

NO. 19

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

THURSDAY, FEBRUARY 7, 2019

Thursday, February 7, 2019
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Philippians 4:8

“Finally brethren, whatever things are true, whatever things are noble, whatever things are just...meditate on these things.”

Let us pray. Almighty God, we constantly come to You praying for Your wisdom to guide and direct our thoughts and actions. Yet we so easily become distracted with negative thoughts. These negative thoughts are the software that corrupts our minds. Help us, O God, to reprogram our minds with what is true -- what is noble and what is just in Your sight.

Strengthen our faith so that we can minimize unhealthy negative thinking that corrupts our minds. As Martin Luther said, “We can’t keep birds from flying over our heads, but we can keep them from nesting in our hair.” We offer this prayer in Your holy name, Amen.

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

Point of Quorum

At 11:03 A.M., Senator KIMPSON made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Bennett	Campbell
Cash	Cromer	Davis
Fanning	Gambrell	Goldfinch
Harpootlian	Hembree	Kimpson
Leatherman	Malloy	Martin
Massey	McElveen	Nicholson
Peeler	Rankin	Rice

THURSDAY, FEBRUARY 7, 2019

Sabb	Shealy	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

Doctor of the Day

Senators CAMPSSEN and McLEOD introduced Dr. Michael Finch, Columbia S.C., Doctor of the Day.

Leave of Absence

At 11:39 A.M., Senator GOLDFINCH requested a leave of absence for Senator VERDIN for the balance of the day.

Leave of Absence

At 11:46 A.M., Senator MASSEY requested a leave of absence for Senator SETZLER for the day.

CO-SPONSORS ADDED

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

S. 131	Sen. Turner
S. 318	Sen. Davis
S. 424	Sen. Rice
S. 426	Sen. Sabb
S. 468	Sens. Hutto and Jackson
S. 469	Sens. Hutto and Jackson
S. 471	Sens. Hutto and Jackson

RECOMMITTED

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.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

THURSDAY, FEBRUARY 7, 2019

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

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

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.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 489 -- Senator Goldfinch: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-680 SO AS TO CREATE A COYOTE BOUNTY PROGRAM TO PROVIDE PAYMENTS FOR ADULT COYOTES LAWFULLY REMOVED FROM THIS STATE; BY ADDING SECTION 50-9-930 SO AS TO PROVIDE THE FUNDING TO BE USED TO ADMINISTER THE COYOTE BOUNTY PROGRAM; TO AMEND SECTION 50-9-450, RELATING TO COMMERCIAL FUR LICENSES, SO AS TO REQUIRE A LICENSE TO SELL OR TAKE THE PELTS OF CERTAIN FUR-BEARING ANIMALS; TO AMEND SECTIONS 50-9-510 AND 50-9-515, BOTH RELATING TO HUNTING AND FISHING LICENSES, BOTH SO AS TO INCREASE CERTAIN FEES BY ONE DOLLAR; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO THE REVENUES FROM THE SALE OF LICENSES, SO AS TO REMOVE THE REQUIREMENT THAT FUNDS FROM ANTLERED DEER TAGS BE USED TO

THURSDAY, FEBRUARY 7, 2019

ADMINISTER THE COYOTE MANAGEMENT PROGRAM; TO AMEND SECTION 50-11-2450, RELATING TO REPORTING REQUIREMENTS FOR COMMERCIAL FUR LICENSEES, SO AS TO ALTER A CODE REFERENCE; AND TO AMEND SECTION 50-11-2540, RELATING TO TRAPPING SEASON FOR FUR-BEARING ANIMALS, SO AS TO ESTABLISH THAT IT IS LAWFUL TO TRAP CERTAIN FUR-BEARING ANIMALS AND TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES YEAR ROUND.

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

S. 490 -- Senators Turner, Corbin, Bennett and Shealy: A BILL TO ENACT THE "TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT", TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 2, TO PROVIDE THAT THE STATE MAY NOT ENTER INTO CONTINGENCY FEE CONTRACTS WITHOUT A WRITTEN DETERMINATION BY THE ATTORNEY GENERAL, TO SET THE MAXIMUM FOR CONTINGENCY FEE CONTRACTS, TO PROVIDE THAT CERTAIN REQUIREMENTS MUST BE MET DURING THE TERM OF THE CONTRACT, TO PROVIDE THAT THE ATTORNEY GENERAL SHALL ANNUALLY SUBMIT A REPORT TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR DESCRIBING THE USE OF CONTINGENCY FEE CONTRACTS WITH PRIVATE ATTORNEYS IN THE PRECEDING CALENDAR YEAR, TO PROVIDE FOR THE CONTENTS OF THAT REPORT, AND TO DEFINE NECESSARY TERMS.

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

S. 491 -- Senators Corbin, Davis, Gambrell and Climer: A BILL TO AMEND SECTION 11-9-110 OF THE 1976 CODE, RELATING TO THE REPORTING REQUIREMENTS FOR AN ORGANIZATION TO WHICH A CONTRIBUTION IS APPROPRIATED, TO PROVIDE THAT EACH NONPROFIT ORGANIZATION THAT RECEIVES A CONTRIBUTION FROM AN ENTITY THAT RECEIVES A GENERAL APPROPRIATION OF STATE TAXPAYER FUNDS MUST FILE A REPORT, TO PROVIDE THE CONTENTS OF THE

[SJ]

THURSDAY, FEBRUARY 7, 2019

REPORT, TO PROVIDE THAT A CONTRIBUTION MUST NOT BE MADE TO AN ORGANIZATION UNTIL IT AGREES IN WRITING TO ALLOW THE STATE AUDITOR TO AUDIT OR CAUSE TO BE AUDITED THE CONTRIBUTED FUNDS, AND TO DEFINE NECESSARY TERMS.

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

S. 492 -- Senators Grooms, Massey, Gambrell, Shealy, Verdin, Campbell and Scott: A BILL TO AMEND CHAPTER 95, TITLE 44 OF THE 1976 CODE, RELATING TO THE CLEAN INDOOR AIR ACT, BY ADDING SECTION 44-95-45, TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO THE INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC CIGARETTES, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO JANUARY 1, 2019 ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

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

S. 493 -- Senator Senn: A BILL TO AMEND SECTION 38-77-170 OF THE 1976 CODE, RELATING TO CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF A MOTOR VEHICLE CAUSING INJURY OR DAMAGE IS UNKNOWN, TO PROVIDE THAT THERE IS A RIGHT OF ACTION OR RECOVERY UNDER THE UNINSURED MOTORIST PROVISION IF THE INJURY OR DAMAGE WAS CAUSED BY THE UNKNOWN VEHICLE, OR THE INSURED CAN PROVE THAT THE INJURY OR DAMAGE WAS CAUSED BY AN UNKNOWN VEHICLE BY AN ELECTRONIC OR OTHER RECORDING OR OTHER CLEAR AND CONVINCING EVIDENCE.

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

THURSDAY, FEBRUARY 7, 2019

S. 494 -- Senator Fanning: A BILL TO AMEND SECTION 44-7-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO ADD AN EXEMPTION FOR SUBSTANCE ABUSE TREATMENT FACILITIES ESTABLISHED AND OPERATING ON THE GROUNDS OF CERTAIN CLOSED RURAL HOSPITALS.

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

S. 495 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LIFE AND WORK OF WILLIE A. TOMPKINS AND TO COMMEMORATE THE CELEBRATION AT BETHANY MISSIONARY BAPTIST CHURCH ON FEBRUARY 17, 2019.

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The Senate Resolution was adopted.

H. 3483 -- Reps. Hiott, Clary, Collins, Forrest and Caskey: A BILL TO REPEAL SECTION 3 OF ACT 138 OF 2016 RELATING TO THE AUTOMATIC REPEAL OF STATUTORY PROVISIONS REQUIRING CERTAIN COAL COMBUSTION RESIDUALS BE PLACED IN A CLASS 3 LANDFILL.

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

H. 3585 -- Reps. Spires, Sandifer, West and Bannister: 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

THURSDAY, FEBRUARY 7, 2019

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 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.

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

H. 3587 -- Reps. Spires, Sandifer and West: 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,

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THURSDAY, FEBRUARY 7, 2019

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 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, RELATING TO INSURANCE HOLDING COMPANY REGULATORY ACT DEFINITIONS, SO AS TO DEFINE THE TERMS "DIRECTOR," "GROUP-WIDE SUPERVISOR," AND "INTERNATIONALLY ACTIVE INSURANCE GROUP".

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

H. 3595 -- Reps. Elliott, G. M. Smith, Simrill, Stavrinakis, Loftis, Clemmons, Erickson, West, Bannister and Forrest: 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.

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

THURSDAY, FEBRUARY 7, 2019

H. 3644 -- Reps. Clemmons, Huggins and Willis: 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 ALLOW FOR THE USE OF WILD TURKEY PARTS, TO ESTABLISH A LABEL REQUIREMENT, TO PROVIDE THAT THIS PROVISION DOES NOT AUTHORIZE THE SALE OF WILD TURKEY MEAT AND TO DELETE PROVISIONS PROHIBITING THE SALE OF PARTS OF WILD TURKEYS.

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

REPORT OF STANDING COMMITTEE

Senator PEELER from the Committee on Operations and Management polled out S. 479 favorable:

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.

Poll of the Operations and Management Committee

Polled 9; Ayes 9; Nays 0

AYES

Peeler	Leatherman	Setzler
Reese	Rankin	Malloy
Massey	Shealy	Turner

Total--9

NAYS

Total--0

Ordered for consideration tomorrow.

Appointment Reported

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

THURSDAY, FEBRUARY 7, 2019

Statewide Appointment

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

Received as information.

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

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.

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

**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. 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

THURSDAY, FEBRUARY 7, 2019

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 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.

OBJECTION

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.

Senator HUTTO objected to consideration of the Resolution.

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THURSDAY, FEBRUARY 7, 2019

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.

Senator HEMBREE objected to consideration of the Resolution.

CARRIED OVER

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

Senator CROMER explained the Bill.

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

**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED, CARRIED OVER**

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 DISTRRAINT, AND TO REQUIRE THE FINANCIAL INSTITUTION PROVIDE CERTAIN INFORMATION TO THE DEPARTMENT.

The Senate proceeded to the consideration of the Bill.

Committee on Finance proposed the following amendment (SA\323C001.RT.SA19), which was adopted:

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

/ SECTION 1. Chapter 54, Title 12 of the 1976 Code is amended by adding:

“Section 12-54-265. (A) Notwithstanding any other provision of law, the department may submit to a financial institution, as defined in Section 63-17-2310(A)(2), information that identifies a debtor named on

THURSDAY, FEBRUARY 7, 2019

a warrant for distraint that has been issued and filed by the department or whose debt has been submitted to the department for collection under the provisions of Section 12-4-580. For purposes of debts named on warrants for distraint, the debt must be at least one hundred eighty days old from the date of assessment. The department may submit the information to the financial institution on a quarterly basis or, with the agreement of the financial institution, on a more frequent basis. A financial institution that receives the information must conduct a data match. The financial institution must then provide to the department, in a manner and form prescribed by the department, information concerning the debtor for purposes of collecting outstanding debts. The information provided to the department must include, but is not limited to, the information required pursuant to Section 63-17-2320(A). The financial institution must be paid a reasonable fee out of the collected funds not to exceed actual cost.

(B) Notwithstanding any other provision of law, a financial institution is not liable to a person for disclosure of information to the department, its designee, or the department's or its designee's employees pursuant to subsection (A) or for encumbering or surrendering any deposits, credits, or other personal property in response to a notice of lien or levy by the department, or its designee, or for any other action taken in good faith to comply with the requirements of subsection (A)."

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator CROMER explained the committee amendment.

The amendment was adopted.

Senator HEMBREE proposed the following amendment (323R001.KMM.GH):

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

/ SECTION 1. Chapter 54, Title 12 of the 1976 Code is amended by adding:

"Section 12-54-265. (A) For the purposes of this section, 'financial institution' means a federal, state, commercial, or savings bank and loan association, cooperative bank, federal or state chartered credit union, benefit association, insurance company, safe deposit company, money market mutual fund, or investment company doing business in this State.

THURSDAY, FEBRUARY 7, 2019

(B)(1) Notwithstanding any other provision of law, the department may submit to a financial institution information that identifies a debtor named on a warrant for distraint that has been issued and filed by the department. For the purposes of debts named on warrants for distraint, the debt must be at least one hundred eighty days old from the date of assessment. The department may submit the information to the financial institution on a quarterly basis or, with the agreement of the financial institution, on a more frequent basis. A financial institution that receives the information must conduct a data match. The financial institution must then provide to the department, in a manner and on a form prescribed by the department, information concerning account holders for use in the collection of the debt associated with the warrant for distraint, including, but not limited to, the account holder's:

- (a) full name;
- (b) Social Security number, taxpayer identification number, or alien identification number, as applicable;
- (c) address of record;
- (d) account number; and
- (e) assets and liabilities.

(2) Nothing contained in this section allows a financial institution to release information concerning accounts held jointly or in common by a person not subject to the debt.

(3) The financial institution must be paid a reasonable fee out of the collected funds not to exceed actual costs.

(C) Notwithstanding any other provision of law, a financial institution is not liable to a person for:

(1) disclosure of information to the department, its designee, or the department's or its designee's employees pursuant to subsection (B);

(2) encumbering or surrendering any deposits, credits, or other personal property in response to a notice of lien or levy by the department or its designee; or

(3) any other action taken in good faith to comply with the requirements of subsection (B)."

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

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

THURSDAY, FEBRUARY 7, 2019

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

S. 398 -- Senators Alexander and Scott: 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.

The Senate proceeded to the consideration of the Resolution.

The Committee on Finance proposed the following amendment (DG\398C001.NBD.DG19), which was adopted:

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

/ SECTION 1. For the period beginning January 1, 2019, and ending October 1, 2019, unstamped packages of cigarettes subject to the provisions of Section 12-21-735 for which applicable taxes have been paid are not contraband goods subject to seizure by the Department of Revenue or any peace officer of the State, and any fines associated with such seizure.

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

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The amendment was adopted.

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

READ THE SECOND TIME

S. 426 -- Senators Goldfinch and Sabb: 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.

The Senate proceeded to the consideration of the Resolution.

Senator GOLDFINCH explained the Resolution.

THURSDAY, FEBRUARY 7, 2019

The question then being the second reading of the Resolution.

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

Ayes 38; Nays 0

AYES

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

Total--38

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

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.

The Senate proceeded to the consideration of the Resolution.

Senator CAMPSEN proposed the following amendment (DG\3630C001.NBD.DG19), which was adopted:

[SJ]

THURSDAY, FEBRUARY 7, 2019

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

/ SECTION 1. (A) For property tax year 2018 for which property taxes are due on January 15, 2019, the penalty schedule for unpaid property taxes and assessments set forth in Section 12-45-180, including the commencement of a tax execution, must be delayed by three months in each portion of the schedule.

(B)(1) This section only applies if the owner of the real property is employed by the federal government and did not receive his federal salary on the normal schedule during the shutdown that began on December 22, 2018. This section also applies if the owner of the real property contracts with the federal government and the federal shutdown has caused him to lose at least fifty percent of his income during the shutdown, as determined by the county treasurer.

(2) The burden of proof of eligibility for the delay is on the taxpayer. The taxpayer must provide the county treasurer with whatever proof the treasurer determines necessary to determine eligibility.

(C) Nothing in this section may be construed to mean that real property taxes and assessments are not still due on or before January 15, 2019, or thirty days after the mailing of tax notices, whichever occurs later. Also, nothing in this section may be construed to affect the procedure for appealing real property taxes and assessments.

SECTION 2. This joint resolution takes effect upon approval by the Governor. If penalties have been added before the effective date of this joint resolution, the auditor shall adjust the penalties in conformity with the provisions of this joint resolution. If penalties have been paid before the effective date of this act, the taxpayer is entitled to a refund of penalties paid. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being the second reading of the Resolution.

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

Ayes 40; Nays 0

AYES

THURSDAY, FEBRUARY 7, 2019

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

Total--40

NAYS

Total--0

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

POINT OF ORDER

S. 279 -- Senator Talley: A BILL TO AMEND SECTION 63-19-630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE'S BOARD OF JUVENILE PAROLE, SO AS TO CHANGE QUORUM REQUIREMENTS TO CONFORM TO BOARD MEMBERSHIP CHANGES.

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. 314 -- Senator Alexander: A BILL TO AMEND ARTICLE 25, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO

THURSDAY, FEBRUARY 7, 2019

SOUTH CAROLINA INCOME TAX CREDITS, BY ADDING SECTION 12-6-3800, TO ALLOW AN INCOME TAX CREDIT FOR EACH CLINICAL ROTATION SERVED BY A PHYSICIAN, ADVANCED PRACTICE NURSE, OR PHYSICIAN ASSISTANT AS A PRECEPTOR FOR CERTAIN PROGRAMS.

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. 397 -- Senators Harpootlian and Senn: A BILL TO AMEND SECTION 61-6-4510 OF THE 1976 CODE, RELATING TO MUNICIPAL POLICE OFFICERS, TO PROVIDE THAT A COUNTY SHERIFF HAS THE SAME POWER AS A MUNICIPAL POLICE OFFICER TO ENFORCE THE PROVISIONS OF ARTICLE 13, CHAPTER 6, TITLE 61.

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.

Rule 1

Under the provisions of Rule 1, Senator MASSEY moved that the Senate meet on Wednesday, February 13, 2019 and Wednesday, February 20, 2019, at 2:00 P.M.

Motion Adopted

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

MOTION ADOPTED

THURSDAY, FEBRUARY 7, 2019

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Laura Hildenbrandt of Myrtle Beach, S.C. Laura enjoyed traveling and spending time with her family and friends. She was an active member of Ocean View Baptist Church. Laura was a loving mother and devoted friend who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators GROOMS, BENNETT, J. MATTHEWS, CAMPBELL and SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Hewlette Rozier, Jr. of Moncks Corner, S.C. James enjoyed announcing the Berkeley Stags High School football games, attending Clemson football games, traveling and fishing. He served as Berkeley County Supervisor for 16 years and most recently was a consultant for the RozierGroup, LLC. James served on numerous boards including Trident Medical Center, Berkeley and Charleston Chambers of Commerce and was the chairman of Berkeley, Charleston and Dorchester Regional Transportation Authority to mention a few. He was an active member of Moncks Corner United Methodist Church. James was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

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

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THURSDAY, FEBRUARY 7, 2019

SENATE JOURNAL INDEX

S. 160.....	12	S. 489.....	3
S. 279.....	18	S. 490.....	4
S. 309.....	10	S. 491.....	4
S. 310.....	12	S. 492.....	5
S. 314.....	18	S. 493.....	5
S. 323.....	12	S. 494.....	6
S. 360.....	10	S. 495.....	6
S. 397.....	19		
S. 398.....	15	H. 3483	6
S. 426.....	15	H. 3585	6
S. 456.....	2	H. 3587	7
S. 457.....	3	H. 3595	8
S. 458.....	11	H. 3630	16
S. 460.....	3	H. 3644	9
S. 479.....	9		