

NO. 13

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, JANUARY 29, 2019

Tuesday, January 29, 2019
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Psalm 55:22

“Cast Your burden upon the Lord, and he shall sustain you; He will never allow the righteous to be shaken.”

Let us pray. Almighty and eternal God, as we begin another day there are many personal pressures that weigh heavily upon our hearts. It is difficult to carry these burdens alone.

Your word, O God, assures us that we can cast our burdens upon You with the full assurance that You will walk with us and uphold us on each part of our life’s journey. Therefore this day, we step out in faith knowing that You love us and will not leave us or forsake us.

Open our hearts to Your peace that passes all understanding. Strengthen our minds and renew our spirit with the presence of Your power. As we open our hearts to You, O God, we pray that you will hear the silent, unuttered daily prayers of each Senator in this Chamber. For it is in Your holy name that we pray. Amen.

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

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2018, and to expire May 19, 2025

Chairman: Charles M. Condon, 835 Middle Street, Sullivans Island, SC 29482

VICE W. Leighton Lord

Referred to the Committee on Judiciary.

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Initial Appointment, Director of Department of Health and Environmental Control, with term coterminous with Governor

Director: Rick Toomy, 3 Lucy Creek Drive, Beaufort, SC 29907-2222
VICE Catherine Heigel

Referred to the Committee on Medical Affairs.

Initial Appointment, Director of State Accident Fund, with term coterminous with Governor

Director: Amy Virginia Cofield, 121 Driftwood Drive, Lexington, SC 29072-9729

VICE Harry Gregory

Referred to the Committee on Judiciary

Local Appointment

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

Nannette Frye, 1775 Summerton Highway, Sumter, SC 29148

Doctor of the Day

Senator GOLDFINCH introduced Dr. Gerald Harmon of Georgetown, S.C., Doctor of the Day.

Leave of Absence

At 2:52 P.M., Senator JOHNSON requested a leave of absence for Senator McELVEEN of the day.

Leave of Absence

At 4:49 P.M., Senator GREGORY requested a leave of absence for the balance of the week.

Expression of Personal Interest

Senator McLEOD, with unanimous consent, rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 18 Sen. Young
S. 32 Sen. Climer
S. 35 Sen. Verdin

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S. 89 Sen. Setzler
S. 196 Sen. Climer
S. 214 Sen. Scott
S. 415 Sen. Hembree
S. 419 Sen. Campsen
S. 424 Sen. Williams

OBJECTION

H. 3630 -- Reps. Stavrinakis, McCoy, Collins, W. Newton, Mace, Clary, Brown, Gilliard, King, Mack, Erickson, Bradley, McDaniel, Moore, Simmons, Funderburk and Norrell: A JOINT RESOLUTION TO DELAY THE PROPERTY TAX PENALTY SCHEDULE BY THREE MONTHS ON REAL PROPERTY OWNED BY CERTAIN INDIVIDUALS AFFECTED BY THE SHUTDOWN OF THE FEDERAL GOVERNMENT.

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

Senator CAMPSEN explained the Bill.

Senator M.B. MATTHEWS objected.

OBJECTION

H. 3662 -- Rep. McCoy: A BILL TO ADOPT REVISED CODE VOLUMES 3 AND 4 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2019.

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

Senator MASSEY objected.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 434 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE MAC CREDILLE UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS FORTY-SIX YEARS OF DEDICATED SERVICE TO THE UNIVERSITY OF SOUTH CAROLINA AND GAMECOCKS ATHLETICS, AND TO

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WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 435 -- Senator Setzler: A SENATE RESOLUTION TO HONOR AND RECOGNIZE KEVIN YON OF YON FAMILY FARMS AND TO CONGRATULATE HIM ON BEING NAMED THE 2018 SOUTHEASTERN FARMER OF THE YEAR.

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The Senate Resolution was adopted.

S. 436 -- Senator Setzler: A SENATE RESOLUTION TO HONOR AND RECOGNIZE CORPORAL CONNIE FLEMING STRICKLAND, THE FIRST WOMAN PROMOTED TO THE RANK OF CORPORAL IN THE HISTORY OF THE SOUTH CAROLINA HIGHWAY PATROL, FOR HER OUTSTANDING SERVICE TO THE STATE OF SOUTH CAROLINA AND FOR HER NOTABLE ROLE IN PAVING THE WAY FOR WOMEN'S LEADERSHIP WITHIN THE SOUTH CAROLINA HIGHWAY PATROL.

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The Senate Resolution was adopted.

S. 437 -- Senator Nicholson: A SENATE RESOLUTION TO SALUTE THE NINETY SIX HIGH SCHOOL MARCHING BAND, BAND DIRECTORS, AND SCHOOL OFFICIALS FOR A SENSATIONAL SEASON AND TO CONGRATULATE THEM ON WINNING THE 2018 SOUTH CAROLINA BAND DIRECTORS ASSOCIATION CLASS A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 438 -- Senators Corbin and Gambrell: A BILL TO AMEND SECTIONS 56-5-1210(A), 56-5-1220(A) AND (B), AND 56-5-1230 OF THE 1976 CODE, RELATING TO THE DUTIES OF A DRIVER OF A MOTOR VEHICLE INVOLVED IN AN ACCIDENT, TO REVISE THE PENALTIES IMPOSED FOR VIOLATIONS OF THESE PROVISIONS.

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

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S. 439 -- Senators Leatherman, Grooms, Campbell and Williams: A BILL TO AMEND SECTION 12-6-3375, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR A PORT CARGO VOLUME INCREASE, SO AS TO INCREASE THE MAXIMUM AMOUNT OF THE AVAILABLE TAX CREDITS FOR PORT CARGO VOLUME INCREASES, AND TO PROVIDE FOR A PORT TRANSPORTATION CREDIT FOR THE COSTS OF TRANSPORTING FREIGHT, GOODS, AND MATERIALS FROM QUALIFYING FACILITIES LOCATED IN CERTAIN COUNTIES IN SOUTH CAROLINA TO A SOUTH CAROLINA PORT FACILITY; AND BY ADDING SECTION 12-36-2140 SO AS TO PROVIDE THAT A PORT FACILITY IS A DISTRIBUTION FACILITY FOR PURPOSES OF CERTAIN SALES TAX EXEMPTIONS.

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

S. 440 -- Senator Talley: A BILL TO AMEND SECTION 12-65-20(4) AND (8) OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, TO PROVIDE THAT A CERTAIN CAP ON REHABILITATION EXPENSES ONLY APPLIES TO CERTAIN REHABILITATED BUILDINGS ON CONTIGUOUS PARCELS.

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

S. 441 -- Senator Nicholson: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 442 -- Senators Verdin, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, 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, Sheheen, Talley, Turner,

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Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF ROBERT ADAMS, VI, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 443 -- Senators Hutto and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 22-3-350 SO AS TO PROVIDE AN ASSESSMENT ON ALL CIVIL FILINGS IN MAGISTRATES COURT AND TO PROVIDE FOR THE COLLECTION AND ALLOCATION OF THE ASSESSMENT; AND TO AMEND SECTION 22-8-40, RELATING TO THE SALARIES OF FULL-TIME AND PART-TIME MAGISTRATES, SO AS TO PROVIDE SPECIFIC SALARIES FOR MAGISTRATES IN COUNTIES WITH CERTAIN POPULATIONS, TO PROVIDE FOR SUPPLEMENTS FOR FULL-TIME ASSOCIATE CHIEF MAGISTRATES, AND TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES MAGISTRATES ARE TO BE CONSIDERED STATE EMPLOYEES.

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

S. 444 -- Senators Hembree, Davis, Shealy, Young, Climer, Gregory, Fanning, Harpootlian and Bennett: A BILL TO AMEND SECTION 1-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATTENDANCE AT CIRCUIT COURT AND PREPARATION AND PUBLICATION OF THE DOCKET, SO AS TO CLARIFY THE ROLE OF THE CIRCUIT SOLICITOR IN THE DEVELOPMENT, DISSEMINATION, AND EXECUTION OF THE GENERAL SESSIONS COURT DOCKET PLAN; TO PROVIDE THAT THE ABILITY OF THE CIRCUIT SOLICITOR TO ADMINISTER THE DOCKET MAY NOT INTERFERE WITH A DEFENDANT'S RIGHT TO A SPEEDY TRIAL; TO ALLOW FOR THE CIRCUIT COURT TO RULE ON CASES AND CONTROVERSIES ARISING FROM THE ADMINISTRATION OF THE DOCKET; AND TO PRESERVE ALL CRIME VICTIMS' CONSTITUTIONAL RIGHTS.

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

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S. 445 -- Senators Gambrell and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-61-80 SO AS TO ESTABLISH THAT A DIRECT PRIMARY CARE AGREEMENT IS NOT A CONTRACT OF INSURANCE, TO DEFINE NECESSARY TERMS, TO ESTABLISH REQUIREMENTS FOR A DIRECT PRIMARY CARE AGREEMENT, AND TO REQUIRE A DIRECT PRIMARY CARE PROVIDER TO REPORT ITS PARTICIPATION IN A DIRECT PRIMARY CARE PRACTICE TO THE DEPARTMENT OF CONSUMER AFFAIRS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 446 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-19-455 SO AS TO PROHIBIT CERTAIN ENUMERATED ACTIVITIES AT LAKE WILLIAM C. BOWEN, LAKE BLALOCK, AND SPARTANBURG MUNICIPAL RESERVOIR #1 IN SPARTANBURG COUNTY; AND TO REPEAL ACT 465 OF 2002 RELATING TO THE ESTABLISHMENT OF THE SAFETY AND SECURITY DEPARTMENT WITHIN THE COMMISSION OF PUBLIC WORKS FOR THE CITY OF SPARTANBURG.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 447 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 26 SO AS TO ENACT THE "SOUTH CAROLINA ELECTRONIC NOTARY PUBLIC ACT", TO DEFINE NECESSARY TERMS, TO PROVIDE PROCEDURES FOR ELECTRONIC NOTARIAL ACTS, ESTABLISH FEES THAT MAY BE CHARGED FOR CERTAIN ELECTRONIC NOTARIAL ACTS, TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS OF THE ELECTRONIC NOTARIAL ACT, TO ALLOW THE SECRETARY OF STATE TO PROMULGATE AND ENFORCE RELATED REGULATIONS, AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 1, TITLE 26 AS ARTICLE 1 AND ENTITLE IT "GENERAL PROVISIONS".

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Read the first time and referred to the Committee on Family and Veterans' Services.

S. 448 -- Senators Davis, McLeod, Shealy, Jackson, Hutto, J. Matthews, McElveen and Campbell: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 138, TO PROVIDE THAT QUALIFIED LICENSED PHARMACISTS MAY PRESCRIBE AND ADMINISTER INJECTABLE HORMONAL CONTRACEPTIVES AND PRESCRIBE AND DISPENSE SELF-ADMINISTERED HORMONAL CONTRACEPTIVES UNDER A STANDING PRESCRIPTION DRUG ORDER, TO PROVIDE FOR WRITTEN JOINT PROTOCOL PROVISIONS, AND TO DEFINE NECESSARY TERMS.

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

S. 449 -- Senator Campbell: A BILL TO AMEND SECTION 4-10-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CAPITAL PROJECT SALES TAX, SO AS TO ALLOW THE TAX TO BE USED FOR CERTAIN INFRASTRUCTURE FOR ECONOMIC DEVELOPMENT PROJECTS.

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

S. 450 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR AUSTIN GEER, A SENIOR AT THE SOUTH CAROLINA GOVERNOR'S SCHOOL OF SCIENCE AND MATHEMATICS, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND TO CONGRATULATE HIM FOR WINNING THE TENTH ANNUAL LOUISIANA STATE UNIVERSITY UNDERGRADUATE RESEARCH CONFERENCE.

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

S. 451 -- Senator Senn: A SENATE RESOLUTION TO COMMEMORATE AND CELEBRATE THE COMMISSIONING CEREMONY OF THE USS CHARLESTON (LCS 18) TO BE HELD IN CHARLESTON, SOUTH CAROLINA ON SATURDAY, MARCH 2, 2019.

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The Senate Resolution was adopted.

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S. 452 -- Senator Scott: A BILL TO AMEND SECTION 12-37-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS LIABLE FOR TAXES AND ASSESSMENTS ON REAL PROPERTY, SO AS TO PROVIDE THAT CERTAIN DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES ARE EXEMPT FROM PROPERTY TAXES IN THE YEAR IN WHICH THE DISABILITY OCCURS.

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

S. 453 -- Senator Harpootlian: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 30-4-40 RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT; AND SECTION 30-4-70 RELATING TO MEETINGS OF PUBLIC BODIES THAT MAY BE CLOSED TO THE PUBLIC.

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

S. 454 -- Senators Shealy, Turner, Cromer, Campbell, Young and Talley: A BILL TO AMEND SECTION 25-11-10 OF THE 1976 CODE, RELATING TO THE DIVISION OF VETERANS' AFFAIRS, TO ESTABLISH THE DIVISION WITHIN THE EXECUTIVE BRANCH OF GOVERNMENT, TO PROVIDE THAT THE DIRECTOR MUST BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE GENERAL ASSEMBLY, AND TO ENUMERATE THE DIVISION'S POWERS AND DUTIES; TO AMEND SECTION 25-11-20 OF THE 1976 CODE, RELATING TO THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, TO ENUMERATE SPECIFIC DUTIES; AND TO AMEND SECTION 25-11-40 OF THE 1976 CODE, RELATING TO THE APPOINTMENT, REMOVAL, TRAINING, AND ACCREDITATION OF COUNTY VETERANS AFFAIRS OFFICERS, TO REVISE THE DEFINITION OF "VETERAN" FOR THE PURPOSES OF APPOINTING COUNTY VETERANS AFFAIRS OFFICERS, TO ELIMINATE THE AUTHORITY TO APPOINT NONVETERANS TO SERVE AS COUNTY VETERANS AFFAIRS OFFICERS, TO PROVIDE AN EXCEPTION FOR PERSONS CURRENTLY SERVING AS COUNTY VETERANS AFFAIRS OFFICERS, AND TO REMOVE LOCAL NONCONFORMING PROVISIONS.

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Read the first time and referred to the Committee on Family and Veterans' Services.

S. 455 -- Senator Alexander: A BILL TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION IN THIS STATE.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 456 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO LICENSURE BY REGISTRATION; AND LICENSURE BY ENDORSEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4851, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 457 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - AUCTIONEERS' COMMISSION, RELATING TO AUCTIONEERS' COMMISSION (REPEAL SPECIFIC REGULATIONS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4846,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 458 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO REAL ESTATE COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4821, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 459 -- Senator Harpootlian: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE AMERICA'S CLOGGING ALL*STARS FOR THEIR SHOW-STOPPING PERFORMANCES IN THE 2019 LONDON NEW YEAR'S DAY PARADE.

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The Senate Resolution was adopted.

S. 460 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS AND MARITAL AND FAMILY THERAPISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4862, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 461 -- Senators Sheheen and Gambrell: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE INDIVIDUAL INCOME TAX, SO AS TO INCREASE THE DEDUCTION FOR CERTAIN FIREFIGHTERS, LAW

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ENFORCEMENT OFFICIALS, AND MEMBERS OF THE STATE GUARD FROM THREE THOUSAND DOLLARS TO SIX THOUSAND DOLLARS.

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

H. 3747 -- Rep. Lucas: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE DONALD W. BEATTY, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 27, 2019.

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

H. 3773 -- Reps. Lucas, Funderburk and Wheeler: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY, UPON THE PASSING OF GRADY GLENN NEWMAN OF KERSHAW COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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

Motion to Ratify Adopted

At 2:21 P.M., Senator MASSEY made a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

The motion was adopted and a message was sent to the House accordingly.

REPORT OF STANDING COMMITTEE

Senator CAMPBELL from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 105 -- Senators Campbell, Sheheen, Verdin and Rankin: A BILL TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-225, TO PROVIDE THAT, EVERY FOUR YEARS, MAGISTRATES AND MUNICIPAL COURT JUDGES MUST RECEIVE AT LEAST TWO HOURS OF INSTRUCTION ON ISSUES

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CONCERNING ANIMAL CRUELTY; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING ARTICLE 2, TO PROVIDE REQUIREMENTS FOR TETHERING A DOG AND TO PROVIDE PENALTIES FOR CRUELLY TETHERING A DOG; TO AMEND SECTION 47-3-60 OF THE 1976 CODE, RELATING TO THE DISPOSITION OF QUARANTINED OR IMPOUNDED ANIMALS, TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, A LITTER OF UNIDENTIFIABLE DOGS OR CATS FOUR MONTHS OF AGE OR YOUNGER MAY BE TURNED OVER TO AN ORGANIZATION, AND TO PROVIDE FOR THE STERILIZATION OF STRAY CATS; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-145, TO PROVIDE THAT ANY PERSON, ORGANIZATION, OR OTHER ENTITY THAT IS AWARDED CUSTODY OF AN ANIMAL AND THAT PROVIDES SERVICES TO AN ANIMAL WITHOUT COMPENSATION MAY FILE A PETITION WITH THE COURT REQUESTING THAT THE DEFENDANT, IF FOUND GUILTY, BE ORDERED TO DEPOSIT FUNDS IN AN AMOUNT SUFFICIENT TO SECURE PAYMENT OF ALL THE REASONABLE EXPENSES INCURRED BY THE CUSTODIAN; TO AMEND SECTION 56-3-9600(B) OF THE 1976 CODE, RELATING TO THE SPECIAL FUND TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING PROGRAMS, TO PROVIDE THAT AN AGENCY MAY APPLY FOR UP TO TWO THOUSAND DOLLARS PER GRANT APPLICATION AND MAY APPLY FOR MULTIPLE GRANTS DURING A FISCAL YEAR, TO PROVIDE THAT GRANTS MUST BE FULFILLED WITHIN SIX MONTHS OF RECEIVING FUNDS, AND TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL ENCOURAGE TIER 3 AND TIER 4 COUNTIES TO PARTICIPATE IN THE GRANT PROGRAM; TO AMEND SECTION 40-69-30 OF THE 1976 CODE, RELATING TO LICENSING REQUIREMENTS TO PRACTICE VETERINARY MEDICINE, TO PROVIDE THAT, DURING AN EMERGENCY OR NATURAL DISASTER, A VETERINARIAN OR VETERINARY TECHNICIAN WHO IS NOT LICENSED IN THIS STATE, BUT IS LICENSED AND IN GOOD STANDING IN ANOTHER JURISDICTION, MAY PRACTICE VETERINARY MEDICINE RELATED TO THE RESPONSE EFFORTS IN LOCATIONS IN THIS STATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-3-470(3), SECTION

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47-3-480, AND SECTION 47-3-490 OF THE 1976 CODE, ALL RELATING TO THE STERILIZATION OF DOGS AND CATS, TO REPLACE THE TERM "ANIMAL REFUGE" WITH "RESCUE ORGANIZATION"; TO AMEND CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO DOGS AND OTHER DOMESTIC PETS, BY ADDING ARTICLE 16, TO PROVIDE FOR SHELTER STANDARDS AND TO PROVIDE THAT ANIMAL CONTROL OFFICERS SHALL HAVE THE DUTY TO ENFORCE SHELTER STANDARDS, INCLUDING THE INVESTIGATION OF COMPLAINTS AGAINST, AND THE INSPECTION OF, ANIMAL SHELTERING FACILITIES; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 343 -- Senators Alexander and Martin: A CONCURRENT RESOLUTION TO CONGRATULATE THE CLEMSON UNIVERSITY FOOTBALL TEAM AND COACHES FOR WINNING THE 2018 COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP TITLE, TO RECOGNIZE THE TEAM'S NUMEROUS ACCOMPLISHMENTS DURING THE SEASON, TO INVITE THE NUMBER-ONE RANKED TIGERS AND CLEMSON OFFICIALS TO JOIN THE GENERAL ASSEMBLY IN JOINT SESSION AT NOON ON TUESDAY, FEBRUARY 26, 2019, WHEREBY COACH DABO SWINNEY IS INVITED TO ADDRESS THE JOINT SESSION, AND TO EXTEND THE PRIVILEGE OF THE FLOOR DURING THE JOINT SESSION.

Returned with concurrence.

Received as information.

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

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

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

S. 335 -- Senator Massey: A BILL TO AMEND ACT 516 OF 1976, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, TO CHANGE THE

[SJ]

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COMMENCEMENT OF EACH COMMISSIONER'S OFFICE TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER 31 OF EACH EVEN-NUMBERED YEAR; AND TO AMEND ACT 1006 OF 1958, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, TO CHANGE THE COMMENCEMENT OF EACH COMMISSIONER'S TERM TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER 31 OF EACH EVEN-NUMBERED YEAR, TO CHANGE THE ELECTION DATE FOR COMMISSIONERS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, AND TO CHANGE THE FILING PROCEDURE FOR COMMISSION CANDIDATES TO REQUIRE THEM TO FILE AN INTENTION OF CANDIDACY WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AND TO SET A FILING DEADLINE.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY proposed the following amendment (335R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 25 through 27 and inserting:

/ Elections shall cause to be advertised in ~~at least two newspapers~~ a newspaper of general circulation in the water and sewer districts herein specified, on at least ~~three~~ two different days during the week immediately /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House of Representatives with amendments.

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AMENDED, AMENDMENT PROPOSED, OBJECTION

S. 214 -- Senators Kimpson, Sheheen, Gregory, Campsen and Scott:
A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-36-71 SO AS TO DEFINE "MARKETPLACE FACILITATOR"; TO AMEND SECTIONS 12-36-70, 12-36-90, AND 12-36-130, ALL RELATING TO SALES TAX DEFINITIONS, SO AS TO FURTHER INFORM MARKETPLACE FACILITATORS OF THEIR REQUIREMENTS; AND TO AMEND SECTION 12-36-1340, RELATING TO THE COLLECTION OF SALES TAX BY RETAILERS, SO AS TO FURTHER INFORM MARKETPLACE FACILITATORS OF THEIR REQUIREMENTS.

The Senate proceeded to a consideration of the Bill.

Senator SHEHEEN proposed the following amendment (214R001.KMM.VAS), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 7 through 13 by inserting:

/(4) to ensure retailers selling another person's tangible personal property on the Internet clearly understand and are informed of their requirements to remit the sales and use tax in the same manner as retailers selling another person's tangible personal property in a brick and mortar store.

(5) Nothing in this act shall be construed as a statement concerning the applicability of the Sales and Use Tax Act to any sales and use tax liability matters currently in litigation. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senator CLIMER proposed the following amendment (214R004.SP.WC) which failed.

Amend the bill, as and if amended, page 3, by striking line 41 and inserting:

/ SECTION 7. As of the effective date of this act, the director of the Department of Revenue shall segregate all sales tax and use tax remitted by marketplace facilitators to the State pursuant to this act into a designated fund. The director shall annually report the amount collected

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to the Revenue and Fiscal Affairs Office, which shall annually calculate the amount of a refundable sales tax credit factor to be used to reduce the amount of an individual's owed income tax.

SECTION 8. This act takes effect upon approval by the Governor. /
Re-number sections to conform.
Amend title to conform.

Senator CLIMER explained the amendment.

Point of Order

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

Senator CLIMER continued to explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

Ayes 22; Nays 22

AYES

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

Total--22

NAYS

Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Gregory
Grooms	Hembree	Martin
Massey	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin

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Young

Total--22

The motion to table the amendment failed.

The question then was the adoption of the amendment.

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

Ayes 22; Nays 22

AYES

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

Total--22

NAYS

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

Total--22

The amendment failed.

Senator MASSEY proposed the following amendment (214R002.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 41 and inserting:

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/ SECTION 7. As of the effective date of this act, and for a total of five years after the effective date of this act, all sales tax and use tax remitted by marketplace facilitators to the State pursuant to this act must be used to offset the unfunded liability for the South Carolina Retirement System.

SECTION 8. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator MASSEY explained the amendment.

Senator SHEHEEN spoke on the amendment.
Senator MASSEY spoke on the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

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

Ayes 22; Nays 22

AYES

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

Total--22

NAYS

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

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Total--22

The Senate refused to lay the amendment on the table.

The question then was the adoption of the amendment.

The amendment was adopted.

Having voted on the prevailing side, Senator SHEHEEN moved to reconsider the vote whereby the amendment was adopted.

The question then was the motion to reconsider the adoption the amendment.

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

Ayes 19; Nays 25

AYES

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

Total--19

NAYS

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

Total--25

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The Senate refused to reconsider the adoption of the amendment.

Senator SETZLER proposed the following amendment (1NGS21) which was adopted:

Amend the bill as and if amended, page 3, by striking line 41 and inserting the following:

/ SECTION 7. As of the effective date of this act, all sales tax and use tax remitted by marketplace facilitators to the State pursuant to this act must be transferred to the Classroom Teacher Fund at the State Department of Education and distributed to school districts to increase equally the base salary of each classroom teacher.

SECTION 8. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER 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.

The PRESIDENT overruled the Point of Order.

The question was adoption of the amendment.

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

Ayes 30; Nays 14

AYES

Alexander	Allen	Campbell
Climer	Cromer	Fanning
Gambrell	Goldfinch	Grooms
Harpoottlian	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Nicholson
Rankin	Reese	Sabb
Scott	Senn	Setzler
Sheheen	Verdin	Williams

Total--30

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NAYS

Bennett	Campsen	Cash
Corbin	Davis	Gregory
Hembree	Massey	Peeler
Rice	Shealy	Talley
Turner	Young	

Total--14

The amendment was adopted.

Senator RICE proposed the following amendment (214R005.SP.RFR):

Amend the bill, as and if amended, page 3, by striking line 41 and inserting:

/ SECTION 7. Any sales and use tax revenues awarded to the State as the result of a verdict in favor of the Department of Revenue in a case against any retailer that has utilized the provisions of Section 12-36-2691 must be used to offset the unfunded liability for the South Carolina Retirement System.

SECTION 8. This act takes effect upon approval by the Governor. /
Re-number sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

Senator KIMPSON moved to lay the amendment on the table.

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

Ayes 19; Nays 25

AYES

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

Total--19

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NAYS

Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Leatherman	Martin	Massey
<i>Matthews, Margie</i>	Peeler	Rankin
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--25

The Senate refused to lay the amendment on the table.

Senator KIMPSON spoke on the amendment.

Senator HUTTO objected to further consideration of the Bill.

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

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

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

The Senate proceeded to a consideration 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

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Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McLeod	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

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

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

S. 21 -- Senators Hutto, Shealy and Jackson: A BILL TO AMEND SECTION 63-17-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT ORDERS DETERMINING THAT A PUTATIVE FATHER IS THE LEGAL FATHER, SO AS TO REQUIRE THAT THE CHILD'S BIRTH CERTIFICATE BE AMENDED; AND TO AMEND SECTION 44-63-163, RELATING TO BIRTH CERTIFICATES PREPARED AFTER A PATERNITY DETERMINATION, SO AS TO MAKE CONFORMING CHANGES.

S. 80 -- Senator Sheheen: A JOINT RESOLUTION TO AMEND SECTION 3 OF ACT 289 OF 2018, RELATING TO THE SOUTH CAROLINA AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION.

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

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

S. 168 -- Senators Hembree, Leatherman, Climer, Setzler, Young, Cromer, Verdin, Johnson, Rice, Alexander and Campsen: A JOINT RESOLUTION TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP RECOMMENDATIONS FOR REDUCING AND STREAMLINING THE AMOUNT OF PAPERWORK AND REPORTING REQUIREMENTS OF TEACHERS, SCHOOLS, AND SCHOOL DISTRICTS, TO PROVIDE REQUIREMENTS FOR THE CONTENT OF THESE RECOMMENDATIONS, AND TO PROVIDE THE DEPARTMENT SHALL REPORT ITS RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE JANUARY 15, 2020.

The Senate proceeded to a consideration of the Resolution.

Senators SETZLER and HEMBREE proposed the following amendment (WAB\168C001.AGM.WAB19), which was adopted:

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

/ SECTION 1. The State Department of Education shall develop recommendations for reducing and streamlining the amount of paperwork and reporting required of teachers, schools, and school districts. These recommendations must include information on required reporting and administrative paperwork at the classroom, school, district, and state levels, the entity requiring the data or report, the method of reporting, and frequency of the report. The department also must include information on federal reporting requirements and include information on the potential loss of funding at the state and district level if the reports are not completed. Before August 1, 2019, the department shall report its recommendations to the Chairman of the Senate Education Committee and the Chairman of the House Education and Public Works Committee.

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

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

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Senator HEMBREE explained 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
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McLeod
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Resolution, as amended, was read the third time, passed and ordered sent to the House.

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

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

S. 194 -- Senators Shealy and Senn: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION; TO ESTABLISH THE AFFIRMATIVE DEFENSE

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OF BEING A VICTIM OF HUMAN TRAFFICKING; AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION WHEN THE PROSTITUTE HAS A MENTAL DISABILITY.

AMENDMENT PROPOSED, OBJECTION

S. 176 -- Senators Hembree and Martin: A BILL TO AMEND SECTION 24-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE THAT A PERSON CONVICTED OF A CAPITAL CRIME AND HAVING IMPOSED UPON HIM THE SENTENCE OF DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR, AT THE ELECTION OF THE PERSON, LETHAL INJECTION, IF IT IS AVAILABLE AT THE TIME OF ELECTION, UNDER THE DIRECTION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, TO PROVIDE THAT IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, THE ELECTION EXPIRES AND MUST BE RENEWED IN WRITING, TO PROVIDE THAT THE PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST BE WITNESSED BY TWO PERSONS WHOSE SIGNATURES MUST BE NOTARIZED AND CERTIFIES THAT THE CONVICTED PERSON'S SIGNATURE WAS MADE FREE FROM COERCION AND VOLUNTARILY GIVEN, AND TO PROVIDE THAT IF EXECUTION BY LETHAL INJECTION UNDER THIS SECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION, THEN THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON.

The Senate proceeded to a consideration of the Bill.

Senator ALLEN proposed the following amendment (176R001.SP.KBA), which was proposed:

Amend the bill, as and if amended, page 2, by striking lines 20 through 38 and inserting:

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/ (B) The Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected pursuant to subsection (A) is available.

~~(B)~~(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by lethal injection, and it is available, in writing fourteen days before the execution date. The convicted person must sign and date this form. The convicted person's signature must be witnessed by two persons who are not inmates of the Department of Corrections and not under the supervision of the Director of the Department of Corrections. The witnesses' signatures must be duly notarized. The form must contain a certification signed by the witnesses that the convicted person's signature is free from coercion and voluntarily given.

~~(C)~~(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution regardless of the method elected by the person.

(E) The Department of Corrections must provide written notice to an inmate of his right of election under this section." /

Renumber sections to conform.

Amend title to conform.

Senator ALLEN explained the amendment.

Senator HEMBREE explained the Bill.

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

READ THE SECOND TIME

S. 196 -- Senators Shealy, Hutto, Jackson, Senn and Climer: A BILL TO REPEAL SECTION 20-1-300 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A LICENSE TO AN UNMARRIED FEMALE AND MALE UNDER EIGHTEEN YEARS OF AGE WHEN THE FEMALE IS PREGNANT OR HAS BORNE A CHILD.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

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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 40; Nays 0

AYES

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

Total--40

NAYS

Total--0

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

READ THE SECOND TIME

S. 228 -- Senator Gambrell: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TRI-COUNTY TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE explained the Bill.

The question being the second reading of the Bill.

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

Ayes 40; Nays 0

AYES

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

Total--40

NAYS

Total--0

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

READ THE SECOND TIME

S. 12 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-225 SO AS TO DESIGNATE THE THIRD WEDNESDAY IN FEBRUARY OF EACH YEAR AS "BARBERS' DAY" IN SOUTH CAROLINA.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 40; Nays 0

AYES

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

Total--40

NAYS

Total--0

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

POINT OF ORDER

S. 75 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 13, TITLE 38 SO AS TO REQUIRE AN INSURER OR AN INSURANCE GROUP TO SUBMIT A CORPORATE GOVERNANCE ANNUAL DISCLOSURE AND ESTABLISH CERTAIN REQUIREMENTS FOR THE DISCLOSURE, TO DEFINE NECESSARY TERMS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS RELATED TO THE DISCLOSURE, TO PROVIDE CERTAIN CONFIDENTIALITY REQUIREMENTS FOR INFORMATION SUBMITTED TO THE DIRECTOR AND TO PROHIBIT THE DIRECTOR OR A PERSON WHO RECEIVES INFORMATION RELATED TO THE ANNUAL DISCLOSURE FROM TESTIFYING IN A PRIVATE CIVIL ACTION CONCERNING THE CONFIDENTIAL INFORMATION, TO AUTHORIZE THE DIRECTOR TO RETAIN THIRD PARTY

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CONSULTANTS AND PRESCRIBE CERTAIN RULES FOR THE CONSULTANTS, TO PROVIDE A PENALTY FOR AN INSURER WHO FAILS TO FILE THE CORPORATE GOVERNANCE ANNUAL DISCLOSURE, AND TO SET AN EFFECTIVE DATE; BY ADDING SECTION 38-21-295 SO AS TO AUTHORIZE THE DIRECTOR TO ACT AS THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROCEDURE FOR THE DIRECTOR TO DETERMINE WHETHER HE MAY ACT AS THE GROUP-WIDE SUPERVISOR OR ACKNOWLEDGE ANOTHER REGULATORY OFFICIAL TO ACT AS THE GROUP-WIDE SUPERVISOR, TO AUTHORIZE THE DIRECTOR TO ENGAGE IN CERTAIN ACTIVITIES AS GROUP-WIDE SUPERVISOR, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS; AND TO AMEND SECTION 38-21-10 SO AS TO DEFINE THE TERMS "DIRECTOR", "GROUP-WIDE SUPERVISOR", AND "INTERNATIONALLY ACTIVE INSURANCE GROUP".

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ODER

S. 358 -- Senator Cromer: A BILL TO AMEND SECTION 38-31-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION, SO AS TO APPLY THE PROVISIONS OF CHAPTER 31, TITLE 38 TO A CLAIM OR LOSS COVERED BY SELF-INSURANCE THAT OCCURRED PRIOR TO THE ACQUISITION OF A BLOCK OF BUSINESS BY A LICENSED INSURER; AND TO AMEND SECTION 42-5-20, RELATING TO INSURANCE REQUIREMENTS FOR WORKERS' COMPENSATION, SO AS TO PROHIBIT A SELF-INSURER FROM PARTICIPATING IN OR OBTAINING BENEFITS FROM THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION AND TO REQUIRE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION TO SECURE AN ACTUARIAL OPINION BEFORE

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APPROVING THE TRANSFER OF A SELF-INSURER TO A LICENSED INSURER.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 360 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-47-55 SO AS TO CLARIFY THAT CERTAIN INDIVIDUALS ARE AUTHORIZED TO ADJUST FOOD SPOILAGE CLAIMS WITHOUT AN ADJUSTER'S LICENSE; BY ADDING SECTION 38-72-75 SO AS TO REQUIRE A LONG-TERM CARE INSURANCE PROVIDER TO SUBMIT ALL PREMIUM RATE SCHEDULES TO THE DEPARTMENT OF INSURANCE AND TO ESTABLISH CERTAIN PROCEDURES CONCERNING THE PREMIUM APPROVAL PROCESS; TO AMEND SECTION 38-3-110, RELATING TO THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALTER PUBLIC HEARING REQUIREMENTS; TO AMEND SECTION 38-7-20, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO EXCLUDE CERTAIN FACTORS FROM THE TOTAL PREMIUM COMPUTATION; TO AMEND SECTION 38-7-60, RELATING TO THE SUBMISSION OF A RETURN OF PREMIUMS, SO AS TO REQUIRE THE SUBMISSION OF A RETURN OF PREMIUMS COLLECTED; TO AMEND SECTION 38-43-247, RELATING TO THE REPORTING OF CRIMINAL PROSECUTIONS, SO AS TO ONLY REQUIRE THE REPORTING OF CRIMINAL CONVICTIONS; TO AMEND SECTION 38-44-50, RELATING TO THE REVIEW OF A MANAGING GENERAL AGENT, SO AS TO ALTER THE SUBMISSION DATE FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-46-60 AND 38-46-90, BOTH RELATING TO A PARTY ENGAGED AS A REINSURANCE INTERMEDIARY-BROKER, SO AS TO ALTER THE SUBMISSION DATE OF CERTAIN DOCUMENTS FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-57-130, 38-57-140, AND 38-57-150, ALL RELATING TO PROHIBITED TRADE PRACTICES, SO AS TO CLARIFY THAT CERTAIN PRACTICES ARE

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PROHIBITED; TO AMEND SECTIONS 38-75-730 AND 38-75-1200, BOTH RELATING TO CANCELLATIONS OF PROPERTY, CASUALTY, AND TITLE INSURANCE POLICIES, SO AS TO EXTEND WHEN AN INSURER CAN CANCEL A POLICY WITHOUT CAUSE TO ONE HUNDRED TWENTY DAYS AND TO PROHIBIT AN INSURER FROM CANCELLING A POLICY OUTSIDE OF THE ONE HUNDRED TWENTY-DAY PERIOD IF THEY HAD NOTICE OF A CHANGE IN RISK PRIOR TO THE EXPIRATION OF THE ONE HUNDRED TWENTY-DAY PERIOD; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICATION OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO APPLY THE SOUTH CAROLINA INSURANCE DATA SECURITY ACT TO CAPTIVE INSURANCE COMPANIES; AND TO AMEND SECTION 38-99-70, RELATING TO LICENSEES EXEMPTED FROM CERTAIN DATA SECURITY REQUIREMENTS, SO AS TO ONLY EXEMPT THE LICENSEES FROM THE PROVISIONS OF SECTION 38-99-20.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

OBJECTION

S. 309 -- Senators Setzler, Campbell and Williams: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

Senator MARTIN objected to consideration of the Bill.

S. 35 -- Senators Grooms, Campsen and Verdin : A BILL TO ENACT THE "REINFORCING COLLEGE EDUCATION ON AMERICA'S CONSTITUTIONAL HERITAGE ACT" OR THE "REACH ACT", TO AMEND SECTION 59-29-120(A), RELATING TO THE STUDY OF THE UNITED STATES CONSTITUTION REQUISITE FOR GRADUATION, TO PROVIDE THAT EACH PUBLIC HIGH SCHOOL MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH

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STUDENT FOR AT LEAST ONE YEAR; TO AMEND SECTION 59-29-130, RELATING TO THE DURATION OF INSTRUCTION IN THE ESSENTIALS OF THE UNITED STATES CONSTITUTION, TO PROVIDE THAT EACH INSTITUTION OF HIGHER LEARNING MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH UNDERGRADUATE STUDENT FOR THREE SEMESTER CREDIT HOURS; AND TO REPEAL SECTION 59-29-140, RELATING TO THE ENFORCEMENT OF THE PROGRAM OF STUDY OF THE UNITED STATES CONSTITUTION BY THE STATE SUPERINTENDENT OF EDUCATION.

Senator SCOTT objected to consideration of the Bill.

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

MADE SPECIAL ORDER

S. 176 -- Senators Hembree and Martin: A BILL TO AMEND SECTION 24-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE THAT A PERSON CONVICTED OF A CAPITAL CRIME AND HAVING IMPOSED UPON HIM THE SENTENCE OF DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR, AT THE ELECTION OF THE PERSON, LETHAL INJECTION, IF IT IS AVAILABLE AT THE TIME OF ELECTION, UNDER THE DIRECTION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, TO PROVIDE THAT IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, THE ELECTION EXPIRES AND MUST BE RENEWED IN WRITING, TO PROVIDE THAT THE PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST BE WITNESSED BY TWO PERSONS WHOSE SIGNATURES MUST BE NOTARIZED AND CERTIFIES THAT THE CONVICTED PERSON'S SIGNATURE

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WAS MADE FREE FROM COERCION AND VOLUNTARILY GIVEN, AND TO PROVIDE THAT IF EXECUTION BY LETHAL INJECTION UNDER THIS SECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION, THEN THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON.

Senator MASSEY moved that the Bill be made a Special Order.

The question then was the motion to make the Bill a Special Order.

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

Ayes 26; Nays 13

AYES

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

Total--26

NAYS

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

Total--13

The Bill was made a Special Order.

MOTION ADOPTED

At 4:41 P.M., on motion of Senator CAMPSEN, the Senate agreed to dispense with the balance of the Motion Period.

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LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

Nannette Frye, 1775 Summerton Highway, Sumter, SC 29148

Motion Adopted

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

ADJOURNMENT

At 4:49 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 2:00 P.M.

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