

NO. 68

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

THURSDAY, MAY 3, 2018

Thursday, May 3, 2018
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Philippians 4:11-13

“Not that I am referring to being in need; for I have learned to be content with whatever I have.”

Let us pray. Gracious God, you call us to be content in all circumstances -- yet it is so easy to let the circumstances of life dictate how we live: a bitter defeat, a contentious co-worker, a broken relationship, a bad medical report, a financial loss. All these circumstances are a part of life, however, more often than not, we choose to wear the bitterness and resentment that we feel on our shoulders and in our hearts.

Charles Dickens said, “We forge the chains we wear in life”. Help us, O God, to shed these chains that bind us, so that we might be more like the Apostle Paul and put our trust In You and not let circumstances define who we are. In Your holy name we pray, Amen.

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

RECESS

At 11:11 A.M., on motion of Senator SETZLER, the Senate recessed from business not to exceed 10 min minutes.

At 11:50 A.M., the Senate resumed.

Doctor of the Day

Senator LEATHERMAN introduced Dr. Joseph Hoyle of Florence, S.C., Doctor of the Day.

RECALLED

H. 5195 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF NORTH MCQUEEN STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH WEST LUCAS

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STREET TO ITS INTERSECTION WITH WEST SUMTER STREET
"REVEREND EDWARD HEZEKIAH THOMAS WAY" AND ERECT
APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF
HIGHWAY CONTAINING THIS DESIGNATION.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1224 -- Senator Climer: A SENATE RESOLUTION TO
CONGRATULATE ANDREW M. "ANDY" YOUNG UPON THE
OCCASION OF HIS RETIREMENT FROM THE LEGISLATIVE
AUDIT COUNCIL, TO COMMEND HIM FOR HIS MANY YEARS
OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM
CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1225 -- Senators Peeler, Hembree, J. Matthews, Setzler, Grooms,
Hutto, Young, Talley, Jackson, Malloy, Sheheen, Nicholson, Turner,
Rice, Senn, Rankin, Alexander, Allen, Bennett, Campbell, Campsen,
Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch,
Gregory, Johnson, Kimpson, Leatherman, Martin, Massey, M. B.
Matthews, McElveen, McLeod, Reese, Sabb, Scott, Shealy, Timmons,
Verdin and Williams: A CONCURRENT RESOLUTION TO
CONGRATULATE SOUTH CAROLINA'S 2018 DISTRICT
TEACHERS OF THE YEAR UPON BEING SELECTED TO
REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS, TO
EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO
CHILDREN, AND TO WISH THEM CONTINUED SUCCESS IN
THE FUTURE.

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

S. 1226 -- Senators Campsen, Grooms, M. B. Matthews, Kimpson,
Campbell, Senn, Bennett and Goldfinch: A SENATE RESOLUTION

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TO CONGRATULATE STEPHANIE HAECHERL FOR BEING NAMED THE 2018 CHARLESTON COUNTY SCHOOL DISTRICT TEACHER OF THE YEAR AND TO COMMEND HER MANY YEARS OF DEDICATED PUBLIC SERVICE TO THE CHILDREN OF THIS STATE.

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The Senate Resolution was adopted.

S. 1227 -- Senator Martin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT DURWOOD "BO" BARTON, JR., A CRIMINAL PROFILER AND SUPERVISOR IN THE BEHAVIORAL SCIENCE UNIT WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, UPON THE OCCASION OF HIS RETIREMENT AFTER THREE DECADES OF EXEMPLARY SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1228 -- Senators McElveen, Jackson, Nicholson, Scott, McLeod and Johnson: A SENATE RESOLUTION TO CONGRATULATE THE HONORABLE STEVEN K. BENJAMIN, MAYOR OF COLUMBIA, UPON THE OCCASION OF HIS INAUGURATION AS PRESIDENT OF THE UNITED STATES CONFERENCE OF MAYORS.

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The Senate Resolution was adopted.

Privilege of the Chamber

On motion of Senator DAVIS, on behalf of Senator McELVEEN, the Privilege of the Chamber, to that area behind the rail, was extended to Colonel Daniel T. "Ship" Lasica in recognition and appreciation of his outstanding service to our state and country.

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary polled out H. 3146 favorable:

H. 3146 -- Reps. Delleney, G.R. Smith, B. Newton, Pitts, G.M. Smith, Daning, Taylor, Martin, W. Newton, Elliott, Loftis, Burns, Hixon, Erickson and Willis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, AS AMENDED,

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RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, TO SERVE AT THE PLEASURE OF THE GOVERNOR BEGINNING IN JANUARY 2023, OR UPON A VACANCY IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION AFTER THE DATE OF THE RATIFICATION OF THIS AMENDMENT, WHICHEVER OCCURS FIRST, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE.

Poll of the Judiciary Committee

Polled 23; Ayes 17; Nays 6

AYES

Rankin	Hutto	Campsen
Massey	McElveen	Shealy
Turner	Young	Climer
Fanning	Gambrell	Goldfinch
Rice	Senn	Talley
Timmons	Cash	

Total--17

NAYS

Malloy	Johnson	Kimpson
Sabb	Margie Matthews	McLeod

Total--6

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 3775 -- Reps. Knight, Delleney, Cobb-Hunter, Felder, J.E. Smith, Simrill, Douglas, West, Wheeler, Thigpen, Williams, McEachern, Johnson, Pitts, Ridgeway, Rutherford, Henegan, Collins, Brawley and

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King: A BILL TO AMEND SECTION 44-63-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ORIGINAL BIRTH CERTIFICATES OF ADOPTED PERSONS, SO AS TO ALLOW AN ADULT ADOPTEE TWENTY-ONE YEARS OF AGE OR OLDER TO OBTAIN A COPY OF THE ADOPTEE'S OWN ORIGINAL BIRTH CERTIFICATE, TO ALLOW A BIOLOGICAL PARENT TO EXECUTE A CONTACT PREFERENCE FORM AT ANY TIME TO BE PROVIDED TO THE ADULT ADOPTEE WITH THE COPY OF THE ORIGINAL BIRTH CERTIFICATE, AND TO PROVIDE FOR THE SUBMISSION OF A MEDICAL HISTORY FORM BY A BIOLOGICAL PARENT.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 4698 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 40-47-32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS TO OBTAIN A LICENSE TO PRACTICE MEDICINE IN THE STATE, SO AS TO WAIVE CERTAIN ADDITIONAL EXAMINATION REQUIREMENTS FOR APPLICANTS WHO ARE TO PRACTICE IN A POSITION WITHIN THE DISABILITY DETERMINATION SERVICES UNIT OF THE STATE AGENCY OF VOCATIONAL REHABILITATION.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 4795 -- Reprs. Herbkersman, Simrill, W. Newton and Bradley: A BILL TO AMEND SECTION 56-15-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERMS "DEALER" OR "MOTOR VEHICLE DEALER" TO EXCLUDE CERTAIN PERSONS CONDUCTING AUCTIONS IN CONJUNCTION WITH THE ANNUAL HILTON HEAD ISLAND CONCOURS D'ELEGANCE.

Ordered for consideration tomorrow.

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

H. 4799 -- Reps. Howard, Gilliard, Davis, Brawley and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 45, TITLE 40 ENTITLED THE "PHYSICAL THERAPY LICENSURE COMPACT"; TO PROVIDE FOR THE ENTRY OF SOUTH CAROLINA INTO THIS MULTI-STATE COMPACT, TO PROVIDE FOR THE STRUCTURE, FUNCTIONS, POWERS, AND DUTIES OF THE GOVERNING BODY OF THE COMPACT; TO PROVIDE THE OBLIGATIONS, BENEFITS, AND RIGHTS OF COMPACT MEMBERS; AND TO DESIGNATE THE EXISTING PROVISIONS OF ARTICLE 3, CHAPTER 45, TITLE 40 AS "GENERAL PROVISIONS".

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 5159 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING HOSPICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4800, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

Appointments Reported

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2018, and to expire June 1, 2022

Audiologist:

James P. Wigand, 310 Honey Tree Drive, Lexington, SC 29073-6401
VICE Kelly A. Long

Received as information.

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Reappointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2018, and to expire June 30, 2024

6th Congressional District:

Terry A. Blackmon, 15250 Highway 301, New Zion, SC 29111

Received as information.

Message from the House

Columbia, S.C., May 3, 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. 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

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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.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 3, 2018

Mr. President and Senators:insis

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

H. 4950 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

NONCONCURRENCE

H. 4950 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The House returned the Bill with amendments.

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On motion of Senator LEATHERMAN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 3, 2018

Mr. President and Senators:

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

H. 4950 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

asks for a Committee of Conference, and has appointed Reps. White, Cole and Clyburn to the committee on the part of the House.

Very respectfully,
Speaker of the House

Received as information.

H. 4950--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators LEATHERMAN, J. MATTHEWS and BENNETT were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

HOUSE CONCURRENCE

S. 1219 -- Senator Hembree: A CONCURRENT RESOLUTION TO RECOGNIZE MONDAY, MAY 7 THROUGH FRIDAY, MAY 11, 2018 AS "CHARTER SCHOOL WEEK" IN SOUTH CAROLINA AND TO ACKNOWLEDGE THE IMPORTANCE OF EDUCATING THE CHILDREN OF THE PALMETTO STATE IN INNOVATIVE CLASSROOMS AND SCHOOLS.

Returned with concurrence.

Received as information.

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

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SECOND READING BILL

S. 1218 -- Senator Gregory: A BILL TO AMEND ACT 879 OF 1954, AS AMENDED, RELATING TO THE CREATION OF THE LANCASTER COUNTY NATURAL GAS AUTHORITY, SO AS TO ALTER THE METHOD OF APPOINTING MEMBERS TO THE BOARD OF DIRECTORS.

On motion of Senator GREGORY.

S. 1218--Ordered to a Third Reading

On motion of Senator GREGORY, with unanimous consent, S. 1218 was ordered to receive a third reading on Friday, May 4, 2018.

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

MOTION ADOPTED

At 12:27 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, 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 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

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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.

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

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 Senator MASSEY, the Bill was carried over.

CARRIED OVER

S. 709 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO

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CHAPTER 23, TITLE 59 SO AS TO REQUIRE FIRE AND SAFETY INSPECTIONS AT ALL PUBLIC SCHOOL FACILITIES AT LEAST ANNUALLY, AND TO PROVIDE RELATED POWERS AND DUTIES OF THE OFFICE OF THE STATE FIRE MARSHAL.

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

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

CARRIED OVER

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

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

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

Expression of Personal Interest

Senator CAMPSER rose for an Expression of Personal Interest.

ACTING PRESIDENT PRESIDES

Senator GOLDFINCH assumed the Chair.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

AMENDED, RECOMMITTED

H. 3548 -- Reps. Bennett, Delleney, 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

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OF THE ARTICLE; TO CREATE CRIMINAL PENALTIES; AND FOR OTHER PURPOSES.

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

Motion Adopted

Senator HUTTO asked unanimous consent to proceed to Amendment No. 92.

There was no objection.

Amendment No. 92

Senators M. B. MATTHEWS and HUTTO proposed the following amendment (VR\3548C043.CC.VR18), which was carried over:

Amend the bill, as and if amended, SECTION 1, by adding an appropriately numbered item after line 29 on page 2:

/ () ‘Abortion’ means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO spoke on the amendment.

On motion of Senator CAMPSSEN, with unanimous consent, the amendment was carried over.

Amendment No. 21

Senator M.B. MATTHEWS proposed the following amendment (3548R014.SP.MBM), which was ruled out of order:

Amend the bill, as and if amended, page 3, line 27, by inserting:

/ Section 44-41-640. Sexually active males supporting the abortion of a fetus resulting from a sexual encounter with a female resulting in a pregnancy are prohibited from using or purchasing male sexual enhancement products or undergoing male sexual enhancement procedures, including, but not limited to, erectile dysfunction pharmaceuticals and penile implants intended to increase sexual gratification.” /

Re-number sections to conform.

Amend title to conform.

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Senator M.B. MATTHEWS spoke on the amendment.

PRESIDENT PRESIDES

At 12:50 P.M., the PRESIDENT assumed the Chair.

Point of Order

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

Senator KIMPSON spoke on the Point of Order.

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

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

ACTING PRESIDENT PRESIDES

Senator GOLDFINCH assumed the Chair.

Motion Adopted

Senator CAMPSSEN asked unanimous consent to proceed to Amendment No. 164.

Amendment No. 164

Senators MASSEY and CAMPSSEN proposed the following amendment (3548R015.SP.ASM), which was adopted:

Amend the bill, as and if amended, by striking Section 44-41-610 in its entirety and inserting:

/ Section 44-41-610. (A) This article may be cited as the ‘South Carolina Unborn Child Protection from Abortion Act.’

(B) It is unlawful for a physician to knowingly perform or attempt to perform an abortion and thereby kill an unborn child unless the pregnancy is the result of rape or incest or the abortion is necessary to prevent serious health risk to the unborn child’s mother.

(C) As used in this section:

(1) ‘Abortion’ means the use of an instrument, medicine, drug, or other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(2) ‘Physician’ means a physician, surgeon, or osteopath authorized to practice medicine in this State and licensed pursuant to

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Chapter 47, Title 40. However, an individual who is not a physician but who directly and knowingly performs an abortion is also subject to the provisions of this section.

(3) ‘Pregnancy’ means the condition of a woman carrying a fetus or embryo within her body as the result of conception.

(4) ‘Serious health risk to the unborn child’s mother’ means that, in reasonable medical judgment, a mother has a condition that so complicates her medical condition that it necessitates the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition may be determined to exist if it is based on a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN spoke on the amendment.

The question then was the adoption of the amendment.

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

Ayes 31; Nays 11

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Davis	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Jackson	Leatherman
Martin	Massey	McElveen
Peeler	Rankin	Reese
Rice	Senn	Setzler
Shealy	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--31

NAYS

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Fanning	Hutto	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Nicholson
Sabb	Scott	

Total--11

The amendment was adopted.

On motion of Senator HUTTO, all remaining amendments to H. 3548 were withdrawn.

RECESS

At 1:39 P.M., on motion of Senator HUTTO, the Senate recessed from business not to exceed 15 minutes.

At 2:15 P.M., the Senate resumed.

Senator HUTTO spoke on the Bill.

Senator CASH spoke on the Bill.

Remarks to be Printed

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

Senator SENN spoke on the Bill.

Senator KIMPSON spoke on the Bill.

PRESIDENT PRESIDES

At 2:30 P.M., the PRESIDENT assumed the Chair.

Motion Under Rule 15A Failed

Senator HUTTO moved under the provisions of Rule 15A that the debate on the entire matter of H. 3548 be brought to a close.

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

Ayes 23; Nays 22

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell

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Goldfinch	Gregory	Grooms
Hembree	Martin	Massey
Peeler	Rice	Shealy
Talley	Timmons	Turner
Verdin	Young	

Total--23

NAYS

Allen	Campbell	Fanning
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Rankin
Reese	Sabb	Scott
Senn	Setzler	Sheheen
Williams		

Total--22

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

Senator KIMPSON spoke on the Bill.

Motion Under Rule 15A Failed

Senator HUTTO moved under the provisions of Rule 15A that the debate on the entire matter of H. 3548 be brought to a close.

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

Ayes 24; Nays 21

AYES

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

Total--24

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NAYS

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

Total--21

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

Senator KIMPSON resumed speaking on the Bill.

Point of Quorum

At 4:27 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator KIMPSON resumed speaking on the Bill.

Point of Order

Senator SENN raised a Point of Order that the debate was not relevant to the Bill.

Senator KIMPSON spoke on the Point of Order.

Senator SENN spoke on the Point of Order.

Senator FANNING spoke on the Point of Order.

Senator MALLOY spoke on the Point of Order.

Senator JOHNSON spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator KIMPSON resumed speaking on the Bill.

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 10:00 A.M.

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

Ayes 27; Nays 18

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	Verdin	Young

Total--27

NAYS

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

Total--18

The motion was adopted.

Senator KIMPSON spoke on the Bill.

ACTING PRESIDENT PRESIDES

Senator SETZLER assumed the Chair.

PRESIDENT PRESIDES

At 7:08 P.M., the PRESIDENT assumed the Chair.

Senator KIMPSON spoke on the Bill.

Senator M.B. MATTHEWS spoke on the Bill.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

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Senator M.B. MATTHEWS spoke on the Bill.

PRESIDENT PRESIDES

At 9:15 P.M., the PRESIDENT assumed the Chair.

Senator M.B. MATTHEWS spoke on the Bill.

Motion Under Rule 15A Failed

Senator MASSEY moved under the provisions of Rule 15A that the debate on the entire matter of H. 3548 be brought to a close.

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

Ayes 24; Nays 21

AYES

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

Total--24

NAYS

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

Total--21

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

Senator M.B. MATTHEWS resumed speaking on the Bill.

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Objection

Senator SHEHEEN asked unanimous consent, with Senator M.B. MATTHEWS retaining the floor, to be allowed to give a free conference Report on H. 4434.

Senator MARTIN objected.

Senator M.B. MATTHEWS resumed speaking on the Bill.

Objection

Senator MALLOY asked unanimous consent, with Senator M.B. MATTHEWS retaining the floor, to proceed to the Uncontested Statewide Calendar.

Senator CORBIN objected.

Senator M.B. MATTHEWS resumed speaking on the Bill.

Objection

Senator SCOTT asked unanimous consent, with Senator M.B. MATTHEWS retaining the floor, to adjourn.

Senator DAVIS objected.

ACTING PRESIDENT PRESIDES

Senator RANKIN assumed the Chair.

Senator M.B. MATTHEWS spoke on the Bill.

PRESIDENT PRESIDES

At 11:35 P.M., the PRESIDENT assumed the Chair.

Senator FANNING spoke on the Bill.

Senator HUTTO spoke on the Bill.

Motion Under Rule 15A Failed

Senator MASSEY moved under the provisions of Rule 15A that the debate on the entire matter of H. 3548 be brought to a close.

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

Ayes 25; Nays 20

AYES

Alexander

Bennett

Campbell

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21

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Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Martin
Massey	Peeler	Rice
Senn	Shealy	Talley
Timmons	Turner	Verdin
Young		

Total--25

NAYS

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

Total--20

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

Senator HUTTO moved to recommit the Bill to the Committee on Medical Affairs.

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

Ayes 24; Nays 21

AYES

Allen	Campsen	Fanning
Gregory	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Williams

Total--24

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NAYS

Alexander	Bennett	Campbell
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Goldfinch	Grooms	Hembree
Martin	Peeler	Rice
Senn	Talley	Timmons
Turner	Verdin	Young

Total--21

The motion was adopted and the Bill was recommitted to the Committee on Medical Affairs.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet Tuesday, May 8, 2018, at 11:00 A.M.

Motion Adopted

On motion of Senator MASSEY, 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 Mr. Elliott Richardson of Ninety Six, S.C. Elliott was a member and deacon of Enoree Zion Baptist Church. He was a graduate of S.C. State University, retired as a Master Sgt. E8 in the U.S. Air Force, served 20 years on Town Council and was inducted in the Ninety Six Hall of Fame in 2013. Elliott was a referee and official in basketball, softball and baseball. Elliott was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 12:50 A.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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[SJ]

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