

NO. 66

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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TUESDAY, MAY 1, 2018

**Tuesday, May 1, 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 PRESIDENT.

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

Psalm 65: 8, 11a

“Those who live at earth’s farthest bounds are awed by your signs; you make the gateways of the morning and the evening shout with joy. You crown the year with your bounty.”

Let us pray. Indeed O God, You make the gateways of the morning and the advent of the evenings shout for joy. It is as if nature is a living breathing expression of Your provision for Your people. Though the winters come and the storms blow, You always restore this land each year with new life.

May each Senator here feel the hope and joy of becoming a part of this powerful new life each day. May the work that they do and the decisions that they make have a transforming affect on the beauty of this State, the abundance of its resources and the joy of its people. For we know that through Your power and Your grace all things are possible. In Your holy name we pray, Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Robert Bart Howell, 205 Farm Wind Road, Gaffney, SC 29341-3543

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

Julian Wright, 121 Fernwood Dr., Gaffney, SC 29340-3611

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Reappointment, Cherokee County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022  
Bruce Byars, 132 Boots Trail, Blacksburg, SC 29702-8709

Reappointment, Cherokee County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022  
John Cook, 247 Goucher Green Bethel Road, Gaffney, SC 29340-5908

Reappointment, Cherokee County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022  
David L. Clary, 400 Forest Lane Dr., Gaffney, SC 29340-2122

#### **REGULATION WITHDRAWN**

The following was received:

Document No. 4767

Agency: Department of Labor, Licensing and Regulation-Board of Barber Examiners

Chapter: 17

Statutory Authority: 1976 Code Sections 40-7-50, 40-7-60, 40-7-230 and 40-7-290

SUBJECT: Barber Students, Applications, Permits, Training, Progress Reports, and Examinations

Received by Lieutenant Governor January 9, 2018

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn May 1, 2018

#### **Doctor of the Day**

Senator CROMER introduced Dr. John Schaberg of West Columbia, S.C., Doctor of the Day.

#### **Leave of Absence**

At 2:12 P.M., Senator CAMPBELL requested a leave of absence for Senator VERDIN until 6:00 P.M.

#### **Expression of Personal Interest**

Senator FANNING rose for an Expression of Personal Interest.

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**CO-SPONSOR ADDED**

The following co-sponsors was added to the respective Bill:

S. 723 Sen. Cash

**RECALLED**

H. 5141 -- Reps. Clary, Collins and Hiott: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 123 AND SOUTH CAROLINA HIGHWAY 93 IN PICKENS COUNTY "DR. B.R. SKELTON INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

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

**RECALLED**

H. 5270 -- Reps. Hiott, Clary and Collins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 123 AND CARTEE ROAD IN PICKENS COUNTY THE "CHARLES E. DALTON INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE CONTAINING THIS DESIGNATION.

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

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

**RECALLED**

H. 5199 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MT. CALVARY ROAD IN DILLON COUNTY FROM ITS INTERSECTION WITH ARRIE ROAD TO ITS INTERSECTION WITH EAST COUNTRY CLUB DRIVE "HENRY T. SMITH MEMORIAL ROAD" AND ERECT APPROPRIATE

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MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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

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

**RECALLED**

S. 1097 -- Senators Martin and Turner: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF I-385 AND BRIDGES ROAD "TROOPER DANIEL K. REBMAN, JR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THIS DESIGNATION.

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

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

**RECALLED**

S. 1217 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAY 276 AND HIGHWAY 288 (PUMPKINTOWN HIGHWAY) IN NORTHERN GREENVILLE COUNTY "DR. JAMES E. BARNETT INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THIS DESIGNATION.

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

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

**RECALLED**

S. 1164 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF NORTH ACADEMY STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH EAST NORTH

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STREET TO ITS INTERSECTION WITH NORTH MAIN STREET  
"ROBERT PEABO BRYSON BOULEVARD" AND ERECT  
APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF  
HIGHWAY CONTAINING THIS DESIGNATION.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1202 -- Senator Williams: A SENATE RESOLUTION TO  
HONOR AND RECOGNIZE SIMON M. JENKINS FOR HIS  
LIFELONG PUBLIC SERVICE TO REFUGE PENTECOSTAL  
CHURCH AND THE MARION COUNTY COMMUNITY.

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The Senate Resolution was adopted.

S. 1203 -- Senators McElveen and Johnson: A SENATE  
RESOLUTION TO HONOR AND RECOGNIZE MALACHI COFFEY  
OF SUMTER, SOUTH CAROLINA AND TO COMMEND HIS  
HEROIC EFFORTS IN COURAGEOUSLY RESCUING HIS  
NEIGHBOR.

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The Senate Resolution was adopted.

S. 1204 -- Senator Kimpson: A SENATE RESOLUTION TO  
CONGRATULATE REVEREND DOCTOR ISAAC HOLT, JR. UPON  
THE OCCASION OF HIS TWENTY-FIFTH PASTORAL  
ANNIVERSARY WITH ROYAL MISSIONARY BAPTIST CHURCH  
AND TO HONOR AND RECOGNIZE HIS OUTSTANDING  
LEADERSHIP AND SERVICE TO HIS CONGREGATION AND THE  
NORTH CHARLESTON COMMUNITY.

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The Senate Resolution was adopted.

S. 1205 -- Senator M. B. Matthews: A SENATE RESOLUTION TO  
CONGRATULATE MALACHI JONES FOR WINNING A

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NATIONAL SCHOLASTIC ART & WRITING AWARD GOLD MEDAL.

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The Senate Resolution was adopted.

S. 1206 -- Senator McElveen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COLONEL DANIEL T. "SHIP" LASICA, COMMANDER OF THE 20TH FIGHTER WING AT SHAW AIR FORCE BASE, FOR HIS OUTSTANDING SERVICE TO THE UNITED STATES AIR FORCE AND THE STATE OF SOUTH CAROLINA; TO THANK HIM FOR HIS SACRIFICES IN DEFENDING OUR COUNTRY; AND TO WISH HIM MUCH SUCCESS AND HAPPINESS AS HE CONTINUES HIS ILLUSTRIOUS CAREER.

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The Senate Resolution was adopted.

S. 1207 -- Senators Leatherman, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO HONOR AND COMMEND R. LESTER "LES" BOLES ON THE OCCASION OF HIS RETIREMENT FROM THE POSITION OF DIRECTOR OF BUDGET DEVELOPMENT FOR THE SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE AFTER THIRTY-NINE YEARS OF EXEMPLARY PUBLIC SERVICE TO SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1208 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - RESIDENTIAL BUILDERS COMMISSION, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS LICENSE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4777, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1209 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF ELEVATORS AND AMUSEMENT RIDES, RELATING TO FEE SCHEDULE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4794, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1210 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - RESIDENTIAL BUILDERS COMMISSION, RELATING TO CLASSIFICATION OF RESIDENTIAL SPECIALTY CONTRACTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4778, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1211 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF IMMIGRANT WORKER COMPLIANCE, RELATING TO AUDIT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4770, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1212 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION -



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OFFICE OF OCCUPATIONAL SAFETY AND HEALTH,  
RELATING TO RECORDING AND REPORTING OCCUPATIONAL  
INJURIES AND ILLNESSES, DESIGNATED AS REGULATION  
DOCUMENT NUMBER 4802, PURSUANT TO THE PROVISIONS  
OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1213 -- Labor, Commerce and Industry Committee: A JOINT  
RESOLUTION TO APPROVE REGULATIONS OF THE  
DEPARTMENT OF LABOR, LICENSING AND REGULATION -  
PERPETUAL CARE CEMETERY BOARD, RELATING TO  
DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT  
NUMBER 4768, PURSUANT TO THE PROVISIONS OF ARTICLE  
1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1214 -- Labor, Commerce and Industry Committee: A JOINT  
RESOLUTION TO APPROVE REGULATIONS OF THE  
DEPARTMENT OF LABOR, LICENSING AND REGULATION -  
CONTRACTOR'S LICENSING BOARD, RELATING TO  
MECHANICAL CONTRACTORS - AIR CONDITIONING,  
HEATING AND PACKAGED EQUIPMENT, DESIGNATED AS  
REGULATION DOCUMENT NUMBER 4796, PURSUANT TO THE  
PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976  
CODE.

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

S. 1215 -- Labor, Commerce and Industry Committee: A JOINT  
RESOLUTION TO APPROVE REGULATIONS OF THE  
DEPARTMENT OF LABOR, LICENSING AND REGULATION,  
RELATING TO REAL ESTATE APPRAISERS BOARD,  
DESIGNATED AS REGULATION DOCUMENT NUMBER 4763,  
PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,  
TITLE 1 OF THE 1976 CODE.

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

S. 1216 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO AUCTIONEERS' COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4764, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1217 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAY 276 AND HIGHWAY 288 (PUMPKINTOWN HIGHWAY) IN NORTHERN GREENVILLE COUNTY "DR. JAMES E. BARNETT INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THIS DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5282 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING CRISIS STABILIZATION UNIT FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4809, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 5330 -- Reps. Lucas and Williams: A CONCURRENT RESOLUTION TO HONOR AND COMMEND DR. WILLIE "BILL" BOYD, SR., ON THE OCCASION OF HIS RETIREMENT FROM DARLINGTON COUNTY SCHOOL DISTRICT AFTER FIFTY YEARS OF SERVICE AND TO WISH HIM MUCH CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 5348 -- Reps. Duckworth, 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, 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, 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 HONOR AND COMMEND MARC AND LAURIE BRAWNER, OWNERS OF LITTLE SPIDER CREATIONS, INC., OF LITTLE RIVER, SOUTH CAROLINA, ON BEING NAMED A WINNER OF THE 2018 AMERICAN SMALL BUSINESS CHAMPIONSHIP BY SCORE AND TO WISH THEM AND THEIR FAMILY-RUN BUSINESS MUCH CONTINUED SUCCESS.

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

H. 5350 -- Reps. Gagnon, West, 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, 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,

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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, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO HONOR AND COMMEND PAIGE BOWSER AND HER COMPANY, BREEZY QUARTERS OF ABBEVILLE, SOUTH CAROLINA, ON BEING NAMED A WINNER OF THE 2018 AMERICAN SMALL BUSINESS CHAMPIONSHIP BY SCORE AND TO WISH HER AND HER BUSINESS MUCH CONTINUED SUCCESS.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 890 -- Senators Davis, Fanning, Rice, Leatherman, Talley, Timmons, Shealy, Jackson, Gregory, Senn, Turner and Young: A BILL TO AMEND TITLE 58 OF THE 1976 CODE OF LAWS, RELATING TO PUBLIC UTILITIES, SERVICES AND CARRIERS, BY ADDING CHAPTER 41, TO PROVIDE FOR THE PROCUREMENT OF LOWEST-COST ENERGY FROM INDEPENDENT POWER PRODUCERS; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 3846 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 40-59-260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS FROM HOMEBUILDERS LICENSURE REQUIREMENTS FOR CERTAIN RESIDENTIAL PROPERTY IMPROVEMENTS MADE BY PROPERTY OWNERS FOR PERSONAL USE, SO AS TO REMOVE A PROVISION WHICH DISQUALIFIES PROPERTY OWNERS WHO SELL OR RENT SUCH AN IMPROVED PROPERTY WITHIN TWO YEARS AFTER THE IMPROVEMENTS ARE MADE FROM THIS EXCEPTION, AND TO MAKE A CONFORMING CHANGE IN A RELATED DISCLOSURE GIVEN TO PROPERTY OWNERS SEEKING TO QUALIFY FOR THE EXCEPTION.

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Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 4093 -- Reps. Collins, J.E. Smith and Norrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EMPLOYMENT FIRST INITIATIVE ACT" BY ADDING CHAPTER 5 TO TITLE 41 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ESTABLISH POLICIES SUPPORTIVE OF COMPETITIVE AND INTEGRATED EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES, TO CREATE RELATED RESPONSIBILITIES FOR STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE, TO CREATE THE SOUTH CAROLINA EMPLOYMENT FIRST OVERSIGHT COMMISSION, AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE COMMISSION.

Ordered for consideration tomorrow.

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

H. 4304 -- Reps. Duckworth, Loftis, Finlay, Henderson, Stavrinakis, Clary, McCoy, Taylor, Cogswell, Hewitt, Erickson, Crawford, Johnson, Jordan, Atwater, Spires, Fry, Clemmons, Putnam, McCravy, Huggins, Davis, Kirby, Arrington, Bennett, Collins, Felder, Ballentine, Bannister, Bedingfield, Blackwell, Cole, Forrest, Gagnon, Hardee, Herbkersman, Hiott, Hixon, Lowe, Lucas, V.S. Moss, Pope, S. Rivers, Simrill, G.R. Smith, Thayer, Wheeler, Willis, Murphy, Brown, Elliott, Ott, Norrell, McGinnis, Caskey, Mace, Trantham, Ridgeway and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-37-60 SO AS TO PROVIDE THAT "OFFSHORE WIND RESOURCE DEVELOPMENT ACTIVITIES" MEANS INITIATIVES UNDERTAKEN BY AN ELECTRICAL UTILITY FOR THE LONG-TERM ADVANCEMENT OF ECONOMIC DEVELOPMENT AND CLEAN ENERGY BENEFITS RESULTING FROM OFFSHORE WIND, TO PROVIDE THAT THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION MAY ADOPT PROCEDURES THAT ENCOURAGE ELECTRICAL UTILITIES SUBJECT TO THE JURISDICTION OF THE COMMISSION TO INVEST IN OFFSHORE WIND RESOURCE DEVELOPMENT ACTIVITIES THAT PROVIDE COST RECOVERY FOR ENERGY SUPPLIERS AND DISTRIBUTORS WHO INVEST

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IN OFFSHORE WIND RESOURCE DEVELOPMENT ACTIVITIES THAT ARE REASONABLY EXPECTED TO RESULT IN ECONOMIC DEVELOPMENT FROM THE MANUFACTURING AND DEPLOYMENT OF OFFSHORE WIND.

Ordered for consideration tomorrow.

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

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, Henderson and Govan: A BILL TO AMEND SECTION 58-33-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE BASE LOAD REVIEW ACT, SO AS TO ADD CERTAIN DEFINITIONS; TO REPEAL ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT, AND TO PROVIDE A SPECIFIC EXCEPTION TO THIS REPEAL; BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND PROCEDURES UNDER WHICH ELECTRICITY RATES FOR CERTAIN RATEPAYERS WHO ARE PAYING ADDITIONAL CHARGES UNDER THE BASE LOAD REVIEW ACT FOR THE CONSTRUCTION OF NUCLEAR PLANTS OR PROJECTS SHALL BE REVISED AND DETERMINED; AND TO PROVIDE FOR PROCEDURES AND PROVISIONS OF LAW WHICH APPLY AND DO NOT APPLY IN REGARD TO THE ADJUSTMENT OF ELECTRICITY RATES AS PROVIDED BY CHAPTER 34.

Ordered for consideration tomorrow.

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

H. 4379 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Bennett, Arrington, Daning, Pendarvis, Govan and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY

[SJ]

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ADDING ARTICLE 9 TO CHAPTER 7, TITLE 1 SO AS TO CREATE THE UTILITIES CONSUMER ADVOCATE IN THE OFFICE OF THE ATTORNEY GENERAL, AND TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UTILITIES CONSUMER ADVOCATE, AMONG OTHER THINGS; TO AMEND SECTION 58-4-10, RELATING TO THE OFFICE OF REGULATORY STAFF AND ITS MISSION, SO AS TO REMOVE THE PRESERVATION OF THE FINANCIAL INTEGRITY OF THE STATE'S PUBLIC UTILITIES, CONTINUED INVESTMENT, AND MAINTENANCE OF FACILITIES FROM THE MISSION; TO AMEND SECTION 58-4-50, RELATING TO REGULATORY STAFF DUTIES AND RESPONSIBILITIES, SO AS TO ADD THAT THE OFFICE SHALL PROVIDE RESEARCH, EXPERTISE, AND OTHER ASSISTANCE TO THE UTILITIES CONSUMER ADVOCATE AND MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 58-4-55, RELATING TO THE OFFICE OF REGULATORY STAFF'S ABILITY TO REQUEST CERTAIN INFORMATION, SO AS TO ADD THAT THE OFFICE SHALL HAVE SUBPOENA POWERS AND THAT THE UTILITIES CONSUMER ADVOCATE MAY REQUEST THE EXECUTIVE DIRECTOR TO ISSUE SUBPOENAS ON HIS BEHALF, AND TO PROVIDE A PENALTY FOR FAILURE TO PROVIDE REQUESTED INFORMATION UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 58-4-80, RELATING TO INTERVENTION IN CIVIL PROCEEDINGS BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT ON APPEAL THE OFFICE DOES NOT REPRESENT THE PUBLIC SERVICE COMMISSION.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 4601 -- Reps. Fry, Bedingfield, Alexander, Dillard, Douglas, Erickson, Henderson, Hewitt, Huggins, Ridgeway, Spires, West, Norrell, Weeks, Rutherford and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-75-225 SO AS TO PROVIDE CRITERIA FOR LICENSURE AS AN ADDICTION COUNSELOR; TO AMEND SECTION 40-75-5, RELATING TO CERTAIN PROVISIONS GENERALLY APPLICABLE TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-10, AS

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AMENDED, RELATING TO THE BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-20, RELATING TO DEFINITIONS, SO AS TO MAKE REVISIONS; TO AMEND SECTION 40-75-30, RELATING TO THE REQUIREMENT OF LICENSURE BY THE BOARD TO PRACTICE CERTAIN PROFESSIONS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-50, RELATING TO THE BOARD, SO AS TO REMOVE DUTIES CONCERNING THE ESTABLISHMENT AND FUNCTION OF STANDARDS COMMITTEES; TO AMEND SECTION 40-75-110, RELATING TO DISCIPLINARY PROCEEDINGS CONCERNING BOARD LICENSEES, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-190, RELATING TO CONFIDENTIALITY OF CLIENT COMMUNICATIONS BY LICENSEES, SO AS TO INCLUDE ADDICTION COUNSELORS AND TO REVISE EXCEPTIONS; TO AMEND SECTION 40-75-220, RELATING TO REQUIREMENTS FOR PROFESSIONAL COUNSELOR LICENSURE AND FAMILY AND MARRIAGE THERAPIST LICENSURE, SO AS TO REVISE THOSE REQUIREMENTS AND PROVIDE ADDITIONAL REQUIREMENTS FOR ADDICTION COUNSELOR LICENSURE; TO AMEND SECTION 40-75-230, RELATING TO REQUIREMENTS FOR PROFESSIONAL COUNSELOR SUPERVISOR LICENSURE AND FAMILY AND MARRIAGE THERAPIST SUPERVISOR LICENSURE, SO AS TO MAKE THOSE REQUIREMENTS APPLICABLE TO ADDICTION COUNSELOR SUPERVISOR LICENSURE; TO AMEND SECTION 40-75-240, RELATING TO INTERN LICENSES, SO AS TO REPLACE THE TERM "INTERN" WITH "ASSOCIATE" AND TO INCLUDE ADDICTION COUNSELOR INTERNS; TO AMEND SECTION 40-75-250, RELATING TO THE ISSUANCE OF DISPLAY OF LICENSES ISSUED BY THE BOARD, SO AS TO INCLUDE ADDICTION COUNSELOR LICENSES AND ADDICTION COUNSELOR ASSOCIATE LICENSES; TO AMEND SECTION 40-75-260, RELATING TO RECIPROCITY AGREEMENTS WITH OTHER STATES, SO AS TO INCLUDE ADDICTION COUNSELOR CREDENTIALS; TO AMEND SECTION 40-75-285, RELATING TO THE APPLICABILITY OF ARTICLE 1, CHAPTER 75, TITLE 40, SO AS TO INCLUDE ADDICTION COUNSELORS; AND TO AMEND

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SECTION 40-75-290, RELATING TO PERSONS NOT APPLICABLE TO ARTICLE 1, CHAPTER 75, TITLE 40, SO AS TO REMOVE PROVISIONS CONCERNING CERTAIN ADDICTION COUNSELORS; TO REDESIGNATE CHAPTER 75, TITLE 40 AS "PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL SPECIALISTS", AND TO REDESIGNATE ARTICLE 1, CHAPTER 75, TITLE 40 AS "PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND ADDICTION COUNSELORS".

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 4815 -- Reps. Arrington and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-67-75 SO AS TO PROVIDE SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE PATHOLOGY ASSISTANTS UNDER THEIR SUPERVISION SHALL ADHERE TO CERTAIN GUIDELINES; TO AMEND SECTION 40-67-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS, SO AS TO REVISE THE DEFINITION OF SPEECH-LANGUAGE PATHOLOGISTS; TO AMEND SECTION 40-67-30, RELATING TO THE SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY INTERNS AND ASSISTANTS, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 40-67-110, RELATING TO DISCIPLINARY MATTERS, SO AS TO PROVIDE THAT THE FAILURE TO ADHERE TO CERTAIN SUPERVISORY GUIDELINES AMONG THE FORMS OF CONDUCT ARE SUBJECT TO DISCIPLINE; TO AMEND SECTION 40-67-260, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR LICENSE RENEWAL, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-280, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR INACTIVE LICENSE REACTIVATIONS, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-300, RELATING TO THE APPLICABILITY OF THE CHAPTER, SO AS TO LIMIT THE

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EXEMPTION FOR SPEECH-PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY THE FEDERAL GOVERNMENT OR THE STATE TO THOSE SO EMPLOYED BEFORE JANUARY 1, 2019, AND TO REMOVE AN EXEMPTION FOR PERSONS LICENSED UNDER TITLE 40 OR ANOTHER PROVISION OF LAW WHOSE SCOPE OF PRACTICE OVERLAPS WITH THE PRACTICE OF SPEECH PATHOLOGY OR AUDIOLOGY; TO REDESIGNATE CHAPTER 67, TITLE 40 AS "SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS"; AND TO REPEAL ACT 124 OF 2015 RELATING TO THE TEMPORARY EXEMPTION OF CERTAIN APPLICANTS FOR LICENSURE AS SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS FROM THE REQUIREMENT OF HAVING A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 4877 -- Reps. Clemmons and Bales: A BILL TO AMEND SECTION 40-56-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE BOARD OF PYROTECHNIC SAFETY, SO AS TO REVISE THE MEMBERSHIP BY DESIGNATING ONE ADDITIONAL SEAT FOR A MEMBER WHO IS A PYROTECHNIC RETAILER AND ELIMINATING ONE SEAT DESIGNATED FOR A MEMBER OF THE GENERAL PUBLIC.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 1, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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.

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Very respectfully,  
Speaker of the House  
Received as information.

**Message from the House**

Columbia, S.C., May 1, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

Very respectfully,  
Speaker of the House  
Received as information.

**Message from the House**

Columbia, S.C., May 1, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Rutherford, McCoy and Finlay to the Committee of Conference on the part of the House on:

S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: 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 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.

Very respectfully,

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**TUESDAY, MAY 1, 2018**

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 1, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

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.

asks for a Committee of Conference, and has appointed Reps. Fry, Henderson and Ridgeway to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 1, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

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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 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.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

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

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Senator DAVIS explained the amendments.

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

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

**Total--0**

On motion of Senator DAVIS, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**HOUSE CONCURRENCES**

S. 355 -- Senator Johnson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BARTLETTE STREET IN THE CITY OF SUMTER FROM ITS INTERSECTION WITH WASHINGTON STREET TO ITS INTERSECTION WITH GUIGNARD DRIVE "JAMES T. McCAIN MEMORIAL STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THIS DESIGNATION.

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Returned with concurrence.  
Received as information.

S. 1191 -- Senators Alexander, Rankin and Hutto: A CONCURRENT RESOLUTION TO FIX ELEVEN O'CLOCK ON THURSDAY, MAY 10, 2018, AS THE TIME TO ELECT A MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2022; TO ELECT A MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2022; TO ELECT A MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2022.

Returned with concurrence.  
Received as information.

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

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

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

S. 1190 -- Senators Sheheen, Campsen, Verdin and Campbell: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO FOCUS THE RESOURCES OF THE DEPARTMENT'S DAMS AND RESERVOIRS SAFETY PROGRAM ON REGULATING THE STATE'S HIGH AND SIGNIFICANT HAZARD DAMS.

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments.

H. 4673 -- Reps. G.M. Smith, Brawley and Weeks: A BILL TO AMEND SECTION 62-2-507, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REVOCATION OF CERTAIN BENEFICIARY DESIGNATIONS BY DIVORCE, ANNULMENT, OR AN ORDER TERMINATING MARITAL PROPERTY RIGHTS, SO AS TO EXEMPT BENEFICIARY DESIGNATIONS UNDER EMPLOYEE BENEFIT PLANS

**TUESDAY, MAY 1, 2018**

ADMINISTERED BY THE SOUTH CAROLINA PUBLIC  
EMPLOYEE BENEFIT AUTHORITY.

H. 3895 -- Rep. Herbkersman: A BILL TO AMEND ARTICLES 9 AND 11 OF CHAPTER 9, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REVENUE AND FISCAL AFFAIRS, SO AS TO REORGANIZE THE ARTICLES, TO ELIMINATE CERTAIN DIVISIONS, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 2-7-71 AND 2-7-78, RELATING TO CERTAIN IMPACT STATEMENTS, SO AS TO REQUIRE THE STATEMENTS TO BE CERTIFIED BY THE EXECUTIVE DIRECTOR OF THE REVENUE AND FISCAL AFFAIRS OFFICE; TO AMEND SECTION 2-7-73, AS AMENDED, RELATING TO HEALTH COVERAGE IMPACT STATEMENTS, SO AS TO REQUIRE THE DEPARTMENT OF INSURANCE TO CONDUCT THE ANALYSIS; TO AMEND SECTION 4-10-790, RELATING TO DISTRIBUTIONS FROM A LOCAL OPTION SALES AND USE TAX, SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO FURNISH DATA TO THE STATE TREASURER, AND TO REQUIRE THE REVENUE AND FISCAL AFFAIRS OFFICE TO PROVIDE CERTAIN ASSISTANCE; TO AMEND SECTION 6-1-50, AS AMENDED, RELATING TO FINANCIAL REPORTS FROM COUNTIES AND MUNICIPALITIES, SO AS TO DELAY THE REPORTS UNTIL MARCH FIFTEENTH; TO AMEND SECTION 23-47-65, AS AMENDED, RELATING TO THE SOUTH CAROLINA 911 ADVISORY COMMITTEE, SO AS TO ALLOW THE EXECUTIVE DIRECTOR OF THE REVENUE AND FISCAL AFFAIRS OFFICE TO APPOINT A MEMBER; TO AMEND SECTIONS 27-2-85 AND 27-2-95, RELATING TO THE SOUTH CAROLINA GEODETIC SURVEY, SO AS TO DELETE OBSOLETE REFERENCES; TO AMEND SECTION 44-6-170, RELATING TO THE DATA OVERSIGHT COUNCIL, SO AS TO DELETE OBSOLETE REFERENCES, AND TO REVISE THE COMPOSITION OF THE COUNCIL; TO AMEND SECTION 44-6-5, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO DELETE AN OBSOLETE REFERENCE; TO REDESIGNATE CERTAIN SECTIONS OF THE CODE; AND TO REPEAL SECTIONS 1-11-360, 2-7-62, 44-6-175, AND 48-22-20 ALL RELATING TO THE DUTIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

**READ THE SECOND TIME**

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

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	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
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.

**READ THE SECOND TIME**

H. 3440 -- Reps. Henderson and W. Newton: A BILL TO AMEND SECTION 43-25-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA COMMISSION FOR THE BLIND, SO AS TO REQUIRE THREE MEMBERS OF THE COMMISSION TO MEET THE LEGAL DEFINITION OF BLINDNESS; TO AMEND SECTION 43-25-30, RELATING TO THE POWERS AND DUTIES OF THE COMMISSION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 43-25-60, RELATING TO TEACHERS OF STUDENTS WITH CERTAIN VISUAL IMPAIRMENTS, SO AS TO PROVIDE USE OF COUNSELORS TO ASSIST THOSE TEACHERS.

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	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
Williams	Young	

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**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4913 -- Reps. M. Rivers, Herbkersman, W. Newton, J.E. Smith, Cobb-Hunter, Gilliard, Bamberg, Thigpen, Kirby, Hosey, Williams, Henegan, Alexander, Weeks, Jefferson, Robinson-Simpson, Caskey, Brown, Dillard, Hart, Howard, Murphy, Pendarvis, Erickson, McEachern, Bowers, Bradley and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-220 SO AS TO DESIGNATE THE SECOND SATURDAY OF NOVEMBER OF EACH YEAR AS "PENN CENTER HERITAGE DAY" IN SOUTH CAROLINA.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

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**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 4077 -- Reps. G.R. Smith, Erickson, J.E. Smith, McKnight, McCoy, Norrell, Kirby, Bales, McEachern, Gilliard, Loftis, Burns, Allison, Douglas, McCravy, Hamilton, Fry, Henderson, Elliott, W. Newton, Martin, V.S. Moss, Robinson-Simpson, West, Collins, Bradley, Arrington, Bedingfield, Putnam, Johnson, Bowers, Anthony, Bannister, Bennett, Blackwell, Clary, Crawford, Daning, Delleney, Forrest, Forrester, Herbkersman, Hixon, Jordan, Lucas, Magnuson, Murphy, B. Newton, S. Rivers, Sandifer, Sottile, Stringer, Taylor, Tallon, Thayer, White, Whitmire, Willis, Hiott, Yow, Toole and Mace: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3780 SO AS TO PROVIDE DEFINITIONS, TO ALLOW FOR AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND AND FOR TUITION PAYMENTS MADE TO AN ELIGIBLE SCHOOL FOR AN EXCEPTIONAL NEEDS CHILD WITHIN THE TAXPAYER'S CUSTODY OR CARE, TO PROVIDE FOR ANNUAL LIMITS ON INCOME TAX CREDITS AVAILABLE, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO CREATE THE "EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND", TO PROVIDE FOR GOVERNANCE AND ADMINISTRATION OF THE FUND, TO PROVIDE FOR THE MANNER IN WHICH GRANTS ARE AWARDED, AND TO PROVIDE THAT THE EDUCATION OVERSIGHT COMMITTEE IS RESPONSIBLE FOR DETERMINING WHICH SCHOOLS ARE ELIGIBLE.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (SA\4077C003.DKA.SA18), which was adopted:

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

/ SECTION 1. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3790. (A) As used in this section:

(1) ‘Eligible school’ means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state’s diploma requirements, graduation certificate requirements for special needs children, and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;

(e) has school facilities that are subject to applicable federal, state, and local laws;

(f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, or Palmetto Association of Independent Schools; and

(g) provides a specially designed program or learning resource center to provide needed accommodations based on the needs of exceptional needs students or provides onsite educational services or supports to meet the needs of exceptional needs students, or is a school specifically existing to meet the needs of only exceptional needs students with documented disabilities.

(2) ‘Exceptional needs child’ means a child:

(a) who has been evaluated in accordance with this state’s evaluation criteria, as set forth in S.C. Code Ann. Regs. 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the federal Individuals with Disabilities Education Act; or

(b) who has been diagnosed within the last three years by a licensed speech-language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory

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or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child's unique needs.

(3) 'Independent school' means a school, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.

(4) 'Parent' means the natural or adoptive parent or legal guardian of a child.

(5) 'Qualifying student' means a student who is an exceptional needs child, a South Carolina resident, and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the applicable school year.

(6) 'Resident public school district' means the public school district in which a student resides, or in the case of dependents of active military personnel, the public school district which the student may attend.

(7) 'Transportation' means transportation to and from school only.

(8) 'Tuition' means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school, textbook fees, and school-related transportation.

(B)(1) There is created the 'Educational Credit for Exceptional Needs Children's Fund' that is separate and distinct from the state general fund. The fund must be organized as a public charity as defined by the Internal Revenue Code under section 509(a)(1) through (4) and consist only of contributions made to the fund. The fund may not receive an appropriation of public funds. The fund must receive and hold all contributions intended for it as well as all earnings until disbursed as provided in this section. Monies received in the fund must be used to provide scholarships to exceptional needs children attending eligible schools.

(2) The amounts on deposit in the fund do not constitute public funds and are not the property of the State. Amounts on deposit in the fund may not be commingled with public funds, and the State does not have a claim to or interest in the amounts on deposit. Agreements or contracts entered into by or on behalf of the fund do not constitute a debt or obligation of the State.

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(3) The public charity disbursing contributions made to the fund is governed by five directors, two appointed by the Chairman of the House Ways and Means Committee, two appointed by the Chairman of the Senate Finance Committee, and one appointed by the Governor. The directors of the public charity, along with the director of the department, shall designate an executive director of the public charity.

(4) In concert with the public charity directors, the department shall administer the public charity, including, but not limited to, the keeping of records, the management of accounts, and disbursement of the grants awarded pursuant to this section. The public charity may expend up to two percent of the fund for administration and related costs. The department and the public charity may not expend public funds to administer the program. Information contained in or produced from a tax return, document, or magnetically or electronically stored data utilized by the Department of Revenue or the public charity in the exercise of its duties as provided in this section must remain confidential and is exempt from disclosure pursuant to the Freedom of Information Act. Personally identifiable information, as described in the Family Educational Rights and Privacy Act and individual health records, or the medical or wellness needs of children applying for or receiving grants must remain confidential and is not subject to disclosure pursuant to the Freedom of Information Act.

(5) By January fifteenth of each year, the department shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor:

(a) the number and total amount of grants issued to eligible schools in each year;

(b) the identity of the school and the amount of the grant for each grant issued to an eligible school in each year;

(c) an itemized and detailed explanation of fees or other revenues obtained from or on behalf of an eligible school;

(d) a copy of a compilation, review, or audit of the fund's financial statements, conducted by a certified public accounting firm; and

(e) the criteria and eligibility requirements for scholarship awards.

(C)(1) Grants may be awarded in an amount not exceeding eleven thousand dollars or the total annual cost of tuition, whichever is less, to a qualifying student at an eligible school. A qualifying student receiving a grant may not be charged tuition by an eligible school in an amount

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greater than the student would be charged if the student was not a qualifying student.

(2) Before awarding a grant, the public charity shall receive written documentation from the qualifying student's parent or guardian documenting that the qualifying student is an exceptional needs child. Upon approving the application, the public charity shall issue a check to the eligible school in the name of the qualifying student within either thirty days upon approval of the application or thirty days of the start of the school's semester.

(3) If a qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school shall return a prorated amount of the grant to the public charity based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(4) The public charity may not award grants only for the benefit of one school.

(5) The department or the public charity may not release personally identifiable information pertaining to students or donors or use information collected about donors, students, or schools for financial gain.

(6) The public charity shall develop a process to prioritize the awarding of grants to eligible incumbent grant recipients at eligible schools.

(D)(1)(a) Tax credits authorized by subsection (H)(1) and subsection (I) annually may not exceed cumulatively a total of twelve million dollars for contributions to the Educational Credit for Exceptional Needs Children's Fund, unless an increased limit is authorized in the annual general appropriations act.

(b) Tax credits authorized pursuant to subsection (H)(2) annually may not exceed cumulatively a total of two million dollars for tuition payments made on behalf of qualifying students, unless an increased limit is authorized in the annual general appropriations act.

(c) If the department determines that the total of the credits claimed by all taxpayers exceeds either limit amount as contained in subitems (a) or (b), it shall allow credits only up to those amounts on a first come, first-served basis.

(2)(a) The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department determines priority for the credit. The



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credit must be claimed on the return for the tax year that the contribution is made.

(b) A taxpayer may not claim more than sixty percent of his total tax liability for the year in contribution toward the tax credit authorized by subsection (H)(1) or subsection (I). This credit is nonrefundable.

(c) If a taxpayer deducts the amount of the contribution on his federal return and claims the credit allowed by subsection (H)(1) or subsection (I), then he must add back the amount of the deduction for purposes of South Carolina income taxes.

(d) The department shall prescribe the form and manner of proof required to obtain the credit authorized by subsection (H)(1) or subsection (I). The department also shall develop a method of informing taxpayers if the credit limit is met any time during the tax year.

(e) A taxpayer only may claim a credit pursuant to subsection (H)(1) and subsection (I) for contributions made during the tax year.

(3) A corporation or entity entitled to a credit under subsection (H)(1) and subsection (I) may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

(E)(1) By March first of each year, an independent school who participated in the program in the previous year and who desires to participate in the program in the current year shall reapply to the Education Oversight Committee. The independent school shall certify to the Education Oversight Committee that it continues to meet all program requirements and shall provide to the committee student test score data from the previous school year by June thirtieth. If student test score data is not submitted by June thirtieth, then the Education Oversight Committee shall remove the school from the program. An independent school desiring to participate in the program for the first time also shall apply by March first of each year. The Education Oversight Committee shall consult with the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools, the South Carolina Independent Schools Association, the Palmetto Association of Independent Schools, or the Diocese of Charleston to verify that the school is still a member in good standing and that the school continues to serve exceptional needs children. An independent school who did not participate in the program in the previous year but desires to participate in the program in the current year shall apply to the Education Oversight Committee. The Education Oversight Committee shall develop an application to be completed by the independent schools which must contain at least:

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(a) the number and total amount of grants received in the preceding school year;

(b) student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested and administered by the school receiving or entitled to receive scholarship grants pursuant to this section in the previous school year. The school also shall provide individual student test scores on national achievement or state standardized tests, or both, for any student in grades one through twelve who received a grant from the program during the prior school year. The information must be used to provide program level reports to determine whether students participating in the program have experienced measurable improvement. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement;

(c) a copy of a compilation, review, or compliance audit of the organization's financial statements as relating to the grants received, conducted by a certified public accounting firm; and

(d) a certification by the independent school that it meets the definition of an eligible school as that term is defined in subsection (A)(1) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

(2)(a) The Education Oversight Committee may waive the March first deadline contained in subsection (E) upon good cause shown by an independent school.

(b) The Education Oversight Committee may waive some or all of the curriculum requirements contained in subsection (A)(1)(d) following consultation with the advisory committee.

(3)(a) By March first of each year the Education Oversight Committee shall publish on its website a comprehensive list of independent schools certified as eligible institutions. The list must include for each eligible institution:

(i) the institution's name, addresses, telephone numbers, and, if available, website addresses; and

(ii) the score reports and compliance audits received by the committee pursuant to subsection (E)(1)(b) and (c).

(b) The Education Oversight Committee shall summarize or redact the score reports identified in subitem (a)(ii) if necessary to prevent the disclosure of personally identifiable information.

(4) An independent school that does not apply for certification pursuant to this subsection may not be included on the list of eligible schools and contributions to that school may not be allowed for purposes of the tax credits permitted by this section.

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(5) An independent school that is denied certification pursuant to this section may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court's rules of procedure.

(6) Annually, the Education Oversight Committee shall issue a report to the General Assembly documenting the impact of the Educational Credit for Exceptional Needs Children Program on student achievement. In addition, the report must include information on individual schools if at least fifty-one percent of the total enrolled students in the private school participated in the Educational Credit for Exceptional Needs Children Program in the prior school year. The report must be according to each participating private school, and for participating students, in which there are at least thirty participating students who have scores for tests administered. If the Education Oversight Committee determines that the thirty participating-student cell size may be reduced without disclosing personally identifiable information of a participating student, the Education Oversight Committee may reduce the participating-student cell size, but the cell size may not be reduced to less than ten participating students.

(F)(1) The Education Oversight Committee shall establish an advisory committee made up of not more than nine members, including parents, and representatives of independent schools and independent school associations.

(2) The advisory committee shall:

(a) consult with the Education Oversight Committee concerning requests for exemptions from curriculum requirements; and

(b) provide recommendations on other matters requested by the Education Oversight Committee.

(G) Except as otherwise provided, the Department of Education, the Education Oversight Committee, and the Department of Revenue, or any other state agency may not regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this section.

(H)(1) A taxpayer is entitled to a tax credit against income taxes imposed pursuant to this chapter for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to the Educational Credit for Exceptional Needs Children Fund up to the limits contained in subsection (D)(1)(a) if:

(a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

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(b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(2)(a) A taxpayer is entitled to a refundable tax credit against income taxes imposed pursuant to this chapter for the amount of cash and the monetary value of any publicly traded securities, not exceeding eleven thousand dollars for each child, for tuition payments to an eligible school for an exceptional needs child within his custody or care who would be eligible for a grant pursuant to this section up to the limits contained in subsection (D)(1)(b).

(b) If a child within the care and custody of taxpayer claiming a tax credit pursuant to this item also receives a grant from the Educational Credit for Exceptional Needs Children's Fund, then the taxpayer only may claim a credit equal to the difference of eleven thousand dollars or the cost of tuition, whichever is lower, and the amount of the grant.

(c) A child within the care and custody of a taxpayer claiming a tax credit pursuant to this item may not be charged tuition by an eligible school in an amount greater than the student would be charged if the student was not a qualifying student.

(I) A taxpayer is entitled to a tax credit against income taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash and the monetary value of any publicly traded securities the taxpayer contributes to the Educational Credit for Exceptional Needs Children's Fund up to the limits contained in subsection (D)(1)(a) if:

(1) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

(2) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

(J)(1) The department shall conduct a comprehensive study of the Exceptional Needs Tax Credit program. The study must examine the following:

(a) the allocation of scholarship funds and tax credits among students, including the effect of funding limitations on the addition of new participants; the demographic and socio-economic data of the participants and their families, including the distribution of scholarship funds by income ranges, to be determined by the department, of scholarship recipients, and their legal guardians, as applicable; and the geographical distribution of the participants. In reporting the information required by this subitem, the department shall protect and may not display any personally identifiable information of scholarship recipients, their families or legal guardians, or taxpayers.

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(b) the distribution of scholarship funds among all eligible schools; and

(c) any other aspect of the program that the department determines would be relevant and useful in making future policy decisions in regard to the program and its continued existence or expansion.

(2) The department shall submit a report of its study to the General Assembly no later than January fifteenth of each year.”

SECTION 2. This act takes effect upon approval of the Governor and applies to income tax years beginning after 2017. All tax credits earned as a result of a contribution made to the Educational Credit for the Exceptional Needs Children’s Fund in 2018 apply to the cumulative total of twelve million dollars regardless of when in 2018 the contribution is made. All tax credits earned as a result of a tuition payment made by a taxpayer to an eligible school for an exceptional needs child within his custody or care in 2018 apply to the cumulative total of two million dollars regardless of when in 2018 the payment is made. All necessary reports and forms must be submitted as soon as practicable upon the enactment of this act. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN 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	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson

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Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
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**

H. 4628 -- Reps. Martin, B. Newton, Daning, Lucas, D.C. Moss, Willis, Caskey, Bennett, Arrington, Spires, Young, Bryant, Dellaney, Magnuson, Norrell, Pope, Sandifer, Simrill, Davis, Toole, Henderson, Elliott and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-20-210 SO AS TO DEFINE NECESSARY TERMS, TO PROHIBIT A TELEMARKETER OR TELEPHONE SOLICITOR FROM MAKING A CONSUMER TELEPHONE CALL WITH A SPOOFED TELEPHONE NUMBER THAT DISPLAYS A SOUTH CAROLINA AREA CODE ON THE RECIPIENT'S CALLER IDENTIFICATION SYSTEM UNLESS THE TELEMARKETER OR TELEPHONE SOLICITOR MAINTAINS A PHYSICAL PRESENCE IN THE STATE, TO PROVIDE REMEDIES FOR VIOLATIONS, AND TO PROVIDE EXCEPTIONS.

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

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Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
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**

H. 4657 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-2-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADMINISTRATIVE PENALTIES FOR THE VIOLATION OF THE INSURANCE LAWS OF SOUTH CAROLINA, SO AS TO ALLOW THE DEPARTMENT OF INSURANCE TO ENFORCE THESE PENALTIES FOR VIOLATIONS OF FEDERAL INSURANCE LAWS SUBJECT TO ENFORCEMENT BY THE DEPARTMENT; TO AMEND SECTION 38-3-150, RELATING TO THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO CONDUCT EXAMINATIONS AND INVESTIGATIONS, SO AS TO REQUIRE THAT INFORMATION RELATED TO AN EXAMINATION OR INVESTIGATION TO BE TREATED AS PRIVILEGED AND CONFIDENTIAL; TO AMEND SECTION 38-13-70, RELATING TO INVESTIGATIONS CONDUCTED BY THE DEPARTMENT OF INSURANCE, SO AS TO AUTHORIZE THE DEPARTMENT TO RESPOND TO MOTIONS AND COMPLAINTS AGAINST HEALTH MAINTENANCE ORGANIZATIONS AND PERSONS LICENSED TO TRANSACT THE BUSINESS OF INSURANCE IN THIS STATE

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AND TO ESTABLISH A DEADLINE FOR RESPONSES TO THE DEPARTMENT'S INQUIRIES; TO AMEND SECTION 38-21-290, AS AMENDED, RELATING TO CONFIDENTIAL INFORMATION, SO AS TO PROVIDE DOCUMENTS, MATERIALS, OR OTHER INFORMATION SUBMITTED IN SUPPORT OF AN APPLICATION MUST BE TREATED AS CONFIDENTIAL; TO AMEND SECTION 38-33-170, RELATING TO THE EXAMINATIONS OF THE AFFAIRS OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO REQUIRE AN EXAMINATION NO LESS THAN EVERY FIVE YEARS; TO AMEND SECTION 38-33-230, RELATING TO LEVY OF ADMINISTRATIVE PENALTY IN LIEU OF OTHER PENALTIES, SO AS TO ALLOW THE LEVY OF AN ADMINISTRATIVE PENALTY FOR VIOLATIONS OF STATE AND FEDERAL INSURANCE LAWS SUBJECT TO ENFORCEMENT BY THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38-61-20, RELATING TO THE APPROVAL OF INSURANCE POLICIES, CONTRACTS, OR POLICIES BY THE DEPARTMENT OF INSURANCE, SO AS TO REQUIRE THAT ALL FORMS FILED WITH THE DEPARTMENT SATISFY ALL APPLICABLE STATE AND FEDERAL LAWS AND TO AUTHORIZE THE DIRECTOR TO IMPOSE A PENALTY IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 38-71-90, RELATING TO THE PENALTIES FOR ISSUING OR DELIVERING A POLICY THAT VIOLATES CHAPTER 71, SO AS TO EXTEND THE PENALTIES TO ANY INSURER OR HEALTH MAINTENANCE ORGANIZATION WHO VIOLATES APPLICABLE STATE OR FEDERAL LAWS GOVERNING THE TRANSACTION OF THE BUSINESS OF INSURANCE SUBJECT TO ENFORCEMENT BY THE DEPARTMENT OF INSURANCE.

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	Gambrell

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Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
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**

H. 4675 -- Reps. Sandifer and Spires: A BILL TO AMEND ARTICLE 1, CHAPTER 90, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CAPTIVE INSURANCE COMPANIES, SO AS TO REMOVE REFERENCES TO CAPTIVE REINSURANCE COMPANIES, TO REQUIRE A CAPTIVE INSURANCE COMPANY TO POSSESS AND MAINTAIN FREE AND UNIMPAIRED PAID-IN CAPITAL, SURPLUS, OR A COMBINATION THEREOF AND ESTABLISH REQUIREMENTS, TO DELETE CERTAIN SURPLUS REFERENCES AND INCORPORATION REQUIREMENTS, TO PROVIDE THE PROVISIONS OF CHAPTER 90 APPLY TO CAPTIVE INSURANCE COMPANIES FORMED AS A MUTUAL INSURER, TO ESTABLISH REPORTING REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES AND REMOVE CERTAIN PROVISIONS, TO ALLOW A CAPTIVE INSURANCE COMPANY TO DISCOUNT ITS LOSS AND LOSS ADJUSTMENT WITH APPROVAL BY THE DIRECTOR, TO ESTABLISH OVERSIGHT REQUIREMENTS FOR RISK RETENTION GROUPS AND CAPTIVE INSURANCE COMPANIES, TO ALLOW FOR CERTAIN CAPTIVE INSURANCE COMPANIES TO MAKE LOANS TO ITS PARENT COMPANY AND

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AFFILIATES WITH APPROVAL BY THE DIRECTOR, TO ESTABLISH STANDARDS FOR AGGREGATE TAXES FOR PROTECTED CELLS, TO ALLOW THE DIRECTOR TO REDUCE CAPITAL REQUIREMENTS FOR AN INACTIVE CAPTIVE INSURANCE COMPANY, TO REMOVE CERTAIN ASSET REQUIREMENTS, AND TO ALTER PARTICIPANT REQUIREMENTS FOR A SPONSORED CAPTIVE INSURANCE COMPANY; AND TO REPEAL ARTICLE 5, CHAPTER 90, TITLE 38 RELATING TO THE COASTAL CAPTIVE INSURANCE COMPANY ACT.

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	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

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**READ THE SECOND TIME**

H. 4962 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-7-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETALIATORY TAXES BY OTHER STATES AGAINST INSURANCE COMPANIES CHARTERED IN THIS STATE, SO AS TO PROVIDE TITLE INSURERS ONLY MAY INCLUDE THEIR PORTION OF THE PREMIUM IN THE RETALIATORY TAX COMPUTATIONS AND ARE PROHIBITED FROM INCLUDING THESE AMOUNTS IN THE SOUTH CAROLINA COLUMN OF RETALIATORY TAX WORKSHEETS.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

H. 5156 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO REGULATIONS FOR THE LICENSING OF CHILD CARE CENTERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4747, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator YOUNG explained the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 4487 -- Reps. Henderson, Hewitt, Robinson-Simpson, Fry, West, Atwater, Erickson, Norrell, Weeks, Douglas, Ridgeway, Dillard, Huggins, W. Newton and Ott: A BILL TO AMEND SECTION 44-53-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SCHEDULING OF CONTROLLED SUBSTANCES, SO AS TO PROVIDE A PROCESS FOR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) TO SCHEDULE CERTAIN SUBSTANCES ON AN EMERGENCY BASIS; TO AMEND SECTION 44-53-280, RELATING TO REGISTRATIONS TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES, SO AS TO ELIMINATE REGISTRATION RENEWAL GRACE PERIODS; TO AMEND SECTION 44-53-290, RELATING IN PART TO REGISTRATIONS ISSUED TO PRACTITIONERS TO DISPENSE NARCOTICS FOR MAINTENANCE OR DETOXIFICATION TREATMENTS AND TO NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS TO PRESCRIBE SCHEDULE V DRUGS, SO AS TO CHANGE CERTAIN REQUIREMENTS; TO AMEND SECTION 44-53-310, RELATING TO APPLICATIONS FOR REGISTRATIONS TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES, SO AS TO ALLOW DHEC TO DENY AN APPLICATION FOR REGISTRATION FOR ANY CRIMINAL CONVICTION; TO AMEND SECTION 44-53-480, RELATING TO THE DEPARTMENT OF NARCOTICS AND DANGEROUS DRUGS WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED), SO AS TO ELIMINATE ENFORCEMENT OF DRUG LAWS AS A FUNCTION OF DHEC; AND TO REPEAL SECTION 44-53-560 RELATING TO THE TRANSFER OF AGENTS FROM DHEC TO SLED.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (VR\4487C002.CC.VR18), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1.A. and 1.B. and inserting:

/ SECTION 1. Section 44-53-160 of the 1976 Code is amended to read:

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“Section 44-53-160. (A)(1) Annually, within thirty days after the convening of each regular session of the General Assembly, the department shall recommend to the General Assembly any additions, deletions, or revisions in the schedules of controlled substances enumerated in Sections 44-53-190, 44-53-210, 44-53-230, 44-53-250, and 44-53-270 which the department deems necessary. Except as otherwise provided in this section, the department shall not make any additions, deletions, or revisions in the schedules until after notice and an opportunity for a hearing is afforded to all interested parties. In making a recommendation to the General Assembly regarding a substance, the department shall consider the following:

- (a) the actual or relative potential for abuse;
- (b) the scientific evidence of the substance’s pharmacological effect, if known;
- (c) the state of current scientific knowledge regarding the substance;
- (d) the history and current pattern of abuse;
- (e) the scope, duration, and significance of abuse;
- (f) the risk to public health;
- (g) the potential of the substance to produce psychic or physiological dependence liability;
- (h) whether the substance is an immediate precursor of a substance already controlled pursuant to this chapter; and
- (i) whether the substance has an accepted or recognized medical use.

(2) After considering the factors listed in subsection (A)(1), the department shall make a recommendation to the General Assembly specifying to what schedule the substance should be added, deleted, or rescheduled, if the department finds that the substance has a potential for abuse.

(B) Except as otherwise provided in this section, during the time the General Assembly is not in session, the department may add, delete, or reschedule a substance as a controlled substance after providing notice and a hearing to all interested parties. The addition, deletion, or rescheduling of a substance pursuant to this subsection has the full force of law unless overturned by the General Assembly. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Medical, Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, and to the Clerks of the Senate and House,

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and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

(C) If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairman of the Medical, Military, Public and Municipal Affairs Committee, ~~and~~ the Chairman of the Judiciary Committee of the House of Representatives, ~~and to~~ the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

(C) The department shall exclude any nonnarcotic substance from a schedule if the substance may, under the federal Food, Drug, and Cosmetic Act and the laws of this State, be lawfully sold over the counter without a prescription.

(D) The department's addition, deletion, or rescheduling of a substance as a controlled substance is governed by this section and is not subject to the promulgation requirements of ~~Title 1~~, Chapter 23, Title 1."/

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

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**AYES**

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

**Total--37**

**NAYS**

**Total--0**

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

**AMENDED, CARRIED OVER**

H. 3138 -- Reps. Stavrinakis, McCoy and Erickson: A BILL TO AMEND SECTION 61-4-550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR USE AT FAIRS AND SPECIAL FUNCTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE PERMITS TO SELL BEER AND WINE AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION FOR "FESTIVAL"; AND TO AMEND SECTION 61-6-2000, AS AMENDED, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE LICENSES TO SELL ALCOHOLIC LIQUOR BY THE DRINK AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION OF "FESTIVAL".

The Senate proceeded to a consideration of the Bill.



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Senators RANKIN and HUTTO proposed the following amendment (JUD3138.013), which was adopted:

Amend the committee report, as and if amended, page [3138-1], by striking lines 28 through 31, as contained in SECTION 1 and inserting therein the following:

/ “Section 61-6-2017. (A) This section authorizes the department to issue a festival liquor by the drink license, not to exceed a period of five days that can be used on any day of the week subject to the requirements of Section 61-6-2010(C) and (D), to an applicant that meets the following requirements: /

Amend the committee report further, as and if amended, page [3138-1], by striking lines 36 through 42, as contained in SECTION 1 and inserting therein the following:

/ (2) the festival, on a daily basis, must be bona fide engaged primarily and substantially in the preparation and serving of meals as defined in Section 61-6-20(2);

(3) the festival must have a projected attendance of at least thirty thousand people during the time the festival is held, and past attendance may be considered; /

Amend the committee report further, as and if amended, page [3138-2], by striking lines 7 through 15, as contained in SECTION 1 and inserting therein the following:

/ (6) the festival applicant shall establish a procedure that requires sufficient identification to determine that individuals who have paid for entrance to the festival and who are purchasing alcoholic beverages meet the age requirements to consume alcohol and further requires those individuals purchasing alcoholic beverages maintain in their possession a personal identifier that is easily identified by a server of alcoholic beverages, as well as requiring that alcoholic beverages are served in beverage containers that are distinct in color or design from the beverage containers used to serve nonalcoholic beverages; and

(7) the festival shall employ a security service licensed by the State Law Enforcement Division. /

Amend the committee report further, as and if amended, page [3138-2], by striking lines 24 through 36, as contained in SECTION 1 and inserting therein the following:

/ (C) The department shall charge a nonrefundable filing fee of thirty-five dollars for processing an application for a festival liquor by the drink license. Applications for the festival liquor by the drink license must also be accompanied by the license fee of three thousand dollars payable to the department. License fees must be deposited with the State

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Treasurer or are refundable if a license is not issued or is returned in accordance with subsection (B). The application must include a statement by the applicant as to the nature, acreage of location, information requested in subsection (A), and dates of the festival. All of the buildings and grounds of the defined festival location that are under the direct control of the festival liquor by the drink license holder are presumed to be the premises used by the licensee to conduct the festival, including, but not limited to, the areas designated within the festival for entertainment, cultural events, food and beverage services, and retail spaces. The department in its discretion may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications. /

Amend the committee report further, as and if amended, page [3138-3], by striking lines 3 through 8, as contained in SECTION 1 and inserting therein the following:

/ (E) The applicant must undergo a state criminal records check, supported by fingerprints, by the State Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal record checks must be reported to the department. The applicant is responsible for all costs associated with the criminal record checks. The department shall deny the application if the criminal record checks are not submitted with the application and filing fee or if they are obtained more than ninety days before the date of the festival. /

Amend the committee report, as and if amended further, page [3138-3], by striking line 16, as contained in SECTION 1 and inserting therein the following:

/ liquors.

(H)(1) In addition to all other requirements, a licensee under this section is required to obtain a general liability or tort insurance policy that does not exclude liquor liability, a liquor liability insurance policy, or a general liability insurance policy with a liquor liability endorsement with a total coverage of at least one millions dollars during the period of the festival. Failure to maintain this coverage constitutes grounds for suspension or revocation of the license. Each applicant for this license shall include in the application for the festival liquor by the drink license documentation of the required policy in the required amounts.

(2) Each insurer writing a general liability or tort insurance policy that does not exclude liquor liability, a liquor liability insurance policy, or a general liability insurance policy with a liquor liability endorsement to a person licensed under this section for a festival liquor by the drink

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license must notify the department in a manner prescribed by the department regulation of the lapse or termination of the required insurance.” /

Amend the committee report further, as and if amended, page [3138-3], after line 16 by inserting an appropriately numbered new SECTION to read:

/ SECTION \_\_. Section 61-6-1620(A) of the 1976 Code is amended to read:

“(A)This article authorizes the possession or consumption of alcoholic liquors on premises open to the general public for which a license has been obtained pursuant to Sections 61-6-1600, ~~61-6-1610,~~ and 61-6-2017.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3139 -- Reps. Stavrinakis and McCoy: A BILL TO AMEND SECTIONS 61-4-515 AND 61-6-2016, CODE OF LAWS OF SOUTH CAROLINA, 1976, 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 OR TENNIS SPECIFIC COMPLEX, SO AS TO INCLUDE BASEBALL COMPLEX, AND TO PROVIDE A DEFINITION FOR “BASEBALL COMPLEX”.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (JUD3139.011), which was withdrawn:

Amend the committee report, as and if amended, page [3139-1], by striking lines 25 through 40, as contained in SECTION 3, and inserting therein the following:

/ SECTION 3. Section 61-2-145(A) of the 1976 Code as last amended by Act No. 45 (S.116) of 2017, is amended to read:

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~~“(A)(1) In addition to all other requirements, during the period of the biennial permit or license, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars or, for a governmental entity, agency, or political subdivision as defined in Section 15-78-30 that is licensed or permitted as described above, that governmental entity, agency, or political subdivision must maintain liquor liability coverage with liability limits of at least the limit of liability as provided in Section 15-78-120(a)(6) or must maintain liability insurance through the Insurance Reserve Fund during the period of the biennial permit or license.~~

~~(2) Failure to maintain this coverage constitutes grounds for suspension or revocation of the permit or license.” /~~

Amend the committee report further, as and if amended, by inserting an appropriately numbered section after SECTION 3 and inserting therein the following:

/ SECTION \_\_. Section 15-78-120(a) of the 1976 Code is amended to read:

“(a) For any action or claim for damages brought under the provisions of this chapter, the liability shall not exceed the following limits:

(1) Except as provided in Section 15-78-120(a)(3) or (a)(6)(i), no person shall recover in any action or claim brought hereunder a sum exceeding three hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(2) Except as provided in Section 15-78-120(a)(4) or (a)(6)(ii), the total sum recovered hereunder arising out of a single occurrence shall not exceed six hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(3) No person may recover in any action or claim brought hereunder against any governmental entity and caused by the tort of any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, a sum exceeding one million two hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(4) The total sum recovered hereunder arising out of a single occurrence of liability of any governmental entity for any tort caused by

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any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, may not exceed one million two hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(5) The provisions of Section 15-78-120(a)(3) and (a)(4) shall in no way limit or modify the liability of a licensed physician or dentist, acting within the scope of his profession, with respect to any action or claim brought hereunder which involved services for which the physician or dentist was paid, should have been paid, or expected to be paid at the time of the rendering of the services from any source other than the salary appropriated by the governmental entity or fees received from any practice plan authorized by the employer whether or not the practice plan is incorporated and registered with the Secretary of State.

(6)(i) If the action or claim is related to a governmental entity, agency, or political subdivision in the business of selling 'alcoholic beverages' as that term is defined in Section 61-2-145(D), no person shall recover in any action or claim brought hereunder a sum exceeding five hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(ii) If the action or claim is related to a governmental entity, agency, or political subdivision in the business of selling 'alcoholic beverages' as that term is defined in Section 61-2-145(D), the total sum recovered hereunder arising out of a single occurrence shall not exceed one million dollars regardless of the number of agencies or political subdivisions or claims or actions involved." /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator RANKIN proposed the following amendment (JUD3139.009):

Amend the committee report, as and if amended, page [3139-1], by striking lines 25 through 40, as contained in SECTION 3, and inserting therein the following:

/ SECTION 3. Section 61-2-145(A) of the 1976 Code as last amended by Act No. 45 (S.116) of 2017, is amended to read:

“(A)(1) In addition to all other requirements, during the period of the biennial permit or license, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five

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o'clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars or, for a governmental entity, agency, or political subdivision as defined in Section 15-78-30 that is licensed or permitted as described above, that governmental entity, agency, or political subdivision must maintain liquor liability coverage with liability limits of at least the limit of liability as provided in Section 15-78-120(a)(1) and (a)(2) or must maintain liability insurance through the insurance reserve fund during the period of the biennial permit or license.

(2) Failure to maintain this coverage constitutes grounds for suspension or revocation of the permit or license.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the perfecting amendment.

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

**CARRIED OVER**

H. 3549 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 61-6-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERMIT ISSUED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IN PROXIMITY TO A CHURCH, SCHOOL, OR PLAYGROUND, SO AS TO PROVIDE THAT THE DECISION-MAKING BODY OF THE LOCAL SCHOOL MUST AFFIRMATIVELY STATE THAT IT DOES NOT OBJECT TO THE ISSUANCE OF A LICENSE.

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

H. 5153 -- Rep. Delleney: A BILL TO AMEND SECTION 42-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN WORKERS' COMPENSATION COMMISSION HEARINGS CONCERNING COMPENSATION PAYABLE, SO AS TO PROVIDE THESE HEARINGS MUST BE HELD IN THE DISTRICTS IN WHICH THE INJURIES OCCURRED INSTEAD OF THE CITIES OR COUNTIES IN WHICH THE INJURIES OCCURRED, AND TO PROVIDE THESE DISTRICTS MUST BE DETERMINED BY THE COMMISSION.

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

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S. 92 -- Senators Gregory, Bennett, Fanning and Shealy: A BILL TO AMEND SECTION 20-3-130(C), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, SO AS TO PROVIDE THAT CERTAIN EARNINGS OF A SUBSEQUENT SPOUSE ARE NOT TO BE CONSIDERED BY THE COURT WHEN MAKING, MODIFYING, OR TERMINATING THE AWARD OF ALIMONY.

On motion of Senator KIMPSON, 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.

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.

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

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 TO INCREASE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION.

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

H. 4529 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 40-33-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE NURSE PRACTICE ACT, SO AS TO PROVIDE CERTAIN BOARD OF NURSING LICENSEES

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MAY PERFORM DELEGATED MEDICAL ACTS BY MEANS OF TELEMEDICINE AND TO DEFINE "TELEMEDICINE"; TO AMEND SECTION 40-33-34, RELATING TO THE PERFORMANCE OF DELEGATED MEDICAL ACTS BY CERTAIN BOARD OF NURSING LICENSEES, SO AS TO PROVIDE REQUIREMENTS CONCERNING THE PRACTICE OF TELEMEDICINE BY ADVANCED PRACTICE REGISTERED NURSES; TO AMEND SECTION 40-47-20, AS AMENDED, RELATING TO DEFINITIONS IN THE PRACTICE ACT FOR PHYSICIANS AND CERTAIN OTHER MEDICAL PROFESSIONALS, SO AS TO PROVIDE CERTAIN DELEGATED MEDICAL ACTS MAY BE PERFORMED BY MEANS OF TELEMEDICINE; TO AMEND SECTION 40-47-935, RELATING TO ACTS PHYSICIAN ASSISTANTS MAY PERFORM, SO AS TO INCLUDE TELEMEDICINE; AND TO AMEND SECTION 40-47-955, AS AMENDED, RELATING TO THE SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, SO AS TO INCLUDE TELEMEDICINE.

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

H. 4009 -- Reps. Lucas, Williams, Crawford, Alexander, McCoy, Hiott, Clemmons, Bales, Bedingfield, Ott, G.R. Smith, Herbkersman, Sandifer and S. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 69 TO TITLE 12 SO AS TO ENACT THE "MOTORSPORTS ENTERTAINMENT COMPLEX INVESTMENT ACT" BY EXEMPTING CERTAIN BUILDING MATERIALS FOR A COMPLEX FROM THE SALES TAX AND TO PROVIDE THE PROCESS BY WHICH A QUALIFIED COMPANY MAY CLAIM THE EXEMPTION, TO CREATE THE MOTORSPORTS TOURISM INCENTIVE FUND TO AWARD GRANTS OR LOANS TO ATTRACT AND EXPAND TOURISM AND HOSPITALITY PROJECTS RELATED TO EVENTS AT SUCH COMPLEXES, TO PROVIDE THAT A COMPLEX IS ELIGIBLE FOR BENEFITS FROM THE CLOSING FUND, TO ALLOW A TAX CREDIT OF TWENTY-FIVE PERCENT OF THE COSTS INCURRED BY A TAXPAYER TO INSTALL EQUIPMENT OR TECHNOLOGY THAT ALLOWS INFORMATION TO BE TRANSMITTED THROUGH A WIRELESS LOCAL AREA NETWORK AT A COMPLEX; TO AMEND SECTION 12-20-110, RELATING TO THE APPLICABILITY OF CORPORATION LICENSE FEE PROVISIONS, SO AS TO MAKE SUCH PROVISIONS

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INAPPLICABLE TO A COMPLEX; AND TO AMEND SECTION 12-21-2425, RELATING TO THE ADMISSION LICENSE TAX, SO AS TO INCREASE THE EXEMPTION ON A COMPLEX, TO REMOVE THE TIME PERIOD FOR THE EXEMPTION, AND TO PROVIDE THAT THE EXEMPTED REVENUE MUST BE USED ON MARKETING FOR EVENTS AT THE COMPLEX.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG4009C003.BBM.DG18):

s Amend the bill, as and if amended, beginning on page 3, by striking line 38 through line 10 on page 4, and inserting:

/ SECTION 2. A. Section 12-6-3585(A), (E), and (F) of the 1976 Code are amended to read:

“(A) ~~For each tax year beginning after 2017, a taxpayer may claim as a credit against state income tax imposed by Chapter 6, Title 12, bank tax imposed by Chapter 11, Title 12, license fees imposed by Chapter 20 of Title 12, or insurance premiums imposed by Chapter 7, Title 38, or any combination of them, one hundred percent of an amount contributed to the Industry Partnership Fund at the South Carolina Research Authority (SCRA), or an SCRA-designated affiliate, or both, pursuant to Section 13-17-88(E), up to a maximum credit of six hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of two million dollars for all taxpayers in tax year 2006; up to a maximum credit of one million three hundred thousand dollars for a single taxpayer, not to exceed an aggregate credit of four million dollars for all taxpayers in tax year 2007; and up to a maximum credit of two million dollars for a single taxpayer, not to exceed an aggregate credit of six million dollars for all taxpayers for each tax year beginning after December 31, 2007~~ two hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of twelve million dollars for all taxpayers. For purposes of determining a taxpayer’s entitlement to the credit for qualified contributions for a given tax year in which more than the applicable aggregate annual limit on the credit is contributed by taxpayers for that year, taxpayers who have made contributions that are intended to be qualified contributions earlier in the applicable tax year than other taxpayers must be given priority entitlement to the credit. The SCRA shall certify to taxpayers who express a bona fide intention of making one or more qualified contributions as to whether the taxpayer is entitled to that priority.

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(E) ‘Taxpayer’ means an individual, corporation, partnership, trust, bank, insurance company, or other entity having a state income or insurance premium tax or license fee liability who has made a qualified contribution. However, for purposes of this section, any member of the SCRA board of trustees or the SC Launch!, Inc. board of directors is not considered a taxpayer, and may not claim the credit allowed by this section.

(F) To qualify for the credit, the taxpayer shall retain a form provided by SCRA identifying the taxpayer and the year and amount of credit for which the taxpayer qualifies. The Department of Revenue may require a copy of the form be attached to the taxpayer’s income tax return or be provided otherwise to the department. Also, to qualify for the credit, a taxpayer who is certified by SCRA under subsection (A) as having priority entitlement to the credit for an applicable year must make a commitment satisfactory to SCRA, at such time as SCRA deems appropriate but not later than April first of such year, to make the contribution during such year.”

B. Notwithstanding the increase in the annual maximum credit amount for all taxpayers from six million dollars to twelve million dollars in Section 12-6-3585, as amended by this SECTION, the increased maximum credit amount must be phased in in two equal and cumulative installment amounts beginning in tax years beginning after 2017.

C. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017, except that the amendment to Section 12-6-3585(F) shall not take effect until January 1, 2019.

SECTION 3. A. Section 12-6-3585 of the 1976 Code is amended by adding a subsection to read:

“(J) By March fifteenth of each year, the South Carolina Research Authority shall issue a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor detailing the amount contributed to the Industry Partnership Fund in the previous tax year that entitled the taxpayer to the credit allowed by this section, the taxpayers that received the credit, and the manner in which such contributions were expended or are expected to be expended. The report also must be posted in a conspicuous place on the website maintained by the South Carolina Research Authority.”

B. This SECTION takes effect January 1, 2019.

SECTION 4. Except where specified otherwise, this act takes effect upon approval by the Governor and applies to tax years beginning after 2017. /

Renumber sections to conform.

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Amend title to conform.

Senator CAMPBELL explained the committee amendment.

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

H. 3329 -- Reps. Fry, Clemmons, Crawford, Duckworth, Atwater, Cobb-Hunter, Elliott, B. Newton, Daning, Henegan, Toole, King and Yow: A BILL TO AMEND SECTION 16-3-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE ARTICLE ON TRAFFICKING IN PERSONS, SO AS TO DELETE THE DEFINITION OF "TRAFFICKING IN PERSONS"; AND TO AMEND SECTION 16-3-2020, AS AMENDED, RELATING TO THE OFFENSE OF TRAFFICKING IN PERSONS, PENALTIES, AND DEFENSES, SO AS TO RESTRUCTURE THE OFFENSE AND PROVIDE A PENALTY WHEN THE VICTIM IS A MINOR UNDER THE AGE OF EIGHTEEN AND TO FURTHER ENSURE THE PROTECTION OF MINOR VICTIMS.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED  
AMENDED, CARRIED OVER**

H. 3865 -- Reps. Bernstein, Delleney, Ridgeway, King, Whipper, J.E. Smith and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA PREGNANCY ACCOMMODATIONS ACT"; TO AMEND SECTION 1-13-30, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA HUMAN AFFAIRS LAWS, SO AS TO REVISE THE TERMS "BECAUSE OF SEX" OR "ON THE BASIS OF SEX" USED IN THE CONTEXT OF EQUAL TREATMENT FOR WOMEN AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS; TO AMEND SECTION 1-13-80, AS AMENDED, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES OF AN EMPLOYER, SO AS TO ADD CERTAIN OTHER UNLAWFUL EMPLOYMENT PRACTICES IN REGARD TO FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS FOR AN APPLICANT FOR EMPLOYMENT OR EMPLOYEE WITH LIMITATIONS BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS, AND TO PROVIDE FOR NOTICE AND

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APPLICABILITY TO EMPLOYEES TO WHOM THE ABOVE PROVISIONS APPLY; AND TO PROVIDE NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION SHALL PROMULGATE REGULATIONS, WHICH SHALL IDENTIFY SOME REASONABLE ACCOMMODATIONS ADDRESSING KNOWN LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS THAT MUST BE PROVIDED TO A JOB APPLICANT OR EMPLOYEE, UNLESS THE EMPLOYER CAN DEMONSTRATE THAT DOING SO WOULD IMPOSE AN UNDUE HARDSHIP.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO proposed the following amendment (JUD3865.002), which was withdrawn:

Amend the committee amendment, as and if amended, by striking lines 28 through 42 on page [3865-1] and by striking lines 1 through 16 on page [3865-2], in Section 1-13-80(A)(4)(e), as contained in SECTION 4, and inserting therein the following:

/ (i)The term 'reasonable accommodation' may include:

(AA) making existing facilities used by employees readily accessible to and usable by individuals with medical needs arising from pregnancy, childbirth, or related medical conditions; and

(BB) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with medical needs arising from pregnancy, childbirth, or related medical conditions. /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators HUTTO and CASH proposed the following amendment (JUD3865.009), which was adopted:

Amend the committee report, as and if amended, by striking lines 25 through 42 on page [3865-1] and by striking lines 1 through 16 on page [3865-2], to strike the committee report in its entirety and insert therein the following:

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// Amend the bill, as and if amended, page 2, by striking lines 18 and 19 and inserting therein the following:

/ SECTION 3.A. Section 1-13-30(l) of the 1976 Code is amended to read: /

Amend the bill further, as and if amended, page 3, line 15, by adding SECTION 3.B. to read:

/ SECTION 3.B. Section 1-13-30(T) of the 1976 Code, is amended to read:

(T) 'Reasonable accommodation' may include:

(1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities and individuals with medical needs arising from pregnancy, childbirth, or related medical conditions provided the employer shall not be required to construct a permanent, dedicated space for expressing milk; however, nothing in this section exempts an employer from providing other reasonable accommodations; and

(2)(a) for individuals with disabilities: job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations ~~for individuals with disabilities;~~ or

(b) for individuals with medical needs arising from pregnancy, childbirth, or related medical conditions providing more frequent or longer break periods; providing more frequent bathroom breaks; providing a private place, other than a bathroom stall for the purpose of expressing milk; modifying food or drink policy; providing seating or allowing the employee to sit more frequently if the job requires the employee to stand; providing assistance with manual labor and limits on lifting; temporarily transferring the employee to a less strenuous or hazardous vacant position, if qualified; providing job restructuring or light duty, if available; acquiring or modifying equipment or devices necessary for performing essential job functions; modifying work schedules; however, the employer is not required to do the following, unless the employer does or would do so for other employees or classes of employees that need a reasonable accommodation:

(i) hire new employees that the employer would not have otherwise hired;

(ii) discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job;

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(iii) create a new position, including a light duty position for the employee, unless a light duty position would be provided for another equivalent employee; or

(iv) compensate an employee for more frequent or longer break periods, unless the employee uses a break period which would otherwise be compensated. /

Amend the bill further, as and if amended, page 4, by striking lines 17 through 31, as contained in SECTION 4, and inserting therein the following:

/ For the purposes of this item:

(i) An employer shall provide written notice of the right to be free from discrimination for medical needs arising from pregnancy, childbirth, or related medical conditions, pursuant to this item to new employees at the commencement of employment, and existing employees within one hundred twenty days after the effective date of this item.

(ii) The notice required by subsubitem (i) also must be conspicuously posted at an employer's place of business in an area accessible to employees. / //

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3865.001), which was adopted:

Amend the bill, as and if amended, page 4 by striking lines 20-24, in Section 1-13-80(A)(4)(e), as contained in SECTION 4, and inserting therein the following:

/ (i) The term 'reasonable accommodation' may include:

(AA) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(BB) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

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(ii)(AA) The term ‘undue hardship’ means an action requiring significant difficulty or expense, when considered in light of the factors set forth in Subsection (A)(4)(e)(i)(BB).

(BB) In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(aa) the nature and cost of the accommodation needed under this chapter;

(bb) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(cc) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(dd) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Senator MARTIN proposed the following amendment (JUD3865.011), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 37-42 and page 5, lines 1-2 as contained in SECTION 5, and therein inserting the following:

/ SECTION 5 The South Carolina Human Affairs Commission may promulgate regulations to carry out this act, provided the regulations do not exceed the requirements for employers under federal law. These regulations may identify some reasonable accommodations addressing medical needs arising from pregnancy, childbirth, or related medical conditions that must be provided to a job applicant or employee affected by these known limitations, unless the employer can demonstrate that doing so would impose an undue hardship. /

Renumber sections to conform.

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Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

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

**AMENDED, CARRIED OVER**

H. 4479 -- Reps. Tallon, Hixon and W. Newton: A BILL TO AMEND SECTION 23-23-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO APPOINT ATTORNEYS EMPLOYED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO SIT AS HEARING OFFICERS FOR CONTESTED CASE HEARINGS; AND BY ADDING SECTION 23-23-150, SO AS TO PROVIDE THAT NO PERSON WHO HAS A PENDING ALLEGATION OF MISCONDUCT MAY BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR AS A TELECOMMUNICATIONS OPERATOR, MAY HAVE THE AUTHORITY OF A LAW ENFORCEMENT OFFICER, PERFORM ANY DUTIES OF A LAW ENFORCEMENT OFFICER, OR EXERCISE THE POWER OF ARREST UNTIL THE LAW ENFORCEMENT TRAINING COUNCIL OR AN APPELLATE COURT HAS ISSUED A DECISION AUTHORIZING THE PERSON TO BE EMPLOYED IN THOSE AREAS, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE NOTIFIED BY CERTIFIED MAIL OF THE ALLEGATION OF MISCONDUCT AND HIS RIGHT TO A CONTESTED CASE HEARING, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY MUST REQUEST A CONTESTED CASE HEARING WITHIN SIXTY DAYS AFTER RECEIPT OF THE ALLEGATION OF MISCONDUCT AND RIGHT TO A CONTESTED CASE HEARING, AND TO PROVIDE FOR THE PROCEDURES OF A CONTESTED CASE HEARING.

The Senate proceeded to a consideration of the Bill.



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Senator M.B. MATTHEWS proposed the following amendment (JUD4479.006), which was adopted:

Amend the bill, as and if amended, page 4 by striking line 3 and inserting:

/ council.

(I) For any allegation of misconduct of a law enforcement officer pursuant to this section, SLED, the appropriate investigating agency, or the internal affairs division of the agency must complete their investigation within ninety days unless they seek leave from the hearing officer to extend for a specified time period.” /

Re-number sections to conform.

Amend title to conform.

Senator M.B. MATTHEWS explained the amendment.

The amendment was adopted.

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

**OBJECTION**

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

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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 SUBMIT TO CHEMICAL TESTS AND HAD AN ALCOHOL

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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.

Senator MALLOY objected to the consideration of the Bill.

H. 4486 -- Reps. Henderson, Elliott, W. Newton, Govan, Erickson and Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT ACT" BY ADDING ARTICLE 7 TO CHAPTER 61, TITLE 44 SO AS TO AUTHORIZE THE STATE OF SOUTH CAROLINA TO JOIN THE RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT IN ORDER TO FACILITATE THE DAY-TO-DAY MOVEMENT OF EMERGENCY MEDICAL SERVICES (EMS) PERSONNEL ACROSS STATE BOUNDARIES IN THE PERFORMANCE OF THEIR ASSIGNED EMS DUTIES AND TO AFFORD IMMEDIATE LEGAL RECOGNITION TO EMS PERSONNEL IN A MEMBER STATE; TO ESTABLISH CERTAIN EMS LICENSURE REQUIREMENTS UNDER THE COMPACT; TO PROVIDE FOR THE PRIVILEGE OF EMS PERSONNEL TO PRACTICE IN ANOTHER MEMBER STATE AND IN REMOTE STATES, WITH EXCEPTIONS, AND TO ESTABLISH CERTAIN LIMITATIONS ON THE APPLICATION OF THE COMPACT DURING A STATE OF EMERGENCY; TO PROVIDE CERTAIN

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LIMITATIONS ON THE PRIVILEGE TO PRACTICE UNDER THE COMPACT WHEN AN INDIVIDUAL'S LICENSE IS SUSPENDED OR OTHERWISE RESTRICTED AND TO ENABLE A MEMBER STATE TO TAKE ADVERSE ACTIONS AGAINST AN INDIVIDUAL'S LICENSE IN CERTAIN CIRCUMSTANCES; TO GRANT CERTAIN POWERS TO THE STATE'S EMS AUTHORITY; TO ESTABLISH THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND AUTHORITY; TO PROVIDE FOR ENFORCEMENT OF THE COMPACT BY MEMBER STATES AND FOR DISPUTE RESOLUTION; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 44-61-20, RELATING TO TERMS DEFINED IN THE "EMERGENCY MEDICAL SERVICES ACT OF SOUTH CAROLINA", SO AS TO CHANGE THE DEFINITION OF "INVESTIGATIVE REVIEW COMMITTEE".

Senator CORBIN objected to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED  
OBJECTION**

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

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0217.021), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 35 through 37 as contained in SECTION 1, and inserting therein the following:

/ Section 1-1-340. (A) Nothing in this article shall be construed to prohibit a licensed physician from performing a medical procedure or providing medical treatment designed or intended to prevent the death of

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a pregnant woman. However, the physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of the preborn human being in a manner consistent with accepted medical standards. Under such circumstances, the accidental or unintentional injury or death to the preborn human being is not a violation of this article. The threat of the death of a pregnant woman must not be based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or a diagnosis or claim that the pregnant woman will purposefully engage in conduct that she intends to result in her death. The provisions of this section must not be construed to authorize the intentional killing of a preborn human being.

(B) Nothing in this article shall be construed to prohibit contraception. As used in this subsection, 'contraception' is defined as the prevention of fertilization.

(C) Nothing in this article shall be construed to prohibit in vitro fertilization or assisted reproductive technology. The authority to regulate in vitro fertilization and assisted reproductive technology procedures is reserved by the Legislature.

Section 1-1-350. This article is enacted pursuant to the power reserved to this State under the Tenth Amendment to the United States Constitution." /

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the committee amendment.

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

**Ayes 38; Nays 2**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Reese
Rice	Sabb	Senn

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Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Williams	Young	

**Total--38**

**NAYS**

<i>Matthews, Margie</i>	McLeod
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**Total--2**

The amendment was adopted.

Senator CASH moved to carry over the Bill.

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

**Ayes 3; Nays 37**

**AYES**

Campsen	Cash	Massey
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**Total--3**

**NAYS**

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

**Total--37**

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Having failed to receive the necessary vote, the motion to carry over failed.

Senator DAVIS objected to further consideration of the Bill.

**Objection**

Senator MARTIN asked unanimous consent to make a motion to read the Bill a second time and take up further amendments pursuant to the provisions of Rule 26B on third reading.

Senator M.B. MATTHEWS objected.

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, AMENDMENT PROPOSED  
OBJECTION**

H. 4458 -- Reps. Johnson, Hixon, Kirby, Yow, Duckworth, Burns, Blackwell, Dillard, Davis, Forrest, Fry, Hewitt, Crawford, McGinnis, Ott, Bamberg, Erickson, Cobb-Hunter, Willis, Mace, Hill, Gagnon, West, Hardee, Wheeler, McEachern, Magnuson, Martin and Bowers: A BILL TO AMEND SECTION 16-11-700, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUMPING OF LITTER ON PRIVATE OR PUBLIC PROPERTY AND ITS PENALTIES, SO AS TO RESTRUCTURE THE OFFENSES TO ENSURE CIGARETTE BUTTS AND CIGARETTE COMPONENT LITTER AND DECEASED ANIMALS ARE INCLUDED IN THE PURVIEW OF THE STATUTE, AND TO RESTRUCTURE THE PENALTIES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD4458.004), which was adopted:

Amend the bill, as and if amended, page 4 by striking line 24 and inserting therein the following:

/ the penalty that must be equal to the amount of ~~five~~ twenty-five dollars an hour /

Amend the bill further, as and if amended, page 5, by striking line 9 and inserting therein the following:

/ 44, the latter controls.

(L) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.”/

Re-number sections to conform.

Amend title to conform.

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Senator HUTTO explained the committee amendment.

The amendment was adopted.

Senators McELVEEN, CAMPSSEN, and HUTTO proposed the following amendment (JUD4458.005), which was adopted:

Amend the bill, as and if amended, by striking lines beginning on page 4, line 39 and ending on page 5, line 2 and inserting:

/ (J)(1) This section shall not apply to the discarding of deceased fish, game, or wildlife, or the parts or remains thereof, taken as a result of legal hunting or fishing pursuant to Title 50. The exception provided for by this subsection does not apply to deceased animals, animal parts, or remains thereof that are deposited or discarded onto the private lands or waters of another without the owner's permission.

(2) For the purposes of subsections (E) and (F), illegal dumping is defined as disposing of more than fifteen pounds of any collection of solid waste, litter, or other materials defined in subsection (A), including discarded, deceased animals or deceased animal parts which create a hazard to the public health and welfare, but not defined as a careless, scattered littering of smaller items. /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (4458R001.SP.GM):

Amend the bill, as and if amended, page 1, by striking line 30 and inserting:

/ butts, cigarette component litter, and expectorated chewing tobacco, upon waters or public or private /

Amend the bill further, as and if amended, page 2, by striking lines 5-6 and inserting:

/ ~~cubic feet in volume, including cigarette butts, cigarette components, and expectorated chewing tobacco,~~ is guilty of a misdemeanor and, upon conviction, must /

Amend the bill further, as and if amended, page 2, by striking lines 25-26 and inserting:

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/ (43), (46), (73), and (74) including cigarette butts, cigarette components, and expectorated chewing tobacco, in an area or facility not intended for public deposit of /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MARTIN objected to further consideration of the Bill.

**ADOPTED**

H. 4989 -- Reps. Willis, G.R. Smith, Hamilton, Pitts and Trantham: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MCCARTER ROAD IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 TO ITS INTERSECTION WITH INTERSTATE HIGHWAY 385 "EDWARD CHARLES 'EDDIE' CASE MEMORIAL BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

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

**MOTION ADOPTED**

At 4:30 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CROMER rose for an Expression of Personal Interest.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 1, 2018, at 4:45 P.M. and the following Acts and Joint Resolutions were ratified:

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(R170, S. 499) -- Senator Malloy: AN ACT TO AMEND SECTION 56-1-148, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IDENTIFYING CODE AFFIXED TO THE DRIVER'S LICENSE OF A PERSON CONVICTED OF CERTAIN CRIMES, SO AS TO REMOVE THE FIFTY DOLLAR FEE ASSOCIATED WITH PLACING THE IDENTIFYING CODE ON A DRIVER'S LICENSE.

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(R171, S. 805) -- Senators Shealy, Sheheen, Young, McLeod, McElveen, Climer, Jackson, Turner, Davis, Talley, Verdin, Fanning, Nicholson, Gambrell and Rice: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 22 TO CHAPTER 11, TITLE 63 SO AS TO CREATE THE DEPARTMENT OF CHILDREN'S ADVOCACY, TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY THE STATE CHILD ADVOCATE, TO PROVIDE THAT THE DEPARTMENT SHALL BE COMPRISED OF DEPUTY CHILD ADVOCATES, INVESTIGATORS, AND OTHER STAFF TO BE EMPLOYED AS NECESSARY BY THE STATE CHILD ADVOCATE, TO PROVIDE THAT THE STATE CHILD ADVOCATE IS RESPONSIBLE FOR ENSURING THAT CHILDREN RECEIVE ADEQUATE PROTECTION AND CARE FROM SERVICES OR PROGRAMS OFFERED BY THE DEPARTMENT OF SOCIAL SERVICES, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF JUVENILE JUSTICE, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, THE JOHN DE LA HOWE SCHOOL, THE WIL LOU GRAY OPPORTUNITY SCHOOL, AND THE SCHOOL FOR THE DEAF AND THE BLIND, TO PROVIDE THAT RECORDS ACQUIRED BY THE DEPARTMENT ARE CONFIDENTIAL, TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT, INCLUDING THE RIGHT TO PERFORM AN INDEPENDENT INVESTIGATION OF A CRITICAL INCIDENT OR REVIEW A COMPLETED CRITICAL INCIDENT INVESTIGATION PERFORMED BY A STATE AGENCY, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-7-360, RELATING TO MANDATORY REPORTING TO THE CORONER, SO AS TO REQUIRE THE MEDICAL EXAMINER OR CORONER TO REPORT SUSPECTED CHILD ABUSE OR

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NEGLECT FINDINGS TO THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-11-500, RELATING TO THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM, SO AS TO PROVIDE THAT THE PROGRAM IS ADMINISTERED BY THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTIONS 63-11-700 AND 63-11-730, BOTH RELATING TO THE DIVISION FOR REVIEW OF THE FOSTER CARE OF CHILDREN, SO AS TO PROVIDE THAT THE DIVISION IS WITHIN THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTIONS 63-11-1310, 63-11-1340, 63-11-1360, AND 63-11-1510, ALL RELATING TO THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN, SO AS TO PROVIDE THAT THE CONTINUUM OF CARE IS WITHIN THE DEPARTMENT OF CHILDREN'S ADVOCACY; TO AMEND SECTION 63-11-1930, RELATING TO THE STATE CHILD FATALITY ADVISORY COMMITTEE, SO AS TO ADD THE STATE CHILD ADVOCATE AS A COMMITTEE MEMBER; TO AMEND SECTION 59-36-20, RELATING TO THE COMPREHENSIVE SYSTEM OF SPECIAL EDUCATION AND SERVICES, SO AS TO DELETE ANY REFERENCE TO THE CHILDREN'S CASE RESOLUTION SYSTEM; TO AMEND SECTION 63-7-1990, RELATING TO CONFIDENTIALITY OF CHILD ABUSE OR NEGLECT REPORTS, SO AS TO AUTHORIZE RELEASE OF INFORMATION TO THE DEPARTMENT OF CHILDREN'S ADVOCACY; BY ADDING SECTION 1-3-60 SO AS TO REQUIRE THE GOVERNOR TO DESIGNATE THE AGENCY TO ADMINISTER THE SOUTH CAROLINA DEVELOPMENTAL DISABILITIES COUNCIL; TO AMEND SECTION 1-11-10, RELATING TO THE DEPARTMENT OF ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL ARTICLE 11 OF CHAPTER 11, TITLE 63 RELATING TO THE CHILDREN'S CASE RESOLUTION SYSTEM.

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(R172, S. 937) -- Senators Hutto and M.B. Matthews: AN ACT TO AMEND SECTION 59-53-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY DEVOLUTION OF POWERS, DUTIES, AND OBLIGATIONS VESTED IN THE DENMARK TECHNICAL COLLEGE AREA COMMISSION TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, SO AS TO EXTEND THE

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DEVOLUTION TO JANUARY 1, 2019, AND MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 59-53-600 EFFECTIVE JANUARY 1, 2019.

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(R173, S. 1041) -- Senators Davis, Campsen and Young: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-6-119 SO AS TO PROHIBIT A PERSON FROM SOLICITING OR UNLAWFULLY OBTAINING THE MONEY, PROPERTY, OR PERSONAL IDENTIFYING INFORMATION OF A VULNERABLE ADULT, TO PROVIDE A CIVIL REMEDY FOR THE VULNERABLE ADULT, AND TO PROVIDE A CRIMINAL PENALTY.

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(R174, S. 1172) -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY - STATE CROP PEST COMMISSION, RELATING TO PLANT NURSERY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4808, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R175, H. 3177) -- Reps. Clemmons, G.R. Smith, Bedingfield and Huggins: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-31-60 SO AS TO REQUIRE THAT ON THE EFFECTIVE DATE OF THIS ACT RECOGNIZED NATIVE AMERICAN INDIAN GROUPS CONTINUE TO BE RECOGNIZED AND ELIGIBLE TO EXERCISE PRIVILEGES AND OBLIGATIONS AUTHORIZED BY THAT DESIGNATION, THAT THE COMMISSION FOR MINORITY AFFAIRS CEASE TO RECOGNIZE ADDITIONAL NATIVE AMERICAN INDIAN GROUPS, THAT ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP ARE REPEALED, AND THAT THE COMMISSION REVISE ITS REGULATIONS TO PROVIDE FOR THE PRIVILEGES AND OBLIGATIONS OF NATIVE AMERICAN INDIAN GROUPS THAT CONTINUE TO BE RECOGNIZED.

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**TUESDAY, MAY 1, 2018**

(R176, H. 3698) -- Reps. V.S. Moss, Duckworth, Forrest, Hiott and Hixon: AN ACT TO AMEND SECTION 50-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GEOGRAPHICAL BOUNDARIES FOR CERTAIN BODIES OF WATER, SO AS TO PROVIDE GEOGRAPHICAL BOUNDARIES FOR THE PORTION OF THE INTRACOASTAL WATERWAY LOCATED IN HORRY COUNTY; TO AMEND SECTION 50-5-1556, RELATING TO LOCATIONS WHERE STRIPED BASS MAY BE TAKEN, SO AS TO REVISE THE PERIODS OF TIME WHEN STRIPED BASS MAY BE TAKEN IN VARIOUS BODIES OF WATER; AND TO AMEND SECTION 50-13-230, RELATING TO THE TAKING OF STRIPED BASS WITHIN VARIOUS BODIES OF WATER, SO AS TO PROVIDE FOR THE TAKING OF STRIPED BASS IN THE PORTION OF THE INTRACOASTAL WATERWAY IN HORRY COUNTY, TO REVISE THE PERIOD OF TIME WHEN STRIPED BASS MAY BE TAKEN WITHIN VARIOUS BODIES OF WATER, TO PROVIDE FOR LIMITS FOR THE TAKING OF STRIPED BASS WITHIN VARIOUS BODIES OF WATER, TO REVISE THE SIZE, LIMITS, AND PERIOD FOR THE TAKING OF STRIPED BASS IN THE SANTEE RIVER, AND TO EXTEND THE DEADLINE FOR THE COMPLETION OF THE DEPARTMENT OF NATURAL RESOURCES STUDY OF THE STRIPED BASS FISHERY ON THE SANTEE AND COOPER RIVER SYSTEMS.  
L:\COUNCIL\ACTS\3698CM18.DOCX

(R177, H. 3699) -- Reps. Putnam, Whipper, Brown, Knight, Henegan and Henderson-Myers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 63-7-765, 63-7-770, AND 63-9-80 SO AS TO ALLOW FOR THE DISCLOSURE OF PERSONAL HEALTH INFORMATION ABOUT A CHILD TO CERTAIN CAREGIVERS AS PART OF CHILD PROTECTION OR ADOPTION PROCEEDINGS; TO AMEND SECTION 63-7-1990, 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.

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(R178, 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: AN ACT TO AMEND SECTION 44-53-160, 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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(R179, H. 4411) -- Rep. Henderson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 48-39-40 RELATING TO THE COASTAL ZONE MANAGEMENT APPELLATE PANEL.

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(R180, H. 4488) -- Reps. Henderson, Fry, Hewitt, West, Spires, Atwater, Erickson, Norrell, Weeks, Douglas, Dillard, Ridgeway and Huggins: AN ACT 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.

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(R181, H. 4592) -- Reps. Allison and Forrester: AN ACT TO AMEND ACT 248 OF 1969, AS AMENDED, RELATING TO THE CREATION OF THE STARTEX AREA FIRE DISTRICT IN SPARTANBURG COUNTY, SO AS TO INCREASE THE BORROWING LIMITS OF THE DISTRICT FROM FIVE HUNDRED THOUSAND TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

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(R182, H. 4600) -- Reps. Huggins, Bedingfield, Alexander, Dillard, Douglas, Erickson, Fry, Henderson, Hewitt, Ridgeway, Spires, West, Norrell, Weeks, Rutherford and Atwater: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-70 SO AS TO AUTHORIZE PHARMACISTS TO PRESCRIBE OPIOID ANTIDOTES TO CERTAIN COMMUNITY ORGANIZATIONS TO DISTRIBUTE TO A PERSON AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE OR TO A CAREGIVER OF SUCH A PERSON; AND TO AMEND SECTION 44-130-20, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA OVERDOSE PREVENTION ACT, SO AS TO ADD A DEFINITION FOR "COMMUNITY DISTRIBUTOR".  
L:\COUNCIL\ACTS\4600VR18.DOCX

(R183, H. 4644) -- Reps. Dillard, Anthony, Atkinson, Kirby, Henderson-Myers, Martin, Burns, Williams, Yow, W. Newton, Hewitt, Blackwell, Forrest and Hixon: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-96-85 SO AS TO ESTABLISH THE SOLID WASTE EMERGENCY FUND, TO PROVIDE FOR THE FUNDING OF THE FUND, TO PROVIDE EXCEPTIONS, TO AUTHORIZE THE RECOVERY OF COSTS BY THE ATTORNEY GENERAL OR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO AUTHORIZE A REPRESENTATIVE TO INVESTIGATE A WASTE MANAGEMENT SITE AT ANY TIME TO ADDRESS AN EMERGENCY SITUATION; TO AMEND SECTION 44-96-120, RELATING TO THE SOLID WASTE MANAGEMENT TRUST FUND, SO AS TO INCLUDE FUNDING THE SOLID WASTE EMERGENCY FUND IN THE LIST OF AUTHORIZED SOLID WASTE MANAGEMENT TRUST FUND EXPENDITURES; TO AMEND SECTION 44-96-290, RELATING TO SOLID WASTE MANAGEMENT FACILITY PERMITTING, SO AS TO ALLOW THE DEPARTMENT TO LIMIT DEMONSTRATION OF NEED REQUIREMENTS, TO REMOVE LOCAL LAND USE AND ZONING ORDINANCES FROM A CONSTRUCTION PERMIT TO BUILD A NEW SOLID WASTE MANAGEMENT FACILITY OR EXPAND AN EXISTING FACILITY, AND TO REQUIRE A PERSON SEEKING A CONSTRUCTION PERMIT TO PROVIDE DOCUMENTATION OF COMPLIANCE WITH LOCAL LAND USE AND ZONING ORDINANCES; AND TO AMEND SECTION 44-96-360, RELATING TO SOLID WASTE PROCESSING

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FACILITIES, SO AS TO ESTABLISH CERTAIN CONDITIONS FOR FACILITIES THAT RECYCLE CONSTRUCTION AND DEMOLITION DEBRIS.

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(R184, H. 4655) -- Reps. Sandifer and Spires: AN ACT 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 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.

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(R185, H. 4656) -- Reps. Sandifer and Spires: AN ACT TO AMEND SECTION 38-9-200, CODE OF LAWS OF SOUTH CAROLINA, 1976,

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

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(R186, H. 4683) -- Reps. Hewitt, Fry, Erickson, Clemmons, Duckworth, Yow, Martin, Hardee, Johnson, McGinnis, Crawford, Anderson, Herbkersman, Sottile, Hixon, Taylor, Arrington, D.C. Moss, Atwater, S. Rivers, Mace, Lucas, Bradley, Elliott, Atkinson, Bannister, Loftis, Williams, Jefferson and Hamilton: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "BEACHFRONT MANAGEMENT REFORM ACT"; TO AMEND SECTION 44-1-60, RELATING TO APPEALS FROM DECISIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL GIVING RISE TO CONTESTED CASES, SO AS TO EXCLUDE DECISIONS TO ESTABLISH BASELINES OR SETBACK LINES FROM THE APPEAL PROCEDURES; TO AMEND SECTION 48-39-10, RELATING TO COASTAL

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TIDELANDS AND WETLANDS DEFINITIONS, SO AS TO REDEFINE THE TERM "PRIMARY OCEANFRONT SAND DUNE" FOR PURPOSES OF ESTABLISHING A BASELINE AND TO DEFINE THE TERM "STORM SURGE"; AND TO AMEND SECTION 48-39-280, RELATING TO THE STATE'S FORTY-YEAR RETREAT POLICY, SO AS TO IMPLEMENT A BEACH PRESERVATION POLICY, TO PROHIBIT THE SEAWARD MOVEMENT OF A BASELINE FROM A CERTAIN LOCATION, TO ESTABLISH THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST ESTABLISH BASELINES AND SETBACK LINES FOR CERTAIN AREAS AND UNDER CERTAIN GUIDELINES, TO PROHIBIT THE USE OF DATA FROM AN AREA IMPACTED BY A STORM SYSTEM OR EVENT NAMED BY THE NATIONAL WEATHER SERVICE FOR EIGHTEEN MONTHS AFTER THE STORM, TO REQUIRE THE DEPARTMENT TO GRANT A REVIEW OF A BASELINE OR SETBACK LINE FOR A LANDOWNER, A MUNICIPALITY, COUNTY, OR ORGANIZATION ACTING ON BEHALF OF A LANDOWNER THAT SUBMITS SUBSTANTIATING EVIDENCE SHOWING AN ADVERSE AFFECT ON HIS PROPERTY AND TO ESTABLISH GUIDELINES FOR REVIEW; TO AMEND SECTION 48-39-250, RELATING TO LEGISLATIVE FINDINGS REGARDING THE COASTAL BEACH AND DUNE SYSTEM, SO AS TO REMOVE REFERENCES TO THE RETREAT POLICY; TO AMEND SECTION 48-39-260, RELATING TO THE STATE'S POLICY STATEMENT ON THE BEACH AND DUNE SYSTEM, SO AS TO REMOVE REFERENCES TO THE RETREAT POLICY; TO AMEND SECTION 48-39-350, RELATING TO THE LOCAL COMPREHENSIVE BEACH MANAGEMENT PLAN, SO AS TO REMOVE REFERENCES TO THE RETREAT POLICY; BY ADDING SECTION 48-39-285 SO AS TO REQUIRE DHEC TO INITIATE A NEW BASELINE CYCLE BY NO SOONER THAN JANUARY 1, 2024, AND TO PROVIDE WHICH BASELINE AND SETBACK LINES WILL BE IN EFFECT FOR A LANDOWNER UNTIL THE NEW BASELINE AND SETBACK LINE ARE ESTABLISHED.

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(R187, H. 4704) -- Reps. Loftis, Burns, Erickson, Chumley, Yow, Herbkersman, Hiott, Hixon, McCravy and Pitts: AN ACT TO AMEND SECTION 48-39-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO UTILIZE CRITICAL AREAS,

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SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ISSUE GENERAL PERMITS UNDER CERTAIN CIRCUMSTANCES.

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(R188, H. 4832) -- Reps. Funderburk and J.E. Smith: AN ACT TO AMEND SECTION 63-11-710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCAL FOSTER CARE REVIEW BOARDS, SO AS TO REQUIRE THAT THE MEMBERS OF AT LEAST ONE LOCAL REVIEW BOARD IN THE FIFTH JUDICIAL CIRCUIT BE APPOINTED BY THE KERSHAW COUNTY LEGISLATIVE DELEGATION.

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(R189, H. 4935) -- Reps. Felder, Douglas, Ridgeway and Bryant: A JOINT RESOLUTION TO CREATE THE "SOUTH CAROLINA PALLIATIVE CARE AND QUALITY OF LIFE STUDY COMMITTEE"; TO PROVIDE FOR THE PURPOSE, MEMBERSHIP, AND DUTIES OF THE STUDY COMMITTEE; AND FOR OTHER PURPOSES.

L:\COUNCIL\ACTS\4935VR18.DOCX

(R190, H. 4946) -- Reps. Erickson, Bradley, Bowers and M. Rivers: AN ACT TO AMEND SECTION 50-5-1005, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SHELLFISH IMPORTATION PERMITS AND PERMITS TO POSSESS, PRODUCE, PURCHASE, OR SELL GENETICALLY MODIFIED SHELLFISH, INCLUDING POLYPLOID SHELLFISH, SO AS TO NO LONGER PROVIDE FOR THE ISSUANCE OF PERMITS BY THE DEPARTMENT OF NATURAL RESOURCES TO PERSONS TO POSSESS, PRODUCE, PURCHASE, OR SELL GENETICALLY MODIFIED SHELLFISH AND TO NO LONGER PROVIDE FOR THE ISSUANCE OF PERMITS BY THE DEPARTMENT FOR THE PLACEMENT OF GENETICALLY MODIFIED SHELLFISH IN CERTAIN WATERS OF THIS STATE.

L:\COUNCIL\ACTS\4946CM18.DOCX

(R191, H. 4951) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2017-2018, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED

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FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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(R192, H. 5038) -- Reps. Atwater, Bradley, Howard, Thayer, Gagnon, Huggins, Hewitt, McGinnis, Hayes, Willis, Spires, Ballentine, G.M. Smith, Sandifer, Norrell, Henderson, Toole, Erickson, Cobb-Hunter, Ott, Ridgeway, McEachern, Douglas, Rutherford, Bernstein, W. Newton, Clary, Anthony, Wheeler, Anderson, Kirby, Alexander, Tallon and Elliott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-2150 SO AS TO ESTABLISH PROHIBITED ACTS FOR A PHARMACY BENEFIT MANAGER.

L:\COUNCIL\ACTS\5038CZ18.DOCX

(R193, H. 5157) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY - STATE CROP PEST COMMISSION, RELATING TO BENGHAL DAYFLOWER QUARANTINE; AND EMERALD ASH BORER QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4807, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**CARRIED OVER**

S. 918 -- Senators Peeler, Malloy, Hembree and M.B. Matthews: 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

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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 ADDRESS THE AUTHORITY TO PRESCRIBE NARCOTICS TO CERTAIN PATIENTS.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

Senator HUTTO spoke on the Bill.

Senator KIMPSON spoke on the Bill.

**ACTING PRESIDENT PRESIDES**

Senator SHEALY assumed the Chair.

Senator KIMPSON moved to adjourn.

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

**Ayes 14; Nays 27**

**AYES**

Allen	Fanning	Hutto
Johnson	Kimpson	Malloy
<i>Matthews, Margie</i>	McElveen	McLeod

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Nicholson	Reese	Sabb
Scott	Sheheen	

**Total--14**

**NAYS**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Leatherman
Martin	Massey	Peeler
Rankin	Rice	Senn
Shealy	Talley	Timmons
Turner	Williams	Young

**Total--27**

Having failed to receive the necessary vote, the Senate refused to adjourn.

**PRESIDENT PRESIDES**

At 5:18 P.M., the PRESIDENT assumed the Chair.

Senator MASSEY, on behalf of the Committee on Rules, moved to carry over the Bill pursuant to Rule 14.

**Poll of the Rules Committee  
Polled 17; Ayes 9; Nays 7; Not Voting 1**

**AYES**

Massey	Cromer	Martin
Gregory	Campsen	Corbin
Young	Grooms	Hembree

**Total--9**

**NAYS**

Reese	Malloy	Scott
Allen	Kimpson	Sabb

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Nicholson

**Total--7**

**NOT VOTING**

Leatherman

**Total--1**

Senator MALLOY moved to Adjourn Debate on the Bill until Wednesday, May 2, 2018 at Noon.

Senator MARTIN moved to table the motion to Adjourn Debate.

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

**Ayes 26; Nays 16**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Leatherman
Martin	Massey	Peeler
Rankin	Rice	Senn
Shealy	Talley	Timmons
Turner	Young	

**Total--26**

**NAYS**

Allen	Fanning	Hutto
Johnson	Kimpson	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese
Sabb	Scott	Sheheen
Williams		

**Total--16**

The motion to adjourn debate was tabled.

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The question then being the motion to carry over by the Committee on Rules.

Senator FANNING moved to continue the motion to carry over.

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

**Ayes 14; Nays 27**

**AYES**

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

**Total--14**

**NAYS**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Leatherman
Martin	Massey	Peeler
Rankin	Rice	Senn
Shealy	Talley	Timmons
Turner	Williams	Young

**Total--27**

Having failed to receive the necessary vote, the motion failed.

The question then being the motion to carry over by the Committee on Rules.

The Bill was carried over.



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**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.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

On motion of MASSEY, the Bill was carried over.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**DEBATE INTERRUPTED**

H. 3548 -- Reps. Bennett, Dellene, Yow, Stringer, Hardee, Erickson, Long, Fry, Daning, S. Rivers, Davis, Allison, Hill, Crosby, B. Newton, McCoy, West, McCravy, Tallon, Elliott, Henderson, V.S. Moss, G.R. Smith, Pope, Toole, Huggins, Hamilton, Bedingfield, Atwater, Ballentine, Willis, Simrill and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA UNBORN CHILD PROTECTION FROM DISMEMBERMENT ABORTION ACT" BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO PROHIBIT DISMEMBERMENT ABORTIONS, WITH EXCEPTIONS, AND TO DEFINE RELEVANT TERMS; TO PROVIDE FOR INJUNCTIVE RELIEF AND CIVIL REMEDIES TO ENFORCE THE PROVISIONS OF THE ARTICLE; TO CREATE CRIMINAL PENALTIES; AND FOR OTHER PURPOSES.

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

**Amendment No. 11**

Senator CASH proposed the following amendment (3548R010.KMM.RJC), which was tabled:

Amend the bill, as and if amended, page 3, by striking line 26 and inserting:

/ method of abortion.

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Section 44-41-640. Notwithstanding any other provision of law, a physician performing a medical procedure or providing medical treatment permitted pursuant to Section 1-1-340 may not perform a dismemberment medical procedure.”

SECTION 2. Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Article 5  
Personhood

Section 1-1-310. This article may be cited as the ‘Personhood Act of South Carolina’.

Section 1-1-320. The General Assembly finds as follows regarding the sanctity of life:

(A) The General Assembly acknowledges that the July 4, 1776 Declaration of Independence is one of the Organic Laws of the United States of America found in the United States Code.

(B) The General Assembly acknowledges that all persons are endowed by their Creator with certain unalienable rights.

(C) The General Assembly acknowledges that personhood is God-given, as all men are created in the image of God.

(D) The General Assembly finds that the Preamble to the Constitution of the State of South Carolina contains the sovereign peoples’ acknowledgment of God as the source of constitutional liberty, saying: ‘We the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same’.

(E) The General Assembly finds that a human being is a person at fertilization.

Section 1-1-330. (A) The right to life for each born and preborn human being vests at fertilization.

(B) The rights guaranteed by Article I, Section 3 of the Constitution of this State, that no person shall be deprived of life without due process of law nor denied the equal protection of the laws, vest at fertilization for each born and preborn human being.

Section 1-1-340. (A) Nothing in this article shall be construed to prohibit a licensed physician from performing a medical procedure or providing medical treatment designed or intended to prevent the death of a pregnant woman. However, the physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of the preborn human being in a manner consistent with accepted medical standards. Under such circumstances, the accidental or unintentional injury or death to the preborn human being is

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not a violation of this article. The threat of the death of a pregnant woman must not be based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or a diagnosis or claim that the pregnant woman will purposefully engage in conduct that she intends to result in her death. The provisions of this section must not be construed to authorize the intentional killing of a preborn human being.

(B) Nothing in this article shall be construed to prohibit contraception. As used in this subsection, ‘contraception’ is defined as the prevention of fertilization.

(C) Nothing in this article shall be construed to prohibit in vitro fertilization or assisted reproductive technology. The authority to regulate in vitro fertilization and assisted reproductive technology procedures is reserved by the Legislature.

Section 1-1-350. This article is enacted pursuant to the power reserved to this State under the Tenth Amendment to the United States Constitution.”

Re-number sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

**Remarks to be Printed**

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

**Point of Order**

Senator MALLOY raised a Point of Order under Jefferson’s Manual, Section XXXII, that the Senator should not read prepared remarks without leave of the Senate.

Senator CLIMER spoke on the Point of Order.

Senator MARTIN spoke on the Point of Order.

Senator GROOMS spoke on the Point of Order.

On motion of Senator MALLOY, with unanimous consent, the Point of Order was withdrawn.

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**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. tomorrow for the purpose of attending the Joint Assembly.

Senator CASH resumed speaking on the amendment.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 30; Nays 11**

**AYES**

Allen	Bennett	Campbell
Campsen	Davis	Fanning
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Senn	Shealy	Talley
Turner	Williams	Young

**Total--30**

**NAYS**

Alexander	Cash	Climer
Corbin	Cromer	Gambrell
Goldfinch	Martin	Rice
Timmons	Verdin	

**Total--11**

The amendment was laid on the table.

Debate was interrupted by adjournment.

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**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Robert Bart Howell, 205 Farm Wind Road, Gaffney, SC 29341-3543

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

Julian Wright, 121 Fernwood Dr., Gaffney, SC 29340-3611

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

Bruce Byars, 132 Boots Trail, Blacksburg, SC 29702-8709

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

John Cook, 247 Goucher Green Bethel Road, Gaffney, SC 29340-5908

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

David L. Clary, 400 Forest Lane Dr., Gaffney, SC 29340-2122

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Camille Katrina Hailey of Greenwood, S.C. Camille was a General Manager of Fairfield Inn and Suites. She was an active member of Olive Baptist Church where she worked as secretary and was a part of the Praise Worship Team and Telecommunication Ministry. Camille was a loving mother and devoted daughter who will be dearly missed.

and

[SJ]

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**MOTION ADOPTED**

On motion of Senator GOLDFINCH, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Martha Page Daughtery Spann of Murrells Inlet, S.C. Page was a graduate of Brevard College. She was a longtime resident of Murrells Inlet where she was a member of Trinity Church, the Dunes Gold and Beach Club and Wachesaw Plantation. She enjoyed cooking, golfing, boating and spending time with her friends and family. Page was a loving wife, devoted mother and doting grandmother who will be dearly missed.

**ADJOURNMENT**

At 6:50 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:45 A.M.

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