

NO. 54

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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TUESDAY, APRIL 10, 2018

**Tuesday, April 10, 2018**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 10:00 A.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:

Exodus 34: 29-30

“Moses came down from Mount Sinai. As he came down from the mountain with the two tablets of the covenant in his hand, Moses did not know that the skin of his face shone because he had been talking with God. When Aaron and all the Israelites saw Moses, the skin of his face was shining, and they were afraid to come near him.”

Let us pray. Gracious and almighty God, Your presence with Moses on Mount Sinai caused his face to shine so bright that it frightened the Israelites. Today, Your presence can still so transform a life that a convert can become a totally different person. Eternal God, Your power is indeed great, yet it is so easy to overlook the subtle ways You speak to us -- through blessings, disappointments and other people.

Though we see dimly, O God, we pray that You will open our eyes and our hearts to Your love that transforms us. Create in us an attitude of thanksgiving and hope and not an attitude of indifference and despair. Empower us Lord, as a people of compassion and faith, that we might not waste the short time we have on this remarkable place we call earth. Through the power of Your transforming Spirit we pray, Amen.

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

**ACTING PRESIDENT PRESIDES**

Senator MASSEY assumed the Chair.

**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
Corbin	Davis	Fanning

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Goldfinch	Hembree	Hutto
Kimpson	Leatherman	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Rice
Sabb	Scott	Senn
Setzler	Shealy	Timmons
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

Reappointment, Clarendon County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

R. Shawn McCord, 537 Sunset Drive, Manning, SC 29102

Reappointment, Chesterfield County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Diane Dyches, 3357 Highway 9, Cheraw, SC 29520-6637

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

John Kennedy Melton, 104 Clyde Ave., Cheraw, SC 29520

Initial Appointment, Laurens County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Mareno Foggie, 117 Sherwood Dr., Laurens, SC 29360-2637 *VICE*  
Glynda L. Tucker

Reappointment, Clarendon County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

June C. Briggs, 1052 Perch Dr., Manning, SC 29102-7730

Initial Appointment, Clarendon County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Elease Fulton, 12647 Raccoon Rd., Manning, SC 29102-8882

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**COMMUNICATION**

April 10, 2018

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

Dear Mr. Clerk,

Please be advised that the members of the Fourth Congressional Delegation voted this morning to approve Governor McMaster's appointee, Woodrow Wilson Willard, Jr., to the South Carolina Department of Transportation for a four-year term commencing February 15, 2018, and expiring February 15, 2022. A copy of the weighted voting summary for both the Senate and House members is attached for your review.

Very truly yours,  
Harvey S. Peeler, Jr.  
Senate District 14

**Confirmation**

Initial Appointment, Department of Transportation, with the term to commence February 15, 2018, and to expire February 15, 2022 4<sup>th</sup> Congressional District:

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

**COMMUNICATION**

April 10, 2018

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

Dear Mr. Clerk,

Please be advised that the members of the Second Congressional Delegation voted this morning to approve Governor McMaster's appointee, John Hay Burris, to the South Carolina Department of

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Transportation for a four-year term commencing February 15, 2018, and expiring February 15, 2022. A copy of the weighted voting summary for both the Senate and House members is attached for your review.

Very truly yours,  
Nikki G. Setzler  
Senate District 26

**Confirmation**

Initial Appointment, Department of Transportation with the term to commence February 15, 2018, and to expire February 15, 2022 2<sup>nd</sup> Congressional District:

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

**Doctor of the Day**

Senator CROMER introduced Dr. Brenden Doherty of Orangeburg, S.C., Doctor of the Day.

**Leave of Absence**

At 10:18 A.M., Senator NICHOLSON requested a leave of absence for Senator GAMBRELL until 3:00 P.M.

**Leave of Absence**

At 4:53 P.M., Senator YOUNG requested a leave of absence on Wednesday, April 11, 2018, until 11:00 A.M.

**Leave of Absence**

At 4:53 P.M., Senator MARTIN requested a leave of absence on Wednesday, April 11, 2018, until 1:27 P.M.

**PRESIDENT PRESIDES**

At 10:15 A.M., the PRESIDENT assumed the Chair.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1157 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE PINEVIEW ELEMENTARY SCHOOL UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY.

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The Senate Resolution was adopted.

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S. 1158 -- Senator Fanning: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING ARTICLE XVIII SO AS TO PROVIDE FOR AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION TO BE KNOWN AS THE "SOUTH CAROLINA CITIZENS REDISTRICTING COMMISSION", TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE FOR THE MEMBERSHIP AND FUNDING OF THE COMMISSION AND THE MANNER IN WHICH MEMBERS OF THE COMMISSION ARE CHOSEN, TO PROVIDE FOR THE DUTIES OF THE COMMISSION, TO PROVIDE FOR THE GENERAL ASSEMBLY'S ADOPTION OF THE COMMISSION'S REAPPORTIONMENT PLAN, TO PROVIDE THAT THERE MUST BE NO MECHANISM FOR EXECUTIVE OR LEGISLATIVE ALTERATION OR VETO POWER OVER THE COMMISSION'S FINAL REAPPORTIONMENT PLAN, AND TO PROVIDE THAT THE GENERAL ASSEMBLY MAY NOT ADJOURN SINE DIE UNTIL IT HAS RECEIVED AND ADOPTED THE COMMISSION'S PROPOSED REAPPORTIONMENT PLAN.

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

S. 1159 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 80 TO TITLE 2 SO AS TO ESTABLISH THE SOUTH CAROLINA CITIZENS REDISTRICTING COMMISSION FOR THE PURPOSE OF SUBMITTING REAPPORTIONMENT PLANS TO THE GENERAL ASSEMBLY AND TO PROVIDE FOR THE SELECTION, QUALIFICATIONS, POWERS, DUTIES, AND TERMS OF THE COMMISSION AND ITS MEMBERS.

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

S. 1160 -- Senators Campsen, Kimpson, Goldfinch, Campbell, Bennett, Grooms, M. B. Matthews and Senn: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE MEMBERS OF THE BOARD OF TRUSTEES MAY ESTABLISH COMPENSATION FOR BOARD MEMBERS IN AN AMOUNT UP TO EIGHT HUNDRED DOLLARS PER MONTH, AND NINE HUNDRED DOLLARS PER MONTH FOR THE CHARLESTON COUNTY SCHOOL BOARD

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CHAIRMAN, AND TO PROVIDE THAT ANY COMPENSATION AMOUNT ESTABLISHED BY THE BOARD OF TRUSTEES MUST NOT TAKE EFFECT UNTIL AFTER THE NEXT REGULARLY SCHEDULED ELECTION FOR BOARD MEMBERS.

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

H. 5225 -- Rep. Duckworth: A CONCURRENT RESOLUTION TO CELEBRATE THE OCCASION OF THE FIFTIETH ANNIVERSARY OF THE CITY OF NORTH MYRTLE BEACH AND TO CONGRATULATE AND COMMEND MAYOR MARILYN HATLEY AND THE CITIZENS OF NORTH MYRTLE BEACH FOR A HALF CENTURY OF SHOWCASING BOTH THE BEAUTY AND PROGRESS OF THIS GREAT SOUTH CAROLINA TOWN.

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

H. 5228 -- Reps. Lucas, 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, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO WELCOME TO THE PALMETTO STATE THE HONORABLE SID L. SCRUGGS III, PAST INTERNATIONAL PRESIDENT OF LIONS CLUBS INTERNATIONAL, ON THE OCCASION OF THE 94TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE

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CONVENTION AND TO HONOR THE LIONS CLUBS FOR THEIR MANY YEARS OF COMMUNITY SERVICE.

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

H. 5230 -- Reps. Hiott, 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, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE CONGRATULATIONS OF THE GENERAL ASSEMBLY UPON THE ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY OF KENTWOOL, TO HONOR ITS LONG HISTORY OF SERVICE AND COMMITMENT TO THE STATE OF SOUTH CAROLINA, AND TO REMEMBER AND APPRECIATE THE WORK OF ITS LATE CEO, MARK KENT.

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4950, THE GENERAL APPROPRIATIONS BILL.**

**H. 4950 -- GENERAL APPROPRIATIONS BILL**

**AMENDED, READ THE SECOND TIME**

H. 4950 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE

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FISCAL YEAR BEGINNING JULY 1, 2018, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

**Amendment No. 5**

Senator MARTIN proposed the following amendment (ETK 1.60 SRM), which was adopted (#1):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 285, proviso 1.60, lines 20 - 36 and page 286, lines 1 - 18, by striking the proviso in its entirety, and inserting

/ 1.60. (SDE: Interscholastic Athletic Association Dues) ~~(A)~~ A public school district supported by state funds shall not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain the following:

(1) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity;

(2) (a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;

(b) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics

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including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body, or entity would apply;

(3) (a) an appeals process in which appeals of the association, body, or entity are made to a disinterested third-body appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each congressional district;

(b) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in the manner of the original appointment;

(c) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Principals and superintendents are able to appeal a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the association, body, or entity;

(4) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices; *and*

(5) provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State.

*(B)* In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are prohibited from paying dues or fees to the association, body, or entity./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MARTIN spoke on the amendment.

The amendment was adopted.

**Amendment No. 3**

Senator RICE proposed the following amendment (ETK 117.42 RFR), which was adopted (#2):

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Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 487, proviso 117.42, after line 15, by inserting:

/ As required by Section 59-150-350(C)(2) of the 1976 Code, appropriations from the Education Lottery Account must be for educational purposes and programs only as defined in Section 59-150-350(D). These appropriations must be used to supplement and not supplant existing funds used for education. Based on this lottery test, the proportion of total recurring general fund and special fund revenues of the State expended in total for public elementary, secondary and higher education in any fiscal year must not be less than the proportion it was in the fiscal year immediately before the fiscal year in which education revenues are first received from a state lottery. Since the percentage in Fiscal Year 2000-01 was 56.7%, per statute all future budgets must appropriate at least 56.7% to education. This lottery test has been suspended by this proviso since 2011. If this test was not suspended for Fiscal Year 2018-19, an additional \$351,000,000 would need to be appropriated for education. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RICE spoke on the amendment.

The amendment was adopted.

**Amendment No. 6**

Senator HEMBREE proposed the following amendment (ETK 117 DIFF TUIT DH), which was adopted (#3):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 523, after line 19, by adding an appropriately numbered new proviso to read:

/ (GP: Differential Tuition Fee Transparency) Of the funds appropriated to institutions of higher learning in the current fiscal year, institutions shall conspicuously itemize or otherwise clearly display on their tuition and fee or related invoices that are presented to students and/or their legal guardians any charges that could be reasonably considered "differential tuition" and/or "differential fees" as those terms are commonly understood within higher education lexicon. In addition, institutions shall, at minimum, include on such invoices a prominent note referring students and/or their legal guardians to an internet link on the institution's website which explains the purpose of

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and/or need for the differential charges being assessed. This explanation shall include, but not necessarily be limited to:

1) What differential tuition or fees are, generally;

2) Why the institution (or college, department, and/or program within the institution) charges differential tuition or fees;

3) Who is required to pay the differential charges;

4) How revenue from differential charges is allocated and;

5) Whether or not differential charges produce revenue that meets or exceeds the actual costs incurred by the institution (or college, department, and/or program within the institution) to offer the program of study, courses, labs, and/or related goods and services being provided to the student as a result of the differential charge or charges being assessed. If revenues exceed costs, the institution shall explain why revenues exceed costs and shall additionally explain how such excess revenue is allocated and expended by the institution (or college, department, and/or program within the institution). /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

#### **Amendment No. 4**

Senators WILLIAMS and SETZLER proposed the following amendment (ETK 118.15 PARD), which was adopted (#4):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 532, proviso 118.15, after line 23, by inserting an appropriately numbered subitem to read:

/ ( ) Of the funds appropriated to the Department of Parks, Recreation and Tourism above in item (29)(b) for the Parks and Recreation Development Fund, the department shall allocate thirty thousand dollars to each county area as the minimum distribution. Three-quarters of the remaining funds must be allocated to each county area on a per capita basis according to the annual population estimates for counties, and one-quarter may be used by the department for planning, development, and renovation of new state parks and recreation facilities. /

Renumber sections to conform.

Amend sections, totals and title to conform.

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Senator WILLIAMS spoke on the amendment.

The amendment was adopted.

**Amendment No. 1**

Senator SHEHEEN proposed the following amendment (DAD 1.47 VS), which was adopted (#5):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 282, proviso 1.47, lines 13-17, by striking / If a public school offers instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts that also incorporates the South Carolina Academic Standards for Physical Education, the funds appropriated pursuant to this proviso may be used on such instruction, and such instruction is equivalent to that of physical education instruction and may be accepted in lieu of physical education instruction for all purposes. / and inserting / A public school is authorized to offer instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts that also incorporates the South Carolina Academic Standards for Physical Education provided such instruction is equivalent to that of physical education instruction and may be accepted in lieu of physical education instruction for all purposes. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN spoke on the amendment.

The amendment was adopted.

**Amendment No. 2**

Senator SHEHEEN proposed the following amendment (DAD MAKEUP DAYS VS), which was adopted (#6):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 325, after line 32, by adding an appropriately numbered new proviso to read:

/ (SDE-EIA: Make Up Days) For the current fiscal year, school districts may submit a request for approval in writing to the Department of Education to utilize alternative methods of instruction, which may include, but is not limited to online or virtual instruction, towards up to three days of the scheduled make up time. The waiver must be signed by the District Superintendent and Chair of the local Board of Trustees and

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must reflect the number of hours of the make-up days the instruction shall cover. All make up time must meet state requirements for elementary and secondary school days. The department shall publish guidelines no later than August 1, 2018. All districts shall continue to report to the department all days missed, reasons for the absences, days made up, days waived, and now the alternative method of instruction used. The department shall work with the Educational Television Commission (ETV) to utilize and coordinate available ETV resources and explore alternate means of delivery to districts that may lack proper access to online instruction. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN spoke on the amendment.

The amendment was adopted.

**Amendment No. 7**

Senator KIMPSON proposed the following amendment (4950C004.BBM.SA18.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, page 361, after line 23, by adding an appropriately numbered new proviso to read:

/ (DHHS: Applied Behavior Analysis) In the current fiscal year and with the funds appropriated to the Department of Health and Human Services, the department shall increase the hourly Medicaid reimbursement rates for line therapists and registered behavior technicians implementing applied behavior analysis (ABA) to forty-five dollars an hour. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KIMPSON spoke on the amendment.

Senator ALEXANDER spoke on the amendment.

On motion of Senator ALEXANDER, the amendment was carried over.

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**Amendment No. 11**

Senator YOUNG proposed the following amendment (ETK DOT ENCROACH PERM V2), which was carried over:

Amend the bill, as and if amended, Part IB, Section 84, DEPARTMENT OF TRANSPORTATION, page 428, after line 32, by adding an appropriately numbered new proviso to read:

/ (DOT: Encroachment Permits) Subject to the terms of this proviso, the Department of Transportation shall not use any authorized funds to provide encroachment permits to a utility when relocation of lines in the state right of way by that utility is delaying a transportation project. The Department of Transportation shall give written notice to a utility when it is delaying a project due to relocation of that utility's lines, and the utility shall have sixty days after written notice to bring the utility relocation back within the project schedule. If, after the sixty day period, the project is still delayed as a result of the utility relocation, the Department of Transportation has the option to refuse other encroachment permits to the utility for work within state right of way that is unrelated to the relocation of the lines delaying the project, except for relocations necessitated by a transportation project or emergency repairs./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator YOUNG spoke on the amendment.

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

**Amendment No. 10**

Senator DAVIS proposed the following amendment (ETK 88.6 V2 TD), which was adopted (#7):

Amend the bill, as and if amended, Part IB, Section 88, STATE PORTS AUTHORITY, page 430, proviso 88.6, lines 34 - 35 and page 431, lines 1-33, by striking the proviso in its entirety, and inserting

/ 88.6. (SPA: Jasper Ocean Terminal Permitting) The funds appropriated to the State Ports Authority (SPA) for the Jasper Ocean Terminal shall be utilized by the SPA to pay for activities approved and directed by the joint venture governing board and associated with advancing the Project during FY 2018-2019. In connection with activities that are approved and directed by the joint venture, SPA shall comply with the directive of Section 54-3-115 of the South Carolina Code in regard to taking "all action necessary to expeditiously develop a port

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in Jasper County.” Activities undertaken during FY 2018-2019 may include, but are not limited to, the following:

1. working on a corporate governance model for the joint venture as an operating port;

2. working on terminal simulation for design and operation;

3. working on plans, studies, and modeling in conjunction with the respective South Carolina and Georgia Departments of Transportation and the metropolitan planning organization to identify and assess supporting road and rail infrastructure for the terminal footprint including, but not limited to, supporting infrastructure that may have independent utility;

4. working on sedimentation modeling for impacts on construction and dredging;

5. taking actions in furtherance of obtaining: a.) a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act; b.) a permit pursuant to Section 404 of the Clean Water Act, to prepare a Channel Modification Feasibility Study; and c.) studies necessary in connection with developing an Environmental Impact Statement for the Project; and

6. discharging its obligations pursuant to its Joint Venture Agreement with the Georgia Ports Authority.

The funds appropriated to SPA for the Jasper Ocean Terminal Permitting may not be used for reimbursement of SPA expenditures made in a prior fiscal year and must be used only for one or more of the purposes set forth above.

SPA shall provide a detailed report in writing to the members of the South Carolina General Assembly on or before the first day of the 2019 legislative session and another such report on or before June 30, 2019, describing the progress made as of the dates of those reports in regard to the Jasper Ocean Terminal, such to include a description of the ongoing and planned work. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS spoke on the amendment.

The amendment was adopted.

#### **Amendment No. 9**

Senator DAVIS proposed the following amendment (ETK 93.29 JASPER TERM TD), which was adopted (#8):

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Amend the bill, as and if amended, Part IB, Section 93, DEPARTMENT OF ADMINISTRATION, page 443, proviso 93.29, lines 11-14, by striking the proviso in its entirety:

/ 93.29. (DOA: Jasper Ocean Terminal) From the funds appropriated to the Department of Administration, the department is directed to monitor the activities associated with the preparation for and/or actual permitting of the Jasper Ocean Terminal on the Savannah River in Jasper County, as set forth in Proviso 88.6, and to provide a semi-annual report of such activities to the members of the General Assembly./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS spoke on the amendment.

The amendment was adopted.

**Amendment No. 15A**

Senators HEMBREE, PEELER, REESE, TURNER, TALLEY, SENN, McLEOD, SHEHEEN, SETZLER, MARTIN, SCOTT, BENNETT and CAMPBELL proposed the following amendment (4950C006.BBM.SA18.DOCX), which was adopted (#9):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 296, after line 28, by adding an appropriately numbered new proviso to read:

/ (SDE: Paperwork and Reporting Consolidation) From the funds appropriated, the department shall provide the General Assembly with a report by January 15, 2019, outlining recommendations to reduce and streamline the amount of paperwork and reporting required of teachers, schools, and school districts. The report must include information on required reporting and administrative paperwork at the classroom, school, district, and state level, the entity requiring the data or report, the method of reporting, and frequency of the report. The department also shall include information on federal reporting requirements and include information on the potential loss of funding at the state and district level if the reports are not completed. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE spoke on the amendment.

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The amendment was adopted.

**Amendment No. 14**

Senators GROOMS, CAMPSEN and M.B. MATTHEWS proposed the following amendment (4950R005.KMM.LKG.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 325, after line 32, by adding an appropriately numbered new proviso to read:

/1A. .(SDE-EIA: Adult Charter Pilot Program) From the funds appropriated to the South Carolina Public Charter School District, the district shall create parameters and guidelines for a one-year South Carolina Adult High School Diploma and Industry Certification Charter School Pilot Program for the 2018-2019 school year, including the funding methodology to the adult charter high school. An adult charter high school granted a pilot program by the South Carolina Public Charter School District shall follow all requirements of the South Carolina Charter Schools Act of 1996 (Section 59-40-10, et. seq.) except as expressly provided for in this proviso. In order to be accepted into the pilot program, a non-profit entity must have a successful model of providing educational services, including industry certifications and job placement services, to adults age twenty-one and older whose education and training opportunities have been limited by educational disadvantages, disabilities, or poverty. An applicant to this pilot program must be a non-profit entity, offer flexible scheduling, complete a majority of the instruction of the school's curriculum in-person, and offer dual credit or industry certification coursework that aligns with the State's workforce development needs. Applicants for the pilot program must commit no less than five hundred thousand dollars toward development of the adult charter high school. Any adult charter high school granted a pilot program by the South Carolina Public Charter School District shall be designated an Alternative Education Campus (AEC). The governing board of an adult charter high school must be composed of at least seven members who are residents of the State of South Carolina. Membership of the board may be governed by the non-profit entity's bylaws and is not subject to the governing board election requirements as defined in Section 59-40-50(9). The adult charter high school shall be allowed to issue high school diplomas to students who have met state requirements for a high school diploma in South Carolina. The South Carolina Public Charter School District shall enter into a contract with the non-profit entity that is granted a pilot

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program, and the contract shall specify all roles, powers, responsibilities, and performance expectations for each party to the contract pursuant to this proviso and the South Carolina Charter Schools Act of 1996./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS spoke on the amendment.

**Point of Order Withdrawn**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator GROOMS spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

On motion of Senator MARTIN, the Point of Order was withdrawn.

**RECESS**

At 12:10 P.M., on motion of Senator LEATHERMAN, the Senate recessed from business until 1:15 P.M.

At 1:30 P.M., the Senate resumed.

Senator GROOMS resumed speaking on the amendment.

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

**Amendment No. 22**

Senator CASH proposed the following amendment (DAD 108.4 RJC), which was carried over:

Amend the bill, as and if amended, Part IB, Section 108, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 460, proviso 108.4, lines 6- 16, by striking the proviso in its entirety, and inserting:

/ 108.4. (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of

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~~substantial and irreversible impairment of major bodily function *where the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention*, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services or services incidental to abortion except as permitted by this provision. The physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child.~~ The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CASH spoke on the amendment.

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

#### **Amendment No. 8**

Senator HEMBREE proposed the following amendment (ETK 108.16 EARN LIM GH), which was adopted (#10):

Amend the bill, as and if amended, Part IB, Section 108, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 461, proviso 108.16, lines 24 - 31, by striking the proviso in its entirety, and inserting

/ 108.16. (PEBA: Application of Earnings Limitation) Compensation received in the current fiscal year by a retired member of the South Carolina Retirement System or the South Carolina Police Officers Retirement System to undertake an activity for a participating employer of either system that has traditionally been performed by employees of the participating employer is considered earnings from covered employment for the purposes of the earnings limitation set out in Section 9-1-1790(A) and Section 9-11-90(4)(a) of the 1976 Code, subject to the exceptions set forth therein. A participating employer must certify to the State Retirement System before engaging retired employees

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for those positions not covered by the application of this proviso that those positions are not ones performed by traditional employees./

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

**Amendment No. 17**

Senator SHEHEEN proposed the following amendment (DAD 109.10 EXCEPTIONAL NEEDS), which was adopted (#11):

Amend the bill, as and if amended, Part IB, Section 109, DEPARTMENT OF REVENUE, page 465, proviso 109.10, line 32, by striking /eleven/ and inserting /twelve/

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN spoke on the amendment.

The amendment was adopted.

**Amendment No. 19**

Senator RICE proposed the following amendment (DAD 113.5 RFR), which was adopted (#12):

Amend the bill, as and if amended, Part IB, Section 113, AID TO SUBDIVISIONS - STATE TREASURER, page 471, proviso 113.5, lines 13 - 14, by striking the proviso in its entirety, and inserting

/ 113.5. (AS-TREAS: LGF) For Fiscal Year ~~2017-18~~ 2018-19, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended. As required by Section 6-27-30 of the 1976 Code, an amount equal to not less than four and one-half percent of general fund revenues of the latest completed fiscal year must be appropriated to the Local Government Fund. If this requirement was not suspended for Fiscal Year 2018-19, an additional \$118,591,723 would need to be appropriated for the Local Government Fund. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator RICE spoke on the amendment.

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The amendment was adopted.

**Amendment No. 16**

Senator HEMBREE proposed the following amendment (ETK CRITICAL NEEDS LIM EXEMPT GH), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 523, after line 19, by adding an appropriately numbered new proviso to read:

/ (GP: PORS-Critical Needs Earnings Limitation Exemption) (1) The earnings limitation imposed pursuant to Section 9-11-90(4) of the 1976 Code as to members of the Police Officers Retirement System that retired before January 1, 2018, and are employed by a state agency, a local law enforcement agency, or a local fire service agency covered by the system in a position designated as a critical need, is suspended for Fiscal Year 2018-19.

For purposes of this item, a 'critical need position' is defined as a position satisfying the requirements of either subitem (1)(a) or subitem (1)(b) as follows:

(a) an investigator requiring advanced training or special certification, a law enforcement or fire service instructor with ten or more years of experience as a law enforcement or fire service instructor, a school resource officer, an agency command staff member or line supervisor, a detention officer, or correctional officer, which position also satisfies each of the following requirements:

(i) the hiring agency has authorization and funding for the position;

(ii) the position has remained vacant for twelve months or longer;

(iii) the hiring agency has provided sufficient evidence to the Law Enforcement Training Council of ongoing efforts to fill the vacant position; and

(iv) the hiring agency has no other position filled currently or within the preceding six months with the same or similar intended responsibilities.

(b) a law enforcement or fire service position for a hiring agency with a vacancy rate of twenty percent or more calculated as a percentage of all authorized and funded law enforcement or fire service positions, as applicable to the hiring agency.

(2) For the provisions of this item to apply, the Law Enforcement Training Council shall review and approve, from the documentation provided by the hiring agency, that no qualified, nonretired member is

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available for employment in the position, and that the member selected for employment meets the requirements of this section. After approval is received from the Law Enforcement Training Council, the hiring agency may extend an offer of employment to a retired member and shall, thereafter, notify the council of the engagement of a retired member in a critical need position as defined in subsection (1). The council shall notify the Public Employee Benefit Authority of a member's approved exemption from the earnings limitation. If the hiring agency fails to notify the council of the engagement of a retired member as a critical need position pursuant to this section, or the council fails to approve a retired member's exemption from the earnings limitation, the hiring agency shall reimburse the system for all benefits wrongly paid to the retired member.

(3) A hiring agency shall pay to the system the employer contribution for active members prescribed by law with respect to any retired member engaged to perform services for the agency, regardless of whether the retired member is a full-time or part-time employee, or a temporary or permanent employee. If an agency which is obligated to the system pursuant to this item fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the agency by the State.

(4) The Public Employee Benefit Authority (PEBA) shall submit a report regarding the earnings limitation exemptions available to retired members of the Police Officers Retirement System to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2019, to include:

(a) the total number of retired members as of December 31, 2018;

(b) the number of retired members as of December 31, 2018 employed by a covered employer;

(c) the number of retired members as of December 31, 2018 employed by a covered employer and exempt from the earnings limitation pursuant to the provisions of Section 9-11-90(4)(a)(ii);

(d) the number of retired members as of December 31, 2018 employed by a covered employer and exempt from the earnings limitation pursuant to this proviso; and

(e) any reduction or growth in the system's unfunded liability as a result of the earnings limitation exemption provided for in this proviso.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE spoke on the amendment.

[SJ]

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Senator SHEHEEN spoke on the amendment.  
Senator ALEXANDER spoke on the amendment.  
Senator SHEHEEN spoke on the amendment.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.  
The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 23**

Senator MASSEY proposed the following amendment (4950R018.SP.ASM.DOCX), which was adopted (#13):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 523, line 20, by adding an appropriately numbered new proviso to read:

/ 117. . (PSA: Board Meeting Coverage) The South Carolina Public Service Authority must provide live-streamed coverage whenever practicable of all meetings of the Board of Directors to ensure transparency and access for the public. The board meetings shall be recorded and archived and made available on the South Carolina Public Service Authority's website. If a meeting cannot be live-streamed, then the authority must make transcripts available on the authority's website within three business days. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

**Amendment No. 29A**

Senator HUTTO proposed the following amendment (4950R024.SP.CBH.DOCX), which was adopted (#14):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 523, line 20, by adding an appropriately numbered new proviso to read:

/ 117. . (GP: Advertising Restriction) Any space in a print medium or time on radio or television, including, but not limited to, notices or advertisements, purchased with public or nonpublic funds by



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a constitutional officer may not include the constitutional officer, his photograph, his likeness, his name, his voice, his signature, his logo, or any other matter identifying the constitutional officer. This proviso does not apply to a constitutional officer's utilization of campaign funds to pay for campaign advertisements. If a constitutional officer violates the prohibition in this proviso, then the appropriation in this act of the constitutional officer's salary shall be reduced by the amount expended on the notice or advertisement. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO spoke on the amendment.

The amendment was adopted.

**Amendment No. 20**

Senators MASSEY, SHEHEEN and CLIMER proposed the following amendment (4950R015.SP.ASM.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 525, proviso 118.6, by striking lines 7 - 8 and inserting / All state agencies and institutions are further prohibited from employing or contracting with a lobbyist, as defined in Section 2-17-10, who is not a full-time employee of the State. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY spoke on the amendment.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator SHEHEEN spoke on the Point of Order.

Senator MASSEY spoke on the Point of Order.

Senator CAMPSER spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

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

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**Amendment No. 32A**

Senators PEELER, GREGORY, SHEHEEN, VERDIN, MALLOY and SCOTT proposed the following amendment (DAD 3.6 LOTTERY V2), which was adopted (#16):

Amend the bill, as and if amended, Part IA, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 13, line 2, opposite "LOTTERY EXPENDITURES" by:

	COLUMN 7	COLUMN 8
/ STRIKING:	447,181,526	
and		
INSERTING:	461,781,526	/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 331, proviso 3.6 (FY 2018-19 Lottery Funding), line 17, by striking / \$401,000,000 / and inserting / \$408,300,000 /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 331, proviso 3.6, after line 34, by inserting appropriately numbered items to read:

/ ( ) Clemson University--T. Ed Garrison Renovations and Repairs  
\$ 6,800,000;and

( ) Lander University--Post Traumatic Stress Disorder Training  
Program \$ 500,000./

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 331, proviso 3.6, line 35, by striking / \$41,000,000 / and inserting / \$48,300,000 /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 332, proviso 3.6, line 9, opposite (5) Department of Education--School Bus Lease/Purchase, by striking / \$3,873,838; / and inserting / \$5,173,838 /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 332, proviso 3.6, lines 19-35, by striking the lines in their entirety and inserting

/ (12)Commission on Higher Education--South Carolina College of  
Veterinary Medicine Study \$ 200,000;

(13)Commission on Higher Education--Technology--Public Four-  
Year Institutions,

Two-Year Institutions, and State Technical Colleges as provided in  
Section 59-150-356 \$ 1,000,000;

(14)Commission on Higher Education--Need Based Grants  
\$ 1,000,000;

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(15)Commission on Higher Education--Research University STEM Equipment \$ 1,000,000;

(16) State Library--Aid to County Libraries \$1,000,000;

(17)Commission on Higher Education--Higher Education Excellence Enhancement Program \$ 450,000;

(18)Commission on Higher Education--Carolina Career Clusters Grant (1:1 Match) \$ 300,000;

(19)Department of Education--Reading Partners \$250,000;

(20)State Board for Technical and Comprehensive Education--SPICE Program \$ 250,000;

(21)Commission on Higher Education--Memorial Professorship \$50,000; and

(22)Commission on Higher Education--USC Lancaster--Renovations and Repairs \$ 500,000;

For Fiscal Year 2018-19, net lottery proceeds and investment earnings above the Fiscal Year 2017-18 certified surplus of \$48,300,000 are appropriated pro-rata as follows:

(1)State Board for Technical and Comprehensive Education--Central Carolina Technical College \$ 500,000;

(2)Department of Education--Governor's School for Science and Mathematics \$ 400,000;

(3)Commission on Higher Education--South Carolina State University Truth Hall Renovations and Repairs \$1,000,000; and

(4)Department of Education--School Bus Lease/Purchase \$ All Remaining. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator PEELER spoke on the amendment.

The amendment was adopted.

**Amendment No. 30**

Senators JACKSON and JOHNSON proposed the following amendment (ETK BASE PAY INCREASE 3%), which was carried over:

Amend the bill, as and if amended, Part IA, Section 106, STATEWIDE EMPLOYEE BENEFITS, page 249, by inserting immediately after line 1, new lines to read,

COLUMN 7 COLUMN 8

/A. BASE PAY INCREASE

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Base Pay Increase                      57,600,000                      57,600,000/

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 507, proviso 117.114, lines 10, 13, 16, 17, 19, 22, 24, 26, and 28, by striking /zero/ and inserting /three/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON spoke on the amendment.

Senator JOHNSON spoke on the amendment.

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

**Amendment No. 18**

Senator SHEHEEN proposed the following amendment (DAD 1.3 VS), which was adopted (#15):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 269, proviso 1.3, lines 32-36, and page 270, lines 1-2, by reinserting:

/ Further, the Department of Education may use school district student counts for personalized instruction as collected in the same manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate the school district add on weightings for the personalized instruction classifications and the determination of the school districts monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily membership for all classifications. During the current fiscal year the department will update PowerSchool calculations, reports, screen development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation adjustments by June 30, ~~2017~~. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN spoke on the amendment.

The amendment was adopted.

**Amendment No. 12**

Senators CLIMER and BENNETT proposed the following amendment (ETK 1.48 WC), which was carried over:

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Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 282, proviso 1.48, lines 19-24, by striking the proviso in its entirety:

~~/ 1.48. (SDE: Impute Index Value) For the current fiscal year and for the purposes of calculating the index of taxpaying ability the Department of Revenue shall impute an index value for owner occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required pursuant to the EFA and other applicable provisions of law. /~~

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BENNETT spoke on the amendment.

Senator SHEHEEN spoke on the amendment.

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

**Amendment No. 26**

Senator SHEHEEN proposed the following amendment (4950C010.BBM.SA18.DOCX), which was adopted (#17):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, beginning on page 320, by striking provisos 1A.73 and 1A.74:

~~/ 1A.73. (SDE EIA: Revolving Student Loan Program Transfer) The State Treasurer shall transfer \$16,000,000 from the EIA Revolving Student Loan Program, Fund 4111, to the Department of Education. The department shall utilize these funds for the School Districts Capital Improvement Plan as set forth in this act.~~

~~1A.74. (SDE EIA: Abbeville Equity School Districts Capital Improvement Plan) The funds appropriated for the Abbeville Equity School Districts Capital Improvement Plan in Part IA, Section 1, VIII, I, Abbeville Equity School Districts Capital Improvements and by provisos 1.85, 1A.48, 1A.73, and 1A.77 shall be allocated by the Department of Education to eligible school districts for the purpose of funding school facility upgrades. Eligible school districts include any school district that is a plaintiff in the Abbeville law suit or districts with a poverty index of~~

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~~eighty percent or higher. For the purpose of this provision, “school facility” means only facilities necessary for instructional and related supporting purposes including, but not limited to, classrooms, libraries, media centers, laboratories, cafeterias, physical education spaces, related interior and exterior facilities, and the conduit, wiring, and powering of hardware installations for classroom computers or for area network systems. Eligible school facility projects shall include: (a) health and safety upgrades; (b) technology upgrades inside school facilities; (c) upgrades associated with career and technology education programs; and (d) deferred maintenance needs as described in the district’s capital improvement plan. For purposes of this provision, school facilities shall not include unimproved real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports activities.~~

~~The department shall develop and maintain an application process for school districts to request funding for qualified school projects and establish policies, procedures, and priorities for the making of grants pursuant to this provision. At least twice a year and upon receipt of applications pursuant to the application process adopted by the department, the department shall prioritize the eligible projects with the greatest need and shall submit a list of recommended grant awards to the State Board of Education. Grants shall be awarded upon an affirmative vote of the State Board.~~

~~The financial assistance provided to school districts pursuant to this provision must be used for the eligible school facility project. The department is responsible for establishing policies and procedures to ensure that funds are expended in a manner consistent with this provision.~~

~~Following the close of the fiscal year, the department shall submit an annual report of its Abbeville Equity School Districts Capital Improvement Plan activities for the preceding year to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee. /~~

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN spoke on the amendment.

The amendment was adopted.

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ACTING PRESIDENT PRESIDES

Senator GOLDFINCH assumed the Chair.

**Amendment No. 25**

Senators SHEHEEN, YOUNG, NICHOLSON, SHEALY, TURNER and PEELER proposed the following amendment (ETK 7.4 ERSKINE-SHEHEEN), which was adopted (#18):

Amend the bill, as and if amended, Part IB, Section 7, JOHN DE LA HOWE SCHOOL, page 341, proviso 7.4, lines 25 - 35 and page 342, lines 1 - 2, by striking the proviso in its entirety, and inserting

/ 7.4. (JDLHS: Transition) For Fiscal Year ~~2017-18~~ 2018-19, all financial and programmatic management and operations of the John de la Howe School shall continue to operate. The John de la Howe Board shall designate the Charter Institute at Erskine as its agent for fiscal affairs no later than July 31. In that capacity, the Charter Institute at Erskine must make all fiscal decisions for the school. For Fiscal Year 2018-19, the fiscal agent shall have full flexibility of funds appropriated to John de la Howe for the purpose of operating the school, including any personnel decisions and contracting for necessary services. However, to the extent possible, the wilderness camp activities and the operation of the residential facilities shall be maintained as the primary operation of the school.

~~The John de la Howe Board may~~ Charter Institute at Erskine must utilize funds appropriated to the John de la Howe School to perform or contract for an evaluation and report ~~focused on: (1) what agricultural educational programs can be offered that align with the terms and purpose of the Dr. John de la Howe will; (2) what land management and operation changes are needed in order for the property and remaining assets to support the agricultural education programming mission of the will; and (3) what would be the projected costs of and timeframe for these changes~~ concerning the highest and best use of the property upon which the John de la Howe School is currently located.

~~John de la Howe School~~ The Charter Institute at Erskine shall report to the Senate Finance Committee and to the House Ways and Means Committee by December first of the current fiscal year on its findings and recommendations./

Re-number sections to conform.

Amend sections, totals and title to conform.

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**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill. Senator SHEHEEN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator SHEHEEN spoke on the amendment.

**PRESIDENT PRESIDES**

At 3:39 P.M., the PRESIDENT assumed the Chair.

The amendment was adopted.

**Amendment No. 36**

Senator PEELER proposed the following amendment (ETK 11.21 ENR & FIN DATA SUB-HP), which was adopted (#19):

Amend the bill, as and if amended, Part IB, Section 11, COMMISSION ON HIGHER EDUCATION, page 346, proviso 11.21, line 5, by striking */October/* and inserting */November/*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator PEELER spoke on the amendment.

The amendment was adopted.

**Amendment No. 35**

Senators ALEXANDER and SHEALY proposed the following amendment (DAD 38.30 FOSTER CARE), which was adopted (#20):

Amend the bill, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 383, proviso 38.30, lines 28-33, by striking the lines in their entirety and inserting:

*/ (A) If a child in foster care has been placed within the same foster home for at least 12 consecutive months and if the foster parents are willing to provide permanency through adoption for the child, the department must obtain an attachment assessment, as defined through rules or regulations promulgated by the agency, of the child and current foster parents before selecting a different adoptive placement or other alternative setting. The attachment assessment must be conducted by a qualified attachment expert. Qualified attachment experts may include*



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individuals who can demonstrate training and or education in attachment theory, developmental psychology, and other qualifications defined through rules or regulations promulgated by the agency. /

Amend the bill further, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 383, proviso 38.30, line 35, after “child-focused” and page 384, line 4, after “child focused” by inserting:

/ or other appropriate /

Amend the bill further, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 384, proviso 38.30, lines 6-7, by striking the lines in their entirety and inserting:

/ (C) The department must file a Termination of Parental Rights petition if a child has been in foster care for 15 of the last 22 months unless there are extenuating circumstances as defined in Section 63-7-1710 as follows:

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator ALEXANDER spoke on the amendment.

The amendment was adopted.

**Amendment No. 28**

Senators TURNER, BENNETT, SHEALY, YOUNG, CORBIN, TALLEY and CLIMER proposed the following amendment (4950R019.SP.RT.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 384, line 23, by adding an appropriately numbered new proviso to read:

/ 38. . (DSS: SNAP Eligibility) The Department of Social Services shall not seek, apply for, accept, or renew any waiver of the requirements established pursuant to 7 U.S.C. Section 2015(o), relating to the mandatory work requirements of the Supplemental Nutrition Assistance Program. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator TURNER spoke on the amendment.

On motion of Senator TURNER, the amendment was carried over.

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**Amendment No. 21**

Senator GREGORY proposed the following amendment (ETK PSC DETAILED REPORT GG), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 72, PUBLIC SERVICE COMMISSION, page 419, after line 26, by adding an appropriately numbered new proviso to read:

*/ (PSC: Electric Generation Facilities Report ) With funds appropriated or authorized in the current fiscal year, the Public Service Commission shall provide a detailed written report to the members of the General Assembly by no later than December 15, 2018, identifying (1) all electric generation facilities owned by each electrical utility as defined by Section 58-27-10(7) of the 1976 Code, with the exception of electrical utilities serving less than one hundred thousand customer accounts, (2) the total length of time over which the electrical utility has received and is expected to receive cost recovery from ratepayers for the electric generation facility, (3) the itemized cost incurred and to be incurred by ratepayers for each electric generation facility, including but not limited to, the cost for initial construction, fuel and other operation and maintenance and decommissioning, and (4) the total amount of profit earned and expected to be earned by the utility on its investment in the construction and operation of the electric generation facility over its useful life./*

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator GREGORY spoke on the amendment.

On motion of Senator GREGORY, with unanimous consent, Amendment 21 was withdrawn.

Senator GREGORY asked unanimous consent to proceed to Amendment No. 41.

**Amendment No. 41**

Senators GREGORY and BENNETT proposed the following amendment (ETK ORS DETAILED REPORT GG), which was adopted (#21):

Amend the bill, as and if amended, Part IB, Section 73, OFFICE OF REGULATORY STAFF, page 420, after line 24, by adding an appropriately numbered new proviso to read:

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/ (ORS: Electric Generation Facilities Report ) With funds appropriated or authorized in the current fiscal year, the Office of Regulatory Staff shall provide a detailed written report to the members of the General Assembly by no later than January 30, 2019, identifying (1) all electric generation facilities owned by each electrical utility as defined by Section 58-27-10(7) of the 1976 Code, with the exception of electrical utilities serving less than one hundred thousand customer accounts, (2) the total length of time over which the electrical utility has received and is expected to receive cost recovery from ratepayers for the electric generation facility, (3) the itemized cost incurred and to be incurred by ratepayers for each electric generation facility, including but not limited to, the cost for initial construction, fuel and other operation and maintenance and decommissioning, and (4) the total amount of profit earned and expected to be earned by the utility on its investment in the construction and operation of the electric generation facility over its useful life./

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator GREGORY spoke on the amendment.

The amendment was adopted.

#### **Amendment No. 38**

Senator MASSEY proposed the following amendment (4950R013.SP.ASM.DOCX), which was adopted (#22):

Amend the bill, as and if amended, Part IB, Section 73, OFFICE OF REGULATORY STAFF, page 420, proviso 73.5, lines 18 - 24, by striking the proviso in its entirety, and inserting /73.5.(ORS: Acting Executive Director) (A) When the position of agency head at any of the State's various agencies is vacant, the General Assembly finds that a person acting in the capacity of acting agency head has the full legal authority to take any and all official actions to fulfill the duties and responsibilities of agency head until such time as the vacancy has been filled. Therefore, the acting Executive Director of the Office of Regulatory Staff is authorized to exercise all of the powers and duties of the Executive Director, as designated in statute, including the power to expend funds for the purpose of executing the duties required of the office and as otherwise may be required to fulfill the Office of Regulatory Staff's statutory responsibilities until such time as the previous executive director's successor is appointed by the Governor. Further, the General

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Assembly hereby ratifies any and all official decisions made by the acting Executive Director between January 15, 2018 and June 30, 2018.

(B) The executive director or acting executive director of the Office of Regulatory Staff has the authority to file an action against an entity in circuit court to obtain injunctive relief requiring the production of documents or witnesses. Such action may be brought under the following circumstances and in the county in which the facility is located:

(1) an entity has provided goods or services, including, but not limited to, plans, studies, and reports related to the design, construction, or operation of a facility located in South Carolina and that facility has been the subject of a proceeding concerning the Base Load Review Act;

(2) the executive director determines that the production of documents or witnesses from the entity described in item (1) is necessary in order for the Office of Regulatory Staff to accomplish its responsibilities; and

(3) the entity that has provided goods or services as described in item (1) has refused to provide the requested documents or witnesses.

(C) The relief that may be granted in an action described above is an order requiring the production of documents, an order requiring the appearance of a witness or witnesses, an order allowing the Office of Regulatory Staff to take depositions of witnesses, or any combination thereof. Any order granting such relief must provide reasonable protections to the entity subject to the order, including that any depositions will be taken at a location convenient to the witnesses. In the event that a deposition is ordered, the Office of Regulatory Staff must give notice to the utility and any other party to any proceeding in which the deposition may be used, so that the utility and any such party will have an opportunity to appear and participate in the deposition.

(D) An action brought by the executive director or acting director pursuant to this proviso shall be given administrative priority by the chief administrative judge for the circuit in which it has been brought and must be heard and decided as expeditiously as is consistent with due process. Failure to comply with an aforementioned court order issued may be found in contempt and fined in the discretion of the court. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

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**Amendment No. 40**

Senators TIMMONS, HEMBREE and CROMER proposed the following amendment (4950R006.DR.WRT.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 93, DEPARTMENT OF ADMINISTRATION, page 443, after line 18, by adding an appropriately numbered new proviso to read:

/93. . (DOA: Case Management System) (A) From the funds appropriated to agencies listed below in a pro rata share to be determined by the Department of Administration, in a total amount not to exceed \$400,000, the Department of Administration shall enter into a contract with a nationally recognized third party information technology vendor to study the requirements of the State's solicitors, public defenders, the court system, the Department of Corrections, the Department of Probation, Parole and Pardon Services, the State Law Enforcement Division, and all other law enforcement agencies in regard to the consolidation of their separate case management information technology systems into a standardized, fully integrated, paperless incident and case management system that facilitates the collection, storage, maintenance, and availability of case-related data.

(B) The Department of Administration shall manage and oversee the study. The Prosecution Coordination Commission, the Indigent Defense Fund, the Administrative Office of the Courts, and the State Law Enforcement Division must participate in the study and shall each appoint one person to represent the interests of its appointing authority. Upon completion, but no later than June 30, 2019, the results of the study shall be compiled in a report to the Governor and General Assembly and must be made available on the Department of Administration's website.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator TIMMONS spoke on the amendment.

Senator MALLOY spoke on the amendment.

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

**Amendment No. 27**

Senators DAVIS and TURNER proposed the following amendment (ETK 108 SHARED-SAVINGS TD), which was adopted (#23):

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Amend the bill, as and if amended, Part IB, Section 108, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 461, after line 31, by adding an appropriately numbered new proviso to read:

/ (PEBA: Shared-Savings Incentive Program Study Committee) From the funds appropriated to the authority, there is created a Shared-Savings Incentive Program Study Committee. The purpose of the study committee shall be to identify the requirements, costs, and benefits of implementing a shared-savings incentive program for state-employed, public sector or retired enrollees who elect to shop and receive health care services at a lower cost than the average price paid by their carrier for a comparable health care service. The study committee shall also assess whether the program should be administered by the authority or through a third party, or whether to require carriers to offer access to such a program for health care services eligible for shared incentives. The study committee shall be composed of members appointed as follows:

- (1) the Speaker of the House of Representatives or his designee;
- (2) the President Pro Tempore of the Senate or his designee;
- (3) the Chairman of the Senate Finance Committee or his designee;
- (4) the Chairman of the House Ways and Means Committee or his designee; and
- (5) one member appointed by the Governor that is a nonrepresentative member of the South Carolina Public Employee Benefit Authority Board of Directors.

The committee shall provide findings and recommendations to the General Assembly on or before December 31, 2018./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS spoke on the amendment.

The amendment was adopted.

**Amendment No. 20**

Senator MASSEY proposed the following amendment (4950R015.SP.ASM.DOCX), which was adopted (#24):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 525, proviso 118.6, by striking lines 7 - 8 and inserting /All state agencies and institutions are further

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prohibited from employing or contracting with a lobbyist, as defined in Section 2-17-10, who is not a full-time employee of the State. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY spoke on the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator SHEHEEN spoke on the Point of Order.

Senator CAMPSSEN spoke on the Point of Order.

**Point of Order**

Senator MASSEY raised a Point of Order that the Point of Order raised by Senator HUTTO was out of order inasmuch as it came too late.

The PRESIDENT sustained the Point of Order.

The amendment was adopted.

**Amendment No. 37**

Senators BENNETT, TURNER, MASSEY, CLIMER, HEMBREE, GREGORY and RICE proposed the following amendment (4950C011.BBM.SA18.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 525, by striking proviso 118.9 and inserting:

/ 118.9. (SR: Tax Relief Reserve Fund) (A) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, ~~2017~~ 2018, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

(B) In the event that, by July 1, 2018, no law has been enacted to specifically conform State tax law with respect to changes made to the Internal Revenue Code of 1986 due to the congressional enactment of the Tax Cuts and Jobs Act, P.L. 115-97, then in the current fiscal year, the Executive Director of the Revenue and Fiscal Affairs Office each

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month shall certify the amount by which actual general fund revenues have exceeded the amount forecast according to the revenue estimate that had been most recently certified as of April 10, 2018. This certification must be limited to the amount of excess revenue, if any, that is directly attributable to not conforming to the Tax Cuts and Jobs Act by July 1, 2018, if applicable. Each monthly certification must be promptly provided to the Governor, the Comptroller General, the State Treasurer, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee. Upon receipt of each certification and subject to the availability of funds, the State Treasurer shall immediately transfer, but not disperse, the certified amount from the general fund to the Tax Relief Reserve Fund. In any month in which actual general fund revenues are less than the amount forecasted by the estimate that had been most recently certified as of April 10, 2018, no transfer pursuant to this proviso may be made. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BENNETT spoke on the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MASSEY spoke on the Point of Order.

Senator CAMPSSEN spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

On motion of Senator BENNETT, the amendment was carried over.

**Amendment No. 39A**

Senators KIMPSON and SETZLER proposed the following amendment (4950R026.SP.MEK.DOCX), which was adopted (#25):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 533, line 5, by adding an appropriately numbered new proviso to read:

/ 118. . . (SR: Prohibits Publicly Funded Consultants) Without prior approval from the State Fiscal Accountability Authority, all state agencies and institutions are prohibited from using public funds to



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employ the former head of a state agency for consulting on subject matter related to the scope of the person's employment as an agency head. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KIMPSON spoke on the amendment.

The amendment was adopted.

**Motion Adopted**

Senator LEATHERMAN asked unanimous consent to make a motion that H. 4950, the General Appropriations Bill, be given a second reading, carrying over all amendments to third reading, with all members reserving the right to raise any Points of Order and waiving the provisions of Rule 26B to allow further amendments on third reading.

There was no objection.

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

**SECOND READING  
CONSENT CALENDAR**

**AMENDED, READ THE SECOND TIME**

H. 5154 -- Reps. Fry and Hewitt: A JOINT RESOLUTION CALLING FOR A REFERENDUM TO BE CONDUCTED BY THE HORRY COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AT THE NEXT ELECTION FOR REPRESENTATIVES AMONG THE QUALIFIED ELECTORS OF A TERRITORY PROPOSED TO BE TAKEN FROM GEORGETOWN COUNTY AND GIVEN TO HORRY COUNTY PURSUANT TO SECTION 7, ARTICLE VII, CONSTITUTION OF SOUTH CAROLINA, 1895, PROVIDING IF APPROVED BY TWO-THIRDS OF THE VOTES CAST, THE GENERAL ASSEMBLY AT ITS NEXT SESSION SHALL PROVIDE BY LAW FOR THE ALTERATION OF THE HORRY-GEORGETOWN COUNTY LINE, AND PROVIDING THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, DURING THE PENDENCY OF THE OUTCOME OF THE REFERENDUM REQUIRED BY THIS JOINT RESOLUTION, IT IS THE GENERAL ASSEMBLY'S INTENT NOT TO AFFECT, ALTER,

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RELEASE, OR EXTINGUISH ANY EXISTING ACTIONS, RIGHTS, DUTIES, PRACTICES, PENALTIES, FORFEITURES, OR LIABILITIES RESULTING FROM HORRY AND GEORGETOWN COUNTIES' MISINTERPRETATION OF THE ACTUAL HORRY-GEORGETOWN COUNTY LINE AS APPROVED BY THE GENERAL ASSEMBLY AND DELINEATED IN CHAPTER 3, TITLE 4 OF THE 1976 CODE, AND PROVIDING FURTHER THAT HAD THE GENERAL ASSEMBLY INTENDED TO AFFECT, DISTURB, OR DISRUPT THE STATUS QUO REGARDING ANY OF THE FOREGOING DURING THE PENDENCY OF THE OUTCOME OF THE REFERENDUM REQUIRED BY THIS JOINT RESOLUTION, IT SO EXPRESSLY WOULD HAVE PROVIDED.

On motion of Senator GOLDFINCH, with unanimous consent, the Senate proceeded to an immediate consideration of the Resolution.

Senator GOLDFINCH proposed the following amendment (ZW\5154C001.BBM.ZW18), which was adopted:

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

/ Whereas, as a result of the misunderstanding by Horry and Georgetown counties regarding the actual Horry-Georgetown County line, there is an affected area within Georgetown County, consisting of at least one hundred ninety-nine parcels, whose owners erroneously believe their properties are located in Horry County; and

Whereas, pursuant to the South Carolina Code of Laws, 1976, the governing body of a county can by resolution require that part of such county be merged with an adjoining county; and

Whereas, when presented with a resolution of annexation, the Governor shall appoint a commission to investigate all acts in relation to the potential annexation; and

Whereas, certified plats of the affected area must be drawn and filed with the Secretary of State; and

Whereas, upon completion of the commission's report, the Governor shall order an election in the area sought to be annexed and transferred; and

Whereas, the General Assembly upon receipt of the certified returns shall alter the lines in accordance with the request of two-thirds of the qualified voters. Now, therefore, /

Amend the joint resolution further by striking all after the enacting words and inserting:

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/ SECTION 1. Upon receipt of resolutions by the governing bodies of Horry and Georgetown counties to request the annexation of certain parcels of property mistakenly treated as in Horry County although statutorily defined as lying within Georgetown County, the Governor shall form a commission to comply with all applicable statutory requirements.

SECTION 2. Upon receipt of the commission's report and compliance with all statutory requirements, an election must be ordered for all qualified voters in the affected area.

SECTION 3. If approved by two-thirds of the votes cast after submission of the question to the qualified electors of the affected territory proposed to be taken pursuant to SECTION 1, the General Assembly, at its next session, shall provide by law for the alteration of the Horry-Georgetown County line.

SECTION 4. Notwithstanding another provision of law, during the pendency of the outcome of the referendum required by this joint resolution and any final action required of the General Assembly pursuant to SECTION 3, it is the General Assembly's intent not to affect, alter, release, or extinguish any existing actions, rights, duties, practices, penalties, forfeitures, or liabilities resulting from Horry and Georgetown counties' misinterpretation of the actual Horry-Georgetown County line as approved by the General Assembly and delineated in Chapter 3, Title 4 of the 1976 Code, and had the General Assembly intended to affect, disturb, or disrupt the status quo regarding any of the foregoing during the pendency of the outcome of the referendum required by this joint resolution, it so expressly would have provided.

SECTION 5. The provisions of this joint resolution are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this joint resolution is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the joint resolution, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

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Amend title to conform.

Senator GOLDFINCH 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 44; 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>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

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

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

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

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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.

On motion of Senator JACKSON.

**Expression of Personal Interest**

Senator CAMPBELL rose for an Expression of Personal Interest.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned to meet tomorrow, Wednesday, April 11, 2018, at 10:00 A.M.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Clarendon County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

R. Shawn McCord, 537 Sunset Drive, Manning, SC 29102

Reappointment, Chesterfield County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Diane Dyches, 3357 Highway 9, Cheraw, SC 29520-6637

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

John Kennedy Melton, 104 Clyde Ave., Cheraw, SC 29520

Initial Appointment, Laurens County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Mareno Foggie, 117 Sherwood Dr., Laurens, SC 29360-2637 *VICE*  
Glynda L. Tucker

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Reappointment, Clarendon County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022  
June C. Briggs, 1052 Perch Dr., Manning, SC 29102-7730

Initial Appointment, Clarendon County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022  
Elease Fulton, 12647 Raccoon Rd., Manning, SC 29102-8882

**MOTION ADOPTED**

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jimmy Collins of Myrtle Beach, S.C. Jimmy was the owner of J&R Painting, Inc. He was a loving husband and devoted father who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Mary Jane Thompson of Greenwood, S.C. Ms. Thompson taught school for 31 years and retired as a home economics teacher from Greenwood District 50. She was a member of Main Street United Methodist Church and the Bible Sunday School Class. She enjoyed attending social functions and fellowship with family and friends. Mary Jane was a loving mother and devoted grandmother who will be dearly missed.

**ADJOURNMENT**

At 4:55 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*

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