher or superintendent failing to observe the provisions of this section shall be fined not less than ten dollars nor more than twenty-five dollars for each offense. Such fine shall be deducted from his salary and turned over to the county treasurer for ordinary county purposes~~ No fewer than six of these drills must be fire drills.” /

Amend the bill further, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_\_. Section 59-63-920 of the 1976 Code is amended to read:

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~~“Section 59-63-920. The principal or supervising teacher of each school shall indicate on his monthly pay voucher whether he has complied~~ comply ~~with the requirements of Section 59-63-910, and should it appear that he has failed to do so the superintendent of education shall deduct from that teacher’s salary the minimum fine for the first offense and the maximum fine for each following offense.” /~~

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was withdrawn.

Senator HEMBREE proposed the following amendment (WAB\709C006.AGM.WAB18), which was adopted:

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

/ SECTION 1. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-160. Each school district board of trustees and the governing body of each charter school shall adopt a policy and program for school facility fire and safety, including inspections, before the beginning of the 2019-2020 School Year. The policy and program must:

- (1) be adopted in open meetings in which the public may provide comment on the terms of the policies and programs;
- (2) include routine self-assessments; and
- (3) be published on the district’s or charter school’s Internet website in a prominent location that is easily accessible by the public.”

SECTION 2. Section 59-63-910 of the 1976 Code is amended to read:

~~“Section 59-63-910. All teachers or superintendents~~ principals and charter school leaders ~~in charge of the schools of the State which are supported in whole or in part by taxation shall conduct fire~~ safety and security ~~drills at least once each month. Any teacher or superintendent failing to observe the provisions of this section shall be fined not less than ten dollars nor more than twenty five dollars for each offense. Such fine shall be deducted from his salary and turned over to the county treasurer for ordinary county purposes~~ No fewer than six of these drills must be fire drills.”

SECTION 3. Section 59-63-920 of the 1976 Code is amended to read:

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~~“Section 59-63-920. The principal or supervising teacher charter school leader of each school shall ~~indicate on his monthly pay voucher whether he has complied~~ comply with the requirements of Section 59-63-910, and should it appear that he has failed to do so the superintendent of education shall deduct from that teacher’s salary the minimum fine for the first offense and the maximum fine for each following offense and document their compliance.”~~

SECTION 4. Section 59-63-930 of the 1976 Code is repealed.

SECTION 5. Article 9, Chapter 63, Title 59 of the 1976 Code is redesignated “Safety and Security Drills”.

SECTION 6. This act takes effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

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

**Total--45**

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**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 918 -- Senators Peeler, Malloy and Hembree: A BILL TO AMEND SECTION 44-53-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE "NARCOTICS AND CONTROLLED SUBSTANCES ACT", SO AS TO ADD A DEFINITION FOR "TARGETED CONTROLLED SUBSTANCE"; TO AMEND SECTION 44-53-360, RELATING TO PRESCRIPTIONS, SO AS TO REQUIRE THE USE OF ELECTRONIC PRESCRIPTIONS WHEN PRESCRIBING NARCOTIC DRUGS, WITH EXCEPTIONS, AND TO ESTABLISH CERTAIN PRESCRIBING LIMITATIONS; BY ADDING SECTION 44-53-1655 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROVIDE PRESCRIPTION REPORTS TO PRACTITIONERS AND TO CONDUCT AUDITS OF THE PRESCRIPTION MONITORING PROGRAM, AND SECTION 44-53-1665 SO AS TO ESTABLISH REPORTING REQUIREMENTS OF THE DEPARTMENT; TO AMEND SECTIONS 44-53-1630, AS AMENDED, 44-53-1640, AS AMENDED, 44-53-1645, 44-53-1650, AND 44-53-1680, AS AMENDED, ALL RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD A DEFINITION FOR "TARGETED CONTROLLED SUBSTANCE", TO REQUIRE DISPENSERS TO SUBMIT ADDITIONAL INFORMATION TO THE PROGRAM AND TO REVIEW PROGRAM DATA BEFORE DISPENSING IN CERTAIN CIRCUMSTANCES, TO CHANGE THE REQUIREMENTS FOR PRACTITIONERS TO REVIEW PRESCRIPTION HISTORY BEFORE PRESCRIBING SELECT CONTROLLED SUBSTANCES, TO ALLOW PRACTITIONERS TO OBTAIN PRESCRIPTION REPORTS, AND TO MAKE CONFORMING CHANGES, RESPECTIVELY; AND TO AMEND SECTIONS 40-47-965 AND 40-33-34, BOTH AS AMENDED, RELATING TO PRESCRIPTIVE AUTHORITY OF PHYSICIANS ASSISTANTS AND NURSES, RESPECTIVELY, SO AS TO

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ADDRESS THE AUTHORITY TO PRESCRIBE NARCOTICS TO CERTAIN PATIENTS.

The Senate proceeded to a consideration of the Bill.

The question then was second reading of the Bill.

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

**Motion Under Rule 26B**

Senator YOUNG asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**READ THE SECOND TIME**

S. 810 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-39-165 SO AS TO PROVIDE COUNTIES OR MUNICIPALITIES MAY ENACT ORDINANCES REQUIRING THE PAYMENT OF FEES OR TAXES RELATED TO PAWN TRANSACTIONS OR PURCHASES, AND TO PROVIDE THE PROVISIONS OF CHAPTER 39, TITLE 40 DO NOT AFFECT THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO ESTABLISH LAND USE CONTROLS OR REQUIRE A PAWNBROKER TO OBTAIN A LOCAL OCCUPATIONAL LICENSE; TO AMEND SECTION 40-39-40, AS AMENDED, RELATING TO THE PROHIBITION ON AUTHORIZED PAWNBROKER FEES, SO AS TO REMOVE THE PROHIBITION; TO AMEND SECTION 40-39-70, AS AMENDED, RELATING TO RECORDKEEPING AND MISCELLANEOUS REQUIREMENTS OF PAWNBROKERS, SO AS TO REQUIRE CERTAIN DIGITAL RECORDS AND TO PROVIDE ALL PLEDGED ITEMS MUST BE HELD FOR TWENTY-ONE DAYS; TO AMEND SECTION 40-39-90, RELATING TO RECORDS PAWNBROKERS SHALL MAINTAIN FOR INSPECTION BY CERTAIN PUBLIC OFFICIALS, SO AS TO PROVIDE MUNICIPALITIES OR COUNTY GOVERNMENTS MAY ENACT LOCAL REGULATIONS REQUIRING THE PAWNSHOPS TO PROVIDE OR TRANSFER THE PAWN RECORDS BY ELECTRONIC DATA TRANSFER TO A LAW ENFORCEMENT DATABASE; TO AMEND SECTION 40-39-145, AS AMENDED, RELATING TO HOLD ORDERS, SO AS TO REMOVE THE EXISTING PROVISIONS AND PROVIDE LAW

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ENFORCEMENT SHALL SEIZE SUSPECTED STOLEN OR MISAPPROPRIATED PROPERTY IN THE POSSESSION OF A PAWN SHOP, TO PROVIDE A PAWNBROKER'S RELEASE OF SUCH PROPERTY TO LAW ENFORCEMENT DOES NOT CONSTITUTE WAIVER OF THE PAWNBROKER'S INTEREST IN THE PROPERTY, AND TO PROVIDE PLEDGORS SHALL PAY RESTITUTION FOR STOLEN GOODS PLEDGED TO PAWNBROKERS UPON THE COMPLETION OF RELATED CRIMINAL PROCEEDINGS INVOLVING THE STOLEN PLEDGED PROPERTY; TO AMEND SECTION 40-39-160, RELATING TO PENALTIES FOR VIOLATIONS, SO AS TO PROVIDE CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS CONCERNING PAWN TICKETS; AND TO REPEAL SECTION 15 OF ACT 262 OF 2016 RELATING TO CERTAIN AUTHORITY OF COUNTIES AND MUNICIPALITIES REGARDING PAWNBROKERS.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question then was second reading of the Bill.

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

**Motion Under Rule 26B**

Senator HEMBREE asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT TABLED  
AMENDED, READ THE SECOND TIME**

S. 1033 -- Senators Shealy, Hutto, McElveen, Jackson, Hembree, Climer, Young, Turner, Campbell, Goldfinch, Gregory, Bennett, Verdin and M.B. Matthews: A BILL TO AMEND SECTION 63-7-1640 OF THE 1976 CODE, RELATING TO FAMILY PRESERVATION AND REUNIFICATION, TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO FOREGO REASONABLE EFFORTS TO REUNIFY A FAMILY IN THE CASE OF TORTURE; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, TO ADD TORTURE, OR CONSPIRING TO COMMIT TORTURE, AS A GROUND FOR TERMINATING A

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PARENT'S RIGHTS; TO AMEND SECTION 16-3-85, RELATING TO HOMICIDE BY CHILD ABUSE, TO ADD DEATH OF A CHILD BY TORTURE, OR BY CONSPIRING TO TORTURE, AS ACTIONS CONSTITUTING THE OFFENSE, AND TO ESTABLISH CRIMINAL PENALTIES; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-100 TO PROVIDE THAT TORTURING A CHILD, OR ALLOWING ANOTHER TO TORTURE A CHILD, IS A CRIMINAL OFFENSE, AND TO ESTABLISH PENALTIES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The General Committee proposed the following amendment (1033R001.DR.TRY), which was tabled:

Amend the bill, as and if amended, page 2, by striking lines 2 through 8 and inserting:

/ “(27) ‘Torture’ means engaging in a repeated pattern of conduct, with reckless disregard for the safety and wellbeing of a child, that results in physical injury causing prolonged suffering, disfigurement, or dysfunction of any bodily organ or function and substantial mental injury as evidenced by an observable and substantial impairment of the ability of the child to function within the child’s normal range of performance or behavior. /

Amend the bill further, as and if amended, by striking SECTION 5 in its entirety and inserting:

/SECTION 5. Article 1, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-100. (A) For purposes of this section, ‘torture’ means engaging in a repeated pattern of conduct, with reckless disregard for the safety and wellbeing of a child, that results in physical injury causing prolonged suffering, disfigurement, or dysfunction of any bodily organ or function and substantial mental injury as evidenced by an observable and substantial impairment of the ability of the child to function within the child’s normal range of performance or behavior.

(B) It is unlawful for a child’s parent or guardian, an adult with whom the child’s parent or guardian is cohabitating, or any other person responsible for a child’s welfare as defined in Section 63-7-20 to torture a child. A person who is convicted of or pleads guilty to violating the provisions of this subsection is guilty of a felony and, upon conviction, may be imprisoned for life but not less than a term of twenty years.



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(C) It is unlawful for a child's parent or guardian, an adult with whom the child's parent or guardian is cohabitating, or any other person responsible for a child's welfare as defined in Section 63-7-20 knowingly to allow another person to torture a child. A person who is convicted of or pleads guilty to violating the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for a term not less than ten years." /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was laid on the table.

Senator YOUNG proposed the following amendment (1033R002.DR.TRY), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 2 through 8 and inserting:

/ "(27) Torture includes, but is not limited to, inflicting, or participating in or assisting in inflicting, intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the sadistic, craven, cruel, or prurient desires of the perpetrator or another person. /

Amend the bill further, as and if amended, by striking SECTION 5 in its entirety and inserting:

/SECTION 5. Article 1, Chapter 3, Title 16 of the 1976 Code is amended by adding:

"Section 16-3-100. (A) For purposes of this section, 'torture' includes, but is not limited to, inflicting, or participating in or assisting in inflicting, intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the sadistic, craven, cruel, or prurient desires of the perpetrator or another person.

(B) It is unlawful for a child's parent or guardian, an adult with whom the child's parent or guardian is cohabitating, or any other person responsible for a child's welfare as defined in Section 63-7-20 to torture a child. A person who is convicted of or pleads guilty to violating the provisions of this subsection is guilty of a felony and, upon conviction, may be imprisoned for life but not less than a term of twenty years.

(C) It is unlawful for a child's parent or guardian, an adult with whom the child's parent or guardian is cohabitating, or any other person

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responsible for a child's welfare as defined in Section 63-7-20 knowingly to allow another person to torture a child. A person who is convicted of or pleads guilty to violating the provisions of this subsection is guilty of a felony and, upon conviction, must be imprisoned for a term not less than ten years." /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Motion Under Rule 26B**

Senator YOUNG asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**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 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

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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.

Senator BENNETT explained the Bill.

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

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

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

H. 3055 -- Reps. Robinson-Simpson, Clyburn, Gilliard, Mack, King and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "RESTORATIVE JUVENILE PRACTICES AND APPROACHES ACT" BY CREATING THE "JUVENILE RESTORATIVE PRACTICES STUDY COMMITTEE" TO REVIEW JUVENILE JUSTICE LAWS AND MAKE RECOMMENDATIONS CONCERNING RELATED REFORMS; AND TO PROVIDE FOR THE COMPOSITION, DUTIES, STAFFING, AND DISSOLUTION OF THE COMMITTEE.

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

H. 3699 -- Reps. Putnam, Whipper, Brown, Knight, Henegan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF

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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.

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

H. 3819 -- Reps. Bedingfield, Fry, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, King, Knight, Arrington, Forrester, Allison, Tallon, Hamilton, Felder, Elliott, Jordan, B. Newton, Martin, McCravy, Wheeler, Erickson, West, Lowe, Ryhal, Atwater, Willis, Jefferson, W. Newton, Thigpen, Bennett, Crosby, Long, Putnam, Cogswell and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-363 SO AS TO ESTABLISH REQUIREMENTS RELATED TO PRESCRIBING OPIOID ANALGESICS TO MINORS.

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

H. 3822 -- Reps. Fry, Bedingfield, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Hamilton, Felder, Elliott, Jordan, B. Newton, Martin, Erickson, West, Lowe, Ryhal, Atwater, Willis, Jefferson, W. Newton, Bennett, Crosby, Long, Putnam, Cogswell and Whipper: A BILL TO AMEND SECTION 44-53-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCESS FOR MAKING CHANGES TO CONTROLLED SUBSTANCE SCHEDULES, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE CODE COMMISSIONER OF ADDITIONS, DELETIONS, AND RESCHEDULING OF SUBSTANCES.

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

H. 4116 -- Reps. Ridgeway, Douglas, Spires, G.M. Smith, Clemmons, Tallon and Cole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-47-38 SO AS TO PROVIDE THAT NO PROVISION OF THE MEDICAL PRACTICE ACT MAY BE CONSTRUED TO REQUIRE A PHYSICIAN TO SECURE A MAINTENANCE OF CERTIFICATION AS A CONDITION OF LICENSURE, REIMBURSEMENT, EMPLOYMENT, OR ADMITTING PRIVILEGES AT A HOSPITAL IN THIS STATE; AND TO DEFINE A NECESSARY TERM.

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

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

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

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

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3886 -- Reps. Crawford, Ryhal, Hamilton, Sandifer, Fry, Putnam, Clemmons, Yow, Anderson, Johnson, Hardee, Huggins, Hewitt, Duckworth, Bowers, Sottile, Crosby, Felder, Bennett, Thigpen, Whipper, Brown, Hixon, Taylor, King, Daning, Spires, Henderson, Pitts, Kirby, White, McCravy, Hill, Gagnon, West, Wheeler, Davis, Murphy, Hayes, Ott, V.S. Moss, Lowe, Jordan and McKnight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 27 SO AS TO ENTITLE THE CHAPTER "HOMEOWNERS ASSOCIATIONS"; TO DEFINE NECESSARY TERMS; TO REQUIRE OWNERS OF PROPERTY SUBJECT TO A HOMEOWNERS ASSOCIATION TO DISCLOSE THE ASSOCIATION'S GOVERNING DOCUMENTS TO PROSPECTIVE OWNERS, TO PROVIDE HOMEOWNERS ASSOCIATIONS SHALL PROVIDE HOMEOWNERS WITH PRINTED OR ELECTRONIC COPIES OF FINANCIAL INFORMATION AND THE GOVERNING DOCUMENTS OF THE ASSOCIATION UPON REQUEST AT NO CHARGE, TO PROVIDE HOMEOWNERS ASSOCIATION BOARDS MAY NOT TAKE ACTION TO ADD OR INCREASE FEES AND THE LIKE WITHOUT GIVING CERTAIN NOTICE TO HOMEOWNERS AND TO PROVIDE HOMEOWNERS MAY ATTEND MEETINGS AT WHICH SUCH ACTIONS ARE TO BE TAKEN, TO INSTRUCT THE SOUTH CAROLINA REAL ESTATE COMMISSION TO OFFER AN ONLINE INSTRUCTIONAL COURSE COVERING THE BASICS OF HOMEOWNERS' ASSOCIATION MANAGEMENT AND THE RIGHTS AND RESPONSIBILITIES OF HOMEOWNERS, TO GRANT CONCURRENT CIVIL JURISDICTION IN CERTAIN

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ACTIONS BETWEEN HOMEOWNERS ASSOCIATIONS AND HOMEOWNERS, AND TO CREATE THE OFFICE OF HOMEOWNERS ASSOCIATION OMBUDSMAN IN THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE QUALIFICATIONS, POWERS, AND DUTIES OF THE OMBUDSMAN, AMONG OTHER THINGS; AND TO AMEND SECTION 27-50-40, AS AMENDED, RELATING TO MANDATORY DISCLOSURE STATEMENTS SELLERS OF REAL PROPERTY MUST PROVIDE PURCHASERS, SO AS TO INCLUDE PROVISIONS CONCERNING DISCLOSURES OF PROPERTY SUBJECT TO HOMEOWNERS ASSOCIATION GOVERNANCE.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS proposed the following amendment (JUD3886.006):

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

/ SECTION 1. Title 27 of the 1976 Code is amended by adding:

“CHAPTER 30

Homeowners Associations

Article 1

South Carolina Homeowners Association Act

Section 27-30-110. This article may be cited as the ‘South Carolina Homeowners Association Act’.

Section 27-30-120. As used in this article:

(1) ‘Board’ means the representative body, regardless of name, designated in the governing documents to act on behalf of a homeowners association and govern the association.

(2) ‘Declarant’ means a person or group of persons acting in concert who:

(a) as part of a common promotional plan, subdivide and offer to dispose of an interest the person or group has in a unit in real property; or

(b) reserve or succeed to a special declarant right, which means a right created under the declaration or bylaws for the person or group to retain or exercise authority in addition to regular declarant rights in a unit of real property.

(3) ‘Declaration’ means the recorded instruments, however denominated, that create a homeowners association, including amendments to those instruments.

(4) ‘Governing documents’ means declaration, master deeds, or bylaws, or any amendments to the declaration, master deeds, or bylaws.

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(5) 'Homeowner' means a declarant or other person who owns a unit in a homeowners association, but does not include a person having an interest in such a unit solely as security for an obligation.

(6) 'Homeowners association' or 'association' means an entity developed to manage and maintain a planned community or horizontal property regime for which there is a declaration requiring a person, by virtue of his ownership of a separate property within the planned community or horizontal property regime, to pay assessments for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements and other real estate described in that declaration. A 'homeowners association' or 'association' does not include a vacation timesharing plan organized and subject only to the provisions of Chapter 32.

(7) Unit means an apartment in a horizontal property regime, or a lot in a subdivision.

Section 27-30-130(A)(1) Except as otherwise provided in this section, in order to be enforceable, a homeowners association's governing documents must be recorded in the clerk of court's, Register of Mesne Conveyance (RMC), or register of deeds office in the county where the property is located.

(2) To continue to be enforceable, any governing document not recorded prior to the effective date of this section must be recorded by January 10 of the year following the effective date of this section in the clerk of court's, Register of Mesne Conveyance (RMC), or register of deeds office in the county where the property is located.

(B)(1) Rules, regulations, and amendments to rules and regulations:

(a) are effective upon passage or adoption,

(b) must be made accessible to a homeowners association member upon the request of that member of the homeowners association, and, at the option of the homeowners association, via electronic mail or through methods provided by the homeowner's associations bylaws that ensure actual notice, unless they are:

(i) posted in a conspicuous place in a common area in the community,

(ii) available on an Internet website maintained by the homeowners' association, where they may be downloaded by the homeowner.

(2) In order to remain enforceable, a homeowners association's rules, regulations, and amendments to rules and regulations must be recorded in the clerk of court's, Register of Mesne Conveyance (RMC),



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or register of deeds office in the county in which the property is located by January 10 of each year following their adoption or amendment.

(C) Homeowners associations in existence on the effective date of this section must record the documents required by subsections (A)(1) and (B)(2) by January 10 following the effective date of this section.

(D) The recording of the rules, regulations, bylaws, and amendments to rules and regulations are not subject to the requirements of witnesses and acknowledgements required under Section 30-5-30.

Section 27-30-140. Before a homeowners association may take action to increase an annual budget by a total of more than ten percent in any single year, the homeowners' association must provide notice to homeowners at least forty-eight hours in advance of the meeting in which a decision to raise the annual budget by a total of more than ten percent is made. Notice of the meeting may be through posting notice:

- (a) in a conspicuous place in a common area in the community,
- (b) on an Internet website maintained by the homeowners' association,
- (c) by electronic mail, or
- (d) through methods provided in the association bylaws that ensure actual notice.

Section 27-30-150. The access to documents provisions of Sections 33-31-1602, 33-31-1603, 33-31-1604, and 33-31-1605 apply to all homeowners associations not subject to the South Carolina Nonprofit Corporation Act for the purposes of allowing homeowners access to inspect and copy a homeowners association's annual budget and homeowners membership lists.

Section 27-30-160. Pursuant to Section 22-3-10, the magistrates court shall have concurrent jurisdiction to adjudicate monetary disputes arising under this article, provided the dispute meets the jurisdictional requirements of Section 22-3-10.

Section 27-30-170. No provision of this article may be construed to be in conflict with the provisions of the South Carolina Nonprofit Corporation Act.

### **Article 3**

#### **Department of Consumer Affairs Services for Homeowners and Homeowners Associations**

Section 27-30-310. This article must be known and may be cited as the 'Department of Consumer Affairs Services for Homeowners and Homeowners Associations Act'.

Section 27-30-320. For the purposes of this article:

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(1) 'Board' means the representative body, regardless of name, designated in the governing documents to act on behalf of a homeowners association and govern the association.

(2) 'Bylaws' means the document, and amendments to it, that contain the procedures for conducting the affairs of a homeowners association, regardless of the form of the association's legal entity or the name by which the document comprising the bylaws is identified.

(3) 'Declarant' means a person or group of persons acting in concert who:

(a) as part of a common promotional plan, subdivide and offer to dispose of an interest the person or group has in a unit in real property; or

(b) reserve or succeed to a special declarant right, which means a right created under the declaration or bylaws for the person or group to retain or exercise authority in addition to regular declarant rights in a unit of real property.

(4) 'Declaration' means the recorded instruments, however denominated, that create a homeowners association, including amendments to those instruments.

(5) 'Department' means the Department of Consumer Affairs.

(6) 'Homeowner' means a declarant or other person who owns a unit in a homeowners association, but does not include a person having an interest in such a unit solely as security for an obligation.

(7) 'Homeowners association' or 'association' means an entity developed to manage and maintain a planned community or horizontal property regime for which there is a declaration requiring a person, by virtue of his ownership of a separate property within the planned community or horizontal property regime, to pay assessments for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements and other real estate described in that declaration. A 'homeowners association' or 'association' does not include a vacation timesharing plan organized and subject only to the provisions of Chapter 32.

(8) 'Unit' means an apartment in a horizontal property regime, or a lot in a subdivision.

Section 27-30-330. The department is authorized to include on its publicly available Internet website:

(1) information for homeowners and homeowners associations concerning how they may contact the department on its toll free number or submit complaint forms;

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(2) information concerning the governance of homeowners associations as provided in this chapter and other provisions of the South Carolina Code of Laws; and

(3) educational and reference materials about homeowners associations, including general information about the roles, rights, and responsibilities of the board, declarant, homeowners, and other parties.

Section 27-30-340. (A) The department is authorized to receive and record data from any calls or written complaints from homeowners or homeowners associations.

(B) At a minimum, the department shall include the following information to be completed on a form completed by a homeowner or homeowners association or, if received by telephone, on a form completed by a department employee who is identified on the form:

(1) homeowner's name;

(2) name of the homeowners association and their contact information, including the county and city where it is located;

(3) whether a homeowner:

(a) was informed of the requirement of membership in a homeowners association as a condition of home ownership, including when that information was provided and by whom;

(b) received a copy of the governing documents of the homeowners association and if the copy was obtained before or after receiving title to the unit;

(c) was denied access to the governing documents and, if so, what remedies the homeowner took to obtain the governing documents;

(d) understands his rights and obligations under the governing documents;

(4) the nature of the homeowner's or homeowners association's complaint;

(5) whether the homeowner attempted to communicate his complaint to the homeowners association, and whether the homeowner exhausted all of his remedies in accordance with any terms set out in the homeowners association governing documents or rules and regulations, and what action, if any, the homeowners association took concerning the complaint;

(6) whether the homeowner agrees or disagrees with the provisions of the governing documents;

(7) whether the homeowner agrees or disagrees with how the provisions were enforced, his recommendations for changing the provisions or means of enforcement, and whether the homeowner feels that more or less enforcement is needed; and

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(8) any response received from a homeowners association or homeowner, relative to a specific complaint provided by the department and whether or not a response was provided by the applicable homeowners association or homeowner.

(C) Upon receiving a homeowner's or homeowners association's complaint, the department shall provide the complaint to the homeowners association or the homeowner complained against in a manner that verifies receipt of such complaint by the homeowners association or homeowner, so the homeowner, board, or homeowners association may determine if the homeowner, board, or homeowners association desires to make a response to the complaint.

(D) By January thirty-first of each year, the department shall make a report of all data collected from the full report categories collected and complaints received as provided in this section to:

(1) the Governor and the General Assembly, and

(2) the public through the department's website. The public report must include categorized, filterable, and searchable information compiled from the complaints and responses and redact any personal or private information, such as names, addresses, and telephone numbers, contained in the complaints and responses.

(3) For data to be included in the report, all categories of the complaint form must be fully completed and the form must be executed by the homeowner, homeowners association, or department employee.

(E) Under the provisions of this article, the department is prohibited from:

(1) promulgating regulations or issuing guidelines concerning homeowners association administration, governance, or governing documents; or

(2) serving as an arbiter in disputes between the homeowner and homeowners association."

SECTION 2. Section 27-50-40(A) of the 1976 Code, as last amended by Act 141 of 2010, is further amended to read:

"(A) Except for transactions exempted under Section 27-50-30, the owner of the real property shall furnish to a purchaser a written disclosure statement. The disclosure statement must contain the language and be in the form promulgated by the commission and the form may be delivered electronically through the Internet or other similar methods. The commission may charge a reasonable fee for the printed form but shall post the form for free downloading on its public website. The disclosure statement must include, but is not limited to, the following characteristics and conditions of the property:

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- (1) the water supply and sanitary sewage disposal system;
- (2) the roof, chimneys, floors, foundation, basement, and other structural components and modifications of these structural components;
- (3) the plumbing, electrical, heating, cooling, and other mechanical systems;
- (4) present infestation of wood-destroying insects or organisms or past infestation, the damage from which has not been repaired;
- (5) the zoning laws, restrictive covenants, building codes, and other land-use restrictions affecting the real property, any encroachment of the real property from or to adjacent real property, and notice from a governmental agency affecting this real property;
- (6) presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material, buried or covered, and other environmental contamination;
- (7) existence of a rental, rental management, vacation rental, or other lease contract in place on the property at the time of closing, and, if known, any outstanding charges owed by the tenant for gas, electric, water, sewerage, or garbage services provided to the property the tenant leases;
- (8) existence of a meter conservation charge, as permitted by Section 58-37-50, that applies to electricity or natural gas service to the property; or
- (9) whether the property is subject to governance of a homeowners association, as provided in Chapter 30 of this title, which carries certain rights and obligations that may limit the use of his property and involve financial obligations, and that copies are recorded in the clerk of court's office, Register of Mesne Conveyance (RMC) office, or the register of deeds office in the county in which the property is located."

SECTION 3. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Senator DAVIS explained the amendment.

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

**AMENDED, CARRIED OVER**

S. 1142 -- Senator Sheheen: A JOINT RESOLUTION TO PROVIDE FOR THE OBSERVANCE OF THE SESTERCENTENNIAL OF THE AMERICAN REVOLUTION IN SOUTH CAROLINA AND TO

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ESTABLISH THE AMERICAN REVOLUTION  
SESTERCENTENNIAL COMMISSION OF SOUTH CAROLINA.

The Senate proceeded to a consideration of the Resolution.

Senator SHEHEEN proposed the following amendment  
(1142R002.KM.VAS), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION  
5 in its entirety.

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator explained the amendment.

The amendment was adopted.

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

### **OBJECTION**

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.

Senator RANKIN objected to the consideration of the Bill.

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

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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, 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.

Senator RANKIN objected to the consideration of the Bill.

S. 431 -- Senators Senn, Campsen and Climer: A BILL TO AMEND ARTICLE 5, CHAPTER 23, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES INVOLVING WEAPONS, BY ADDING SECTION 16-23-540, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO THREATEN, SOLICIT ANOTHER TO THREATEN, OR CONSPIRE TO THREATEN TO CAUSE DAMAGE, INJURY, OR DEATH OR TO CAUSE DAMAGE TO OR DESTROY A BUILDING OR OTHER REAL OR PERSONAL PROPERTY BY USE OF A FIREARM ON ANY PREMISES OR PROPERTY OWNED, OPERATED, OR CONTROLLED BY A PRIVATE OR PUBLIC SCHOOL, COLLEGE, UNIVERSITY,

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TECHNICAL COLLEGE, OR OTHER POST-SECONDARY INSTITUTION OR IN ANY PUBLICLY OWNED BUILDING; TO PROVIDE THAT A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR; TO PROVIDE THAT A PERSON WHO VIOLATES THIS SECTION RESULTING IN PROPERTY DAMAGE IS GUILTY OF A MISDEMEANOR; AND TO PROVIDE THAT A PERSON WHO VIOLATES THIS SECTION BY CAUSING INJURY OR DEATH IS GUILTY OF A FELONY.

Senator MALLOY objected to the consideration of the Bill.

S. 912 -- Senators Jackson, Allen, Reese, Shealy, Talley, Johnson, Campbell, Sabb, Gambrell, Nicholson and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-18-75 SO AS TO PROHIBIT A PRIVATE INVESTIGATION BUSINESS FROM KNOWINGLY REPRESENTING MULTIPLE PARTIES WITH OPPOSING INTERESTS IN CIVIL OR CRIMINAL MATTERS AND TO PROVIDE PENALTIES.

The Senate proceeded to a consideration of the Bill.

Senator CLIMER explained the Bill.

The question being the second reading of the Bill.

Senator M.B. MATTHEWS objected to the consideration of the Bill.

S. 777 -- Senator Senn: A BILL TO AMEND SECTIONS 61-4-515 AND 61-6-2016 OF THE 1976 CODE, RELATING TO PERMITS TO PURCHASE AND SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION AND A BIENNIAL LICENSE TO PURCHASE ALCOHOLIC LIQUORS BY THE DRINK AT A MOTORSPORTS ENTERTAINMENT COMPLEX, TENNIS SPECIFIC COMPLEX, OR BASEBALL COMPLEX, TO INCLUDE SOCCER COMPLEX AND TO PROVIDE A DEFINITION FOR "SOCCER COMPLEX."

Senator RANKIN objected to the consideration of the Bill.

S. 773 -- Senator Rice: A BILL TO AMEND SECTION 56-5-750, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF FAILURE TO STOP A MOTOR VEHICLE WHEN SIGNALLED BY A LAW ENFORCEMENT VEHICLE, SO AS



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TO INCREASE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION.

Senator M.B. MATTHEWS objected to the consideration of the Bill.

**Motion Adopted**

On motion of Senator MARTIN, with unanimous consent, leave was granted to vote from the balcony from 4:07 P.M. - 6:07 P.M.

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

**MOTION ADOPTED**

At 4:10 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

**Expression of Personal Interest**

Senator SENN rose for an Expression of Personal Interest.

**Point of Order**

Senator M.B. MATTHEWS raised a Point of Order under Rule 52 that the comments of Senator SENN were out of order inasmuch as they impute to another Senator conduct or motive unworthy or unbecoming a Senator.

Senator SENN spoke on the Point of Order.

Senator M.B. MATTHEWS spoke on the Point of Order.

Senator ALLEN spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**Expression of Personal Interest**

Senator TIMMONS rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE**

**AMENDED**

S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: A JOINT RESOLUTION TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM ISSUING AN ORDER FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL

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NINETY DAYS AFTER THE SOUTH CAROLINA GENERAL ASSEMBLY ADJOURNS SINE DIE FOR THE 2018 LEGISLATIVE SESSION, BUT TO PERMIT AN EXPERIMENTAL RATE ORDER TO REVISE ELECTRIC RATES IN ACCORDANCE WITH CHAPTER 34, TITLE 58.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator FANNING explained the House amendments.

Senator FANNING proposed the following amendment (954MF2):

Amend the bill, as and if amended, page 2, by striking line 3 and inserting the following:

/ Commission shall within seven calendar days after the effective date /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

**ACTING PRESIDENT PRESIDES**

Senator GOLDFINCH assumed the Chair.

**ACTING PRESIDENT PRESIDES**

Senator SETZLER assumed the Chair.

**Motion Adopted**

Senator MASSEY asked unanimous consent, with Senator FANNING retaining the floor on Amendment No. 1, to take up Amendment No. 11.

There was no objection.

Senator MASSEY proposed the following amendment (JUD0954.008), which was adopted:

Amend the resolution, as and if amended, by striking the resolution in its entirety and inserting therein the following:

/ A JOINT RESOLUTION

TO PROVIDE FOR AN EXPERIMENTAL RATE FOR CUSTOMERS OF A PUBLIC UTILITY WHO ARE PAYING COSTS ASSOCIATED WITH THE BASE LOAD REVIEW ACT; TO

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PROHIBIT THE PUBLIC SERVICE COMMISSION FROM HOLDING A HEARING ON THE MERITS FOR A MATTER RELATED TO THE BASE LOAD REVIEW ACT BEFORE NOVEMBER 1, 2018 BUT MUST ISSUE A FINAL ORDER ON THE MERITS BY DECEMBER 21, 2018; AND TO SUSPEND PROVISIONS IN TITLE 58 THAT ARE IN CONFLICT WITH THE PROVISIONS OF THIS JOINT RESOLUTION FOR MATTERS RELATED TO THE V.C. SUMMER NUCLEAR REACTOR UNITS 2 AND 3 UNTIL THE PUBLIC SERVICE COMMISSION ISSUES ITS FINAL ORDER IN THE MATTER.

Whereas, for the past several decades, South Carolina has experienced and welcomed tremendous residential, commercial, and industrial growth, that has in turn increased demand for safe, reliable, and cost-effective electricity;

Whereas, beginning in the early 2000's, concerns regarding the ability of South Carolina's electric utilities to satisfy increasing demands for cost-effective electricity, projected natural gas cost increases and the possibility of federally-imposed taxes on carbon-based fuel emissions, presented potential challenges to continued growth of the South Carolina economy;

Whereas, in consideration of these concerns and South Carolina's historical reliance on and support of nuclear energy, the General Assembly passed Act No. 16 of 2007, also referred to as the "Base Load Review Act" (hereafter "BLRA");

Whereas, in a preamble to the BLRA, the General Assembly declared that "[t]he purpose of [the BLRA] is to provide for the recovery of the prudently incurred costs associated with new base load plants...when constructed by investor-owned electrical utilities, while at the same time protecting customers of investor-owned electrical utilities from responsibility for imprudent financial obligations or costs";

Whereas, SCANA Corporation, which includes its wholly owned subsidiary, South Carolina Electric & Gas, which will be collectively referred to as "SCANA" subsequently partnered with the Public Service Authority (the "Authority") to develop, construct and operate two new nuclear units, with SCANA as the majority partner and on May 23, 2008, SCANA and the Authority entered into a contract with Westinghouse Electric Company to engineer, procure materials for and construct the two new nuclear units;

Whereas, on May 30, 2008, SCANA filed an application with the South Carolina Public Service Commission (the "Commission"), pursuant to the BLRA, regarding the development, construction and

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operation of two new nuclear units at V.C. Summer Nuclear Station in Jenkinsville, South Carolina (hereafter “the Project”);

Whereas, on March 2, 2009, the Commission issued a BLRA Order, finding that SCANA had demonstrated a need for the Project and authorizing SCANA to begin construction, such that the estimated total cost for both owners would be \$11.5 billion and expected service date of April 2016 for Unit 2 and January 2019 for Unit 3;

Whereas, subsequent to issuing the BLRA Order, and based upon information provided to the regulators by SCANA, the Commission approved a total of nine rate increases and construction schedule changes requested by SCANA pursuant to the BLRA, from the period beginning with the initial approval in March 2009 through October 2016, with the last approved rate increase in October 2016, such that the estimated total cost of completion for both nuclear units to be \$13.9 billion for both owners, with Unit 2 projected to go into service in August 2019 and Unit 3 in 2020;

Whereas, pursuant to these nine rate increases, SCANA is authorized to collect \$445,000,978 from its customers on an annual basis, thereby adding approximately \$27.03 per month to the average SCANA residential electric customer’s monthly electric bill;

Whereas, on August 1, 2017, SCANA filed a petition with the Commission seeking to abandon construction of the Project and recover prudently incurred costs related to such abandonment;

Whereas, shortly after SCANA filed its abandonment petition, it informed the Commission that, had the Project continued, Unit 2 would have gone into service in December 2022 and Unit 3 in March 2024, or respectively three and four years later than the in-service dates reported to the Commission for Units 2 and 3 in October 2016;

Whereas, SCANA withdrew its petition for abandonment on August 15, 2017, allowing “public officials and legislative bodies...an opportunity to review the decisions leading to the abandonment of the new nuclear project,” and since the withdrawal of that petition, the South Carolina House of Representatives and the South Carolina Senate have conducted thorough and extensive reviews of the facts, circumstances, decisions and related actions preceding the abandonment of the Project;

Whereas, the General Assembly’s reviews revealed that, after the issuance of the 2009 BLRA Order, SCANA withheld information regarding the status of the Project from regulators, and that the withholding of such information raises material questions as to (i) SCANA’s management of the Project’s costs and construction schedule,

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and (ii) the prudence of SCANA's failure to terminate the Project prior to August 2017;

Whereas, the General Assembly discovered during its review that SCANA had concerns about Westinghouse's performance shortly after the 2008 contract was executed, to the extent that invoices were returned to Westinghouse as early as 2011 for failure to perform required work;

Whereas, SCANA informed regulators of its challenges with Westinghouse's performance, but failed to fully disclose the extent of these challenges, including but not limited to, that SCANA contemplated legal action against Westinghouse and hired Bechtel to evaluate the Project in anticipation of legal action;

Whereas, despite concerns and challenges, SCANA chose not to exercise options permitted in its 2008 contract with Westinghouse to rectify these matters;

Whereas, significant questions have been raised during the course of the General Assembly's review of the actions leading to the abandonment of the Project, including serious questions as to whether or not SCANA acted in a prudent manner in managing the project, as illustrated by concerns that SCANA may have intentionally withheld information from regulators that could have affected decisions as to what costs were appropriate to collect from SCANA's customers, and the seriousness of Westinghouse's material and substantial nonperformance, beginning in at least 2011;

Whereas, the questions that have been raised since the announcement of the Project abandonment are so significant that there have been media reports that state and federal agencies have been investigating SCANA for possible violations in relation to the now abandoned Project, including potential criminal violations;

Whereas in November 2017, SCANA offered, as part of a package of concessions developed to resolve matters concerning the Project's abandonment, to reduce rates related to the Project by 3.5%;

Whereas, on or about January 12, 2018, SCANA and Dominion Energy filed a petition to merge the companies, and that petition included an offer to reduce rates related to the Project by at least 5% as part of a package to resolve matters concerning the Project abandonment,

Whereas, in February 2018, SCANA filed a S-4 document with the U.S. Securities & Exchange Commission that shows SCANA considered differing scenarios for a rate reduction for costs related to the Project, in which one scenario of a 9.75% rate reduction as part of a settlement package could be sustainable;

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Whereas, when the Office of Regulatory Staff requested SCANA customers' rates related to the abandoned Project be reduced, SCANA made the highly questionable claim that loss of these rates could lead to a series of events that could result in bankruptcy;

Whereas, ignoring the fact that its customers continue to pay approximately \$37 million per month and have already paid more than \$2 billion for the abandoned Project, SCANA announced in January 2018 that it would issue dividends consistent with its 2017 quarterly dividend rate, in which SCANA paid an annual total of \$344 million in dividends, an amount that is approximately 13% of the costs associated with the abandoned Project that is passed onto the ratepayers on an annual basis;

Whereas, a report issued by Bates White found that SCANA paid dividends in 2017 in an amount equal to 10.4% of its earnings, as compared to 4.4% to 6.9% in dividends paid by an average electric utility in the same credit rating category, and further found that in the last 3 years, SCANA's dividend to revenue ratio is greater than approximately 75% of the utilities in its peer group;

Whereas, despite SCANA's ability to immediately and permanently reduce the rates its customers pay for abandoned Project costs without unduly burdening investors, and despite recently discovered information indicating that SCANA withheld material information from regulators regarding the Project, information that may have altered regulator's positions on the recovery of costs from customers, SCANA's customers continue to pay the full amount authorized, approximately \$445 million per year;

Whereas, while SCANA has taken steps to reduce its own costs related to the abandoned Project, such as obtaining a guaranty settlement from Toshiba in the amount of approximately \$1.2 billion for SCANA's ownership interests, and also has received benefits from the recent federal tax code amendments, its customers' rates continue to reflect 100% of authorized Project costs prior to abandonment;

Whereas, the General Assembly recognizes that SCANA, as a corporate entity, has legal rights and remedies that must be considered and respected throughout the process of resolving cost recovery issues for the abandoned Project, yet believes that recognition of SCANA's legal rights and remedies does not require that SCANA customers continue to pay 100% of the rates previously authorized by the Commission when the Project was expected, upon completion, to provide valuable services to the customers;

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Whereas, the General Assembly recognizes the need for adequate discovery by all parties, and therefore is extending the time period for the Public Service Commission to issue its final order in this matter;

Whereas, the General Assembly passed the BLRA in 2007 for the explicit purpose of providing “recovery of the prudently incurred costs associated with new base load plants...when constructed by investor-owned electrical utilities, while at the same time protecting customers of investor-owned electrical utilities from responsibility for imprudent financial obligations or costs;”;

Whereas, the General Assembly, with the passage of the BLRA in 2007 did not intend to, and could not, overrule a fundamental regulatory principal for utility rate-making that rates must be just and reasonable, the fundamental regulatory principal codified in South Carolina Code Section 58-27-810;

Whereas, the General Assembly is concerned that the rates that SCANA customers are currently paying are unjust and unreasonable, and further finds that it is inequitable for SCANA customers to continue to pay the full costs for the abandoned Project during the pendency of an extended hearing process when an experimental rate can be provided during the pendency of a final resolution of this matter without causing irreversible damage to SCANA or violating its constitutional rights;

Whereas, Section 1, Article IX of the Constitution of this State vests the General Assembly with authority to regulate investor-owned utilities in order to protect the public interest;

Whereas, the United States Supreme Court has held that “state legislators are competent bodies to set utility rates.” Duquesne Light Co. v. Barasch, 488 U.S. 299 at 313 (1989);

Whereas, while the General Assembly has the authority to set utility rates, the General Assembly has created the South Carolina Public Service Commission, as an arm of the legislature, to hear and decide rate cases, and the General Assembly believes the legislative body should engage in ratemaking only in rare and extreme situations;

Whereas, the matters pending before the Public Service Commission concerning the abandonment of the Project is one of those rare and extreme situations where the General Assembly should engage in ratemaking, on an experimental and temporary basis, until the Commission can issue a final, permanent decision. The General Assembly does not make this decision in haste, but after due deliberation, and with a firm commitment that legislative ratemaking should occur only in rare and extreme situations;

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Whereas, based upon information identified in this Joint Resolution, along with other information recently made available to the South Carolina House of Representative and the South Carolina Senate, the General Assembly finds that serious questions have arisen regarding the prudence of incurred costs that have led to rate increases pursuant to the BLRA for the abandoned Project, including SCANA's apparent failure to avoid or minimize costs that should have been avoided or minimized since at least 2011;

Whereas, the General Assembly recognizes the protections provided by the Constitutions of the United States and the State of South Carolina, and has no desire or intention to set a rate that is unjust, unreasonable, or confiscatory, nor does it intend to jeopardize SCANA's ability to satisfy bond payment obligations associated with the V.C. Summer nuclear units 2 and 3;

Whereas, the General Assembly believes it is in the public interest and the interest of SCANA for SCANA to be able to operate successfully, maintain its financial integrity, attract capital, and to compensate investors who purchased bonds to finance the construction of the Project yet also acknowledging a basic financial premise that shareholders purchase stock with knowledge of risk associated with that investment;

Whereas, the General Assembly also believes it is in the public interest of all its citizens, both private citizens and corporate, to rely upon incentives offered by the General Assembly to encourage growth in South Carolina, however, this reliance should be predicated upon a good faith effort to comply with all terms of any incentives so that noncompliance or misrepresentation in order to obtain offered incentives are not unfairly born by South Carolina's citizens;

Whereas, in carefully weighing the circumstances described, the General Assembly has determined that Section 1, Article IX of the Constitution requires that the General Assembly exercise its authority to set certain interim electric utility rates for the purpose of protecting the public interest until a determination can be made by the Public Service Commission in its final order as to just and reasonable rates that may be recovered from SCANA's customers for the abandoned Project.

Be it enacted by the General Assembly:

SECTION 1A. The Public Service Commission shall enter an order to provide an experimental rate that customers of a public utility who are paying costs associated with the Base Load Review Act shall pay during the pendency of matters defined in this Joint Resolution. This experimental rate shall be the electric utility rates these ratepayers are paying as of the effective date of this Joint Resolution reduced by any



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rate increases imposed pursuant to the Base Load Review Act after the Public Service Commission's revised rates Order, Order number 2011-738 in docket 2011-207-E, that was issued on September 30, 2011. The Public Service Commission must enter this order for experimental rates within three business days after the effective date of this Joint Resolution. The experimental rate shall be in effect from April 1, 2018 until the issuance of the Public Service Commission's final order on the merits, described in SECTION 2.

(B) Within thirty business days after the issuance of the experimental rate order, the Public Service Commission shall hold a hearing as to the net effect of the experimental rate. The Public Service Commission may alter the experimental rate if it determines that an adjustment is necessary to ensure SCANA does not become insolvent before the Public Service Commission issues its final order on the merits. If required to adjust the rate, the Public Service Commission shall determine the just and reasonable rates for these ratepayers and must set the lowest possible rate so that SCANA does not become insolvent during the period before the Public Service Commission issues its final order on the merits. The Public Service Commission must issue an order as to its findings within 5 business days after the conclusion of this hearing.

SECTION 2. Notwithstanding the provisions in SECTION 1 for an experimental rate, the Public Service Commission shall not hold a hearing on the merits before November 1, 2018 for a docket in which requests were made pursuant to the Base Load Review Act; however, the Public Service Commission may hold an administrative or procedural hearing for such a docket prior to a hearing on the merits. The Public Service Commission must issue a final order on the merits for a docket in which requests were made pursuant to the Base Load Review Act no later than December 21, 2018.

SECTION 3. No final determination of matters described in this Joint Resolution, whether by a final order issued by the Public Service Commission or by operation of law, shall occur earlier than the time period prescribed in SECTION 2. The Public Service Commission's failure to issue a final order prior to the time period established in this Joint Resolution shall not constitute approval by the Public Service Commission and a utility must not put into effect the change in rates it requested in its schedule.

SECTION 4. Any statute in Title 58 in conflict with the provisions of this Joint Resolution are suspended for purposes of the utility rates for matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at

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Jenkinsville, South Carolina. This suspension remains in effect until the Public Service Commission issues its final order in this matter.

SECTION 5. If any provision of this joint resolution is held or determined to be unconstitutional, invalid, or otherwise unenforceable by a court of competent jurisdiction, it is the intention of the General Assembly that the provision is severable from the remaining provisions of this joint resolution and that the holding does not invalidate or render unenforceable another provision of this joint resolution.

SECTION 6. This joint resolution takes effect upon approval by the Governor.

----XX---- /

Renumber sections to conform.

Amend title to conform.

**ACTING PRESIDENT PRESIDES**

Senator CROMER assumed the Chair.

Senator MASSEY explained the amendment.

**RECESS**

At 7:48 P.M., on motion of Senator PEELER, the Senate recessed from business.

At 8:38 P.M., the Senate resumed.

Senator MASSEY resumed speaking on the amendment.

Senator HUTTO spoke in opposition to the amendment.

The question then was the adoption of the amendment.

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

**Ayes 26; Nays 16**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Goldfinch
Gregory	Hembree	Jackson
Leatherman	Massey	<i>Matthews, John</i>
McElveen	McLeod	Peeler
Rankin	Rice	Setzler
Shealy	Timmons	Turner

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Williams

Young

**Total--26**

**NAYS**

Allen

Davis

Fanning

Gambrell

Grooms

Hutto

Johnson

Malloy

Martin

*Matthews, Margie*

Reese

Sabb

Scott

Senn

Talley

Verdin

**Total--16**

The amendment was adopted.

Senator FANNING proposed the following amendment (954R022.SP.MWF), which failed:

Amend the joint resolution, as and if amended, by striking all after the title and inserting:

/ Be it enacted by the General Assembly:

SECTION 1A. The Public Service Commission shall enter an order to provide an experimental rate that customers of a public utility who are paying costs associated with the Base Load Review Act shall pay during the pendency of matters defined in this Joint Resolution. This experimental rate shall be the electric utility rates these ratepayers are paying as of the effective date of this Joint Resolution reduced by any rate increases imposed pursuant to the Base Load Review Act after the Public Service Commission's initial base load review rate Order in docket 2008-196-E. The Public Service Commission must enter this order for experimental rates within three business days after the effective date of this Joint Resolution. The experimental rate shall be in effect from April 1, 2018 until the issuance of the Public Service Commission's final order on the merits, described in SECTION 2.

(B) Within thirty business days after the issuance of the experimental rate order, the Public Service Commission shall hold a hearing as to the net effect of the experimental rate. The Public Service Commission may alter the experimental rate if it determines that an adjustment is necessary to ensure SCANA does not become insolvent before the Public Service Commission issues its final order on the merits. If required to adjust the rate, the Public Service Commission shall determine the just and reasonable rates for these ratepayers and must set the lowest possible rate

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so that SCANA does not become insolvent during the period before the Public Service Commission issues its final order on the merits. The Public Service Commission must issue an order as to its findings within 5 business days after the conclusion of this hearing.

SECTION 2. Notwithstanding the provisions in SECTION 1 for an experimental rate, the Public Service Commission shall not hold a hearing on the merits before November 1, 2018 for a docket in which requests were made pursuant to the Base Load Review Act; however, the Public Service Commission may hold an administrative or procedural hearing for such a docket prior to a hearing on the merits. The Public Service Commission must issue a final order on the merits for a docket in which requests were made pursuant to the Base Load Review Act no later than December 21, 2018.

SECTION 3. No final determination of matters described in this Joint Resolution, whether by a final order issued by the Public Service Commission or by operation of law, shall occur earlier than the time period prescribed in SECTION 2. The Public Service Commission's failure to issue a final order prior to the time period established in this Joint Resolution shall not constitute approval by the Public Service Commission and a utility must not put into effect the change in rates it requested in its schedule.

SECTION 4. Any statute in Title 58 in conflict with the provisions of this Joint Resolution are suspended for purposes of the utility rates for matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina. This suspension remains in effect until the Public Service Commission issues its final order in this matter.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 5; Nays 36**

**AYES**

Davis	Fanning	Malloy
Martin	McLeod	

**Total--5**

[SJ]

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**NAYS**

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

**Total--36**

The amendment failed.

**STATEMENT BY SENATORS DAVIS AND MARTIN**

We voted against Amendment No. 11 to S. 954, a Bill that considers V. C. Summer, SCE&G, and whether ratepayers should be required by the Legislature to continue paying for billions of dollars' worth of debt incurred by SCE&G for a project that, by all accounts, will never generate any power.

The majority of Senators voted for the amendment, arguing that ratepayers must be left on the hook for those payments, at least to some degree, because otherwise SCE&G might declare bankruptcy, or might file a lawsuit to force payments by ratepayers to continue.

To which we say: So what? Bankruptcy is what occurs in a free-market economy when a private corporation acts unwisely, stupidly, imprudently -- pick your adjective. It is not something to be avoided at all costs; there is no private corporation that's "too big to fail."

As for the possibility of litigation, again -- so what? The discovery process in litigation will ensure all relevant information, including things that SCE&G officials now refuse to reveal, comes to light. The law would be applied to whatever facts are proven and then winners and losers would be adjudicated. That is something to be welcomed, not feared.

Someone will end up holding the bag for the failed venture in Fairfield County, and there are four candidates: taxpayers, ratepayers, SCE&G shareholders and SCE&G bondholders. The Legislature should not, in

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our opinion, preemptively and admittedly without even knowing all the relevant facts, assign a portion of that loss to ratepayers.

We voted for an amendment that would have relieved the ratepayers from any responsibility for the V. C. Summer debt and then let the chips fall where they may; this, we think, would have been in the people's best interests.

**Motion Adopted**

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

**ADJOURNMENT**

At 9:12 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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