

NO. 71

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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WEDNESDAY, MAY 9, 2018

**Wednesday, May 9, 2018**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

2 Timothy 4:7

“I have fought the good fight, I have finished the race, I have kept the faith.”

Let us pray. Gracious and loving God, the Apostle Paul knew the importance of not giving up, of keeping the faith, of finishing well the race of life. It is a sad epitaph to fight the good fight and then finish poorly. As our legislative session draws to a close, we are thankful for those Senators who have served with passion and integrity, who have kept the faith, who have fought the good fight for meaningful legislation.

As we remember those who have kept the faith, we lift up your servant James Melton, Sergeant at Arms, who for 40 years has served this Senate with faithfulness, integrity and honor. He has provided security for all those who serve here with a strong and consistent hand that preserves the traditions of this revered Chamber.

James Melton, Sergeant at Arms, has truly been a watchtower of strength and a friend to all who have walked these halls for two generations. May Your richest blessings follow him and his family as they await his much anticipated retirement. In the words of Scripture, we proclaim, “well done, good and faithful servant.” In Your holy name we pray, Amen.

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

**Privilege of the Floor**

On motion of Senator DAVIS, with unanimous consent, the Privilege of the Floor was extended to the family of James R. Melton to honor and recognize his service and retirement with the South Carolina Senate.

**WEDNESDAY, MAY 9, 2018**

**Retirement Recognition For  
Sergeant at Arms James R. Melton**

Senators LEATHEMAN and SHEHEEN made remarks honoring the service of Sergeant at Arms James R. Melton

**ADOPTED**

S. 1250 -- Senators Sheheen, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE AND HONOR JAMES ROBERT "JIM" MELTON UPON THE OCCASION OF HIS RETIREMENT AS SERGEANT AT ARMS FOR THE SOUTH CAROLINA SENATE, TO EXTEND DEEP APPRECIATION FOR HIS FORTY YEARS OF EXEMPLARY AND DEVOTED SERVICE TO THE SOUTH CAROLINA SENATE, AND TO OFFER HIM BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

**Presentation of Service Pin**

In commemoration of continuous service with the State of South Carolina, Senator LEATHERMAN, PRESIDENT *Pro Tempore* of the Senate and Senator SHEHEEN, presented a certificate and service pin to Sergeant at Arms James R. Melton for his 40 years of service.

**Privilege of the Floor**

On motion of Senator SHEHEEN, with unanimous consent, the Privilege of the Chamber and Floor was extended to the Honorable Henry D. McMaster, Governor of the State of South Carolina, for the purpose of presenting the Order of the Palmetto to Sergeant at Arms, James R. Melton

**Presentation of the Order of the Palmetto**

Governor McMaster presented the Order of the Palmetto to Sergeant at Arms James R. Melton.

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**Presentation of Service Pins**

Senator LEATHERMAN, PRESIDENT *Pro Tempore* of the Senate, and Senator SETZLER presented certificates and awarded service pins to the following Senate staff for their respective years of state service:

10 Year Pins

Lisa H. Catalanotto  
Sarah E. Cauthen  
Betty H. Corley  
Henry W. Minis  
Kelly J. Randall

20 Year Pin

Patricia Ann Hamby-Stewart

30 Year Pins

Cynthia C. Aiken  
Dianne S. Mullis  
Lawrence P. Scott III  
John O. Wienges  
Angela F. Willis

In commemoration of continuous service with the State of South Carolina, Senator LEATHERMAN, PRESIDENT *Pro Tempore* of the Senate, and Senator SETZLER presented a certificate and service pin to the following Senators for their years of service:

10 Year Pins

Senator Shane R. Martin  
Senator Scott F. Talley  
Senator Thomas R. Young

20 Year Pins

Senator George E. "Chip" Campsen  
Senator Daniel B. Verdin III

All were highly commended for their years of devoted and loyal service.

**WEDNESDAY, MAY 9, 2018**

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Delores Williams, 209 Short Street, Kingstree, SC 29556-3926

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

Vasker C. Bartell, 209 Short Street, Kingstree, SC 29556-3926

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

Angela McCall-Tanner, 1 Hathaway Lane, Bluffton, SC 29910-5725

**Motion Adopted**

On motion of Senator CROMER, with unanimous consent, the members of the Banking and Insurance Committee were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**Doctor of the Day**

Senator YOUNG introduced Dr. Anthony Harris of Aiken, S.C., Doctor of the Day.

**Leave of Absence**

At 11:15 A.M., Senator MARTIN requested a leave of absence for May 24, 2018.

**Leave of Absence**

At 11:15 A.M., Senator RICE requested a leave of absence for May 23-24, 2018.

**Leave of Absence**

At 11:45 A.M., Senator SENN requested a leave of absence for May 23-24, 2018 and June 27-28, 2018.

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**Leave of Absence**

At 5:38 P.M., Senator SHEHEEN requested a leave of absence for balance of the day.

**Leave of Absence**

At 6:49 P.M., Senator FANNING requested a leave of absence for Senators McLEOD and M.B. MATTHEWS for the balance of the day.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1245 -- Senator Senn: A BILL TO AMEND SECTION 11-43-140 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK BOARD OF DIRECTORS, TO MAKE THE GOVERNOR OF SOUTH CAROLINA THE APPOINTING AUTHORITY FOR ALL MEMBERS OF THE BOARD OF DIRECTORS.

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

S. 1246 -- Senators Malloy and McElveen: A SENATE RESOLUTION TO CELEBRATE THE ONE HUNDREDTH ANNIVERSARY OF THE SIGNING OF THE AGREEMENT ENDING HOSTILITIES IN THE CONFLICT KNOWN AS THE GREAT WAR, OR WORLD WAR I, TO EXPRESS THE GRATITUDE OF THE PEOPLE OF SOUTH CAROLINA FOR THOSE WHO VALIANTLY SERVED THIS COUNTRY DURING THAT CONFLICT, AND TO DECLARE SUNDAY, NOVEMBER 11, 2018, AS "ARMISTICE DAY" IN SOUTH CAROLINA.

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

S. 1247 -- Senator Bennett: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF ORANGEBURG ROAD (S-18-22) AND DORCHESTER ROAD (SOUTH CAROLINA HIGHWAY 642) IN DORCHESTER COUNTY "BENJAMIN JAMES SINGLETON, SR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR

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SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

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

S. 1248 -- Senators Rankin, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE SAMUEL PATRICK SPROUSE, OWNER OF SPROUSE CUSTOM FURNITURE AND THE CHARLESTON WOODWORKING SCHOOL, ON HIS ACCOMPLISHMENTS, TO COMMEND HIS WORK IN TEACHING THE SPECIALIZED ART OF HANDCRAFTING FURNITURE FOR THE HOME AND MARINE LIVING, AND TO WISH HIM EVERY SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1249 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE SENIOR SOLUTIONS OF ANDERSON AND OCONEE COUNTIES UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND IT FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE SENIORS OF THIS STATE.

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The Senate Resolution was adopted.

S. 1251 -- Senators Scott, Cromer, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR SHARON PAIR, OFFICE MANAGER FOR THE SOUTH CAROLINA LEGISLATIVE COUNCIL, ON THE OCCASION OF HER RETIREMENT, TO

[SJ]

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EXTEND DEEP APPRECIATION FOR HER FORTY-FIVE YEARS OF EXEMPLARY AND DEVOTED SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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

S. 1252 -- Senators Sheheen, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BRENDA MELTON, DIRECTOR OF DRAFTING AND PUBLICATION SERVICES FOR THE SOUTH CAROLINA LEGISLATIVE COUNCIL, FOR HER FORTY YEARS OF DISTINGUISHED SERVICE TO THE STATE OF SOUTH CAROLINA, TO CONGRATULATE HER ON THE OCCASION OF HER WELL-EARNED RETIREMENT, AND TO WISH HER ALL THE BEST FOR MUCH ENJOYMENT AND FULFILLMENT IN THE YEARS AHEAD.

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

S. 1253 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR GLORIA GENTRY SHACKELFORD, ADMINISTRATIVE ASSISTANT FOR THE SOUTH CAROLINA LEGISLATIVE COUNCIL, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY YEARS OF EXEMPLARY AND STEADFAST SERVICE AND TO WISH HER CONTINUED SATISFACTION AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

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S. 1254 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO HONOR AND CELEBRATE REVEREND DOCTOR LILLIE A. BURGESS ON THE OCCASION OF HER SEVENTIETH BIRTHDAY TO BE CELEBRATED ON JUNE 16, 2018, AND TO WISH HER MANY MORE YEARS OF HAPPINESS AND SUCCESS.

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The Senate Resolution was adopted.

S. 1255 -- Senators Campsen, Davis and M. B. Matthews: A SENATE RESOLUTION TO CONGRATULATE BRYCEN LEE AMBROSE OF BEAUFORT FOR HER OUTSTANDING ACCOMPLISHMENT AS THE FIRST FEMALE TO EVER ACHIEVE A PERFECT SCORE ON THE DEPARTMENT OF NATURAL RESOURCES' BOATING CERTIFICATION TEST FOR MINORS.

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The Senate Resolution was adopted.

S. 1256 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO HONOR AND COMMEND LILLIAN MCBRIDE FOR HER TIRELESS COMMITMENT TO RICHLAND COUNTY AND THE STATE OF SOUTH CAROLINA AND TO WISH HER MUCH CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 5302 -- Reps. Johnson, Duckworth, McGinnis, Hewitt, Hardee, Crawford, Clemmons and Fry: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME

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THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 135 (CATES BAY HIGHWAY) AND FIREHOUSE ROAD IN HORRY COUNTY "JAMES RONALD HUCKS MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

**Appointments Reported**

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

**Statewide Appointments**

Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2018, and to expire June 30, 2022

Banking:

James B. Ham, 1398 Hickory Ridge Circle, Manning, SC 29102-4842  
*VICE* Fleetwood S. Hassell

Received as information.

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2015, and to expire June 30, 2019

Banking:

Kenneth Wayne Wicker, 601 Addison Court, Myrtle Beach, SC 29577-2277 *VICE* William Buyck

Received as information.

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2016, and to expire June 30, 2020

Banking:

F. Justin Strickland, 100 Sunset Blvd, Apt 1003, West Columbia, SC 29169

Received as information.

**WEDNESDAY, MAY 9, 2018**

**Message from the House**

Columbia, S.C., May 9, 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. 67 -- Senator Hutto: A BILL TO AMEND SECTION 12-10-88, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDEVELOPMENT FEES, SO AS TO SPECIFY TO WHOM REDEVELOPMENT FEES MAY BE REMITTED; TO AMEND SECTION 31-12-30, RELATING TO DEFINITIONS FOR PURPOSES OF THE REDEVELOPMENT OF CERTAIN FEDERAL INSTALLATIONS, SO AS TO DEFINE "REDEVELOPMENT PROJECT"; AND BY ADDING SECTION 31-12-70 SO AS TO AUTHORIZE A REDEVELOPMENT AUTHORITY TO USE REDEVELOPMENT FEES ON CERTAIN OPERATING COSTS.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

**CONCURRENCE**

S. 67 -- Senator Hutto: A BILL TO AMEND SECTION 12-10-88, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDEVELOPMENT FEES, SO AS TO SPECIFY TO WHOM REDEVELOPMENT FEES MAY BE REMITTED; TO AMEND SECTION 31-12-30, RELATING TO DEFINITIONS FOR PURPOSES OF THE REDEVELOPMENT OF CERTAIN FEDERAL INSTALLATIONS, SO AS TO DEFINE "REDEVELOPMENT PROJECT"; AND BY ADDING SECTION 31-12-70 SO AS TO AUTHORIZE A REDEVELOPMENT AUTHORITY TO USE REDEVELOPMENT FEES ON CERTAIN OPERATING COSTS.

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

Senator LEATHERMAN explained the amendments.

[SJ]

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

On motion of Senator LEATHERMAN, 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.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 345 -- Senators Davis, McElveen, Scott and Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-33-55 SO AS TO PROVIDE CERTAIN NURSING PROFESSIONALS MAY PROVIDE NONCONTROLLED

[SJ]

**WEDNESDAY, MAY 9, 2018**

PRESCRIPTION DRUGS AT ENTITIES THAT PROVIDE FREE MEDICAL SERVICES FOR INDIGENT PATIENTS; BY ADDING SECTION 40-33-57 SO AS TO PROVIDE CERTAIN NURSING PROFESSIONALS MAY CERTIFY STUDENTS AS UNABLE TO ATTEND SCHOOL BUT WHO POTENTIALLY MAY BENEFIT FROM RECEIVING INSTRUCTION AT HOME OR IN A HOSPITAL; BY ADDING SECTION 40-33-59 SO AS TO PROVIDE THAT NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES ORALLY OR IN WRITING MAY REFER A PATIENT TO A PHYSICAL THERAPIST FOR TREATMENT; BY ADDING SECTION 40-33-61 SO AS TO PROVIDE RECIPIENTS AND BENEFICIARIES OF CERTAIN ASSISTANCE AND SERVICES WITHIN THE SCOPE OF PRACTICE OF A NURSE PRACTITIONER OR CERTIFIED NURSE MIDWIFE MAY CHOOSE THE PROVIDERS FROM WHOM THEY RECEIVE SUCH ASSISTANCE AND SERVICES; BY ADDING SECTION 40-33-63 SO AS TO PROVIDE NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES MAY PRONOUNCE DEATH AND SIGN DEATH CERTIFICATES; BY ADDING SECTION 40-33-65 SO AS TO PROVIDE NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES MAY ORDER HOSPICE AND PALLIATIVE CARE SERVICES FOR PATIENTS; BY ADDING SECTION 40-33-67 SO AS TO PROVIDE NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES MAY CERTIFY INDIVIDUALS AS HANDICAPPED FOR PURPOSES OF OBTAINING HANDICAPPED PARKING PLACARDS; AND BY ADDING SECTION 40-47-370 SO AS TO EXEMPT ADVANCED PRACTICE REGISTERED NURSES FROM CERTAIN LICENSURE AND PRACTICE PROVISIONS WHEN EMPLOYED BY THE UNITED STATES GOVERNMENT AND PROVIDING SERVICES UNDER THE DIRECTION AND CONTROL OF THE UNITED STATES GOVERNMENT; TO AMEND SECTION 40-33-20, RELATING TO DEFINITIONS CONCERNING THE NURSE PRACTICE ACT, SO AS TO REVISE AND ADD NECESSARY DEFINITIONS; TO AMEND SECTION 40-33-34, RELATING TO THE PERFORMANCE OF DELEGATED MEDICAL ACTS, QUALIFICATIONS, PROTOCOLS, AND PRESCRIPTIVE AUTHORIZATIONS OF LICENSEES OF THE NURSING BOARD, SO AS TO MAKE VARIOUS REVISIONS; TO AMEND SECTION 40-47-20, RELATING TO DEFINITIONS CONCERNING THE BOARD OF MEDICAL EXAMINERS, SO AS TO REVISE SEVERAL DEFINITIONS AFFECTING THE SCOPE OF

**WEDNESDAY, MAY 9, 2018**

PRACTICE OF CERTAIN LICENSEES OF THE NURSING BOARD; AND TO AMEND SECTION 40-47-195, RELATING TO PHYSICIANS SUPERVISING MEDICAL ACTS DELEGATED TO OTHER PROFESSIONALS, SO AS TO ELIMINATE THE REQUIREMENT THAT SUPERVISING PHYSICIANS BE RESPONSIBLE FOR ENSURING CERTAIN ACTS DELEGATED TO ADVANCED PRACTICE REGISTERED NURSES ARE PERFORMED TO CERTAIN STANDARDS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 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. 648 -- Senators Scott, Setzler, McLeod, Jackson and McElveen: A BILL TO AMEND SECTION 59-53-1784, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PROVIDE THAT THE EXEMPTION OF THE AUTHORITY FROM SURPLUS PROPERTY LAWS APPLIES TO REAL, PERSONAL, AND MIXED PROPERTY IN CERTAIN CIRCUMSTANCES.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator SCOTT, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

**CONCURRENCE**

S. 648 -- Senators Scott, Setzler, McLeod, Jackson and McElveen: A BILL TO AMEND SECTION 59-53-1784, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSAL OF

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SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PROVIDE THAT THE EXEMPTION OF THE AUTHORITY FROM SURPLUS PROPERTY LAWS APPLIES TO REAL, PERSONAL, AND MIXED PROPERTY IN CERTAIN CIRCUMSTANCES.

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

Senator SCOTT explained the amendments.

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

**Ayes 42; 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, John</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

On motion of Senator SCOTT, 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.

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**Message from the House**

Columbia, S.C., May 9, 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. 913 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-740(B) OF THE 1976 CODE, RELATING TO YOUTH HUNTING DAYS, TO PROVIDE THAT A LICENSE OR TAG REQUIRED PURSUANT TO CHAPTER 9, TITLE 50 IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

Very respectfully,  
Speaker of the House

Received as information.

**NONCONCURRENCE**

S. 913 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-740(B) OF THE 1976 CODE, RELATING TO YOUTH HUNTING DAYS, TO PROVIDE THAT A LICENSE OR TAG REQUIRED PURSUANT TO CHAPTER 9, TITLE 50 IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

On motion of Senator CAMPSSEN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

On motion of Senator CAMPSSEN, with unanimous consent, the Senate refused to concur in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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,

[SJ]



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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.

Very respectfully,  
Speaker of the House

Received as information.

**H. 3819--REPORT OF THE  
COMMITTEE OF CONFERENCE ADOPTED**

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

**Ayes 42; 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, John</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

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**Total--0**

The Committee of Conference Committee was adopted as follows:

**H. 3819 -- Conference Report**

The General Assembly, Columbia, S.C., May 9, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 3/29/18.)

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

/ SECTION 1. Article 3, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44-53-363. (A) Except as provided in subsection (C), before issuing, for a minor, the first prescription in a single course of treatment for an opioid analgesic, regardless of whether the dosage is modified during that course of treatment, a prescriber shall:

(1) as part of the prescriber's examination of the minor, assess whether the minor has ever suffered from or is currently suffering from a mental health or substance abuse disorder and whether the minor has taken or is currently taking prescription drugs for treatment of a mental health or substance abuse disorder;

(2) discuss with the minor and the minor's parent, guardian, or another adult authorized to consent to the minor's medical treatment all of the following:

(a) the risks of addiction and overdose associated with opioid analgesics;

(b) the increased risk of addiction to controlled substances of individuals suffering from both mental health and substance abuse disorders;

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(c) the dangers of taking opioid analgesics with benzodiazepines, alcohol, or other central nervous system depressants;

(d) any other information in the patient counseling information section of the labeling for the opioid analgesic required pursuant to 21 C.F.R. 201.57(c)(18); and

(3) obtain written consent for the prescription from the minor's parent, guardian, or, subject to subsection (E), another adult authorized to consent to the minor's medical treatment.

(B) The prescriber shall record the consent required pursuant to subsection (A)(3) on a 'Start Talking!' consent form developed by the State Board of Medical Examiners. The form must be separate from any other document the prescriber uses to obtain informed consent for other treatment provided to the minor and must contain:

(1) the name and quantity of the opioid analgesic being prescribed and the amount of the initial dose;

(2) a statement indicating that a controlled substance is a drug or other substance that the United States Drug Enforcement Administration has identified as having a potential for abuse;

(3) a statement certifying that the prescriber discussed with the minor and the minor's parent, guardian, or another adult authorized to consent to the minor's medical treatment the matters described in subsection (A)(2);

(4) the number of refills, if any, authorized by the prescription; and

(5) the signature of the minor's parent, guardian, or another adult authorized to consent to the minor's medical treatment and the date of signing.

(C)(1) The requirements set forth in subsection (A) do not apply if the minor's treatment with an opioid analgesic:

(a) is associated with or incident to a medical emergency;

(b) is associated with or incident to surgery, regardless of whether the surgery is performed on an inpatient or outpatient basis;

(c) is associated with pain management treatment for palliative care, cancer care, or hematological disorders including, but not limited to, sickle cell disease;

(d) is associated with the treatment of neonatal abstinence syndrome;

(e) in the prescriber's professional judgment, fulfilling the requirements of subsection (A) would be a detriment to the minor's health or safety;

(f) except as provided in subsection (D), the treatment is rendered in a hospital, emergency facility, ambulatory surgical facility,

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nursing home, pediatric respite care program, residential care facility, freestanding rehabilitation facility, or similar institutional facility;

(g) is ordered by a practitioner issuing a prescription for a Schedule II controlled substance to treat a hospice-certified patient;

(h) is ordered by a practitioner issuing a prescription for a Schedule II controlled substance that does not exceed a five-day supply for a patient; or

(i) is ordered by a practitioner prescribing a Schedule II controlled substance for a patient with whom the practitioner has an established relationship for the treatment of a chronic condition; however, the practitioner must review the patient's controlled substance history maintained in the prescription drug monitoring program at least every three months.

(2) The requirements of subsection (A) do not apply to a prescription for an opioid analgesic that a prescriber issues to a minor at the time of discharge from a facility or other location described in subsection (C)(1)(f).

(D) The exemption provided pursuant to subsection (C)(1)(f) does not apply to treatment rendered in a prescriber's office that is located on the premises of or adjacent to a facility or other location described in that subsection.

(E) If the individual who signs the consent form required pursuant to subsection (A)(3) is another adult authorized to consent to the minor's medical treatment, the prescriber shall prescribe not more than a single, seventy-two hour supply and indicate on the prescription the quantity that is to be dispensed pursuant to the prescription.

(F) A signed 'Start Talking!' consent form obtained pursuant to this section must be maintained in the minor's medical record.

(G)(1) As used in this section:

(a) 'Another adult authorized to consent to the minor's medical treatment' means an adult to whom a minor's parent or guardian has given written authorization to consent to the minor's medical treatment.

(b) 'Medical emergency' means a situation that in a prescriber's good faith medical judgment creates an immediate threat of serious risk to the life or physical health of a minor.

(c) 'Minor' means an individual under eighteen years of age who is not emancipated.

(2) For purposes of this section, an individual under eighteen years of age is emancipated only if the individual has married, has entered the armed services of the United States, has become employed and

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self-sustaining, or otherwise has become independent from the care and control of the individual's parent, guardian, or custodian.”

SECTION 2. This act takes effect six months after approval by the Governor.

/

Amend title to conform.

/s/Sen. Brad Hutto

/s/Rep. Russell W. Fry

/s/Sen. Tom Davis

/s/Rep. Phyllis J. Henderson

/s/Sen. Thomas D. "Tom" Corbin

/s/Rep. Robert Lee Ridgeway III

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

**H. 3819--REPORT OF COMMITTEE OF CONFERENCE  
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Fry, Henderson and Ridgeway to the Committee of Conference on the part of the House on:

H. 4117 -- Reps. Henderson, Bedingfield and Fry: A BILL TO AMEND SECTION 44-53-1650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS TO CONFIDENTIALITY OF DATA IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD AN EXCEPTION FOR THE PROVISION OF DATA TO DRUG COURTS.

Very respectfully,

Speaker of the House

Received as information.

[SJ]

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**H. 4117--REPORT OF THE  
COMMITTEE OF CONFERENCE ADOPTED**

H. 4117 -- Reps. Henderson, Bedingfield and Fry: A BILL TO AMEND SECTION 44-53-1650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS TO CONFIDENTIALITY OF DATA IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD AN EXCEPTION FOR THE PROVISION OF DATA TO DRUG COURTS.

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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, John</i>
McElveen	McLeod	Nicholson
Peeler	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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The Committee of Conference Committee was adopted as follows:

**H. 4117 -- Conference Report**

The General Assembly, Columbia, S.C., May 9, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4117 -- Reps. Henderson, Bedingfield and Fry: A BILL TO AMEND SECTION 44-53-1650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS TO CONFIDENTIALITY OF DATA IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD AN EXCEPTION FOR THE PROVISION OF DATA TO DRUG COURTS.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 3/20/18.)

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

/ SECTION 1. Section 44-53-1650(D) of the 1976 Code is amended to read:

“(D)Drug control may provide data in the prescription monitoring program to the following persons:

(1) a practitioner or pharmacist or authorized delegate who requests information and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide patient;

(2) an individual who requests the individual's own prescription monitoring information in accordance with procedures established pursuant to state law;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;

(4) a local, state, or federal law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of the laws governing licit drugs and who is involved in a bona fide specific drug related investigation involving a designated person;

(5) the South Carolina Department of Health and Human Services regarding Medicaid program recipients;

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(6) a properly convened grand jury pursuant to a subpoena properly issued for the records;

(7) personnel of drug control for purposes of administration and enforcement of this article;

(8) qualified personnel for the purpose of bona fide research or education; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser must be deleted or redacted from such information prior to disclosure. Further, release of the information only may be made pursuant to a written agreement between qualified personnel and the department in order to ensure compliance with this subsection; and

(9) the presiding judge of a drug court pertaining to a specific case involving a designated person.”

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

/

Amend title to conform.

/s/Sen. Brad Hutto

/s/Sen. Tom Davis

/s/Sen. Thomas D. "Tom" Corbin

On Part of the Senate.

/s/Rep. Russell W. Fry

/s/Rep. Phyllis J. Henderson

/s/Rep. Robert Lee Ridgeway III

On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Clary, Felder and Brown to the Committee of Free Conference on the part of the House on:

H. 4434 -- Reps. Clary, Elliott, Cogswell, Collins, Henderson-Myers, Felder, Pope, Taylor, Ott, Thayer, Govan, Cole and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 33, TITLE 59 SO AS TO DEFINE NECESSARY TERMS, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE A UNIVERSAL SCREENING TOOL FOR USE BY LOCAL SCHOOL DISTRICTS TO SCREEN STUDENTS IN KINDERGARTEN THROUGH SECOND GRADE FOR CHARACTERISTICS OF DYSLEXIA BEGINNING

[SJ]



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WITH THE 2019-2020 SCHOOL YEAR; TO PROVIDE SPECIFIC ABILITIES THAT THE SCREENING TOOL MUST MEASURE; TO PROVIDE THAT PARENTS AND OTHER CERTAIN PARTIES MAY REQUEST THIS DYSLEXIA SCREENING FOR A STUDENT; TO REQUIRE LOCAL SCHOOL DISTRICTS TO CONVENE SCHOOL-BASED PROBLEM-SOLVING TEAMS TO ANALYZE SCREENING DATA AND PROGRESS MONITORING DATA TO ASSIST TEACHERS IN PLANNING AND IMPLEMENTING APPROPRIATE INSTRUCTION AND EVIDENCE-BASED INTERVENTIONS FOR ALL STUDENTS; TO REQUIRE DYSLEXIA-SPECIFIC INTERVENTIONS FOR STUDENTS INDICATED BY SCREENINGS TO HAVE CHARACTERISTICS OF DYSLEXIA; TO REQUIRE THE DEPARTMENT TO PROVIDE RELATED PROFESSIONAL DEVELOPMENT RESOURCES FOR EDUCATORS; TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RELATED REGULATIONS; AND TO CREATE A DYSLEXIA ADVISORY COUNCIL TO ADVISE THE DEPARTMENT IN MATTERS RELATING TO DYSLEXIA.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that a message having been received from the Senate that it had receded from its amendments, it was ordered that the title of the Bill be changed to that of an Act and that the Act be enrolled for Ratification:

H. 4434 -- Reprs. Clary, Elliott, Cogswell, Collins, Henderson-Myers, Felder, Pope, Taylor, Ott, Thayer, Govan, Cole and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 33, TITLE 59 SO AS TO DEFINE NECESSARY TERMS, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE A UNIVERSAL SCREENING TOOL FOR USE BY LOCAL SCHOOL DISTRICTS TO SCREEN STUDENTS IN KINDERGARTEN THROUGH SECOND GRADE FOR CHARACTERISTICS OF DYSLEXIA BEGINNING WITH THE 2019-2020 SCHOOL YEAR; TO PROVIDE SPECIFIC

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**WEDNESDAY, MAY 9, 2018**

ABILITIES THAT THE SCREENING TOOL MUST MEASURE; TO PROVIDE THAT PARENTS AND OTHER CERTAIN PARTIES MAY REQUEST THIS DYSLEXIA SCREENING FOR A STUDENT; TO REQUIRE LOCAL SCHOOL DISTRICTS TO CONVENE SCHOOL-BASED PROBLEM-SOLVING TEAMS TO ANALYZE SCREENING DATA AND PROGRESS MONITORING DATA TO ASSIST TEACHERS IN PLANNING AND IMPLEMENTING APPROPRIATE INSTRUCTION AND EVIDENCE-BASED INTERVENTIONS FOR ALL STUDENTS; TO REQUIRE DYSLEXIA-SPECIFIC INTERVENTIONS FOR STUDENTS INDICATED BY SCREENINGS TO HAVE CHARACTERISTICS OF DYSLEXIA; TO REQUIRE THE DEPARTMENT TO PROVIDE RELATED PROFESSIONAL DEVELOPMENT RESOURCES FOR EDUCATORS; TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RELATED REGULATIONS; AND TO CREATE A DYSLEXIA ADVISORY COUNCIL TO ADVISE THE DEPARTMENT IN MATTERS RELATING TO DYSLEXIA.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Sandifer, Henderson and Anderson to the Committee of Free Conference on the part of the House on:

H. 4612 -- Reps. Sandifer and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-11-262 SO AS TO PROVIDE APPLICANTS FOR GENERAL AND MECHANICAL LICENSURE SUBJECT TO FINANCIAL STATEMENT REQUIREMENTS MAY INSTEAD PROVIDE CERTAIN SURETY BONDS, AND TO PROVIDE REQUIREMENTS CONCERNING THE SURETY BONDS.

Very respectfully,

Speaker of the House

Received as information.

[SJ]

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**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. White, Lowe and Hosey to the Committee of Conference on the part of the House on:

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

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

[SJ]

**WEDNESDAY, MAY 9, 2018**

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 5272 -- Rep. Parks: A BILL TO AMEND ACT 185 OF 1997, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 4 OF MCCORMICK COUNTY, SO AS TO REVISE THE FILING PERIOD FOR STATEMENTS OF CANDIDACY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 5141 -- Reps. Clary, Collins and Hiott: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF

[SJ]

**WEDNESDAY, MAY 9, 2018**

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.

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 5154 -- Reps. Fry and Hewitt: A JOINT RESOLUTION CALLING FOR A REFERENDUM TO BE CONDUCTED BY THE HORRY COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AT THE NEXT ELECTION FOR REPRESENTATIVES AMONG THE QUALIFIED ELECTORS OF A TERRITORY PROPOSED TO BE TAKEN FROM GEORGETOWN COUNTY AND GIVEN TO HORRY COUNTY PURSUANT TO SECTION 7, ARTICLE VII, CONSTITUTION OF SOUTH CAROLINA, 1895, PROVIDING IF APPROVED BY TWO-THIRDS OF THE VOTES CAST, THE GENERAL ASSEMBLY AT ITS NEXT SESSION SHALL PROVIDE BY LAW FOR THE ALTERATION OF THE HORRY-GEORGETOWN COUNTY LINE, AND PROVIDING THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, DURING THE PENDENCY OF THE OUTCOME OF THE REFERENDUM REQUIRED BY THIS JOINT RESOLUTION, IT IS THE GENERAL ASSEMBLY'S INTENT NOT TO AFFECT, ALTER, RELEASE, OR EXTINGUISH ANY EXISTING ACTIONS, RIGHTS, DUTIES, PRACTICES, PENALTIES, FORFEITURES, OR LIABILITIES RESULTING FROM HORRY AND GEORGETOWN COUNTIES' MISINTERPRETATION OF THE ACTUAL HORRY-GEORGETOWN COUNTY LINE AS APPROVED BY THE GENERAL ASSEMBLY AND DELINEATED IN CHAPTER 3, TITLE 4 OF THE 1976 CODE, AND PROVIDING FURTHER THAT HAD THE GENERAL ASSEMBLY INTENDED TO AFFECT, DISTURB, OR DISRUPT THE STATUS QUO REGARDING ANY OF THE FOREGOING DURING THE PENDENCY OF THE

[SJ]

**WEDNESDAY, MAY 9, 2018**

OUTCOME OF THE REFERENDUM REQUIRED BY THIS JOINT RESOLUTION, IT SO EXPRESSLY WOULD HAVE PROVIDED.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has reconsidered the vote whereby the House concurred in the Senate amendments.

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,

[SJ]

**WEDNESDAY, MAY 9, 2018**

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.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCE**

S. 1192 -- Senators Gambrell, Nicholson and Campsen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 221/SOUTH CAROLINA HIGHWAY 72 IN GREENWOOD COUNTY, FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 246, "EMMETT I. DAVIS, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

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

**AMENDED AND ADOPTED**

H. 5383 -- Rep. Lucas: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 10, 2018, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON WEDNESDAY, MAY 23, 2018, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER

[SJ]

**WEDNESDAY, MAY 9, 2018**

THAN 5:00 P.M. ON THURSDAY, MAY 24, 2018, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 24, 2018, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON WEDNESDAY, JUNE 13, 2018, AND TO CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON FRIDAY, JUNE 15, 2018, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER NOT LATER THAN 11:59 P.M., SUNDAY, NOVEMBER 11, 2018, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

The Senate proceeded to a consideration of the Resolution.

Senator LEATHERMAN proposed the following amendment (5383R001.KMM.HKL), which was adopted:

Amend the concurrent resolution, as and if amended, page 3, by striking lines 6 through 8 and inserting:

/Wednesday, June 27, 2018, at 12:00 noon and to continue in statewide session, if necessary, until not later than 5:00 p.m. on Thursday, June 28, 2018. Each house agrees to limit itself to /

Amend the concurrent resolution further, as and if amended, page 2, by striking line 41 and inserting:

/of conference has been appointed prior to 5:00 p.m. on May 10, /

Amend the concurrent resolution further, as and if amended, page 3, by striking line 40 and inserting:

/of conference has been appointed prior to 5:00 p.m. on May 10, /

Amend the concurrent resolution further, as and if amended, page 4, by striking line 5 and inserting:

/later than 5:00 p.m. on Thursday, June 28, 2018, the General Assembly /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.



**WEDNESDAY, MAY 9, 2018**

The Resolution as amended was adopted, ordered returned to the House.

**Message from the House**

Columbia, S.C., May 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 5383 -- Rep. Lucas: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 10, 2018, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON WEDNESDAY, MAY 23, 2018, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, MAY 24, 2018, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 24, 2018, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON WEDNESDAY, JUNE 13, 2018, AND TO CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON FRIDAY, JUNE 15, 2018, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER NOT LATER THAN 11:59 P.M., SUNDAY, NOVEMBER 11, 2018, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Very respectfully,

Speaker of the House

Received as information.

**ORDERED ENROLLED FOR RATIFICATION**

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

**WEDNESDAY, MAY 9, 2018**

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.

**HOUSE BILLS RETURNED**

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

H. 3865 -- Reps. Bernstein, Delleney, Ridgeway, King, Whipper, J.E. Smith and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA PREGNANCY ACCOMMODATIONS ACT"; TO AMEND SECTION 1-13-30, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA HUMAN AFFAIRS LAWS, SO AS TO REVISE THE TERMS "BECAUSE OF SEX" OR "ON THE BASIS OF SEX" USED IN THE CONTEXT OF EQUAL TREATMENT FOR WOMEN AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS; TO AMEND SECTION 1-13-80, AS AMENDED, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES OF AN EMPLOYER, SO AS TO ADD CERTAIN OTHER UNLAWFUL EMPLOYMENT PRACTICES IN REGARD TO FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS FOR AN APPLICANT FOR EMPLOYMENT OR EMPLOYEE WITH LIMITATIONS BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS, AND TO PROVIDE FOR NOTICE AND APPLICABILITY TO EMPLOYEES TO WHOM THE ABOVE PROVISIONS APPLY; AND TO PROVIDE NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, THE 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,

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UNLESS THE EMPLOYER CAN DEMONSTRATE THAT DOING SO WOULD IMPOSE AN UNDUE HARDSHIP.

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 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".

[SJ]

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**AMENDED, RETURNED TO THE HOUSE**

H. 3622 -- Reps. Ryhal, Burns, Duckworth, Gagnon, Henegan, Herbkersman, Hill, Hixon, Johnson, V.S. Moss, Ridgeway, Spires, Taylor, Thayer, Yow, Robinson-Simpson, Magnuson, Long and Thigpen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-51-210 SO AS TO PROVIDE CERTAIN PODIATRIC SURGERY MUST BE PERFORMED IN CERTAIN FACILITIES, TO PROVIDE A PODIATRIST WHO PERFORMS THESE PROCEDURES MUST MEET CERTAIN CRITERIA, TO PROVIDE FOR THE EXTENSION OF PROFESSIONAL PRIVILEGES TO THESE PODIATRISTS BY CERTAIN HEALTH FACILITIES, TO REQUIRE HEALTH FACILITIES IN THIS STATE PROVIDE THE RIGHT TO PURSUE AND PRACTICE FULL CLINICAL AND SURGICAL PRIVILEGES TO PODIATRISTS WHO MEET CERTAIN CRITERIA, TO PROVIDE AN ABILITY TO LIMIT THESE PRIVILEGES IN CERTAIN CIRCUMSTANCES, TO PROVIDE THIS SECTION DOES NOT REQUIRE A HEALTH FACILITY IN THIS STATE TO OFFER A SPECIFIC HEALTH SERVICE NOT OTHERWISE OFFERED, AND TO PROVIDE THAT IF THE FACILITY DOES OFFER A HEALTH SERVICE, IT MAY NOT DISCRIMINATE AMONG CERTAIN HEALTH PROFESSIONALS AUTHORIZED BY LAW TO PROVIDE THESE SERVICES; AND TO AMEND SECTION 40-51-20, RELATING TO DEFINITIONS, SO AS TO REVISE AND ADD CERTAIN DEFINITIONS.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS proposed the following amendment (WAB\3622C005.AGM.WAB18), which was adopted:

Amend the bill, as and if amended, Section 40-51-20(4)(e), as contained in SECTION 3, page 5, lines 1-6, by deleting the item in its entirety and inserting:

/ (e) placement of external fixator pins proximal or above the myotendinous junction. Any external fixator pins inserted above the ankle but below the myotendinous junction may only be performed under protocols established between a podiatrist and an institution that has the capability to treat tibia fractures and other complications that may arise from placement of the pin. /

Re-number sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

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 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.

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,

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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.

The Senate proceeded to a consideration of the Bill.

The question being the third reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

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There being no further amendments, the Bill was amended, read the third time, ordered returned to the House.

**AMENDED, RETURNED TO THE HOUSE**

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.

Senator MALLOY proposed the following amendment (4458R001.SP.GM), which was withdrawn:

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:

/ (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.

The amendment was withdrawn.

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Senators HUTTO, SENN, and YOUNG proposed the following amendment (JUD4458.007), which was adopted:

Amend the bill, as and if amended, page 5, by striking line 18 and inserting the following to read:

/ information regarding citations issued pursuant to this section.

(M) A person required to complete litter-gathering labor as a condition of probation or a court sentence is not eligible for benefits under Title 42 for any alleged injury incurred while litter-gathering pursuant to the probationary or court sentence." /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (JUD4458.008), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 18-27 and inserting:

/ ~~(F)~~(G)(1) When the penalty for a violation of this section includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the penalty is mandatory and must not be suspended; however, the court, upon the request of a person convicted of violating this section, may direct that the person pay an additional monetary penalty instead of the litter-gathering portion of the penalty that must be equal to the amount of ~~five~~ fifteen dollars an hour of litter-gathering labor. Probation must not be granted instead of the litter-gathering requirement, except for a person's physical or other incapacities. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 44; Nays 0**



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

**Total--44**

**NAYS**

**Total--0**

There being no further amendments, the Bill was amended, read the third time, ordered returned to the House.

**AMENDED, RETURNED TO THE HOUSE**

H. 4931 -- Reps. Elliott, Alexander, Simrill, Stringer, West, Allison, Henderson, G.R. Smith, Burns, Trantham, Hamilton, Bannister, Putnam, Robinson-Simpson, Chumley, Taylor, Douglas, Knight, Dillard and Blackwell: A BILL TO AMEND SECTION 59-103-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MISSIONS AND FOCUSES OF INSTITUTIONS OF HIGHER LEARNING, SO AS TO AUTHORIZE AN APPLIED BACCALAUREATE IN MANUFACTURING DEGREE IF STATE FUNDS ARE NOT APPROPRIATED FOR THE OPERATIONS OF THE DEGREE PROGRAM.

The Senate proceeded to a consideration of the Bill.

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Senators YOUNG and PEELER proposed the following amendment (4931R003.SP.TRY), which was withdrawn:

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

/SECTION \_\_. For the fall semester of 2018 and the spring and summer semesters of 2019, the provisions of Section 59-103-15(B)(4)(f) apply only to Greenville Technical College and Spartanburg Community College. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was withdrawn.

Senator YOUNG proposed the following amendment (4931R004.SP.TRY), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 16-17 and inserting:

/ (f) subject to subsection (C), an Applied Baccalaureate in Advanced Manufacturing Technology degree approved first by the Board for Technical and

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 38; Nays 5**

**AYES**

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson

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Leatherman	Martin	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--38**

**NAYS**

Campsen	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	

**Total--5**

There being no further amendments, the Bill as amended, read the third time, ordered returned to the House.

**Motion Adopted**

On motion of Senator VERDIN, with unanimous consent, the Second Reading Consent Calendar was taken up for immediate consideration and Rule 39 was waived.

**SECOND READING  
CONSENT CALENDAR**

H. 3619 -- Reps. Atwater and Erickson: A BILL TO AMEND SECTION 47-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO CRUELTY TO ANIMALS, SO AS TO DEFINE THE TERM "COMPANION ANIMAL"; AND BY ADDING SECTION 47-1-45 SO AS TO PROHIBIT THE TATTOOING OR PIERCING OF A COMPANION ANIMAL EXCEPT FOR SPECIFIED REASONS AND, WHEN AUTHORIZED, PERFORMED BY SPECIFIED PERSONS, AND TO PROVIDE CRIMINAL PENALTIES FOR A VIOLATION WHICH IS A MISDEMEANOR.

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

Senator VERDIN explained the Bill.

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

**Ayes 30; Nays 8**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Massey	<i>Matthews, John</i>
Rice	Sabb	Setzler
Shealy	Timmons	Turner
Verdin	Williams	Young

**Total--30**

**NAYS**

Cash	Malloy	Martin
McElveen	Peeler	Senn
Sheheen	Talley	

**Total--8**

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

H. 4710 -- Reps. Hill, Williams, McKnight, Yow, West, Gagnon, McCravy, Wheeler, Parks, Henegan, Caskey, Gilliard, Brown, B. Newton, Allison, Chumley, Long, Elliott, Henderson and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE PERSIAN GULF WAR VETERAN SPECIAL LICENSE PLATES.

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

Senator VERDIN explained the Bill.

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

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**Ayes 30; Nays 8**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Massey	<i>Matthews, John</i>
Rice	Sabb	Setzler
Shealy	Timmons	Turner
Verdin	Williams	Young

**Total--30**

**NAYS**

Cash	Malloy	Martin
McElveen	Peeler	Senn
Sheheen	Talley	

**Total--8**

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

H. 5090 -- Reps. Clemmons and Yow: A BILL TO AMEND SECTION 50-11-515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF WILD TURKEY FEATHERS IN ART, SO AS TO PROVIDE THAT WILD TURKEY PARTS MAY BE USED IN ARTS AND CRAFTS BY CERTAIN INDIVIDUALS, TO PROVIDE THAT THIS PROVISION DOES NOT AUTHORIZE THE SALE OF WILD TURKEY MEAT, AND TO DELETE THE PROVISIONS THAT PROHIBIT THE SALE OF PARTS OF WILD TURKEYS AND THE SALE OF CAPES, BEARDS, AND FANS.

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

Senator CAMPSSEN proposed the following amendment (CM\5090C001.GT.CM18), 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. Section 50-11-515 of the 1976 Code is amended to read:

“Section 50-11-515. (A) An American Indian artist, who is a member of a tribe recognized by: (1) Public Law 101-644, the Indian Arts and Crafts Board Act, and (2) the state’s Commission on Minority Affairs pursuant to Section 1-31-40, may use wild turkey ~~feathers~~ parts in arts and crafts that are offered for sale and sold to the general public if the artist has on his person a tribal identification card demonstrating his authorization pursuant to the Indian Arts and Crafts Board Act. The artist must affix a label to the product or provide a document with the product stating the artist’s name and ‘American Indian Art - resale of this product in its unaltered original condition is lawful in South Carolina’.

(B) This section does not authorize the sale ~~of other parts of wild turkeys, whether taken lawfully or unlawfully, including, but not limited to, capes, beards, and fans of wild turkey meat.~~”

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the Bill.

The amendment was adopted.

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

**Ayes 30; Nays 8**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Massey	<i>Matthews, John</i>
Rice	Sabb	Setzler
Shealy	Timmons	Turner
Verdin	Williams	Young

**Total--30**

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**NAYS**

Cash	Malloy	Martin
McElveen	Peeler	Senn
Sheheen	Talley	

**Total--8**

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

**AMENDED, AMENDMENT PROPOSED  
READ THE SECOND TIME**

H. 3209 -- Reps. Pope, Robinson-Simpson, Crosby, Whipper, Brown, M. Rivers, King, Magnuson, Norrell, Martin, B. Newton, Long, Govan, Henegan, Dillard and Gilliard: A BILL TO AMEND SECTION 17-22-910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS FOR THE EXPUNGEMENT OF CRIMINAL RECORDS FOR CERTAIN OFFENSES, SO AS TO PROVIDE FOR ELIGIBILITY FOR EXPUNGEMENT OF OFFENSES SUBSEQUENTLY REPEALED WHEN THE ELEMENTS OF THE OFFENSE ARE CONSISTENT WITH AN EXISTING SIMILAR OFFENSE WHICH IS SUBJECT TO EXPUNGEMENT, AND CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY TO THE OFFENSES DELINEATED.

The Senate proceeded to a consideration of the Bill.

Senators ALLEN and HEMBREE proposed the following amendment (JUD3209.014), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 38, in 17-22-910(A)(5), as contained in SECTION 1, and inserting therein the following:

/ (5) Section 22-5-930, first offense simple possession or possession with intent to distribute drug convictions; /

Amend the bill further, as and if amended, page 3, by striking lines 1 through 7, in Section 22-5-910(C), as contained in SECTION 2, and inserting therein the following:

/ (C) If the defendant has had no other conviction, including out-of-state convictions, during the three-year period as provided in subsection (A), or during the five-year period as provided in subsection

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(B), the circuit court may issue an order expunging the records including any associated bench warrant. ~~No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.~~ /

Amend the bill further, as and if amended, page 3, by striking lines 17 through 30, in Section 22-5-910, as contained in SECTION 2, and inserting therein the following:

/ (E) As used in this section, ‘conviction’ includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail. For the purpose of this section, any number of offenses for crimes carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, for which the individual received sentences at a single sentencing proceeding that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(F) No person may have the person’s record expunged under this section if the person has pending criminal charges of any kind unless the charges have been pending for more than five years; however, this five year time period is tolled for any time the defendant has been under a bench warrant for failure to appear. No person may have the person’s records expunged under this section more than once. A person may have the person’s record expunged even though the conviction occurred before the effective date of this section.” /

Amend the bill further, page 3, by striking lines 35 through 43, and page 4, by striking lines by 1 through 31, in Section 22-5-920, as contained in SECTION 3, and inserting therein the following:

/ “Section 22-5-920. (A) As used in this section, ‘conviction’ includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail. For the purpose of this section, any number of offenses for which the individual received a youthful offender sentence at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(B)(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, who has not been convicted of any offense, including an out-of-state offense, while serving the youthful offender sentence, including probation and parole, and for a period of ~~after~~ five years from the date of completion of the defendant’s sentence, including probation and parole, may apply, or cause someone



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acting on the defendant's behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

(2) However, this section does not apply to:

- (a) an offense involving the operation of a motor vehicle;
- (b) an offense classified as a violent crime in Section 16-1-60;

or

(c) an offense contained in Chapter 25, Title 16, except as otherwise provided in Section 16-25-30; or

(d) an offense for which the individual is required to register in accordance with the South Carolina Sex Offender Registry Act.

(3) If the defendant has had no other conviction, to include out-of-state convictions, during the service of the youthful offender sentence, including probation and parole, and during the five-year period following completion of the defendant's sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person's record expunged pursuant to the provisions of this section; however, a person who was convicted prior to June 2, 2010, and was a youthful offender as that term is defined in Section 24-19-10(d) is eligible to have his record expunged pursuant to the provisions of this section. /

Amend the bill further, page 5, by striking lines 2 through 40, in Section 22-5-930, as contained in SECTION 4, and inserting therein the following:

/ "Section 22-5-930. (A) Following a first offense conviction for either simple possession of a controlled substance under Article 3, Chapter 53, Title 44 or unlawful possession of a prescription drug under Section 40-43-86(EE), including those charges for which the person would now be eligible for a conditional discharge pursuant to Section 44-53-450, the defendant after three years from the date of the completion of the sentence, including probation and parole, for this conviction, and including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the

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circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(B) Following a first offense conviction for possession with intent to distribute a controlled substance under Article 3, Chapter 53, Title 44 , the defendant after twenty years from the date of the completion of any sentence, including probation and parole, for a drug conviction or any felony conviction and including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(C) If the defendant had no other convictions, to include out-of-state convictions, during the three-year period as provided in subsection (A) or no other drug conviction or felony conviction during the twenty-year period as provided in subsection (B), the circuit court may issue an order expunging the records including any associated bench warrant.

(D) No person may have the person's record expunged under this section if the person has pending criminal charges of any kind. No person may have the person's records expunged under this section more than once. No person may have the person's records expunged pursuant to this section if the person has had a conditional discharge within the five years prior to the date of arrest for the charge sought to be expunged if the charge sought to be expunged is simple possession of marijuana, or within the ten years prior to the date of arrest for the charge sought to be expunged if the charge sought to be expunged is for the simple possession of any other controlled substance or the unlawful possession of a prescription drug under Section 40-43-86(EE). A person may have the person's record expunged even though the conviction occurred before the effective date of this section; however, the expungement will not affect a subsequent enhanced conviction or sentence that occurred before the effective date of this section.

(E) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(F) As used in this section, 'conviction' includes a guilty plea, a nolo contendere, or the forfeiting of bail. For the purpose of this section, any

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number of offenses for which the individual received sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.” /

Amend the bill further, page 6, by striking lines 2 through 9, in Section 63-19-2050(C)(2), as contained in SECTION 5, and inserting therein the following:

/ “(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order. For the purpose of this section, any number of offenses for which the individual received youthful offender sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.” /

Amend the bill further, page 6, by striking lines 23 through 35, as contained in SECTION 6, and inserting therein the following:

/ (F) SLED shall verify and document that the criminal charges in all cases, except in cases when charges are sought to be expunged pursuant to Section 17-1-40, Section 17-22-150(a), Section 17-22-530(A), Section 17-22-330(A), or Section 44-53-450(b), are appropriate for expungement before the solicitor or his designee, and then a circuit court judge, or a family court judge in the case of a juvenile, signs the application for expungement. If the expungement is sought pursuant to Section 34-11-90(e), Section 22-5-910, Section 22-5-920, Section 63-19-2050, or Section 56-5-750(f), the conviction for any minor traffic-related offense which is punishable only by a fine or loss of points that is not related in any way to driving under the influence of alcohol or other drugs will not be considered as a bar to expungement. /

Amend the bill further, page 7, by striking lines 12 through 19, in Section 17-22-960, as contained in SECTION 7, and inserting therein the following:

/ “Section 17-22-960. Any employer that employs a worker who has had an expungement shall not, at any time, be subject to any administrative or legal claim or cause of action related to the worker’s expunged offense. Except for criminal justice agencies, employers shall not use expunged information adversely against an employee. No information related to an expungement shall be used or introduced as evidence in any administrative or legal proceeding involving negligent hiring, negligent retention, or similar claims.” /

Re-number sections to conform.

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Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator GOLDFINCH proposed the following amendment (JUD3209.012):

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

/ three-year period as provided in ~~subsection~~ subsections (A) and (G), or during the /

Amend the bill further, as and if amended, page 3, as contained in SECTION 2, by striking line 30 and inserting therein the following:

/ section.

(G) If a misdemeanor arrest and conviction, including a conviction in magistrates or general sessions court, occurred prior to a veteran's discharge from military service, the veteran, after three years from the date of the completion of the sentence, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant, unless otherwise provided for in Subsection (B) of this section. The provisions of this section apply retroactively to allow expungements by veterans convicted prior to the enactments of this section. However, this section does not apply to an offense involving the operation of a motor vehicle. For the purposes of this section 'veteran' is defined in Section 25-11-40 (A)." /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

Senator HEMBREE spoke against the adoption of the amendment.

Senator HUTTO spoke in favor of the adoption of the amendment.

#### **Motion Under Rule 26B**

Senator HEMBREE asked unanimous consent to make a motion to carry over the amendment, to give the Bill a second reading and take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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

**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.

**Privilege of the Chamber**

On motion of Senator DAVIS, on behalf of Senator CLIMER, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Andy Young in recognition and congratulations upon his retirement from the Legislative Audit Council.

**Expression of Personal Interest**

Senator CAMPSER rose for an Expression of Personal Interest.

**RECESS**

At 12:15 P.M., on motion of Senator LEATHERMAN, the Senate recessed from business until 1:00 P.M.

At 1:09 P.M., the Senate resumed.

**Call of the Senate**

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

Alexander	Bennett	Campbell
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Grooms	Hembree	Hutto
Leatherman	Martin	Massey
Nicholson	Peeler	Rice
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

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**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Motion Under Rule 26B**

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading and take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**READ THE SECOND TIME**

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.

The Committee on Judiciary proposed the following amendment (JUD3139.002) which was withdrawn::

Amend the bill, as and if amended, page 4, by striking line 11, as contained in SECTION 3, and inserting therein the following:

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/ 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 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 either:

(a) a total coverage of at least one million dollars, or

(b) a total coverage of the liability limitation provided in Section 15-78-120(a)(2) for a governmental entity, agency, or political subdivision as defined in Section 15-78-30 ~~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.”

SECTION 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator RANKIN proposed the following amendment (3139R001.SP.LAR), which was withdrawn:

Amend the bill, as and if amended, page 4, by striking line 11 and inserting appropriately numbered new SECTIONS to read:

/ SECTION \_\_. Title 61 of the 1976 Code is amended by adding:

“CHAPTER 3

Responsible Alcohol Server Training Act

Section 61-3-100. This chapter shall be referred to as ‘Alli’s Law’ or the Responsible Alcohol Server Training Act.

Section 61-3-110. For purposes of this chapter, the following definitions apply:

(1) ‘Alcohol’ means beer, wine, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

(2) ‘Alcohol server’ means an individual who sells, serves, transfers, or dispenses alcohol for on-premises consumption at permitted or licensed premises, and may include a permittee, licensee, manager, or other employee of a permittee or licensee. ‘Alcohol server’ shall not include an individual employed or volunteering on a temporary basis for

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a one-time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink.

(3) 'Alcohol server certificate' means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on-premises consumption.

(4) 'DAODAS' means the South Carolina Department of Alcohol and Other Drug Abuse Services.

(5) 'Department' means the South Carolina Department of Revenue.

(6) 'Division' means the South Carolina Law Enforcement Division.

(7) 'Employee' means a person who is employed for at least ten hours a week by the holder of a permit or license to sell alcohol for on-premises consumption.

(8) 'Licensee' means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption, and the licensee remains open to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption after five o'clock p.m.

(9) 'Manager' means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on-premises consumption at the permitted or licensed premises.

(10) 'Permittee' means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption, and the permittee remains open to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption after five o'clock p.m.

(11) 'Program' means an alcohol server training and education course and examination approved by the department with input from DAODAS and the division that is administered by authorized providers.

(12) 'Provider' means an individual, partnership, corporation, or other legal entity authorized by the department that offers and administers a program.

Section 61-3-120. (A) An individual shall not be employed as an alcohol server or a manager on permitted or licensed premises unless and until that individual obtains, within sixty calendar days of employment, an alcohol server certificate pursuant to the provisions of this chapter. If a permittee or licensee functions or is employed as an alcohol server or manager on the permitted or licensed premises, then the permittee or licensee must also complete training on responsible alcohol server



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training and obtain an alcohol server certificate pursuant to the provisions of this chapter. An alcohol server shall not be mentally or physically impaired by alcohol, drugs, or controlled substances while serving alcohol. (B) Each permittee or licensee shall maintain at all times on its permitted or licensed premises copies of the alcohol server certificates of the permittee or licensee, if applicable, and the alcohol server certificates of each manager and each alcohol server then employed by the permittee or licensee. Copies of the alcohol server certificate must be made available, upon request, to the department or the division, or to the agents and employees of each. For purposes of enforcement of the provisions of this chapter, a permittee or licensee shall also make available to the department or the division, when requested, the hire date of an alcohol server.

(C) Failure to produce a copy of an alcohol server certificate when an alcohol server has been employed for sixty calendar days, is prima facie evidence that an alcohol server certificate has not been issued and shall subject the permittee or licensee to fines and penalties in accordance with this chapter.

Section 61-3-130. (A)(1) The department, in collaboration with DAODAS and the division, is authorized to approve alcohol server training programs, based on best evidence practice standards, offered by providers. A program that has not received approval within ninety days from submission shall be considered denied. A provider may appeal the denial pursuant to Section 61-2-260 and the South Carolina Administrative Procedures Act.

(2) A provider shall not charge an individual more than fifty dollars for a training program.

(B) The curricula of each program must include the following subjects:

- (1) state laws and regulations pertaining to:
  - (a) the sale and service of alcoholic beverages,
  - (b) the permitting and licensing of sellers of alcoholic beverages,
  - (c) impaired driving or driving under the influence of alcohol or drugs,
  - (d) liquor liability issues,
  - (e) carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages, and
  - (f) life consequences, such as the loss of education scholarships, to minors relating to the unlawful use, transfer, or sale of alcoholic beverages;

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(2) the effect that alcohol has on the body and human behavior, including, but not limited to, the effect on an individual's ability to operate a motor vehicle when intoxicated;

(3) information on blood alcohol concentration and factors that change or alter blood alcohol concentration;

(4) the effect that alcohol has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;

(5) information on recognizing signs of intoxication and methods for preventing intoxication;

(6) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;

(7) methods of identifying and refusing to serve or sell alcoholic beverages to individuals under twenty-one years of age and intoxicated individuals;

(8) methods for properly and effectively checking the identification of an individual, for identifying an illegal identification of an individual, and for handling situations involving individuals who have provided illegal identification; and

(9) other topics related to alcohol server education and training designated by the department, in collaboration with DAODAS and the division, to be included.

(C) The department shall approve only online or classroom designed training programs that meet each of the following criteria:

(1) A program must cover the content specified in subsection (B). If a program does not include law enforcement information in its general course material, specific South Carolina law enforcement information must be provided in a South Carolina training supplement document.

(2) The content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and is developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible.

(3) A program may be offered online or through classroom instruction.

(4) Classroom training must be at least four hours, be available in English and Spanish, and include a test.

(5) Online or computer based training programs shall be forced linear, with no content omitted, be interactive, have audio for content, and include a test.

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(6) Training and testing is conducted by any means available, including, but not limited to, online, computer, classroom, and live trainers. A passing grade of a test, as provided by the program, is required.

(7) Training certificates are issued by the provider only after training is complete and the test has been passed successfully.

(8) Each provider must give to the department a report of all individuals who have successfully completed training and testing within ten business days after the training is completed. The provider must also maintain these records for at least five years following the end of the training program for purposes of verifying certification validity by the department or the division.

(D) The department, in collaboration with DAODAS and the division, may suspend or revoke the authorization of a program provider that the department determines has violated the provisions of this chapter. If a provider's authorization is suspended or revoked, that provider must cease operations in this State immediately and refund any money paid to it by individuals who are enrolled in that provider's program at the time of the suspension or revocation.

Section 61-3-140. (A) A provider of a program that is authorized by the department shall pay a fee, in an amount to be determined by the department, not to exceed five hundred dollars per year, renewable each year. State agency providers are exempt from payment. Each fee shall be deposited into the Responsible Alcohol Server Training Fund to assist in the costs associated with implementation and enforcement of the provisions of this chapter.

(B) The fund is a revolving fund and no funds deposited therein shall revert to the general fund of the state treasury.

(C) The department, with the assistance of the division, shall, on or before the second Tuesday of each year, make a report of all income and expenditures made from the Responsible Alcohol Server Training Fund as of December thirty-one of the previous year. A copy of the report shall be given to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, placed on the websites of the department and the division, and recorded in the journals of each body of the General Assembly at the beginning of each legislative year.

Section 61-3-150. (A)(1) The department shall issue an alcohol server certificate to each applicant that completes an approved responsible alcohol server training program or a recertification program and who provides other information as may be required by the

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department, in an application form that is available on the department's website. A person must apply for an alcohol server certificate within six months of completing a program. The department, if circumstances warrant the issuance of a temporary server certificate, may issue a temporary server certificate that is valid for a period of not more than thirty calendar days.

(2) The department, in collaboration with DAODAS and the division, may issue an alcohol server certificate to an individual from out-of-state, who applies for an alcohol server certificate, if the individual has an alcohol server certificate from a nationally recognized or comparable state recognized alcohol server certification program that the department, DAODAS, and the division find meets or exceeds the programs offered in this State.

(B) Alcohol server certificates shall not be issued to graduates of programs that are not approved by the department.

(C) An alcohol server certificate is the property of the individual to whom it is issued, and is transferrable among employers.

(D) Alcohol server certificates are valid for a period of five years from the date that the alcohol server certificate was issued. After the five-year period, a new or recertified alcohol server certificate must be obtained pursuant to the provisions of this chapter in order for the holder to be employed as a server.

(E) Upon expiration of an alcohol server certificate, the individual to whom the alcohol server certificate was issued may obtain recertification in accordance with regulations promulgated by the department and approved by the General Assembly.

(F) The department shall charge a fee, not to exceed fifteen dollars, for the issuance and renewal of an alcohol server certificate. These fees shall be deposited in the Responsible Alcohol Server Training Fund.

Section 61-3-160. (A) In addition to civil and criminal penalties available for violations of provisions of Title 61, the following fines and penalties may be imposed upon an alcohol server who violates the provisions of this chapter:

(1) for a first offense, upon a final administrative determination, a fine of not more than fifty dollars, or the suspension of the certificate of the alcohol server certificate for a period not to exceed thirty days, or both;

(2) for a second offense not related to the first offense, upon a final administrative determination, a fine of not more than two hundred dollars, or the suspension of the certificate of the alcohol server for a period not to exceed six months, or both; and

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(3) for a third or subsequent offense, not related to earlier offenses, upon a final administrative determination, a fine of not more than three hundred fifty dollars, or a suspension of not more than one calendar year, or both.

(B) Fines collected pursuant to this chapter shall be deposited in the Responsible Alcohol Server Training Fund.

(C) The department may issue an administrative order to suspend or revoke the certificate of an alcohol server who repeatedly violates the provisions of this chapter within a three-year period of time. In lieu of suspension or revocation of an alcohol server certificate, the department may require that the individual who has violated the provisions of this chapter attend and successfully complete either the full program or a recertification program.

(D) An individual whose alcohol server certificate is suspended or revoked is prohibited from serving in a South Carolina business permitted or licensed pursuant to Title 61 for such period as stated in the suspension or revocation order, and until the individual obtains a new alcohol server certificate pursuant to the provisions of this chapter. The department shall make the information on suspended or revoked alcohol server certificates accessible for licensees and permittees to verify when necessary.

(E) The provisions of this chapter shall not be interpreted to waive the liability of a permittee or licensee that may arise pursuant to the provisions of Title 61.

Section 61-3-170. As a requirement for application or renewal of a permit or license for on-premises consumption under Chapter 4, Title 61 or Chapter 6, Title 61, a permittee or licensee for on-premises consumption must submit to the department proof that the permittee or licensee, if applicable, and each manager and alcohol server employed by the permittee or licensee during the upcoming or prior permit or license period have or have held valid alcohol server certificates at all times that alcoholic beverages were sold, served, or dispensed.

Section 61-3-180. The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61-2-260 and the South Carolina Administrative Procedures Act.”

SECTION \_\_. Section 61-2-60 of the 1976 Code is amended to read:

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“Section 61-2-60. The department and the division are authorized to promulgate regulations necessary to carry out the duties imposed upon them by law for the proper administration and enforcement of, and consistent with this title including, but not limited to:

- (1) regulations for the application and issuance of alcoholic liquor licenses, permits, and certificates;
- (2) regulations to prevent the unlawful manufacture, bottling, sale, distribution, transportation, and importation of alcoholic liquors;
- (3) regulations necessary to effect an equitable distribution of alcoholic liquors in this State;
- (4) regulations for the analysis of alcoholic liquors sold in this State and for a procedure for obtaining the samples for this purpose;
- (5) regulations governing the administration and enforcement of provisions relating to producers and wholesalers of beer and wine;
- (6) regulations for application for and issuance of beer licenses, permits, or brewers’ certificates of approval and the sale, distribution, promotion, and shipment of beer into and within the State;
- (7) regulations for the operation of breweries and commercial wineries; ~~and~~
- (8) regulations governing the enforcement of provisions relating to brewpubs; ~~and~~
- (9) regulations governing the development, implementation, education, and enforcement of responsible alcohol server training provisions.”

SECTION \_\_. Section 61-4-50 of the 1976 Code is amended to read:

“Section 61-4-50. (A) It is unlawful for a person to sell beer, ale, porter, wine, or other similar malt or fermented beverage to a person under twenty-one years of age. A person who makes a sale in violation of this section, upon conviction:

- (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and
- (2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.

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(B) Failure of a person to require identification to verify a person's age is prima facie evidence of the violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate ~~also~~ is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed fifty dollars. A person who violates the provisions of this section and who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61, and to obtain a new alcohol server certificate."

SECTION \_\_. Section 61-4-90(A) of the 1976 Code is amended to read:

"(A) It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of beer or wine in the State, unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer and wine to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction."

SECTION \_\_. Section 61-4-580 of the 1976 Code is amended to read:

"Section 61-4-580. (A) No holder of a permit authorizing the sale of beer or wine or a servant, agent, or employee of the permittee may knowingly commit any of the following acts upon the licensed premises covered by the holder's permit:

- (1) sell beer or wine to a person under twenty-one years of age;
- (2) sell beer or wine to an intoxicated person;
- (3) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the

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elements of chance and prize are present and which comply with the following:

(a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;

(b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize;

(c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation; and

(d) this subsection is not an exception or limitation to Section 12-21-2710 or other provisions of the South Carolina Code of Laws in which gambling or games of chance are unlawful and prohibited;

(4) permit lewd, immoral, or improper entertainment, conduct, or practices. This includes, but is not limited to, entertainment, conduct, or practices where a person is in a state of undress so as to expose the human male or female genitals, pubic area, or buttocks cavity with less than a full opaque covering;

(5) permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under the laws of this State;

(6) sell, offer for sale, or possess any beverage or alcoholic liquors the sale or possession of which is prohibited on the licensed premises under the laws of this State;

(7) conduct, operate, organize, promote, advertise, run, or participate in a 'drinking contest' or 'drinking game'. For purposes of this item, 'drinking contest' or 'drinking game' includes, but is not limited to, a contest, game, event, or other endeavor which encourages or promotes the consumption of beer or wine by participants at extraordinary speed or in increased quantities or in more potent form. 'Drinking contest' or 'drinking game' does not include a contest, game, event, or endeavor in which beer or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize. ~~Selling beer or wine in the regular course of business is not considered a violation of this section; or~~

(B) Selling beer or wine in the regular course of business is not considered a violation of this section. ~~– A~~ A violation of any provision of this section is a ground for the revocation or suspension of the holder's permit to sell beer or wine.



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(C) If the permittee, servant, agent, or employee of the permittee holds an alcohol server permit, and violates the provisions of items (A)(1) or (A)(2), upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.”

SECTION \_\_. Section 61-6-2220 of the 1976 Code is amended to read:

“Section 61-6-2220. A person or establishment licensed to sell alcoholic liquors or liquor by the drink pursuant to this article ~~may~~ shall not sell these beverages to persons in an intoxicated condition; these sales are considered violations of the provisions ~~thereof~~ of Chapter 6, Title 61 and subject to the penalties contained herein. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.”

SECTION \_\_. Section 61-6-4070(A) of the 1976 Code is amended to read:

“(A)It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of alcoholic liquors in the State unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person’s compliance with laws relating to the unlawful transfer or sale of

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alcoholic liquors to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.”

SECTION \_\_. Section 61-6-4080 of the 1976 Code is amended to read:

“Section 61-6-4080. (A) A person engaged in the sale of alcoholic liquors who knowingly sells the alcoholic liquors to a person under the age of twenty-one is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.

(B) Failure of a person to require identification to verify a person’s age is prima facie evidence of a violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate ~~also~~ is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed fifty dollars. A person who violates the provisions of this section and who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61, and to obtain a new alcohol server certificate.”

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SECTION \_\_. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of Chapter 3, Title 61 of the 1976 Code as added by this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the chapter, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

SECTION \_\_. The State, through the South Carolina Department of Alcohol and Other Drug Abuse Services, shall provide alcohol server training at minimal costs to any participant for the first three years after the effective date of this act. The alcohol education training shall meet or exceed the requirements of Section 61-3-130 of this act. It shall be provided quarterly at no fewer than seven locations across the State. An individual who completes this training successfully is eligible to apply for the alcohol server certificate pursuant to the requirements of Section 61-3-150 of this act.

SECTION \_\_. The provisions of Chapter 3, Title 61 and SECTION 3 take effect upon signature of the Governor, but the implementation and enforcement of the provisions of Chapter 3, Title 61 and the provisions in SECTIONS 4, 5, 6, 7, 8, and 9 become effective one year after the signature of the Governor. A person applying for a new permit or license under Title 61 one year after the signature of the Governor must comply with all provisions of this act at the time of the application. A person renewing a permit or license under Title 61 one year after the signature

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of the Governor must comply with the provisions of this act at the time of the renewal. /

Re-number sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator SENN proposed the following amendment (JUD3139.012), which was ruled out of order:

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 o’clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain 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 for with a limit of at least \$600,000 if the permittee or licensee is a governmental entity or total coverage of at least one million dollars during the period of the biennial permit or license if the permittee or licensee is not a governmental entity.

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

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

The amendment was ruled Out of Order.

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

[SJ]

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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 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.” /

Re-number sections to conform.

Amend title to conform.

The amendment was withdrawn.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 2**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod

[SJ]

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Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--43**

**NAYS**

Corbin	Rice
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**Total--2**

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

**AMENDMENT PROPOSED, READ THE SECOND TIME**

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

[SJ]

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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.

Senator MARGIE B. MATTHEWS proposed the following amendment (JUD4479.005), which was withdrawn:

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

/ council.

(I) Any finding as to the use of excessive force by a law enforcement officer must be reported to the Academy by the appropriate law enforcement agency or department within thirty days.

(J) If an officer with an allegation of misconduct is found not guilty or not at-fault, the records of the misconduct allegation must be expunged by the Council within thirty days.” /

Re-number sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator SENN proposed the following amendment (JUD4479.004):

Amend the bill, as and if amended, by striking SECTION 2 beginning on page 2, line 16 and ending on page 4, line 3 and inserting:

/ SECTION 2. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23-23-150. (A) For purposes of this section:

(1) ‘the Academy’ means the South Carolina Criminal Justice Academy,

(2) ‘the Council’ means the Law Enforcement Training Council, and

(3) ‘misconduct’ means:

(a) a conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral

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turpitude, any of which were committed in this State or any other jurisdiction;

(b) the unlawful use of a controlled substance;

(c) the repeated use of excessive force in dealing with the public or prisoners;

(d) dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;

(e) the physical or psychological abuse of members of the public or prisoners;

(f) the misrepresentation of employment-related information;

(g) willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State;

(h) willfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;

(i) willfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

(j) the falsification of any application for certification and training based upon which the officer was admitted for training; or

(k) providing false information to the Criminal Justice Academy.

(B) The sheriff or the chief executive officer of a law enforcement agency or department within the State must report to the Academy the occurrence of any act or multiple acts of misconduct by a law enforcement officer which could result in the withdrawal of the certification of the law enforcement officer who is currently or was last employed by his agency. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the Council. A willful failure to report information related to acts of misconduct shall subject the violator to a civil penalty as provided by the Council.

(C) A person against whom an allegation of misconduct has been received by the Academy shall be notified of the allegation of misconduct and his right to a contested case hearing, either by delivering a copy of the allegation personally or by leaving a copy of the allegation



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at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.

(D) A person against whom an allegation of misconduct has been received by the Academy may request a contested case hearing. The request must be made within one year after receipt of the allegation of misconduct and the service of the allegation on the officer, whichever is later. A person who fails to request a contested case hearing within the time allowed shall be deemed to have waived his right to a contested case hearing. The Law Enforcement Training Council shall proceed to enter a final agency decision to deny the person his law enforcement certification or telecommunications certification for a specified time period, up to a permanent denial. Hearings must be scheduled and conducted expeditiously and efficiently, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The Academy shall schedule a contested hearing within sixty days of receiving a request for a hearing, however, a continuance may be granted for cause.

(E) The parties must be sent, via certified mail, or electronically if requested, a copy of the hearing officer's recommendation to the full Law Enforcement Training Council. Either party who opposes the recommendation may file a motion in opposition of the hearing officer's recommendation but must do so within fifteen working days of receipt. Another party may file a response to the motion in opposition but must do so within ten working days of the receipt of the motion in opposition. These motions shall be submitted to the full Law Enforcement Training Council, along with the recommendation, hearing transcript, and exhibits. The Council may schedule oral arguments for the next quarterly scheduled meeting. After reviewing the motions, recommendation, hearing transcript, and exhibits, the council may vote and issue a final agency decision at any time other than at a quarterly or special meeting.

(F) The Council must not accept an allegation of law enforcement certification misconduct in an original personnel change in status form, amended form, or any other form more than thirty days after the officer's separation from an agency, unless extenuating circumstances exist, as determined by the Council.

(G) No person who has a pending allegation of misconduct filed against him pursuant to Subsection (B) by a law enforcement agency with the Criminal Justice Academy may be employed as a law enforcement officer or as a telecommunications operator; have the authority of a law enforcement officer; perform any duties of a law

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enforcement officer, including those duties involving the control and direction of members of the public, detainees, or prisoners; or exercise the power of arrest until:

(1) the Council has issued a final agency decision that the person may be granted certification, be granted certification with probation, be granted certification with any additional requirements deemed just and proper by the Council, or be granted certification with a public reprimand; or

(2) an appellate court issues a ruling that the Law Enforcement Training Council shall issue the person his law enforcement certification or telecommunications certification and the Law Enforcement Training Council or Criminal Justice Academy has not appealed the ruling.

(H) A law enforcement candidate, law enforcement officer, or telecommunications operator must keep the Academy informed of his current address and must notify the Academy of any change of address within thirty days.

(I) All information submitted by a law enforcement agency or department to the Criminal Justice Academy related to the separation of a law enforcement officer must be submitted by a certified law enforcement officer from the agency or department.

(J) In addition to other actions outlined in regulations promulgated by the Law Enforcement Training Council, willful submission of false, misleading, incomplete, deceitful, or incorrect statements to the Criminal Justice Academy, or its representatives, constitutes law enforcement certification misconduct and must be addressed as other allegations of misconduct are addressed by the council.” /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

**Motion Under Rule 26B**

Senator HEMBREE asked unanimous consent to make a motion to carry over the amendment, give the Bill second reading and take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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

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**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 3820 -- Reprs. Fry, Bedingfield, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Hamilton, Elliott, Jordan, B. Newton, Martin, Erickson, Lowe, Atwater, Willis, Jefferson, W. Newton, Thigpen, Bennett, Crosby, Long, Putnam, Cogswell, Henderson-Myers and Govan: A BILL TO AMEND SECTION 59-32-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC SCHOOL COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO REQUIRE CERTAIN INSTRUCTION IN PRESCRIPTION OPIOID ABUSE PREVENTION IN GRADES NINE THROUGH TWELVE BEGINNING WITH THE 2017-2018 SCHOOL YEAR.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\3820C002.AGM.WAB18), which was adopted:

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

/ SECTION 1. Article 1, Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59-103-155. Any public or private institution of higher education in the State from which a student may earn a degree in a health care profession that allows the person to prescribe controlled substances listed in Schedules II, III, and IV in the State shall require for those programs that students complete coursework on the prescription and monitoring of Schedule II, III, and IV controlled substances, including coursework on the prescription of Schedule II controlled substances to treat or manage pain, and strategies that can be employed to recognize signs of and reduce the likelihood of patient addiction. These institutions of higher education shall coordinate with the state’s Commission on Higher Education, Board of Medical Examiners, Board of Dentistry, and Board of Nursing to develop the curriculum.”

SECTION 2. Section 59-32-20 of the 1976 Code is amended to read:

“Section 59-32-20. (A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make

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available information about other programs developed by other states upon request of a local school district.

(B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year-old kindergarten through twelfth grade.

(C) Before August 1, 2017, and through the cyclical review process, the board shall include instruction on alcohol and prescription drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between opioid abuse and addiction to other drugs, such as heroin, in the health standards. In addition, the board shall make available to districts a list of instructional materials that meet state standards. Districts shall continue to adopt or develop curriculum locally.”

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

Senator HEMBREE explained the committee amendment.

The amendment was adopted.

The question then being the second reading of the Bill.

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

**Motion Under Rule 26B**

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

There was no objection.

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

H. 5042 -- Reps. Felder and Allison: A BILL TO AMEND SECTION 59-20-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE PROGRAM FOR IDENTIFYING PUBLIC SCHOOL DISTRICT FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT CAN COMPROMISE THE FISCAL INTEGRITY OF THE DISTRICTS AND FOR ADVISING

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**THE DISTRICTS ON APPROPRIATE CORRECTIVE ACTIONS, SO AS TO REVISE RELATED PROCEDURES.**

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\5042C003.AGM.WAB18), which was adopted:

Amend the bill, as and if amended, Section 59-20-90(C), as contained in SECTION 1, by deleting the subsection in its entirety and inserting:

/ (C) 'Fiscal watch' is the first level and lowest level of concern.

(1)(a) The State Superintendent of Education shall declare fiscal watch if:

~~(ai) he determines, within his discretion, that a district declared to be in fiscal watch has not acted reasonably to eliminate or correct practices or conditions that prompted the declaration and has determined that a state of fiscal watch is necessary to prevent further decline; and upon review of the district's annual audit, the department determines financial practices occurring outside of acceptable accounting standards exist;~~

~~(ii) the district submits an annual audit more than sixty days after the December first deadline provided in Section 59-17-100;~~

~~(biii) there is any type of ongoing, related investigation by any state or federal law enforcement agency or any other investigatory agency of the State;~~

~~(iv) an outside, independent auditing firm declares that a school district's financial records are unauditible; or~~

~~(v) the department identifies significant deficiencies, material weaknesses, direct and material legal noncompliance, or management letter comments which, in the opinion of the department, the aggregate effect of the reported issues has, or could have, a significant effect on the financial condition of the district.~~

~~(b) If a district meets the criteria in (A), the State Superintendent shall declare a fiscal watch only after prior notification with the district board chairman and district superintendent, who must begin immediate consultation with the chief financial officer of the district. The watch notification must include steps the district may take to avoid the declaration.~~

~~(2) After prior written notification with the district board chairman and superintendent, the State Superintendent of Education may declare fiscal watch if:~~

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(a) an independent, outside auditing firm notifies the department that the district is not operating under generally accepted accounting principles; or

(b) the district does not maintain a general reserve fund of at least one month of general fund operating expenditures of the previous two completed fiscal years, or has not made progress in increasing the general reserve fund balance in accordance with department guidelines to meet at least one month of general fund operating expenditures within the previous two completed fiscal years.

(3)(a) Within sixty days after the State Superintendent of Education declares a fiscal watch for a district, the district board shall submit a financial recovery plan to the department.

(b) The State Superintendent shall evaluate and accept or reject the plan within thirty days after receipt of the financial recovery plan. If he disapproves the plan, he shall recommend modifications that would make the plan acceptable.

(c) A district shall not implement a recovery plan unless approved by the State Superintendent.

(d) The department shall provide technical assistance.

(e) The district board may amend the plan at any time with the State Superintendent's approval.

(f) The district board shall submit an updated recovery plan annually until the district is released from the fiscal watch.

(g) The State Superintendent shall accept or reject an updated plan no later than the anniversary of the date on which the first plan was approved.

(4) A district under a declaration of fiscal watch must not be released from fiscal watch in the same fiscal year in which the declaration was made, but may be released the following fiscal year if the department determines that the corrective actions have been or are being successfully implemented. The State Superintendent shall notify the local board chairman, district superintendent, and chief financial officer of the release of the district from fiscal watch.

(5) The district board of trustees may appeal a declaration of a fiscal watch to the State Board of Education within ten days ~~of~~ after the declaration and the state board must hold a hearing on the appeal within thirty days after the filing of the appeal or at the next regularly scheduled State Board of Education meeting, whichever is later. However, the district shall continue to work with the department in the manner provided by this subsection when a fiscal watch is declared pending determination of the appeal. /

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Renumber sections to conform.  
Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator SHEHEEN proposed the following amendment (WAB\5042C005.AGM.WAB18), which was adopted:

Amend the bill, as and if amended, Section 59-20-90, as contained in SECTION 1, by adding an appropriately lettered subsection to read:

/ ( ) A school district or charter sponsor involved in restructuring or the transfer of a school under its governance to another district or charter sponsor shall:

(1) deliver complete replicas of the student information system to the State Department of Education no later than June thirtieth of the year of transfer; and

(2) maintain updated assessment records and deliver these updated assessments records to the department, or the district or charter sponsor where students are currently assigned, no later than July thirtieth of the year of transfer. /

Renumber sections to conform.  
Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (5042R001.SP.SRM), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking subsection (H) and inserting:

/ (H) The requirements to place a district on fiscal watch, caution, or emergency must be suspended for the two fiscal years following any state-implemented midyear budget cut, if

(1) the district fails to maintain a general reserve fund of at least one month of general fund operating expenditures;

(2) the State continues to fund at the current base student cost;

(3) the State reduces the base student cost below the appropriation provided in the previous fiscal year; or

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(4) the State increases the base student cost appropriation provided in the previous fiscal year but the increase is less than the previous fiscal year's appropriation as adjusted by the Consumer Price Index."/

Re-number sections to conform.  
Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

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



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**READ THE SECOND TIME**

H. 5063 -- Reps. Funderburk and Erickson: A BILL TO AMEND SECTION 44-1-143, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE RIGHT OF HOME-BASED FOOD PRODUCTION OPERATIONS TO APPLY FOR REGULATORY EXEMPTIONS FROM THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE, SO AS TO REFLECT THAT THE DEPARTMENT OF AGRICULTURE DOES NOT HAVE REGULATORY AUTHORITY OVER HOME-BASED FOOD PRODUCTION OPERATIONS.

The Senate proceeded to a consideration of the Bill.

Senator WILLIAMS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 3068 -- Reps. J.E. Smith and Clyburn: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT ATHLETES, SO AS TO ENACT THE "UNIFORM ATHLETE AGENTS ACT OF 2017", TO ADOPT THE INTERSTATE COMPACT FOR REGISTRATION OF STUDENT ATHLETE AGENTS AND MAKE NECESSARY CONFORMING CHANGES, TO REVISE VARIOUS PROVISIONS IN CONSIDERATION OF THE EXPANDED IMPACT OF SOCIAL MEDIA ON THE SOLICITATION AND RECRUITMENT OF STUDENT ATHLETES BY ATHLETE AGENTS, TO REVISE REQUIREMENTS REGARDING THE ESTABLISHMENT OF RELATIONSHIPS BETWEEN STUDENT ATHLETES AND ATHLETE AGENTS, AND TO REVISE VARIOUS AVAILABLE REMEDIES, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\3068C001.AGM.WAB18), which was adopted:

Amend the bill, as and if amended, Section 59-102-10, as contained in SECTION 1, page 1, lines 37-38, by deleting the section in its entirety and inserting:

/ Section 59-102-10. This chapter may be cited as the 'Uniform Athlete Agents Act of ~~2004~~ 2018'. /

Amend the bill further, Section 59-102-30, as contained in SECTION 1, pages 4-5, by adding an appropriately lettered subsection at the end to read:

/ ( ) All funds collected by the department pursuant to this chapter may be retained by the department and used to implement the provisions of this chapter. /

Re-number sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

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The amendment was adopted.

The question being the second reading of the Bill.

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

**Motion Under Rule 26B**

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

There was no objection.

**READ THE SECOND TIME**

H. 4715 -- Reps. Kirby, Ott, Hiott, Hixon, Chumley, Burns, Johnson, Duckworth, Wheeler, Dillard, Forrest and Atkinson: A BILL TO AMEND SECTION 50-23-11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT DEALER DEMONSTRATION NUMBERS, SO AS TO PROVIDE FOR A THIRTY-DOLLAR APPLICATION FEE, TO PROVIDE FOR THE EXPIRATION OF DEMONSTRATION NUMBERS, AND TO PROVIDE FOR THE USE OF FEE REVENUE; TO AMEND SECTION 50-23-70, AS AMENDED, RELATING TO MOTORCRAFT CERTIFICATE OF NUMBER FEES AND DECALS, SO AS TO PROHIBIT THE DEPARTMENT OF NATURAL RESOURCES FROM ISSUING DUPLICATE DECALS WHEN AD VALOREM TAXES ARE OUTSTANDING; TO AMEND SECTION 50-23-340, RELATING TO THE APPLICATION FEE FOR WATERCRAFT CERTIFICATE OF NUMBERS, SO AS TO REDUCE THE FEE TO TEN DOLLARS; TO AMEND SECTION 50-23-345, AS AMENDED, RELATING TO TEMPORARY WATERCRAFT CERTIFICATE OF NUMBERS, SO AS TO PROVIDE A CERTIFICATE OF NUMBER MAY NOT BE ISSUED UNTIL AD VALOREM TAXES ARE PAID FOR THE YEAR IN WHICH THE CERTIFICATE IS ISSUED; TO AMEND SECTION 50-23-370, AS AMENDED, RELATING TO THE EXPIRATION AND RENEWAL OF WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO PROVIDE FOR THE ISSUANCE OF RENEWAL NOTICES AND PROCESSING OF RENEWALS BY COUNTY AUDITORS, AND TO MAKE RENEWALS ANNUAL INSTEAD OF EVERY THREE YEARS, AND TO PROVIDE FOR THE IMPLEMENTATION OF THESE PROVISIONS OVER A THREE-YEAR PERIOD; BY

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ADDING SECTION 50-23-12 SO AS TO REQUIRE THE COMPLETION OF CERTAIN CHANGE IN STATUS FORMS FOR WATERCRAFT AND OUTBOARD MOTOR TRADE-INS; BY ADDING SECTION 50-23-35 SO AS TO PROVIDE FOR THE ISSUANCE OF WATERCRAFT TITLES UPON PROVIDING EVIDENCE OF AD VALOREM TAX PAYMENT, AND TO PROVIDE EXCEPTIONS; AND BY ADDING ARTICLE 26 TO CHAPTER 37, TITLE 12 SO AS TO PROVIDE PROCEDURES CONCERNING ASSESSMENTS AND PAYMENTS FOR PROPERTY TAXATION OF BOATS AND WATERCRAFT AND THE ISSUANCE OF CERTIFICATES OF NUMBER FOR BOATS AND WATERCRAFT.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

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**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 4810 -- Reps. Gilliard, Williams, Hosey, Jefferson, Cobb-Hunter, Henegan, Ott, King, Govan, Howard, Pendarvis, Brown, Huggins, Ballentine, Henderson-Myers, W. Newton, McCoy, Hewitt, Stavrinakis, Bannister and Herbkersman: A JOINT RESOLUTION TO CREATE THE "SCHOOL METAL DETECTOR STUDY COMMITTEE" TO STUDY WHETHER IT IS IN THE PUBLIC INTEREST TO REQUIRE THE INSTALLATION AND USE OF METAL DETECTORS AT PUBLIC SCHOOLS IN THIS STATE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, AND TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY.

The Senate proceeded to a consideration of the Resolution.

The Committee on Education proposed the following amendment (CZ\4810C002.NBD.CZ18), which was adopted:

Amend the joint resolution, as and if amended, SECTION 1, by striking (B) and inserting:

/ (B) The study committee must be comprised of three members of the Senate appointed by the Chairman of the Senate Education Committee, three members of the House of Representatives appointed by the Chairman of the House Education and Public Works Committee, one member with a background as a school safety and security director appointed by the State Superintendent of Education, and one member with a background in law enforcement appointed by the State Superintendent of Education. The Senate and the House of Representatives members with the greatest seniority in their respective bodies shall serve as co-chairs. Vacancies in the study committee's membership must be filled for the remainder of the unexpired term in the manner of the original appointment. /

Amend further, SECTION 1, by striking (D) and inserting:

/ (D) The study committee shall make a report of its recommendations to the General Assembly no later than December 1, 2018, at which time the study committee is dissolved. /

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Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Resolution.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT WITHDRAWN**

**READ THE SECOND TIME**

H. 4875 -- Reps. Ott and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4

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TO TITLE 50 SO AS TO ENACT THE “SOUTH CAROLINA SOLAR HABITAT ACT” TO ESTABLISH VOLUNTARY SOLAR BEST-MANAGEMENT PRACTICES FOR COMMERCIAL SOLAR ENERGY GENERATION SITES, TO ESTABLISH A NATIVE VEGETATION HABITAT AND POLLINATOR MANAGEMENT PLAN TO BE USED AS TECHNICAL GUIDANCE FOR THE PURPOSES OF THIS ACT, AND TO PROVIDE THAT CERTIFICATES OF COMPLIANCE MAY BE ISSUED TO ENTITIES THAT MEET SOLAR SITE GUIDELINES ESTABLISHED PURSUANT TO THIS ACT.

The Senate proceeded to a consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (4875R001.DR.DBV), which was withdrawn:

Amend the bill, as and if amended, page 2, by striking lines 2 through 19 and inserting:

/ Section 50-4-30. (A) The department, working in conjunction with Clemson Public Service and Agriculture, other state agencies, and nonprofit conservation organizations, shall establish a native plant habitat and pollinator management plan to be used as technical guidance for the purposes of this section.

(B) The owner of a solar energy generation site implementing solar site management practices under this section may claim that the site increases habitat value by providing benefits to gamebirds, songbirds, pollinators, small mammals, and other wildlife only if the site adheres to guidance set forth by the native plant habitat and pollinator management plan provided by the department or any other gamebird, songbird, or pollinator foraging friendly vegetation standard established by the department or its designee. An owner wishing to claim that his site increases habitat value must make the site’s native plant habitat and pollinator management plan available to the public.

(C) The department or its designee may issue a certificate of compliance to the owner of a solar energy generation site meeting the plan guidelines, which the owner may use to promote his compliance with the plan.” /

Re-number sections to conform.

Amend title to conform.

Senator WILLIAMS explained the Bill.

The amendment was withdrawn.

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The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

**Motion Under Rule 26B**

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

There was no objection.

**READ THE SECOND TIME**

H. 5152 -- Reps. V.S. Moss and Hixon: A BILL TO AMEND SECTION 39-22-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IDENTIFICATION TAGS PLACED ON COTTON BALES STORED IN A WAREHOUSE OPERATED



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UNDER THE STATE WAREHOUSE SYSTEM, SO AS TO PROVIDE ADDITIONAL TYPES OF IDENTIFICATION NUMBERS, TAGS, AND STICKERS THAT THE WAREHOUSE MAY UTILIZE.

The Senate proceeded to a consideration of the Bill.

Senator WILLIAMS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**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. 3846 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 40-59-260, CODE OF LAWS OF SOUTH CAROLINA, 1976,

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (3846R001.DR.3846), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety.

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

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Sheheen  
Verdin

Talley  
Williams

Timmons  
Young

**Total--42**

**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. 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.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Motion Under Rule 26B**

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

There was no objection.

**READ THE SECOND TIME**

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

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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 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

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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 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".

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

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**Total--42**

**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. 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 EXEMPTION FOR SPEECH-PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY THE FEDERAL GOVERNMENT

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (4815R001.DR.TCA), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 22 and inserting:

/ “Section 40-67-75. A speech-language pathology assistant may /

Amend the bill further, as and if amended, by striking SECTION 4 in its entirety.

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator ALEXANDER proposed the following amendment (4815R002.DR.TCA), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 25 and inserting:

/pathologist supervising a speech-language pathology assistant may /

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

**Motion Under Rule 26B**

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

There was no objection.

**READ THE SECOND TIME**

H. 4676 -- Reps. Collins and Felder: A BILL TO AMEND SECTIONS 56-1-50, AS AMENDED, 56-1-125, 56-1-175, AS AMENDED, AND 56-1-180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A BEGINNER'S PERMIT, A CONDITIONAL DRIVER'S LICENSE,



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AND A SPECIAL RESTRICTED DRIVER'S LICENSE, AND THE REQUIREMENT THAT CERTAIN INDIVIDUALS MUST REGISTER WITH THE UNITED STATES SELECTIVE SERVICE, ALL SO AS TO REVISE CERTAIN TERMS.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**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. 4466 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-2-3110 SO AS TO PROVIDE THAT A COUNTY MAY ADOPT AN ORDINANCE THAT REGULATES THE OPERATION OF CERTAIN UNLICENSED VEHICLES UPON THE PUBLIC STREETS AND HIGHWAYS WITHIN ITS JURISDICTION WHEN THE VEHICLES ARE OFFERED TO THE PUBLIC FOR RENTAL ON A DAILY, WEEKLY, OR MONTHLY BASIS, AND TO PROVIDE THAT MUNICIPALITIES MAY ADOPT A SIMILAR ORDINANCE IN THE ABSENCE OF COUNTY ORDINANCES.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

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Total--0

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

**Motion Under Rule 26B**

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

There was no objection.

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

H. 4973 -- Reps. Bales, Taylor, Brown, Hosey, Simrill, Hixon, Blackwell and Young: A BILL TO AMEND SECTION 56-3-2150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL LICENSE PLATES ISSUED TO CERTAIN CURRENT AND RETIRED PUBLIC OFFICIALS, SO AS TO PROVIDE THAT TWO SPECIAL LICENSE PLATES MAY BE ISSUED TO EACH OF THESE OFFICIALS, AND THAT A SPECIAL LICENSE PLATE ISSUED TO A MEMBER OF THE GENERAL ASSEMBLY WHO IS RECEIVING RETIREMENT BENEFITS MUST CONTAIN THE SEAL IMPRINTED ON SPECIAL LICENSE PLATES ISSUED TO CURRENT MEMBERS OF THE GENERAL ASSEMBLY.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (4973R001.DR.LKG), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 8 through 11 and inserting:

/plates. These license plates must be issued or /

Amend the bill further, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION \_\_. Section 56-3-2350 of the 1976 Code is amended to read:

“Section 56-3-2350. (A) For purposes of this section ‘financial institution’ means a supervised financial organization as defined in Section 37-1-301(27) or a supervised lender as defined in Section 37-3-501(2).

(B) A financial institution engaged in the business of repossessing vehicles or accepting voluntary repossession or relinquishment of

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vehicles for which the financial institution has exercised rights under a valid security agreement or lien may apply for special registration only for the purpose of repossession of such vehicles; acceptance of voluntary repossession or reclamation of such vehicles; transport of such vehicles to locations of repair, cleaning, or reconditioning; storage of such vehicles; or demonstration of such vehicles for purposes of potential resale. Transporter plates must not be used to operate wreckers or service vehicles. The use of transporter plates for demonstration purposes is limited to prospective purchasers and limited to seven days. The financial institution must provide the prospective purchaser with a dated demonstration certificate approved by the department.

(C) A person engaged in the business of limited operation of motor vehicles to facilitate the movement of vehicles from a manufacturer to a dealer or distributor, or from a railroad terminal yard to a temporary storage facility prior to delivery to a dealer, or for the movement of vehicles to further the construction of cabs or bodies, or in connection with the foreclosure or repossession of these motor vehicles may apply to the Department of Motor Vehicles for special registration to be issued to and used by the person upon the following conditions:

(1) The application must be in a form prescribed by the department to include the applicable liability insurance as prescribed by statute and filed with the department each year. If the applicant is an entity with multiple branches, then an application may be made for each branch, not to exceed two registrations. The application must include the name and residence address of the applicant as follows:

(a) if an individual, the name under which he intends to conduct business;

(b) if a partnership, the name and residence address of each member of the partnership and the name under which the business is to be conducted, and if multiple branches are intended to have registrations, an appropriate identifier for each branch;

(c) if a corporation, the name and company address of the corporation and the name and residence address of ~~each of its officers~~ its responsible officer.

(2) The application must be certified by the applicant and by an agent of the department to verify the facts set forth in the application.

(3) The annual fee for registration is fifty dollars, plus an annual fee of ten dollars for each license plate.

(4) License plates authorized by this section must not be used on vehicles that are loaned, rented, or leased by the licensed ~~transporter~~ registrants to employees or any other individuals.

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(D) All records relating to registration must be open at all reasonable times for inspection and copying by the department or any of its duly authorized agents. The vehicles for which special registrations are issued must be made available to the department or any of its duly authorized agents at the place where the vehicles may be located at the time that the department or any of its duly authorized agents requests an opportunity to inspect them.”

SECTION \_\_. Section 56-3-2370 of the 1976 Code is amended to read:

“Section 56-3-2370. Transporter license plates issued under this article may be transferred from vehicle to vehicle, but shall be used only for the limited operation of vehicles in connection with the manufacture or construction of cabs or bodies or with the foreclosure or repossession of vehicles owned or controlled by the registrant purposes as provided in Section 56-3-2350.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (4973R002.SP.SRM), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 12 and inserting:

/ period. A person who has been investigated by state or local authorities resulting in a resignation or convicted of a crime involving dishonesty or moral /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 26; Nays 17**

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**AYES**

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Hembree	Jackson	Johnson
Leatherman	Martin	<i>Matthews, John</i>
Nicholson	Rankin	Reese
Sabb	Scott	Turner
Verdin	Young	

**Total--26**

**NAYS**

Campsen	Cash	Gregory
Hutto	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Peeler	Rice	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	

**Total--17**

There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

**Statement by Senator SENN**

I want to make clear that my no vote was not intended to be on the amendment regarding not allowing convicted legislators to get tags. It was on the Bill itself and for the reasons I stated earlier in that we should be addressing bills of substance such as VC Summer ahead of vanity tags and turkey art which has taken up time in our day today and time is far too scarce this late in the session.

**Statement by Senator RICE**

I voted against H. 4973 because it provided additional benefits to retired legislators. In this critical time in the legislative year, it is my position that we should not be involved in efforts for benefits of this type. However, I do agree with two amendments that passed and would have supported them separately. The most important of the two amendments would terminate rights of legislators or former legislators convicted of

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crimes. It is important to note that none of us are above the law and in fact a legislator or former legislator should be held to a higher standard.

**AMENDED, READ THE SECOND TIME**

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 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.

The Senate proceeded to a consideration of the Bill.

Senators HUTTO and DAVIS proposed the following amendment (H-3775A), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 5 and inserting:

/ competent jurisdiction. However, a person eighteen years of  
age /

Amend the bill further, page 3, by striking lines 9-20 and inserting:

/ SECTION 2. This act takes effect July 1, 2019 and applies  
only to adoptions finalized after that date. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

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**AYES**

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

**Total--43**

**NAYS**

**Total--0**

There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

**AMENDED, READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

Senator SHEHEEN proposed the following amendment (DG\4698C001.BBM.DG18), which was adopted:



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

/ SECTION \_\_\_\_ . A. Section 9-1-1540(B)(1) of the 1976 Code, as last amended by Act 278 of 2012, is further amended to read:

“(1) Upon the application of a member in service or of the member’s employer received by the system after December 31, 2013, a member in service who has the earned service required for the member’s class pursuant to Section 9-1-1510, or who is disabled as a result of an injury arising out of and in the course of the performance of the member’s duties regardless of length of membership, may be retired by the board if the member is determined to be disabled pursuant to subsection (B)(2) of this section. For purposes of this section, a member is considered to be in service on the date the application is filed if the last day the member was employed by a covered employer in the system occurred not more than ~~ninety days~~ one year before the date of filing and, if the member has retired on a service retirement allowance, the member’s date of retirement occurred not more than ~~ninety days~~ one year before the date of filing.”

B. Section 9-9-65(1) of the 1976 Code, as last amended by Act 162 of 2010, is further amended to read:

“(1) Upon the application of a member in service or of the State, any member in service on or after July 1, 1977, who has five or more years of credited service or any contributing member who is disabled as a result of an injury arising out of and in the course of the performance of his duties regardless of length of membership on or after July 1, 1985, may be retired by the board not less than thirty days nor more than ninety days next following the date of filing the application on a disability retirement allowance if the system, after a medical examination of the member, shall certify that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. For purposes of this section, a member is considered to be in service on the date the application is filed if the member is not retired and the last day the member held office as a member of the General Assembly occurred not more than ~~ninety days~~ prior to one year before the date of filing.”

C. Section 9-11-80(1) of the 1976 Code, as last amended by Act 278 of 2012, is further amended to read:

“(1) On the application of a member in service or the member’s employer, a member who has the years of earned service required for the member’s class pursuant to Section 9-11-60(1) or any contributing member who is disabled as a result of an injury arising out of and in the

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course of the performance of the member's duties regardless of length of membership, may be retired by the retirement board not less than thirty days and not more than nine months next following the date of filing the application on a disability retirement allowance if the system, after a medical examination of the member, certifies that the member is mentally or physically incapacitated for the further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. For purposes of this section, a member is considered to be in service on the date the application is filed if the member is not retired and the last day the member was employed by a covered employer in the system occurred not more than ~~ninety days~~ one year before the date of filing.

The South Carolina Retirement System may contract with the Department of Vocational Rehabilitation to evaluate the medical evidence submitted with the disability application relative to the job being performed and make recommendations to the system. The system may approve a disability retirement subject to the member participating in vocational rehabilitation with the Department of Vocational Rehabilitation. Upon determination by the department that a member retired on disability is able to reenter the job market and work is available, the retirement system may adjust the benefit paid by the system in accordance with Sections 9-1-1580, 9-1-1590, 9-9-60, and 9-11-90."

D. This SECTION takes effect upon approval by the Governor and applies to members who retire after December 31, 2016. A member whose one year deadline has expired or will expire in less than ninety days from the date of the Governor's approval has ninety days from the Governor's approval of this act to file an application for disability retirement. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

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**AYES**

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

**Total--43**

**NAYS**

**Total--0**

There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 4795 -- Reps. 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.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (4795R001.DR.), 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. Section 56-15-10(h) of the 1976 Code is amended to read:

“(h) ‘Dealer’ or ‘motor vehicle dealer’, any person who sells or attempts to effect the sale of any motor vehicle. These terms do not include:

(1) distributors or wholesalers;

(2) receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court;

(3) public officers while performing their official duties;

(4) persons disposing of motor vehicles acquired for their own use and so used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than five motor vehicles in any one calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter;

(5) finance companies or other financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles they own as an incident to payments made under policies of insurance; or

(6) a South Carolina dealer that conducts the auction of investment grade or collector motor vehicles not more than three days per year and that:

(a) has obtained a surety bond in the amount of one million dollars;

(b) provides this service for an entity organized under 501(c)(3) of the Internal Revenue Code;

(c) possesses during the event all vehicle titles unencumbered by liens; and

(d) is responsible for ensuring all taxes are paid and all vehicles have been registered and titled property.

This subitem shall not permit any other temporary retail auctions or any other retail auctions of consignment vehicles.”

SECTION 2. Section 56-15-10 of the 1976 Code is amended by adding appropriately lettered subitems at the end to read:

“( ) ‘Investment grade vehicle’, a motor vehicle not currently sold by a franchised motor vehicle dealer and not in current production with a value that exceeds two hundred fifty thousand dollars.

“( ) ‘Collector motor vehicle’, a motor vehicle that is at least twenty years old.

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( ) 'Charity vehicle', a donated vehicle for which the net proceeds go to charity.

( ) 'Special interest vehicle', a unique vehicle of rarity, originality, unique or special coachwork, or previous ownership of significance that is not or has not been mass produced.'

SECTION 3. This act takes effect upon approval by the Governor./

Re-number sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

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There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

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".

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (H-4799), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 9-13 and inserting:

/ (4) for initial licensure require the applicant to undergo a state criminal record check, supported by fingerprints, by the State Law Enforcement Division (SLED); and a national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal record checks must be reported to the Board for review in accordance with Section 40-1-140. The fees for conducting the criminal record checks shall be borne by the applicant. SLED is authorized to store the prints for notification purposes. /

Amend the bill further, page 4 by striking line 29 and inserting:

/ privilege.

(E) A member state cannot participate in issuing compact privileges until such member state has completed the requirements to implement the state criminal record check, supported by fingerprints, by the State Law Enforcement Division (SLED); and a national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation (FBI) and promulgated all regulations necessary to carry out the requirements of the compact, including but not limited to establishing fees for granting a compact privilege. /

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Amend the bill further, page 8, by striking lines 5-8 and inserting:

/ (5) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact; /

Amend the bill further, page 15, by striking lines 11-16 and inserting:

/ (1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

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**Total--0**

There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Resolution.

Senator DAVIS explained the Resolution.

The question then being second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**



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**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT WITHDRAWN  
READ THE SECOND TIME**

H. 3038 -- Reps. Duckworth, Clemmons, Johnson, Atkinson, Daning and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 42 TO TITLE 40 SO AS TO PROVIDE FOR THE LICENSURE OF LOCKSMITHS; TO DEFINE NECESSARY TERMINOLOGY; TO CREATE THE BOARD OF LOCKSMITHS AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE BOARD; TO REQUIRE APPLICANTS FOR LICENSURE TO SATISFY CERTAIN CRITERIA, COMPLETE WRITTEN TESTING REQUIREMENTS, AND SUBMIT TO FINGERPRINT-BASED NATIONAL CRIMINAL BACKGROUND RECORDS CHECKS; AND TO REQUIRE LOCKSMITHS TO COMPLETE CERTAIN CONTINUING EDUCATION REQUIREMENTS TO MAINTAIN LICENSURE.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (3038R003.DR.TCA), which was withdrawn:

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

/SECTION 1. Title 33 of the 1976 Code is amended by adding:

“CHAPTER 58

Locksmith Registration

Section 33-58-110. For purposes of this chapter:

(1) ‘Lock’ means a mechanical, electromechanical, electronic, or electromagnetic device or similar device, including peripheral hardware, that is designed to control access from one area to another or that is designed to control the use of a device. These devices, if operated by electrical current, shall include both alternating current and direct current low voltage.

(2) ‘Locksmith’ means a person who directly or indirectly engages in the business of rekeying, installing, repairing, opening, or modifying locks or who originates keys for locks.

[SJ]

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Section 33-58-120. (A) In order to safeguard public welfare, health, and property and to promote the public good, a person seeking to provide or to offer to provide locksmith services to the public must submit to the Secretary of State evidence that he is qualified to provide locksmith services and must obtain registration as a locksmith as provided in this chapter. It is unlawful for a person to provide or to offer to provide locksmith services to the public or to use the term or title 'locksmith' unless registered under the provisions of this chapter.

(B) To be qualified for registration as a locksmith in this State, an applicant must:

- (1) be at least eighteen years of age;
- (2) submit an application on forms prescribed by the Secretary of State and a registration fee of fifty dollars; and
- (3) submit to a state criminal record check, supported by fingerprints, by the State Law Enforcement Division and a national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation. The results of the criminal record checks must be reported to the Secretary of State. The applicant is responsible for all costs associated with the criminal record checks.

(C) The Secretary of State may not register a person who:

- (1) is a registered sex offender or is convicted of, pled guilty or nolo contendere to, or been adjudicated delinquent for an offense for which he is required to register as a sex offender as enumerated in Section 23-3-430(C);
- (2) has had a prior license or registration to do business as a locksmith revoked for fraud or misrepresentation;
- (3) has been convicted of a violent crime as defined by Section 16-1-60;
- (4) has been convicted of a felony; or
- (5) has been convicted of a crime of moral turpitude.

(D) The Secretary of State shall issue a registration number and a certificate bearing the registration number providing status as a registered locksmith. A registered locksmith shall, on demand, provide this certificate for inspection at the request of any person seeking locksmith services. A list of registered locksmiths shall also be available on the Secretary of State's website.

(E) The Secretary of State shall revoke the registration of a person registered as a locksmith upon receipt of notice that the person has been convicted of, pled guilty or nolo contendere to, or been adjudicated delinquent for an offense for which he is required to register as a sex offender as enumerated in Section 23-3-430(C) or a violent crime as

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defined in Section 16-1-60. The court in which the person registered as a locksmith is convicted shall notify the Secretary of State within ten days after conviction.

Section 33-58-130. (A) A registration issued under this chapter must be renewed every two years on or before a date set by the Secretary of State upon the payment of a renewal fee of fifty dollars and submittal of an updated criminal background check.

(B) A registered locksmith who promptly renews his registration will receive an updated certificate noting the new two-year-period date and the initial registration date for the locksmith.

(C) If a registered locksmith fails to timely renew his registration, but the registration lapses for less than one year, then the Secretary of State, upon satisfactory explanation by the registered locksmith's failure to renew, may approve the renewal for the appropriate two-year period and note the initial registration date on the certificate.

(D) If a registered locksmith fails to timely renew his registration, and the registration has lapsed for one year or more, then the applicant must reapply for registration. The initial registration date shall not be included on the registration, and the registered locksmith must utilize the new registration date in providing a customer with how long he has been a registered locksmith.

(E) Proceeds from registration and renewal fees shall be retained by the Secretary of State for the administration of this chapter.

Section 33-58-140. Registration is not required to perform any of the following:

(1) the service, install, repair, or rebuild of automotive locks by automotive service dealers if they do not hold themselves out to the public as locksmiths;

(2) the opening of a lock in an emergency situation by police or fire departments if they do not hold themselves out to the public as locksmiths;

(3) the duplication of keys or the sale of locks or other security accessories not prohibited from sale by merchant, retail, or hardware stores if they do not hold themselves out to the public as locksmiths;

(4) the installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling if they do not hold themselves out to the public as locksmiths;

(5) the opening of automotive locks by employees of towing services or repossessioners in the normal course of their duties if they do not hold themselves out to the public as locksmiths; additionally, this chapter does

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not prohibit employees of towing services from opening motor vehicles to be moved without towing if they use the work order form required by this chapter and if the towing service does not hold itself out to the public as a locksmith or locksmith agency by way of yellow page advertisement, through a sign at the facilities of the service, or by any other advertisement;

(6) the practice of locksmithing by a student in the course of study in programs approved by the Secretary of State if the student does not hold himself out to the public as a locksmith;

(7) the service, install, repair, or rebuild of locks by a lock manufacturer or anyone employed by a lock manufacturer if he does not hold himself out to the public as a locksmith;

(8) the provision of a product or service in the practice of locksmithing by a business licensed by the State as a private alarm contractor agency if the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency; or

(9) the service, install, or repair of locks for tenants by a maintenance employee of a property management company at a multifamily residential building if the maintenance employee does not hold himself out to the public as a locksmith.”

SECTION 2. The Secretary of State shall develop the documents necessary for a locksmith to register within six months of the effective date of this act.

SECTION 3. The Secretary of State may promulgate regulations to carry out the provisions of this chapter.

SECTION 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator ALEXANDER proposed the following amendment (3038R004.DR.TCA), which was adopted:

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

/SECTION 1. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 42

Locksmiths

Section 40-42-110. For purposes of this chapter:

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(1) 'Department' means the Department of Labor, Licensing and Regulation.

(2) 'Lock' means a mechanical, electromechanical, electronic, or electromagnetic device or similar device, including peripheral hardware, that is designed to control access from one area to another or that is designed to control the use of a device. These devices, if operated by electrical current, shall include both alternating current and direct current low voltage.

(3) 'Locksmith' means a person who directly or indirectly engages in the business of rekeying, installing, repairing, opening, or modifying locks or who originates keys for locks.

Section 40-42-120. (A)(1) In order to safeguard public welfare, health, and property and to promote the public good, a person seeking to provide or to offer to provide locksmith services to the public must submit to the department evidence that he is qualified to provide locksmith services and must obtain registration as a locksmith as provided in this chapter. The department is responsible for examining the criminal background checks of applicants for registration as locksmiths and investigating complaints and prosecuting violations of this chapter. To be qualified for registration as a locksmith in this State, an applicant must:

- (a) be at least eighteen years of age;
- (b) submit an application on forms prescribed by the department;
- (c) pay a fifty dollar registration fee; and
- (d) submit to a state criminal record check, supported by fingerprints, by the State Law Enforcement Division and a national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation. The applicant is responsible for all costs associated with the criminal record checks.

(2) It is unlawful for a person to provide or to offer to provide locksmith services to the public or to use the term or title 'locksmith' unless registered under the provisions of this chapter.

(B) The department may not register a person who:

(1) is a registered sex offender or is convicted of, pled guilty or nolo contendere to, or has been adjudicated delinquent for an offense for which he is required to register as a sex offender as enumerated in Section 23-3-430(C);

(2) has had a prior license or registration to do business as a locksmith revoked for fraud or misrepresentation;

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(3) has been convicted of a violent crime as defined by Section 16-1-60;

(4) has been convicted of a felony; or

(5) has been convicted of a crime of moral turpitude.

(C) Upon issuing the registration, the department also shall issue a registration number and a photographic identification card indicating the locksmith's name, contact information, status as a registered locksmith, and registration number. A registered locksmith shall, on demand, provide this identification card for inspection at the request of any person to whom he seeks to provide locksmith services.

(D) The department may promulgate regulations to carry out the provisions of this chapter, provided that no regulation relating to continuing education may be promulgated.

Section 40-42-130. (A) A registration issued under this chapter must be renewed every two years on or before a date set by the department upon the payment of a renewal fee of fifty dollars and submittal of an updated criminal background check.

(B) A locksmith who allows his registration to lapse for less than one year by failing to renew the registration in accordance with this section may be reinstated by the department upon satisfactory explanation by the registered locksmith of failure to renew the registration and upon payment of a reinstatement fee and the renewal fee.

(C) If a registration has lapsed for more than two years, then the applicant must reapply for registration. A person who provides locksmith services in this State during the time that his registration is lapsed is engaging in unregistered practice and is subject to penalties provided in this title.

(D) Proceeds from registration and renewal fees shall be retained by the department for the administration of this chapter.

Section 40-42-140. A registration is not required to perform any of the following:

(1) the service, install, repair, or rebuild of automotive locks by automotive service dealers if they do not hold themselves out to the public as locksmiths;

(2) the opening of a lock in an emergency situation by police or fire departments if they do not hold themselves out to the public as locksmiths;

(3) the duplication of keys or the sale of locks or other security accessories not prohibited from sale by the State by merchant, retail, or hardware stores if they do not hold themselves out to the public as locksmiths;

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(4) the installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling if they do not hold themselves out to the public as locksmiths;

(5) the opening of automotive locks by the employees of towing services or repossessioners in the normal course of their duties if they do not hold themselves out to the public as locksmiths; additionally, this chapter does not prohibit employees of towing services from opening motor vehicles to be moved without towing if they use the work order form required by this chapter and if the towing service does not hold itself out to the public as a locksmith or locksmith agency by way of yellow page advertisement, sign at its facilities of the service, or any other advertisement;

(6) the practice of locksmithing by a student in the course of study in programs approved by the department if the student does not hold himself out to the public as a locksmith;

(7) the service, install, repair, or rebuild of locks by a lock manufacturer or anyone employed by a lock manufacturer if he does not hold himself out to the public as a locksmith;

(8) the provision of a product or service in the practice of locksmithing by a business licensed by the State as a private alarm contractor agency if the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency;

(9) the service, install, or repair of locks for tenants at a multifamily residential building by a maintenance employee of the property management company if the maintenance employee does not hold himself out to the public as a locksmith; or

(10) motor club services, as defined in Section 39-61-20(e).”

SECTION 2. The Department of Labor, Licensing and Regulation shall develop the forms necessary for a locksmith to register within six months of the effective date of this act.

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill.

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There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

**Motion Under Rule 26B**

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

There was no objection.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 4980 -- Reps. Tallon, Allison, Long and Forrester: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO REVISE THE MEMBERSHIP OF ITS GOVERNING COMMISSION TO PROVIDE A MEMBER FROM SPARTANBURG COUNTY, AND TO ADD THE "ENOREE BASIN" OF SPARTANBURG COUNTY TO REWA'S SERVICE AREA.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY proposed the following amendment (JUD4980.001), which was adopted:

Amend the bill, as and if amended, by striking lines 23 through 43 on page 2, and by striking lines 1 through 12 on page 3, in SECTION 2, and inserting therein the following:

/ ~~designated in the appointments.~~ (A) Notwithstanding any other provision of law, the governing body of Renewable Water Resources (ReWa), formerly designated the Greenville County Sewer Authority and subsequently redesignated the Western Carolina Regional Sewer Authority, shall consist of a commission composed of eleven members who must be appointed by the Governor upon the recommendation of the legislative delegation of the county from which the member must be appointed. A legislative delegation consists of all House members and Senators representing any portion of a county whose districts also include all or any part of the territory of Renewable Water Resources. For all matters other than appointing members for ReWa, the legislative delegations of Greenville, Anderson, Laurens, and Spartanburg Counties shall act as one entity.

(B) All members of the commission must be residents of the counties from which they are appointed and also must be residents of ReWa's



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territory within their respective counties. All members shall serve at large.

(C) One member must be from Anderson County, one member from Laurens County, and two members from Spartanburg County. Seven members must be from Greenville County.

(1) The Anderson and Laurens County Delegations shall each recommend one member for appointment to the Governor. The initial terms of the members from Anderson County and Laurens County must be designated in the original appointments.

(2) The Spartanburg County Delegation shall recommend for appointment to the Governor two members of the Commission from Spartanburg County. The initial term of the second member from Spartanburg County shall expire on December 1, 2022, and thereafter his successors shall be appointed in the same manner of original appointment for terms of four years each and until their successors are appointed and qualify.” /

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

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Shealy  
Timmons  
Young

Sheheen  
Verdin

Talley  
Williams

**Total--43**

**NAYS**

**Total--0**

There being no further amendments, the Bill as amended, read the third time and ordered returned to the House.

**READ THE SECOND TIME**

H. 5231 -- Reps. Pitts, West and White: A BILL TO AMEND SECTION 50-9-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTRIBUTION OF REVENUES GENERATED FROM THE SALE OF PRIVILEGES TO HUNT AND FISH BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REVISE THE DISTRIBUTION OF REVENUE GENERATED FROM THE SALE OF RECREATIONAL AND COMMERCIAL MARINE LICENSES, PERMITS, AND TAGS.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question then being second reading of the Bill.

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

**Ayes 44; Nays 1**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen

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McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

Senn

**Total--1**

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

**CARRIED OVER**

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.

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

**OBJECTION**

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.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY explained the Bill.

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The question being the third reading of the Bill.

Senator M.B MATTHEWS moved to carry over the Bill.

Senator YOUNG moved to table the motion to carry over.

Senator DAVIS objected to consideration of the Bill.

**OBJECTION**

H. 3896 -- Reps. Duckworth, Kirby, Johnson, Hardee, Hosey, Crosby, Arrington, Daning, V.S. Moss, Elliott, Bales, Bannister, Bennett, Dillard, Hamilton, Willis, Murphy, Stavrinakis, McCoy, McGinnis, Hewitt, Jefferson, Williams, McEachern, W. Newton and Clary: A BILL TO AMEND SECTION 4-9-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF A COUNTY GOVERNMENT, SO AS TO AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ADOPT BY ORDINANCE THE REQUIREMENT THAT A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER SHALL KEEP A LOT OR OTHER PROPERTY CLEAN AND FREE OF RUBBISH AND TO PROVIDE A PROCEDURE FOR ENFORCEMENT OF THE ORDINANCE.

Senator CORBIN objected to consideration of the Bill.

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

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DEVELOPMENT ACTIVITIES THAT PROVIDE COST RECOVERY FOR ENERGY SUPPLIERS AND DISTRIBUTORS WHO INVEST IN OFFSHORE WIND RESOURCE DEVELOPMENT ACTIVITIES THAT ARE REASONABLY EXPECTED TO RESULT IN ECONOMIC DEVELOPMENT FROM THE MANUFACTURING AND DEPLOYMENT OF OFFSHORE WIND.

Senator MARTIN objected to consideration of the Bill.

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

**MOTION ADOPTED**

At 4:08 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

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

**Message from the House**

Columbia, S.C., May 9, 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. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator SHEHEEN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

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**HOUSE AMENDMENTS AMENDED  
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

The House returned the Bill with amendments.

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

Senator SHEHEEN explained the House amendments.

Senator SHEHEEN proposed the following amendment (302R001.SP.VAS), which was adopted:

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

/SECTION 1. Section 59-29-80(A) of the 1976 Code is amended to read:

“Section 59-29-80. (A) There ~~shall be~~ is established and provided in all the public schools of this State physical education, training, and instruction of pupils of both sexes, ~~and every~~. Every pupil attending ~~any~~ public school, in so far as he is physically fit and able to do so, shall take the course or courses provided by this section. Suitable modified courses ~~shall~~ must be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. However, in ~~any~~ a public school ~~which~~ that offers a military or naval ROTC program sponsored by one of the military services of the United States, training in such a program ~~may~~ must be ~~deemed~~ considered to be the equivalent ~~to~~ of physical education instruction, and ~~may~~ must be accepted in lieu of such instruction for all purposes, academic or nonacademic, as may hereinafter be provided. Additionally, in a public school that offers instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts and that incorporates the South Carolina Academic Standards for Physical Education, this instruction must be considered to be the equivalent of physical education

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instruction and must be accepted in lieu of physical education instruction for all purposes.”

SECTION 2. Article 1, Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59-103-155. Any public or private institution of higher education in the State from which a student may earn a degree in a health care profession that allows the person to prescribe controlled substances listed in Schedules II, III, and IV in the State shall require for those programs that students complete coursework on the prescription and monitoring of Schedule II, III, and IV controlled substances, including coursework on the prescription of Schedule II controlled substances to treat or manage pain, and strategies that can be employed to recognize signs of and reduce the likelihood of patient addiction. These institutions of higher education shall coordinate with the state’s Commission on Higher Education, Board of Medical Examiners, Board of Dentistry, and Board of Nursing to develop the curriculum.”

SECTION 3. Section 59-32-20 of the 1976 Code is amended to read:

“Section 59-32-20. (A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.

(B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year-old kindergarten through twelfth grade.

(C) Before August 1, 2017, and through the cyclical review process and if deemed necessary, the board shall include instruction on alcohol and prescription drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between opioid abuse and addiction to other drugs, such as heroin, in the health standards. In addition, the board shall make available to districts a list of instructional materials that meet state standards. Districts shall continue to adopt or develop curriculum locally.”

SECTION 4. This act takes effect upon approval by the Governor./

Re-number sections to conform.

Amend title to conform.

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Senator SHEHEEN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED  
RETURNED TO THE HOUSE WITH AMENDMENTS**

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



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

The House returned the Bill with amendments.

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

Senator CROMER explained the House amendments.

Senator CROMER proposed the following amendment (918R001.SP.RWC), which was withdrawn:

Amend the bill, as and if amended, page 3, line 12, by inserting:

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/ (5) A dispenser is immune from any civil or criminal liability or disciplinary action from the State Board of Pharmacy for dispensing a prescription written by a prescriber in violation of subsection (1).”/

Re-number sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator KIMPSON proposed the following amendment (WAB\918C001.AGM.WAB18), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 4 and SECTION 5 in their entirety.

Amend the bill further, by deleting SECTION 6 and inserting:

/ SECTION 6. SECTION 2 is effective six months after the effective date of this act. All other SECTIONS are effective upon approval by the Governor. /

Re-number sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

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

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Young

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**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.

Senator DAVIS explained the Bill.

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

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**CARRIED OVER**

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.

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

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

**HOUSE AMENDMENTS AMENDED  
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 1043 -- Senators Turner and Talley: A BILL TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE UNTIL DECEMBER 31, 2025.

The House returned the Bill with amendments.

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

Senator CROMER explained the House amendments.

Senator CROMER proposed the following amendment (DG\1043C013.BBM.DG18), which was adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTIONS to read:

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

“Section 12-6-3378. (A)(1) In tax years beginning after 2017 and ending before 2028, an agribusiness operation or an agricultural packaging operation, as defined in Section 12-6-3360, that increases its purchases of agricultural products which have been certified as South Carolina grown by the South Carolina Department of Agriculture by a minimum of fifteen percent in a single calendar year over its base year is eligible to claim an income tax credit or a credit against employee withholding in an amount determined by the Coordinating Council for Economic Development (council). However, a taxpayer may not be awarded a credit pursuant to this section in excess of one hundred thousand dollars in any tax year.

(2) The maximum amount of tax credits allowed to all qualifying taxpayers pursuant to this section may not exceed the following for each calendar year:

2018 - \$500,000

2019 - \$1,000,000

2020 - \$1,500,000

After 2020 - \$2,000,000

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(B)(1) If the income tax credit exceeds the taxpayer's income tax liability for the taxable year, the excess amount may be carried forward and claimed against income taxes in the next five succeeding taxable years.

(2) If the credit against withholding taxes exceeds the taxpayer's withholding tax liability for the taxable quarter that is not otherwise refunded pursuant to this title, the excess amount may be carried forward and claimed against withholding liability that is not otherwise refunded under this title in the next twenty succeeding taxable quarters.

(C) The council has sole discretion in allocating the credits provided by this section and must consider the following factors:

(1) the amount of base year purchases of certified agricultural products;

(2) the total and percentage increase in purchases; and

(3) factors related to the economic benefit of the State or other factors.

(D) For every year in which a taxpayer claims the credit, the taxpayer shall submit an application to the council after the calendar year in which the increase in purchases of certified products occurs. Allocations of the credit may be made on a monthly, quarterly, or annual basis. The taxpayer shall attach a schedule to the taxpayer's application to the council with the following information and information requested by the council or the department:

(1) a description of how the base year purchases of certified agricultural products and the increase in purchases was determined;

(2) the amount of the base year purchases of certified agricultural products;

(3) the amount of the increase in purchases of certified agricultural products for the taxable year stated both as a percentage increase and as a total increase in purchases of certified agricultural products, including information which demonstrates an increase in purchases of certified agricultural products in excess of the minimum amount required to claim the tax credits pursuant to this section;

(4) any tax credit utilized by the taxpayer in prior years; and

(5) the amount of tax credit carried over from prior years.

(E) By March first of each year, the council shall submit a report to the General Assembly detailing the recipients of the credits allowed by this section, including the credit amount of each recipient.

(F) The Department of Commerce, upon consultation with the Department of Agriculture, may establish guidelines necessary to ensure all applications, product certification record sheets, and checklists are

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accurately and effectively created and comply with the provisions of this section.

(G) For purposes of this section, ‘base year’ initially means the total dollar purchases of agricultural products certified as South Carolina grown during the period from January first through December thirty-first of the same year. However, the base year total dollar purchases must exceed one hundred thousand dollars for a taxpayer to be eligible for the credits provided in this section. For a taxpayer who does not meet the one hundred thousand dollar purchases requirement in the year ending December thirty-first of the previous year, including a taxpayer who locates in South Carolina after December thirty-first of the previous year, its base certified grown purchases must be measured by the initial January first through December thirty-first calendar year in which it meets the purchasing requirement. The base year must be recalculated each calendar year after the initial base year.”

B. Section 12-10-80 of the 1976 Code is amended by adding two appropriately lettered subsections to read:

“(K) For purposes of this section, the job and per capita income thresholds contained in the definition of ‘qualifying service-related facility’ as set forth in Section 12-6-3360(M)(13)(b) must be modified to read as set forth in Section 12-10-80(K)(1) below:

(1) a business, other than a business engaged in legal, accounting, banking, or investment services (including a business identified under NAICS Section 55) or retail sales, which has a net increase of at least:

(a) one hundred twenty-five jobs at a single location;

(b) one hundred jobs at a single location comprised of a building or portion of a building that has been vacant for at least twelve consecutive months before the taxpayer’s investment;

(c) seventy-five jobs at a single location and the jobs have an average cash compensation level of more than one and one-half times the lower of state per capita income or per capita income in the county where the jobs are located;

(d) fifty jobs at a single location and the jobs have an average cash compensation level of more than twice the lower of state per capita income or per capita income in the county where the jobs are located; or

(e) twenty-five jobs at a single location and the jobs have an average cash compensation level of more than two and one-half times the lower of state per capita income or per capita income in the county where the jobs are located.

(L) For purposes of this section and notwithstanding the provisions of Section 12-10-50(A)(1), subject to the discretion of the council, the

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definition of ‘qualifying service-related facility’ as defined in Section 12-6-3360(M)(13), as modified by Section 12-10-80(K)(1), shall also include the following:

(1) a business engaged in legal, accounting, banking, or investment services operating at a single facility if the single facility would otherwise qualify as a qualifying service-related facility as defined in Section 12-6-3360(M)(13)(b), as modified by subsections (J) and (K) above, if not for the exclusions contained in Section 12-6-3360(M)(13)(b);

(2) a business generally engaged in retail sales at a single facility if that single facility would otherwise qualify as a qualifying service-related facility as defined in Section 12-6-3360(M)(13)(b), as modified by subsections (J) and (K) above, if not for the exclusions contained in Section 12-6-3360(M)(13)(b) and provided that no retail sales are conducted at that single facility; and

(3) In making a determination with regard to Section 12-10-80(L)(1) or Section 12-10-80(L)(2), the council may consider the following:

(a) the percentage of such business’s annual gross receipts from services or other income producing activity derived from customers or clients located outside of South Carolina for the twelve months preceding the month in which such business applies to the council to claim a job development credit and such percentage may not be less than seventy-five percent;

(b) the nature of the new jobs to be created at the project;

(c) the wages of the new jobs to be created at the project;

(d) the capital investment of the project; and

(e) the potential for expansion or growth of the business or industry.”

C. This SECTION takes effect upon approval by the Governor and applies for tax years beginning after 2017.

SECTION \_\_. A. Section 12-6-2295(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) receipts from the provision of direct broadcast satellite service that are attributable to this State in pro rata proportion of the costs of performing the service, including the costs of acquiring programming distribution rights and constructing and maintaining distribution infrastructure, that the service provider incurs within this State. As used in this subsection, the term ‘direct broadcast satellite service’ means the distribution or broadcasting of programming or services by satellite directly to the subscriber’s premises without the use of ground receiving



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or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite."

B. This act takes effect upon approval by the Governor and applies to all open tax periods excluding assessments under judicial review as of the date of the Governor's approval.

SECTION \_\_\_\_\_. Notwithstanding SECTION 2.B. of Act 134 of 2016, the provisions contained in Section 12-6-3587 of the 1976 Code relating to geothermal machinery and equipment are repealed January 1, 2022.

SECTION \_\_\_\_\_. The first undesignated paragraph after the last item of Section 12-36-2110(B) of the 1976 Code is amended to read:

"However, a manufactured home is exempt from any tax in excess of three hundred dollars that may be due as a result of the calculation in item (4) if it meets these energy efficiency levels: storm or double pane glass windows, insulated or storm doors, a minimum thermal resistance rating of the insulation only of R-11 for walls, R-19 for floors, and R-30 for ceilings. However, variations in the energy efficiency levels for walls, floors, and ceilings are allowed and the exemption on tax due above three hundred dollars applies if the total heat loss does not exceed that calculated using the levels of R-11 for walls, R-19 for floors, and R-30 for ceilings. The edition of the American Society of Heating, Refrigerating, and Air Conditioning Engineers Guide in effect at the time is the source for heat loss calculation. Notwithstanding the provisions of this subsection, from July 1, 2009, to July 1, ~~2019~~ 2024, a manufactured home is exempt from any tax that may be due as a result of the calculation in this subsection if it has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each agency's energy saving efficiency requirements or has been designated as meeting or exceeding such requirements under each agency's ENERGY STAR program. The dealer selling the manufactured home must maintain records, on forms provided by the State Energy Office, on each manufactured home sold that meets the energy efficiency levels provided for in this subsection. These records must be maintained for three years and must be made available for inspection upon request of the Department of Consumer Affairs or the State Energy Office."

SECTION \_\_\_\_\_. A. Section 12-6-3530(A), (B), (C), (D), (E), (F), and (L) of the 1976 Code is amended to read:

"(A) A taxpayer may claim as a credit against his state income tax, bank tax, or premium tax liability thirty-three percent of all ~~amounts invested~~ equity investments in a certified community development corporation or in a community development financial institution, as

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defined in Section 34-43-20(2) or (3). A taxpayer that makes a cash donation to a certified community development corporation or community development financial institution may claim a credit equal to fifty percent of the donation.

To qualify for this credit the taxpayer must obtain a certificate from the South Carolina Department of Commerce certifying that the entity into which the funds are invested is a community development corporation or a community development financial institution within the meaning of Section 34-43-20(2) or (3) and certifying that the credit taken or available to that taxpayer will not exceed the annual aggregate five million dollar limitation of all those credits as provided in subsection (B) when added to the credits previously taken or available to other taxpayers making similar investments. A taxpayer who invested in good faith in a certified corporation or institution may claim the credit provided in this section, notwithstanding the fact that the certification is later revoked or not renewed by the department.

(B) The total amount of credits allowed pursuant to this section may not exceed in the aggregate ~~five million dollars for all taxpayers and all ealendar years and one million dollars for all taxpayers in one calendar year.:~~

- (1) one million dollars for all taxpayers in tax year 2018;
- (2) two million dollars for all taxpayers in tax year 2019; and
- (3) three million dollars for all taxpayers in all tax years after 2019.

(C) The Department of Commerce shall authorize the tax credits each year on a first-come, first-served basis. A single community development corporation or community development financial institution may not receive more than twenty-five percent of the total annual tax credits authorized pursuant to this section in any one calendar year. Twenty-five percent of annual tax credits must be held in a reserve account during the first three quarters of each tax year and made available exclusively to small, rural-based, community development corporations. During the first three quarters of any tax year, an individual community development corporation or a community development financial institution must not be authorized to receive more than fifteen percent of the statewide total annual credits. During the fourth quarter of each tax year, all remaining tax credits are available to all certified community development corporations or community development financial institutions.

(D) The department shall monitor the investments made by taxpayers in community development corporations and community development

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financial institutions as permitted by this section and shall perform the functions as provided in ~~subsection~~ subsections (A) and (C) above.

(E) If the amount of the credit determined, pursuant to subsection (A), exceeds the taxpayer's state tax liability for the applicable taxable year, the taxpayer may carry over the excess to the immediately succeeding taxable years. However, the credit carry-over may not be used for a taxable year that begins on or after ~~ten~~ three years from the date of the acquisition of stock or other equity interest that is the basis for a credit pursuant to this section. The amount of the credit carry-over from a taxable year must be reduced to the extent that the carry-over is used by the taxpayer to obtain a credit provided for in this section for a later taxable year.

(F) ~~Notwithstanding the provisions of subsections (A), (B), (C), (D), and (E) above, if on April 1, 2001, or as soon after that as the department is able to determine, the total amount of tax credits which may be claimed by all taxpayers exceeds the total amount of tax credits authorized by this section, the credits must be determined on a pro rata basis. For purposes of this subsection, a community development corporation or community development financial institution for which an investment may be claimed as a tax credit pursuant to this section must report all investments made before April 1, 2001, to the department by April 1, 2001, which shall inform, as soon as reasonably possible, all community development corporations and community development financial institutions of the total of all investments in all institutions and corporations as of April 1, 2001. The department must not authorize any tax credits after the annual aggregate limitation set forth in subsection (B) has been reached.~~

(L) ~~Banks and financial institutions chartered by the~~ with tax liabilities in this State of South Carolina may invest in community development corporations and community development financial institutions incorporated pursuant to the laws of this State, up to a maximum of ten percent of a chartered bank or financial institution's total capital and surplus."

B. Section 12-6-3530 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

"( ) Returns on investments in certified community development corporations and certified community development financial institutions, including the value of any tax credits authorized pursuant to this section, may not exceed the total amount of initial investment in certified community development corporations and community development financial institutions."

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C. Section 4 of Act 314 of 2000, as last amended by Act 46 of 2015, is further amended to read:

“SECTION 4. Unless reauthorized by the General Assembly, the provisions of this act shall terminate on June 30, ~~2020~~ 2023, and this act and all other laws and regulations governing, authorizing, and otherwise dealing with community development corporations and community development financial institutions are deemed repealed on that date.”

D. This act takes effect January 1, 2018.

SECTION \_\_\_\_ A. Section 12-60-30 of the 1976 Code is amended by adding appropriately numbered items to read:

( ) ‘Local governing body’ means, for property tax purposes, the governing body of a county, municipality, or other political subdivision that is entitled to receive any portion of the tax revenue generated from a property tax assessment.

( ) ‘Affected county’ means, for property tax purposes, a county that administers property tax collections for its own jurisdiction or for another local governing body and is in a property tax dispute with a taxpayer.

( ) ‘Chief executive officer’ means, for property tax purposes, the official identified in Section 8-13-1110(B)(5).

( ) ‘Chief administrative official’ means, for property tax purposes, the official identified in Section 8-13-1110(B)(6).”

B. Section 12-60-30(10) of the 1976 Code is amended to read:

“(10) ‘Department determination’ means the final determination within the department from which a ~~person taxpayer or a local governing body, as applicable,~~ person taxpayer or a local governing body, as applicable, may request a contested case hearing before the Administrative Law Court.”

C. Section 12-60-450(E) of the 1976 Code is amended to read:

“(E)(1) The department ~~will~~ shall make a department determination using the information provided by the taxpayer in accordance with Section 12-60-30(15)(c)(iii).

(2) A department determination ~~adverse to the taxpayer~~ must be in writing and must:

(a) be sent by first class mail or delivered to the taxpayer and any affected county;

(b) explain the basis for the department’s determination;

(c) inform the taxpayer and any affected county of ~~his~~ the right to request a contested case hearing; and

(d) if a proposed assessment was protested, explain that the taxes will be assessed in thirty days and payment demanded unless the taxpayer or any local governing body requests a contested case hearing.

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(3) The department must issue the department determination ~~on a proposed assessment~~ not later than ~~nine months~~ one year after the date the written protest or claim was filed with the department by the taxpayer unless the department requests and is granted an extension of time not to exceed six months from the Administrative Law Court. Upon failure of the department to timely issue the department determination, the ~~taxpayer may~~ department shall notify the taxpayer and any affected county of the right to request a contested case hearing before the Administrative Law Court for a determination of the tax controversy. A request for a contested case hearing before the Administrative Law Court must be made in accordance with its rules and must be made within thirty days after the date the department's notice was sent by first class mail or delivered to the taxpayer or any affected county.

(4) In order to comply with the provisions of this section requiring the department to notify affected counties, the department shall notify the chief executive officer, auditor, assessor, and treasurer of each affected county. The county auditor, upon notification, shall notify any local governing bodies by notifying the chief administrative official of each local governing body.

D.Section 12-60-2120(A) and (B) of the 1976 Code is amended to read:

“(A)(1) A property taxpayer may appeal a property tax assessment proposed by a division of the department by filing a written protest with the department.

(2) The department shall notify any affected counties of the written protest.

(B)(1) A property taxpayer may protest any denial of a tax exemption by the department for property he believes is exempt from property tax by filing a written protest with the department.

(2) If a written protest is filed by a taxpayer, other than an individual, then the department must notify any affected counties of the written protest.

E. Section 12-60-2140(C) of the 1976 Code is amended to read:

“(C) After a final determination, if the property tax assessment is less than the adjusted property tax assessment, a corrected property tax assessment must be made and entered, provided that a refund is not due for any tax year before the three tax years immediately preceding the final determination unless the Administrative Law Court approves the refund. The overpayment of tax must be refunded together with interest determined in accordance with Section 12-54-25 on the overpayment.”

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F. Section 12-60-2150(B), (D), and (F) of the 1976 Code is amended to read:

“(B) The department shall notify the counties affected by the claim for refund by notifying the chief executive officer, auditor, assessor, and treasurer of each affected county. A county auditor, upon notification, shall notify ~~any affected municipalities or other political subdivisions~~ the chief administrative official of any local governing bodies affected by the claim for refund.

(D) The appropriate division of the department shall determine what refund is due, if any, and give the taxpayer written notice of its determination as soon as practicable after a claim has been filed, but not later than six months after the date the claim for refund was filed with the department. If the department fails to timely issue a written notice of its determination, that failure is considered a written denial of the claim for refund.

(F) The department shall consider the ~~claim~~ written protest, determine the correct property tax assessment, and issue ~~any necessary orders~~ a department determination in accordance with the provisions of Section 12-60-450(E). All appeals before the department must be conducted as provided in Section 12-60-450(C) through (E).” /

Re-number sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

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

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Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Verdin	Williams
Young		

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

Senators REESE and TURNER proposed the following amendment (DG\1043C011.BBM.DG18), which was adopted:

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

/ SECTION \_\_\_\_ . A. Section 12-67-140(B)(3)(a) of the 1976 Code is amended to read:

“(a) The entire credit is earned in the taxable year in which the applicable phase or portion of the building site is placed in service but must be taken in equal installments over a three-year period beginning with the tax year in which the applicable phase or portion of the building site is placed in service. Unused credit may be carried forward for the succeeding five years at the individual, partnership, or limited liability company level.”

B. Section 12-67-140(B)(6) of the 1976 Code is amended to read:

“(6) To the extent that the taxpayer is a partnership or a limited liability company taxed as a partnership, the credit, including any unused credit amount carried forward, may be passed through to the partners or members and may be allocated among any of its partners or members on an annual basis including, without limitation, an allocation of the entire credit or unused carryforward to ~~one~~ any partner or member, who was a member or partner at any time in the year in which the credit or unused carryforward is allocated. The allocation must be allowed without regard to any provision of the Internal Revenue Code or regulations promulgated pursuant thereto, that may be interpreted as contrary to the allocation, including, without limitation, the treatment of the allocation as a disguised sale.”

C. Section 12-6-3535(C) of the 1976 Code is amended to read:

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“(C)(1)The entire credit may not be taken for the taxable year in which the property is placed in service but must be taken in equal installments over a three-year period beginning with the year in which the property is placed in service. ‘Placed in service’ means the rehabilitation is completed and allows for the intended use. Any unused portion of any credit installment may be carried forward for the succeeding five years at the individual, partnership, or limited liability company level.

(2) The credit earned pursuant to this section by an ‘S’ corporation owing corporate level income tax must be used first at the entity level. Remaining credit passes through to each shareholder in a percentage equal to each shareholder’s percentage of stock ownership. The credit, including any unused credit amount carried forward, earned pursuant to this section by a general partnership, limited partnership, limited liability company, or other pass-through entity, as defined in Section 12-6-545, must be passed through to its partners and may be allocated among partners, including, without limitation, an allocation of the entire credit or unused carryforward to one any partner who was a member or partner at any time in the year in which the credit or unused carryforward is allocated, in a manner agreed to by the partners or members. As used in this item the term ‘partner’ means a partner, member, or owner of an interest in the pass-through entity, as applicable. If the taxpayer makes a pass-through election under Section 50(d) of the Internal Revenue Code, the taxpayer may elect to pass the credit claimed pursuant to this section to the tenant of the eligible structure or to retain the credit.”

D.This SECTION takes effect upon approval by the Governor and first applies to buildings placed in service after June 30, 2018. /

Renumber sections to conform.  
Amend title to conform.

The question then was the adoption of the amendment.

Senator REESE explained the amendment.

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

**Ayes 43; Nays 0**

**AYES**

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

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

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

The question then was the adoption of the amendment.

Senator GROOMS proposed the following amendment (DG\1043C010.BBM.DG18), which was adopted:

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

/ SECTION \_\_\_\_ . A. Section 12-6-50(13) of the 1976 Code is amended to read:

“(13) ~~Sections 1352 through 1359 relating to an alternative tax on qualifying shipping activities~~ Reserved.”

B. Section 12-6-1110 of the 1976 Code is amended to read:

“Section 12-6-1110. (A) For South Carolina income tax purposes, gross income, adjusted gross income, and taxable income as calculated under the Internal Revenue Code are modified as provided in this article and subject to allocation and apportionment as provided in Article 17 of this chapter.

~~(B) If a taxpayer has made an election pursuant to Internal Revenue Code Section 1354 to be taxed under the provisions of Section 1352-1359 of the Internal Revenue Code, Election to Determine Taxable Income from Certain International Shipping Activities, the election is not effective for South Carolina income tax purposes, and the taxpayer is~~

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~~taxed in accordance with this chapter as though no federal Section 1354 election has been made."~~

C. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2017. /

Re-number sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

Senator GROOMS proposed the following amendment (acw), which was adopted:

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Amend the bill, as and if amended, page 3, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. Section 12-37-220(A)(3) of the 1976 Code is amended to read:

“(3) all property of all public libraries; churches, including leased church vehicles; parsonages; and burying grounds, but this exemption for real property does not extend beyond the buildings and premises actually occupied by the owners of the real property, with the exception of leased church vehicles.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

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The amendment was adopted.

Senator GROOMS proposed the following amendment (1043R005.KMM.LKG), which was adopted:

Amend the bill, as and if amended, page 3, by adding appropriately numbered new SECTIONS to read:

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

“( ) notwithstanding the provisions of Section 12-37-950, a leasehold interest conveyed by the South Carolina Public Service Authority for residential use. The exemption allowed by this item only applies to the land and does not apply to any structures or other improvements situated on the land. The exemption allowed by this item extends to that leasehold interest, if subsequently assigned, if the leasehold agreement allows assignment.”

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

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

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Shealy  
Timmons  
Young

Sheheen  
Verdin

Talley  
Williams

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

Senator HUTTO proposed the following amendment (1043CBH1), which was adopted:

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

/ SECTION . Section 31-12-70 (A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) to use the redevelopment fees provided pursuant to Section 12-10-88 for the administration and implementation of the redevelopment authority’s redevelopment plans which may include programs to reduce unemployment or increase the property tax base in the area served by the authority, including without limitation, by permitting the use of the fees by multicounty economic development not-for-profit corporations whose members include one or more counties that contain some or all of the area of operation of the redevelopment authority for their administration and operating costs;” /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 43; Nays 0**

**AYES**

Alexander  
Campbell  
Climer

Allen  
Campsen  
Corbin

Bennett  
Cash  
Cromer

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

**Total--43**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

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

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

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

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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.

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

The COMMITTEE ON JUDICIARY proposed the following amendment (JUD4375.004), which was adopted:

Amend the bill, as and if amended, by striking lines 4-21 on page 2.

To further amend the bill, as and if amended, by striking SECTION 2, lines 13-20 on page 3, and inserting:

/ SECTION 2A. As of the effective date of this act, the Public Service Commission must not accept a base load review application, nor may it consider any requests made pursuant to Article 4, Chapter 33 of Title 58 other than in a docket currently pending before the Commission.

B. The provisions of Article 4, Chapter 33 of Title 58 are repealed upon the conclusion of litigation concerning the abandonment of V.C. Summer Units 2 and 3. /

To further amend the bill, as and if amended, by striking SECTION 3, beginning on line 22, page 3.

To further amend the bill, as and if amended, by striking SECTION 4, lines 21-23, page 5.

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

**Recorded Vote**

Senators SHEHEEN and KIMPSON desired to be recorded as abstaining in the adoption of the amendment.

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**Amendment No. 1**

Senators MASSEY and SETZLER proposed the following amendment (4375R002.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 5, by striking SECTION 5 and inserting:

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

Amend the bill further, as and if amended, page 5, by adding an appropriately numbered new SECTION to read:

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

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators SHEHEEN and KIMPSON desired to be recorded as abstaining in the adoption of the amendment.

**Amendment No. 2**

Senators YOUNG, CAMPSER, RANKIN and BENNETT proposed the following amendment (4375R001.SP.TRY), which was adopted:

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

/SECTION \_\_. Section 58-33-280(G) of the 1976 Code is amended to read:

“(G) Where both Office of Regulatory Staff and the utility agree in writing on the revised rates to be implemented, the commission shall



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may give substantial weight to the agreement in issuing its revised rates order but may consider additional factors at its discretion.” /

Re-number sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators SHEHEEN and KIMPSON desired to be recorded as abstaining in the adoption of the amendment.

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

**Motion Under Rule 26B Waived**

Senator MASSEY asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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, Stavrakis, 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 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

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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.

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

The Committee on Judiciary proposed the following amendment (JUD4379.007), which was adopted:

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

/ SECTION 1. Section 37-6-602 of the 1976 Code of Laws is amended to read:

The Consumer Advocate may be the Administrator of Consumer Affairs or he may be appointed by the administrator with the approval of the Commission on Consumer Affairs. The Consumer Advocate must be an attorney qualified to practice in all courts of this State with a minimum of ~~three~~ eight years' practice experience.

SECTION 2. Section 37-6-604 of the 1976 Code of Laws is amended to read:

(A) The functions and duties of the Division of Consumer Advocacy are:

(1) to provide legal representation of the consumer interest before the state and federal regulatory agencies which undertake to fix rates or prices for consumer products or services or to enact regulations or establish policies related thereto and to provide legal representation of the consumer interest concerning insurance matters, certificates of need

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for health facilities and services as required for an activity under Section 44-7-160, and other health-related provisions;

(2) to monitor existing regulations, rate structures, and policies of that agency of special interest to consumers and report to the public through the news media proposed changes therein under consideration and the effect of those changes on the lives of the citizens of the State; and

(3) to evaluate and act upon requests from consumers concerning the matters set forth in items (1) and (2), except that any proceedings initiated by the Consumer Advocate must be brought on behalf of the public at large and not for individuals; initiation or continuation of any proceedings is in the sole discretion of the Consumer Advocate.

(B) The annual report required of the Commission on Consumer Affairs must include a report on the activities of the Division of Consumer Advocacy.

(C) ~~After January 1, 2005, the division must not represent consumers in matters arising under Title 58. Matters or appeals under Title 58 that are pending on January 1, 2005, shall be transferred to the Office of Regulatory Staff. The Consumer Advocate shall be provided notice of any matter filed at the Public Service Commission that could impact consumers' utility rates, and may intervene as a party to advocate for the interest of consumers before the Public Service Commission and appellate courts in such matters as the Consumer Advocate deems necessary and appropriate.~~

SECTION 3. Section 37-6-607 of the 1976 Code of Laws is amended to read:

~~With the exception of matters arising under Title 58, the Consumer Advocate is considered to have an interest sufficient to maintain actions for judicial review and may, as of right and in the manner prescribed by law, intervene or otherwise participate in any civil proceeding which involves the review or enforcement of an agency action that the Consumer Advocate determines may substantially affect the interests of consumers.~~

SECTION 4. Section 58-4-10 of the 1976 Code of Laws is amended to read:

“Section 58-4-10. (A) There is hereby created the Office of Regulatory Staff as a separate agency of the State with the duties and organizations as hereinafter provided.

(B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff

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must represent the public interest of South Carolina before the commission. For purposes of this chapter, 'public interest' means the balancing of the following:

- (1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;
- (2) ~~economic development and job attraction and retention in South Carolina;~~ and
- (3) preservation of ~~the financial integrity of the state's public utilities and~~ continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

(C) The Office of Regulatory Staff is subject to the provision of Section 58-3-260 prohibiting ex parte communications with the commission, and any advice given to the commission by the regulatory staff must be given in a form, forum, and manner as may lawfully be given by any other party or person."

SECTION 5. Section 58-4-80 of the 1976 Code of Laws is amended to read:

The executive director representing the regulatory staff is considered to have an interest sufficient to maintain actions for judicial review from commission orders or decisions and may, as of right and in a manner prescribed by law, intervene or otherwise participate in any civil proceeding which involves the review or enforcement of commission action that the executive director determines may substantially affect the public interest. This right includes intervention in any action for judicial review from commission orders or decisions that are pending at any stage of the action. The executive director representing the regulatory staff has the same rights of appeal from commission orders or decisions as other parties to commission proceedings. On appeal, the Office of Regulatory Staff does not represent the commission.

SECTION 6. This bill takes effect upon approval by the Governor./  
Renumber sections to conform.  
Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

**Recorded Vote**

Senators SHEHEEN and KIMPSON desired to be recorded as abstaining in the adoption of the amendment.

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**Amendment No. 1A**

Senator DAVIS proposed the following amendment (4379R004.SP.TD), which was carried over:

Amend the bill, as and if amended, by striking Section 58-4-10(B) and inserting:

/ (B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission. For purposes of this chapter, 'public interest' means the a balancing of the following:

(1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;

(2) ~~economic development and job attraction and retention in South Carolina;~~ and

(3) ~~preservation of the financial integrity of the state's public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services. 'Public interest' further includes concerns of the using and consuming public with respect to the procurement of lowest-cost energy from independent power producers.~~ /

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

/SECTION \_\_. Title 58 of the 1976 Code is amended by adding:

“CHAPTER 41

Procurement of Lowest-Cost Energy from Independent Power Producers

Section 58-41-10. This chapter may be cited as the 'Energy Freedom Act.'

Section 58-41-30. As used in this chapter:

(1) 'AC' means alternating current as measured at the point of interconnection of the small power producer's facility to the interconnecting electrical utility's transmission or distribution system.

(2) 'Avoided costs' means an electrical utility's most recently approved or established avoided cost rates in this State for purchases of electricity from qualifying facilities pursuant to Section 210 of the Public Utility Regulatory Policies Act and this chapter.

(3) 'Commission' means the South Carolina Public Service Commission.

(4) 'Electrical utility' shall be defined as set forth in Section 58-27-10(7), provided, however, that electrical utilities serving less than

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one hundred thousand customer accounts shall be exempt from the provisions of this chapter.

(5) 'PURPA' means the Public Utility Regulatory Policies Act of 1978, as amended.

(6) 'Small power producer' means a person or corporation owning or operating a 'qualifying small power production facility' as defined in 16 U.S.C. Section 796, as amended.

(7) 'Standard offer' means avoided cost rates and power purchase agreement terms and conditions approved by the commission and applicable to purchases of energy and capacity by electrical utilities as provided in this chapter from small power producers up to five megawatts AC in size.

Section 58-41-40. (A) The commission shall conduct a proceeding not later than ninety days after the effective date of this act, and at least every two years thereafter, to review and approve electrical utilities' avoided cost methodologies, standard offers, and adherence to commission-approved interconnection standards and this chapter and to form power purchase agreements consistent with PURPA. Such proceedings shall be separate from the electrical utilities' annual fuel cost proceedings pursuant to Section 58-27-865 and shall include an opportunity for intervention, discovery, testimony, and an evidentiary hearing. The Office of Regulatory Staff shall represent the interests of the public at all proceedings.

(B) In approving the avoided cost methodology, standard offer, and form contract for each electrical utility, the commission shall ensure that, to the extent possible, small power producers are treated on a fair and equal footing with electrical utility-owned resources through the provision of rates for the purchase of energy and capacity that fully and accurately reflect the electrical utility's avoided costs and power purchase agreement terms and conditions and that are commercially reasonable and provide the small power producer a reasonable opportunity to attract capital. The commission shall also ensure that each electrical utility's avoided cost methodology fairly accounts for costs avoided by the electrical utility if the small power producer's facility includes energy storage equipment. Avoided cost methodologies proposed by electrical utilities and approved by the commission may account for differences in costs avoided based on the geographic location and resource type of a small power producer's facility.

(C) Every six months, each electrical utility shall submit to the commission for approval updates to the inputs used to calculate its standard offer avoided cost rates based on the commission's approved

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avoided cost methodology. After providing interested parties the opportunity to participate fully in the proceeding, the commission shall establish updated standard offer avoided cost rates for the electrical utility.

(D) The avoided cost rates offered by an electrical utility to a small power producer not eligible for the standard offer shall be calculated based on the avoided cost methodology approved by the commission in its most recent proceeding. In the event that a small power producer and an electrical utility are unable to mutually agree on an avoided cost rate, the small power producer shall have the right to have any disputed issues resolved by the commission through arbitration or in a formal complaint proceeding.

(E) In each proceeding required by this chapter, the commission shall approve a standard offer power purchase agreement to be used by each electrical utility in purchasing energy, capacity, and other related services from small power producers eligible for the standard offer. In addition, the commission shall either require the use of the standard offer power purchase agreement or approve a separate form power purchase agreement to be used by each electrical utility in purchasing energy, capacity, and other related services from small power producers not eligible for the standard offer. The commission shall determine what contract length for power purchase agreements between electrical utilities and small power producers is necessary to give such small power producers a commercially reasonable opportunity to attract capital.

(F) In no event shall a power purchase agreement approved by the commission or offered by an electrical utility to a small power producer:

(1) allow for curtailment by the electrical utility of generation from the small power producer's facility for any reason other than a system emergency as defined in PURPA and the PURPA regulations of the Federal Energy Regulatory Commission;

(2) allow the electrical utility to terminate the power purchase agreement or collect damages from the small power producer due to a delay in achieving commercial operation of the small power producer's facility if such delay is due to the electrical utility's delay in connecting the facility to its transmission or distribution system; or

(3) allow the electrical utility to charge, or reduce the price paid to, the small power producer based on costs incurred by the electrical utility to respond to the intermittent nature of electrical generation by the small power producer, which costs shall be recoverable by the electrical utility as part of its annual fuel cost proceedings pursuant to Section 58-27-865.

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(G) An electrical utility's standard offer avoided cost rates approved by the commission pursuant to this chapter shall serve as the electrical utility's avoided costs for the purpose of recovering fuel costs associated with an approved distributed energy resource plan as required under Section 58-27-865." /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

**Point of Order**

Senator CLIMER 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 DAVIS spoke on the Point of Order.

Senator CLIMER spoke on the Point of Order.

Senator DAVIS spoke on the Point of Order.

Senator CORBIN spoke on the Point of Order.

Senator GAMBRELL spoke on the Point of Order.

Senator FANNING spoke on the Point of Order.

Senator J. MATTHEWS spoke on the Point of Order.

Senator RANKIN spoke on the Point of Order.

Senator DAVIS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator CLIMER spoke on the amendment.

Senator CLIMER moved to lay the amendment on the table.

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

**Ayes 18; Nays 24**

**AYES**

Alexander	Bennett	Campbell
Cash	Climer	Corbin
Cromer	Gambrell	Goldfinch
Grooms	Hembree	Malloy
Martin	Massey	Peeler
Rankin	Turner	Williams

**Total--18**



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**NAYS**

Allen	Campsen	Davis
Fanning	Gregory	Hutto
Jackson	Johnson	Leatherman
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Timmons	Verdin	Young

**Total--24**

Having failed to receive the necessary vote, the Senate refused to table the amendment.

Senator MALLOY spoke on the amendment.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, and Senator MALLOY retaining the floor, the Senate agreed to go into Executive Session prior to adjournment.

**Motion Under Rule 26B**

Senator MASSEY asked unanimous consent to make a motion to carry over the amendment, give the Bill second reading and take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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

**EXECUTIVE SESSION**

On motion of Senator LEATHERMAN, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

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**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Banking and Insurance Committee, the following appointments were taken up for immediate consideration:

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2016, and to expire June 30, 2020

Banking:

F. Justin Strickland, 100 Sunset Boulevard, Apartment 1003, West Columbia, SC 29169

On motion of Senator CROMER, the question was confirmation of F. Justin Strickland.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

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The appointment of F. Justin Strickland was confirmed.

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2015, and to expire June 30, 2019

Banking:

Kenneth Wayne Wicker, 601 Addison Court, Myrtle Beach, SC 29577-2277 VICE William Buyck

On motion of Senator CROMER, the question was confirmation of Kenneth Wayne Wicker.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

The appointment of Kenneth Wayne Wicker was confirmed.

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Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2018, and to expire June 30, 2022

Banking:

James B. Ham, 1398 Hickory Ridge Circle, Manning, SC 29102-4842  
*VICE* Fleetwood Hassell

On motion of Senator CROMER, the question was confirmation of James B. Ham.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

The appointment of James B. Ham was confirmed.

Having received a favorable report from the Fish, Game and Forestry Committee, the following appointments were taken up for immediate consideration:

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Initial Appointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2018, and to expire July 1, 2022

1st Congressional District:

Mark Hartley, 3712 Riverstation Court, Mount Pleasant, SC 29466-8318 *VICE* Elizabeth H. Willis

On motion of Senator CAMPSSEN, the question was confirmation of Mark Hartley.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

The appointment of Mark Hartley was confirmed.

**WEDNESDAY, MAY 9, 2018**

Initial Appointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2018, and to expire July 1, 2022

5th Congressional District:

James C. Oxner, III, 414 Perrin Avenue, Union, SC 29379-2525 *VICE*  
David Glenn McFadden

On motion of Senator CAMPSen, the question was confirmation of James C. Oxner, III.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

The appointment of James C. Oxner, III was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointments were taken up for immediate consideration:

**WEDNESDAY, MAY 9, 2018**

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

On motion of Senator PEELER, the question was confirmation of James P. Wigand.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

The appointment of James P. Wigand was confirmed.

**WEDNESDAY, MAY 9, 2018**

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

On motion of Senator PEELER, the question was confirmation of Terry A. Blackmon.

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

**Ayes 43; Nays 0; Abstain 1**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

**ABSTAIN**

Setzler

**Total--1**

The appointment of Terry A. Blackmon was confirmed.



**WEDNESDAY, MAY 9, 2018**

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Delores Williams, 209 Short Street, Kingstree, SC 29556-3926

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

Vasker C. Bartell, 209 Short Street, Kingstree, SC 29556-3926

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

Angela McCall-Tanner, 1 Hathaway Lane, Bluffton, SC 29910-5725

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Walter Hutto of Holly Hill, S.C. James was a graduate of Providence High School and attended The Citadel before attending Clemson. He graduated from the School of Veterinary Medicine at the University of Georgia and then joined the U.S. Air Force where he served from 1956-1959. He established his own practice and worked there for 57 years. James was a loving father and devoted grandfather who will be dearly missed.

**ADJOURNMENT**

At 6:53 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*

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