

NO. 17

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, FEBRUARY 5, 2019

Tuesday, February 5, 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:

Proverbs 29:16a

“Where there is no vision the people perish...”

Let us pray. Gracious God, You had a vision for Abraham, David, Solomon and Moses -- mighty men in the course of history. To fulfill our purpose in life is to fulfill the vision that You have for us to become more than we are.

For it is only through Your power that we can step out from who we are and become who You would have us to be. Helen Keller said, “The only thing worse than being blind is having sight but no vision.”

Give us Your vision, O God, and the courage to get out of our comfort zone and reach out to others and up to You in a mighty way! In Your holy name we pray, Amen.

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

REGULATION RESUBMITTED

The following was received:

Document No. 4819

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-21-540(11), 59-33-20(c), and 59-33-30

SUBJECT: Medical Homebound Instruction

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Education

Legislative Review Expiration May 8, 2019

Resubmitted February 1, 2019

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REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4816

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-104-20

SUBJECT: Palmetto Fellows Scholarship Program

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Education

Legislative Review Expiration May 8, 2019

Withdrawn and Resubmitted January 31, 2019

Document No. 4846

Agency: Department of Labor, Licensing and Regulation - Auctioneers' Commission

Chapter: 14

Statutory Authority: 1976 Code Section 40-6-40

SUBJECT: Auctioneers' Commission (Repeal Specific Regulations)

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 8, 2019

Withdrawn and Resubmitted February 5, 2019

Document No. 4859

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

Chapter: 120

Statutory Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70

SUBJECT: Veterinary Medicine and Animal Shelters

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Agriculture and Natural Resources

Legislative Review Expiration May 8, 2019

Withdrawn and Resubmitted February 5, 2019

Doctor of the Day

Senator SCOTT introduced Dr. Patricia W. Witherspoon, Columbia S.C., Doctor of the Day.

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Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 32 Sen. Shealy
S. 89 Sen. Fanning
S. 131 Sen. Corbin
S. 160 Sen. Nicholson
S. 266 Sen. Alexander
S. 330 Sen. Climer
S. 398 Sen. Scott
S. 397 Sen. Senn
S. 444 Sens. Verdin and Campsen
S. 455 Sen. Davis

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. tomorrow for the purpose of attending the Joint Assembly, and the Senate will reconvene one hour after the conclusion of the Joint Assembly.

RECALLED

S. 402 -- Senator Gregory: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF SOUTH CAROLINA HIGHWAY 5 FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 521 TO THE CATAWBA RIVER IN LANCASTER COUNTY "DENNIS C. STRAIGHT MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

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

RECALLED

H. 3630 -- Reps. Stavrinakis, McCoy, Collins, W. Newton, Mace, Clary, Brown, Gilliard, King, Mack, Erickson, Bradley, McDaniel,

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 468 -- Senator Shealy: A BILL TO AMEND SECTION 23-3-430 OF THE 1976 CODE, RELATING TO THE SEX OFFENDER REGISTRY, TO GIVE FAMILY COURTS THE DISCRETION WHETHER TO REQUIRE A JUVENILE FOURTEEN YEARS OF AGE OR OLDER TO BE PLACED ON THE REGISTRY AND TO PROHIBIT FAMILY COURTS FROM PLACING A JUVENILE UNDER FOURTEEN YEARS OF AGE ON THE REGISTRY; AND TO AMEND SECTION 23-3-490(D) OF THE 1976 CODE, RELATING TO THE PUBLIC INSPECTION OF SEX OFFENDER REGISTRY RECORDS, TO LIMIT PUBLIC ACCESS TO VICTIMS, WITNESSES, SCHOOLS, CHILDCARE FACILITIES, AND OTHER BUSINESSES THAT PRIMARILY SERVE CHILDREN, WOMEN, OR VULNERABLE ADULTS.

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

S. 469 -- Senator Shealy: A BILL TO AMEND SECTION 20-4-20 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE "PROTECTION FROM DOMESTIC ABUSE ACT", TO REVISE THE DEFINITION OF "HOUSEHOLD MEMBER" BY ADDING COHABITANTS, FORMER COHABITANTS, AND PERSONS WHO ARE PRESENTLY IN OR HAVE FORMERLY BEEN IN A DATING RELATIONSHIP AND TO DEFINE "DATING RELATIONSHIP".

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

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S. 470 -- Senators Hutto, Setzler, Massey and Young: A SENATE RESOLUTION TO CONGRATULATE JUDGE DOYET A. "JACK" EARLY, III UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 471 -- Senator Shealy: A BILL TO AMEND SECTION 17-25-20 OF THE 1976 CODE, RELATING TO PUNISHMENT FOR A FELONY WHEN NOT SPECIALLY PROVIDED, TO PROVIDE THAT SOLITARY CONFINEMENT MAY NOT BE DIRECTED FOR A PERSON WHO IS YOUNGER THAN EIGHTEEN YEARS OF AGE; TO AMEND ARTICLE 1, CHAPTER 25, TITLE 17 OF THE 1976 CODE, RELATING TO CONVICTIONS AND SENTENCES, BY ADDING SECTION 17-25-35 AND SECTION 17-25-40, TO PROVIDE THAT A COURT SHALL NOT SENTENCE A PERSON TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE IF THE PERSON WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE, TO PROVIDE THAT A COURT MAY ISSUE A SENTENCE LESS THAN THE MINIMUM TERM OTHERWISE REQUIRED BY LAW IF THAT PERSON WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE, AND TO PROVIDE PAROLE ELIGIBILITY FOR A PERSON CONVICTED AND SENTENCED FOR AN OFFENSE COMMITTED BEFORE HE WAS EIGHTEEN YEARS OF AGE; TO AMEND SECTION 17-25-45(E) OF THE 1976 CODE, RELATING TO THE LIFE SENTENCE FOR A PERSON CONVINCED FOR CERTAIN CRIMES, TO PROVIDE THAT A PERSON MAY BE PAROLED IF HE WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING AN OFFENSE; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-15, TO PROVIDE THAT A COURT SHALL NOT SENTENCE A PERSON TO DEATH OR TO LIFE IMPRISONMENT WHO WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE; TO AMEND SECTION 16-11-311(B) OF THE 1976 CODE, RELATING TO BURGLARY IN THE FIRST DEGREE, TO PROVIDE THAT THE COURT SHALL NOT SENTENCE A PERSON

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TO LIFE WHO WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE; TO AMEND SECTION 24-13-100 OF THE 1976 CODE, RELATING TO THE DEFINITION OF A "NO PAROLE OFFENSE", TO PROVIDE AN EXCEPTION TO A "NO PAROLE OFFENSE" FOR AN OFFENSE COMMITTED BY A PERSON WHO WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE OFFENSE; TO AMEND ARTICLE 15, CHAPTER 19, TITLE 63 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE'S COMMITMENT RESPONSIBILITIES, BY ADDING SECTION 63-19-1690, TO PROVIDE FOR THE USE OF MECHANICAL OR CHEMICAL RESTRAINTS, ISOLATION, OR ROOM CONFINEMENT; AND TO PROVIDE THAT CERTAIN PROVISIONS APPLY RETROACTIVELY TO A PERSON WHOSE OFFENSE WAS COMMITTED BEFORE HE WAS EIGHTEEN YEARS OF AGE, REGARDLESS OF THE ORIGINAL SENTENCES THAT WERE IMPOSED.

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

S. 472 -- Senator Shealy: A BILL TO ENACT THE "MUSIC THERAPY PRACTICE ACT"; TO AMEND TITLE 40 OF THE 1976 CODE, RELATING TO PROFESSIONS AND OCCUPATIONS, BY ADDING CHAPTER 85, TO REGULATE THE PRACTICE OF MUSIC THERAPY, TO CREATE THE SOUTH CAROLINA MUSIC THERAPY BOARD TO ASSIST THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN THE REGULATION OF THE PROFESSION OF MUSIC THERAPY, TO PROVIDE CRITERIA FOR LICENSURE, TO PROVIDE FOR THE USE OF A PROFESSIONAL DESIGNATION, AMONG OTHER THINGS, TO PROHIBIT THE PRACTICE OF MUSIC THERAPY WITHOUT A LICENSE, AND TO DEFINE NECESSARY TERMS.

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

S. 473 -- Senator Grooms: A BILL TO AMEND CHAPTER 31, TITLE 56 OF THE 1976 CODE, RELATING TO THE RENTAL OF PRIVATE PASSENGER AUTOMOBILES, BY ADDING SECTION 56-31-70, TO PROVIDE THAT AN INSURANCE POLICY THAT COVERS A PERSON OPERATING A RENTED OR LEASED

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VEHICLE, REGARDLESS OF THE LIMITATIONS OR EXCLUSIONS IN THE OPERATOR'S POLICY, SHALL BE PRIMARY TO A MOTOR VEHICLE INSURANCE POLICY IN WHICH THE NAME INSURED IS A RENTAL COMPANY OR AFFILIATE OF THE RENTAL COMPANY, A QUALIFIED SELF-INSURER, AND A BOND POSTED BY A RENTAL COMPANY OR AN AFFILIATE OF THE RENTAL COMPANY FOR THE PURPOSE OF COMPLYING WITH FINANCIAL RESPONSIBILITY.

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

S. 474 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR HAVE IN POSSESSION MORE THAN TEN SPADEFISH IN ANY ONE DAY, NOT TO EXCEED THIRTY SPADEFISH IN ANY ONE DAY ON ANY BOAT; AND TO AMEND SECTION 50-5-1710(B) OF THE 1976 CODE, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, POSSESS, LAND, SELL, PURCHASE, OR ATTEMPT TO SELL OR PURCHASE SPADEFISH OF LESS THAN FOURTEEN INCHES IN TOTAL LENGTH.

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

S. 475 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR HAVE IN POSSESSION MORE THAN THREE TRIPLETAIL IN ANY ONE DAY, NOT TO EXCEED NINE TRIPLETAIL IN ANY ONE DAY ON ANY BOAT; AND TO AMEND SECTION 50-5-1710(B) OF THE 1976 CODE, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, POSSESS, LAND, SELL, PURCHASE, OR ATTEMPT TO SELL OR PURCHASE TRIPLETAIL OF LESS THAN EIGHTEEN INCHES IN TOTAL LENGTH.

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

S. 476 -- Senator Massey: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 391 IN SALUDA COUNTY OVER THE LITTLE SALUDA RIVER AT MILE MARKER 9.30 "CORPORAL DALE HALLMAN MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

S. 477 -- Senators Talley and Gambrell: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GAME, BY ADDING ARTICLE 14, TO PROVIDE FOR THE PERMITTING OF REGULATED SHOOTING AREAS FOR MALLARDS, TO PROVIDE THAT CAPTIVE-RAISED MALLARDS THAT ARE REARED AND RELEASED ON THE PROPERTY DESIGNATED AS A REGULATED SHOOTING AREA FOR MALLARDS MAY ONLY BE HUNTED DURING THE OPEN SEASON FOR MALLARDS, TO PROVIDE MARKING REQUIREMENTS FOR CAPTIVE-RAISED MALLARDS, TO PROVIDE THAT CAPTIVE-RAISED MALLARDS MAY BE TAKEN BY SHOOTING ON PERMITTED REGULATED SHOOTING AREAS FOR MALLARDS WITHOUT REGARD FOR BAG OR POSSESSION LIMITS AND TO PROVIDE EXCEPTIONS, TO REQUIRE CERTAIN LICENSES FOR HUNTING ON A REGULATED SHOOTING AREA FOR MALLARDS, TO PROVIDE THAT A PERMITTEE SHALL MAKE AN ANNUAL REPORT OF OPERATIONS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF PERMITTING AND MARKING REQUIREMENTS.

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

S. 478 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, APRIL 16, 2019, AS "DONOR DAY" IN SOUTH CAROLINA; TO HONOR ALL THOSE WHO HAVE MADE THE DECISION TO GIVE THE GIFT OF LIFE; TO FOCUS

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ATTENTION ON THE EXTREME NEED FOR ORGAN, EYE, AND TISSUE DONATION; AND TO ENCOURAGE ALL RESIDENTS TO TAKE ACTION AND SIGN UP ON SOUTH CAROLINA'S ORGAN AND TISSUE DONOR REGISTRY AT THEIR LOCAL SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES OFFICE OR AT DONATE LIFE SOUTH CAROLINA'S WEBSITE.

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

S. 479 -- Senator Peeler: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE BRETT REISTAD, TO SOUTH CAROLINA AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 6, 2019.

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

S. 480 -- Senator Alexander: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING SECTION 23-3-90, TO PROVIDE THAT AN AGENCY AUTHORIZED TO CONDUCT FINGERPRINT BACKGROUND CHECKS IN THIS STATE MAY CONDUCT A FEDERAL FINGERPRINT REVIEW, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, UPON REQUEST, MAY SUBMIT THE FINGERPRINTS COLLECTED BY AGENCIES AND INFORMATION RELATED TO THOSE PRINTS TO THE FEDERAL BUREAU OF INVESTIGATION'S NEXT GENERATION IDENTIFICATION PROGRAM, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND THE FEDERAL BUREAU OF INVESTIGATION MAY RETAIN COLLECTED FINGERPRINTS AND SEARCH ANY RETAINED FINGERPRINTS AT A LATER DATE PURSUANT TO AN APPROPRIATE INQUIRY, AND TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION MAY CHARGE A REASONABLE FEE FOR THE COLLECTION AND RETENTION OF THE FINGERPRINTS.

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

S. 481 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE DIVISION OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS AND PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE "SOUTH CAROLINA FIRE ACADEMY", TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY ALSO MAY ACCEPT DONATIONS OF FIRE

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EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

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

H. 3135 -- Reps. G. M. Smith, Erickson, Yow, Funderburk, Huggins, Wheeler, Clemmons, Anderson and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "WORKFORCE ENHANCEMENT AND MILITARY RECOGNITION ACT"; TO AMEND SECTION 12-6-1171, RELATING TO THE MILITARY RETIREMENT INCOME DEDUCTION, SO AS TO REMOVE CERTAIN LIMITS.

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

H. 3136 -- Reps. G. M. Smith, G. R. Smith, Erickson, Clyburn, B. Newton, V. S. Moss, Yow, W. Newton, Clemmons, Moore and Gilliard: A BILL TO AMEND SECTION 12-6-3790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCEPTIONAL NEEDS TAX CREDIT, SO AS TO PROVIDE THAT THE CUMULATIVE MAXIMUM ANNUAL CREDIT AMOUNTS ARE INCREASED TO PROVIDE A SCHOLARSHIP TO ANY EXCEPTIONAL NEEDS CHILD OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND WHO IS EITHER ON ACTIVE DUTY OR WAS KILLED IN THE LINE OF DUTY.

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

H. 3137 -- Reps. G. M. Smith, Lucas, Ott, Stavrinakis, Simrill, Rutherford, Pope, Clyburn, S. Williams, Cobb-Hunter, Bailey, Erickson, Bradley, Yow, Forrest, Kirby, Sottile, Murphy, Chellis, Kimmons, Rose, Wheeler, Young, Clemmons, Cogswell, Gilliard, B. Newton, Anderson, Jefferson, Bales, Blackwell, McDaniel, Moore, R. Williams and Henderson-Myers: A BILL TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS TO CHANGE THE NAME OF THE LOCAL GOVERNMENT FUND, TO DELETE

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THE REQUIREMENT THAT THE FUND RECEIVE NO LESS THAN FOUR AND ONE-HALF PERCENT OF THE GENERAL FUND REVENUES OF THE LATEST COMPLETED FISCAL YEAR, TO DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE APPROPRIATION TO THE FUND MUST BE INCREASED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE PERCENTAGE INCREASE, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, TO AMEND THE DISTRIBUTION PERCENTAGE OF THE FUND, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

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

H. 3369 -- Reps. Bernstein, Erickson, Collins, Brawley, Henegan, Rose, Caskey, Clary, Pope, Bryant, Fry, Wheeler and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 20-1-300 RELATING TO THE ISSUANCE OF A MARRIAGE LICENSE TO MINORS WHEN THE FEMALE IS PREGNANT OR HAS GIVEN BIRTH TO A CHILD.

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

H. 3411 -- Reps. G. R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

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

H. 3446 -- Reps. Pitts, G. M. Smith, Crawford, Caskey, Pope, Bryant and Fry: A BILL TO AMEND SECTION 2-69-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE STANDING COMMITTEES TO ISSUE SUBPOENAS AND SUBPOENAS DUCES TECUM, SO AS TO AUTHORIZE THE STANDING COMMITTEES TO ISSUE SUBPOENAS OR SUBPOENAS DUCES TECUM TO PRIVATE ENTITIES OR

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INDIVIDUALS AS REQUIRED BY LAW, INCLUDING, BUT NOT LIMITED TO, FINANCIAL INSTITUTIONS, AND TO DEFINE THE TERM "FINANCIAL INSTITUTION".

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

H. 3472 -- Reps. Murphy, Caskey, Pope, Bryant, Fry, B. Newton, McCoy, Stavrinakis, Ligon, Clemmons and Anderson: A BILL TO AMEND SECTION 23-31-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY, SO AS TO INCLUDE THE ATTORNEY GENERAL AND ASSISTANT ATTORNEYS GENERAL IN THE PURVIEW OF THE STATUTE.

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

H. 3576 -- Reps. White, Cobb-Hunter, Garvin, Rose, Loftis, Gilliard, Moore, Clemmons and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-150-365 SO AS TO ESTABLISH THE SOUTH CAROLINA WORKFORCE INDUSTRY NEEDS SCHOLARSHIP (SC WINS), TO PROVIDE THAT CERTAIN STUDENTS ATTENDING A TWO-YEAR TECHNICAL COLLEGE ARE ELIGIBLE FOR THE SCHOLARSHIP, AND TO PROVIDE ELIGIBILITY REQUIREMENTS.

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

REPORTS OF STANDING COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 160 -- Senators Allen, Davis, Turner, Rice, Talley, Gambrell and Nicholson: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 310 -- Senator Alexander: A BILL TO AMEND SECTION 12-21-2870 OF THE 1976 CODE, RELATING TO UNSTAMPED OR

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UNTAXED CIGARETTES, TO PROVIDE THAT CIGARETTES FOUND AT ANY POINT THAT DO NOT HAVE STAMPS AFFIXED TO THEIR PACKAGE ARE CONSIDERED CONTRABAND IN CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 323 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-54-265 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO SUBMIT CERTAIN INFORMATION TO A FINANCIAL INSTITUTION REGARDING A DEBTOR THAT HAS BEEN NAMED ON A WARRANT FOR DISTRAINT, AND TO REQUIRE THE FINANCIAL INSTITUTION PROVIDE CERTAIN INFORMATION TO THE DEPARTMENT.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 398 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE A GRACE PERIOD ON THE ENFORCEMENT OF SECTION 12-21-735 OF THE 1976 CODE, RELATING TO THE STAMP TAX ON CIGARETTES, AGAINST UNSTAMPED PACKAGES OF CIGARETTES FOR WHICH APPLICABLE TAXES HAVE BEEN PAID.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 426 -- Senator Goldfinch: A JOINT RESOLUTION TO TRANSFER FUNDS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR A BOAT RAMP IN GEORGETOWN COUNTY TO THE DEPARTMENT OF NATURAL RESOURCES AND TO CREDIT SUCH FUNDS AS WATER RECREATIONAL RESOURCE FUNDS FOR GEORGETOWN COUNTY.

Ordered for consideration tomorrow.

Appointment Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

[SJ]

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Statewide Appointments

Initial Appointment, Adjutant General, with the term to commence January 13, 2019, and to expire January 13, 2021

Roy Van McCarty, 217 Silvercreek Dr., Lexington, SC 29072-8089
VICE Major General Robert E. Livingston

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

AMENDED, CARRIED OVER

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.

The Senate proceeded to a consideration of the Bill.

Senators MARTIN and DAVIS proposed the following amendment (309R004.SP.SRM), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 22 through 42, and page 2, by striking lines 1 through 6 and inserting:

/ “Section 12-6-3585. (A)(1) For each tax year beginning after 2018, a taxpayer may claim as a credit against state income tax imposed by Chapter 6, Title 12, bank tax imposed by Chapter 11, Title 12, license fees imposed by Chapter 20 of Title 12, or insurance premiums imposed by Chapter 7, Title 38, or any combination of them, one hundred percent of an amount contributed to the Industry Partnership Fund at the South Carolina Research Authority (SCRA), or an SCRA-designated affiliate, or both, pursuant to Section 13-17-88(E), up to a maximum credit of six hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of two million dollars for all taxpayers in tax year 2006; up to a maximum credit of one million three hundred thousand dollars for a single taxpayer, not to exceed an aggregate credit of four million dollars for all taxpayers in tax year 2007; and up to a maximum credit of two million dollars for a single taxpayer, not to exceed an aggregate credit of six million dollars for all taxpayers for each tax year beginning after December 31, 2007 two hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of twelve million dollars for all taxpayers. For purposes of determining a taxpayer’s entitlement to the credit for qualified contributions for a given tax year in which more than the applicable aggregate annual limit

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on the credit is contributed by taxpayers for that year, taxpayers who have made contributions that are intended to be qualified contributions earlier in the applicable tax year than other taxpayers must be given priority entitlement to the credit. The SCRA shall certify to taxpayers who express a bona fide intention of making one or more qualified contributions as to whether the taxpayer is entitled to that priority.

(2) Notwithstanding the annual aggregate credit amount set forth in item (1), for each tax year beginning after 2024, the annual aggregate credit for all taxpayers is reduced from twelve million dollars to six million dollars. /

Amend the bill further, page 2, by striking lines 34 through 43, and page 3, by striking lines 1 through 3 and inserting:

/ SECTION 2. Section 12-6-3585 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

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

(2) The report shall also include, by county, the number of taxpayers who express a bona fide intention to contribute to the Industry Partnership Fund, the number of taxpayers whom the SCRA certified as entitled to receive the Industry Partnership Fund tax credit, and the amount of Industry Partnership Fund contributions that received such certification from SCRA.

(3) The report also must be posted in a conspicuous place on the website maintained by the South Carolina Research Authority.”/

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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

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CARRIED OVER

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

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

OBJECTION

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

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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 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.

Senator MALLOY objected to the consideration of the Bill.

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

MOTION ADOPTED

At 2:33 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

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

[SJ]

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MOTION ADOPTED

On motion of Senator YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Irene K. Rudnick of Aiken, S.C. Ms. Rudnick served in the South Carolina House of Representatives for 14 years. Irene graduated from the University of South Carolina Law School and practiced law before becoming a professor at USC Aiken where she taught for 50 years. Irene was a loving mother and devoted grandmother who will be dearly missed.

ADJOURNMENT

At 2:45 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:45 A.M.

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