

NO. 30

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

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WEDNESDAY, FEBRUARY 27, 2019

**Wednesday, February 27, 2019**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 11:45 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:

In Daniel 3:20 we read that Nebuchadnezzar "...ordered some of the strongest guards in his army to bind Shadrack, Meshach and Abednego and to throw them into the furnace of blazing fire."

Let us pray. Gracious God, we ask Your blessing on all our Senators who are working each day to do the best they can to represent the people of our State. It takes a lot of energy, creative thinking and diplomacy to move legislation out of a committee and through this Chamber. Sometimes these dedicated servants feel like they have been thrown into a fiery furnace.

We thank You, O God, that You hear their cry -- that You feel their anguish and disappointment when fellow members oppose them and that You feel their concern and rejection when some public opinion is against them.

Lord, grant to each Senator a special peace that comes from knowing that they do not undertake this journey alone...that You are with them, You will uphold them, You will strengthen them and You will bless them. May all their efforts bring glory to You and the citizens of this State. In Your holy name we pray, Amen.

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

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to recede at 11:50 A.M. for the purpose of attending the Joint Assembly.

**Committee to Escort**

The PRESIDENT appointed Senators MALLOY, TALLEY, MARTIN, M.B. MATTHEWS, REESE and RANKIN to escort the Honorable Donald W. Beatty, Chief Justice of the South Carolina Supreme Court, and members of his party to the House of Representatives for the Joint Assembly.

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**RECESS**

At 11:50 A.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Chief Justice of the South Carolina Supreme Court**

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 3747, a Concurrent Resolution adopted by both Houses.

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 Honorable Donald W. Beatty, Chief Justice of the South Carolina Supreme Court, and members of his party, were escorted to the rostrum by Senators MALLOY, TALLEY, MARTIN, M.B. MATTHEWS, REESE and RANKIN and Representatives Henderson-Myers, Parks, Calhoon, Morgan, Jordan and Collins.

The PRESIDENT introduced the Honorable Donald W. Beatty, Chief Justice of the South Carolina Supreme Court.

Chief Justice Beatty addressed the Joint Assembly as follows:

**State of the Judiciary Address  
By the Honorable Donald W. Beatty  
Chief Justice of South Carolina**

Thank you very much. Please be seated.

Speaker Lucas, PRESIDENT, Speaker Pro Tempore Pope, members of the Joint Assembly, members of the Judiciary, ladies and gentlemen. Thank you for this opportunity to share with you the State of your Judicial Branch of Government. It has been and continues to be the greatest honor and privilege to serve our State as Chief Justice.

Before I begin, I would like to note the significance of today. Tomorrow marks the end of Black History month. Friday is the start of Women's History month. Recognizing these events is important as we are striving for more diversity in our Judiciary.

Our goal as judges is to seek justice for all of South Carolina's citizens. First and foremost, this requires a judge to have outstanding

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qualifications. Equally important, a judge must be able to understand those with different backgrounds and needs. This requires diversity on the Bench.

Looking back over my career, I acknowledge that we have made some strides toward diversity. Twenty years ago, minorities were scarcely represented on the Bench. Today, out of a total of 129 trial and appellate judges, 34% are female, 13% are African-American, and 9% are African-American females. This is a good start. But, there is room for improvement.

In other areas, the Judiciary has made incredible advancements. The privilege of serving as Chief Justice bears with it a tremendous responsibility. As Chief Justice, I am responsible for managing one of the three branches of government. While we are often referred to as the "South Carolina Judicial Department," we are in fact the Judicial Branch.

As you can see on the screen, the Judicial Branch is comprised of three levels of courts with administrative departments totaling approximately 3,733 employees.

Our IT department hosts a statewide Case Management System (CMS). This involves providing technical support for electronic data management as well as training for E-Filing in all 46 counties.

Court Administration manages all three levels of courts and addresses any issues presented by county Clerks of Court. In addition to these duties, Court Administration organizes and provides training and education for summary, probate, trial, and appellate court judges.

All of this is done with extremely limited resources and staff. Yet, despite our meager resources, the Judicial Branch achieved great things in 2018 due to the hard work of our judges and employees.

### **I. 2018 in Review**

#### **A. Public Information Officer / Annual Report**

In 2018, we hired a Public Information Officer, Ginny Jones. She has been a wonderful addition to the Judicial Branch as she responds to all media inquiries that our judges and employees receive. It is her role to communicate the Judicial Branch's official position on an issue, whether it be a media inquiry or current event.

Additionally, she coordinates our community involvement efforts such as our speakers' bureau, "Judges in Schools" program, and our statewide "Adoption Day" program.

Equally important, she helped produce our first ever "Annual Report," which you should have received today. The "Annual Report" is a publication that provides an overview of the Judicial Branch and highlights some of our activities.

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You can read about these in more detail. But, for now, I would like to briefly discuss some of our 2018 accomplishments.

### **B. Addressed Court Reporter Shortage**

Like other states, we have a critical shortage of qualified court reporters due to the retirement/resignation of court reporters and the lack of any training programs at technical colleges in our state. This shortage caused cancellation of trials and hearings throughout the state. Litigants, lawyers, and court employees were equally frustrated.

To address this problem, we are:

1. Advertising Vacancies in Local and National Publications.
2. Temporarily using Contract Court Reporters.
3. Discussing the Development of a traditional Court Reporter Training Program with the administrations of Horry-Georgetown Technical College (HGTC), Central Carolina Technical College, and Greenville Technical College.

Right now, we have partnered with Horry-Georgetown Technical College to create a Digital Court Reporter Certificate Program, allowing us to more formally recognize digital court reporting.

The Digital Court Reporting Program will be provided in an online format, with a hands on component required prior to completion. The students will be trained in digital court reporting as well as transcription. The certificate can be earned in 12 to 20 weeks and the first class will begin in March.

I am grateful to Senator Stephen Goldfinch for his support of this program.

Once this program is fully operational, we will begin the process of developing traditional court reporting programs with Horry-Georgetown Technical College.

### **C. Implemented Digital Recorders**

The use of Digital Recorders has helped immensely to supplement the current shortage of court reporters. In fact, I am happy to report that this new technology has virtually eliminated the need for Family Court case continuances because of Court Reporter unavailability. I now receive detailed weekly reports that identify the date and reason for each court cancellation.

As of this week, we have 14 Digital Recorders in Family Court and 2 Digital Recorders in Circuit Court. By July 1, 2019, we plan to have 20

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Digital Recorders in place and one portable digital recorder for emergency situations.

We also continue to hire and train individuals as Court Monitors to ensure the successful operation of this new technology. Court Administration has immediate access to the audio recordings, which can then be transcribed as the official court record.

As you can see, we are making great strides to cover all terms of court. At the beginning of 2018, we were able to cover 94 terms of court unless a Court Reporter was unavailable. By mid-April, we should be able to cover 111 terms of court with Court Reporters, Digital Recorders, and Contract Court Reporters.

### **D. E-Filing Statewide Implementation**

By June 2019, we will have rolled out E-Filing in all 46 counties. This project has been extremely successful due to the tireless work of our IT staff.

They have provided technical support and onsite training for county Clerks of Court offices as well as attorney users. The Call Center will continue to provide technical support for this project once it is completed.

Due to the success of E-Filing for civil matters, it is our goal to implement this technology in Appellate and Family Courts.

### **E. Business Continuity / Disaster Recovery Plan**

To preserve and protect our court data, we continue to work toward developing a comprehensive plan for business continuity in the event of a natural or manmade disaster.

We have established a "Crisis Team" with individuals from Court Administration, IT, Finance & Personnel, the Supreme Court, and the Court of Appeals. This group meets regularly and was recently "activated" during Hurricanes Florence and Michael. It is our goal to ensure that court operations continue with minimal disruptions.

### **F. Summary Court Reform**

The magistrate and municipal courts are where most South Carolinians encounter the judicial system. I am certain that you are aware of the lawsuits filed on behalf of indigent defendants in summary court who were not informed of their right to counsel and were jailed for months due to their inability to pay fines imposed for minor offenses.

This is a clear violation of the Sixth Amendment and cannot continue. The U.S. Department of Justice, federal district courts, and most recently the U.S. Supreme Court have all expressed concern with this practice. We have taken corrective action.

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With the assistance of a Sixth Amendment program through the Department of Justice and the Center for Court Innovation, we are developing solutions to address this issue.

This week, the program organizers are conducting a site visit in South Carolina to evaluate our summary court system. Their report will then be discussed and implemented, where appropriate, by a team consisting of members of Court Administration, summary court judges, solicitors, and public defenders.

We continue to maintain oversight in our summary courts by providing training and refining procedures and forms to comply with statutory and constitutional mandates.

Also, the Summary Court Judge Mentoring Program, which was once a pilot program, is now a mandatory program for all newly appointed summary court judges.

### **G. Docket Management**

The Docket Management Task Force, under the leadership of Justice Kaye Hearn, continues to guide our trial courts toward achieving case disposition benchmarks.

All but two circuits met the common pleas benchmark of resolving at least 80% of cases in 365 days or less. All but one circuit met the family court benchmark.

#### **1. Family Court Docket Committee**

Led by Justice Hearn and Judge Aphrodite Konduros, the Family Court Docket Committee is working to address several issues, including: (1) the need to reduce delays in DSS cases, and (2) the appointment and payment of Guardians ad Litem.

Based on this Committee's work, we recently established a Pilot Program for the Enhanced Supervision of DSS cases. The purpose of this program is to designate certain types of cases to receive supervision of a single judge through the entirety of the case. We hope that this program will address the concerns you have raised.

#### **2. General Sessions Docket Committee**

Although most family courts and common pleas courts continue to meet the benchmark, we recognize that more work needs to be done to improve the efficiency of our General Sessions courts.

This slide is indicative of the results of using a criminal court docket management system that has been in place for more than a hundred years. As you can see, this method is ineffective and outdated. It is not surprising that South Carolina is the only state that continues to use this method.

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We are actively working to improve these numbers. First, we have tested and received outstanding results with the judge-run docket in the Seventh Circuit. This method involves a collaborative effort between the chief judge and the solicitor.

Additionally, several members of the Supreme Court recently met with a group of circuit court judges to discuss the number of pending cases. Afterwards, I directed these judges to meet with their Circuit Solicitor and Circuit Public Defender to evaluate the docket management system in their circuit.

The judges then submitted their findings to Justice Hearn and Justice James who will present the reports to the General Sessions Docket Committee.

The Committee is comprised of judges, solicitors, public defenders, clerks of court, and private attorneys. I am confident that this group will ultimately establish a working plan that will satisfy all stakeholders.

Finally, we are working on pre-trial solutions. We have established "specialty" courts throughout the state to resolve non-violent offenses. For example, we have Drug Court, Veteran's Court, Mental Health Court, and Homeless Court.

These courts offer alternatives to incarceration to non-violent offenders. This helps the offender, but also saves counties money by reducing the number of people being sent to already overcrowded jails.

We also have an ongoing docket management pilot program in the Ninth Circuit, which is led by Judge Markley Dennis. This "jail reform" project, is headed by Kristy Danford, the Project Director for the Charleston County Criminal Justice Coordinating Council. The MacArthur Foundation has provided \$4.95 million in grants for this project.

We are working with solicitors, public defenders, county administration, law enforcement, and the mental health system to reduce the jail population in Charleston County. This project includes innovations in pre-trial services, docket management, and case processing. Given the success so far, we anticipate implementing it in other counties.

### **H. Business Court Program**

The Business Court Program, which began as a pilot program, has now expanded to all regions in our State.

As South Carolina's business community has increased, so has the number of complex financial cases. Judge Roger Young, the Chief Business Court Judge, and other carefully selected judges, have done an outstanding job processing these cases in a timely manner.



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**I. Community Involvement**

In addition to their heavy caseloads, our judges have given back to the community this year. In the fall, we instituted the "Judges in Schools Program" where our judges talk to local middle and high school students about civics-related topics.

Along this same line, the Supreme Court continues to invite students to hear oral arguments through the "Class Action" program.

I would add that the Supreme Court held oral arguments last week in Sumter with many students in attendance. The Court intends to "travel" to other areas of the state to give members of the public a better understanding of our judicial system.

The Supreme Court also recently established the "Pro Bono Honor Roll" to recognize and encourage lawyers to give back to the community by providing pro bono legal services.

We have an amazing group of legal service organizations in this state. But, they are overworked and do not have the resources to meet the needs of all those who cannot afford legal services. These organizations need the assistance of private attorneys who volunteer their time.

I am so proud of our Judiciary and employees for what they achieved in 2018. I expect great things in 2019.

**II. 2019**

**A. Vision**

As I have said since day one as Chief Justice, my vision is to:

**Establish an effective, financially stable, independent branch of government.**

In order to work toward this vision, we must first have sustainable funding.

**B. Adequate versus Sustainable Funding**

Because of you, we are in better shape financially than when I became Chief Justice in 2017. At that time, the Judicial Branch was facing a projected budget shortfall of \$3.5 million. You appropriated adequate funding to handle our projected deficit and cover operating expenses.

Although we greatly appreciate this adequate funding, the Judicial Branch needs sustainable funding. We provide core government functions to the citizens of South Carolina. Yet, we receive **less than 0.69%** of State Recurring General Appropriations.

In order to supplement this amount, we are forced to depend on rapidly declining fines and fees. These fines and fees are at the lowest level in ten years. We anticipate a further decline due to a recent U.S. Supreme Court decision concerning excessive fines and fees. This is a grave

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concern as a number of our full-time employees are paid with money from fines and fees.

Without a sufficient amount, we may need to furlough or eliminate these staff positions. Such a reduction in staff will lead to delays in court proceedings and the resolution of cases.

This cannot go on forever. As we requested in our budget, these positions need to be paid with recurring dollars. But, more importantly, we need a stable source of funding. Or, as I would describe it, sustainable funding.

In an article written by former Oregon Chief Justice Paul De Muniz, he stated:

" 'Sustainable' means having enough funding to not just dispense justice daily, but to do so as a separate and equal branch of government that has meaningful resources to manage, analyze, develop, and plan for implementing both short-term and long-term activities and strategies for supporting its role today, while ensuring quality performance and improvement for the future."<sup>1</sup>

To achieve this, I believe the best solution would be for the Judicial Branch to be given a "flat", recurring percentage of General Appropriations. However, until that happens, we will continue to seek sustainable funding in each year's budget requests.

### **C. Categories of Funding Needs**

I will not go into great detail about each funding need. I use the word "need" and not budget "priority", because each item is a need and not a "wish".

I would identify the three categories that desperately need to be funded: 1). Infrastructure; 2) Technology; and 3) Talent.

Why do we need funding in each of these categories?

#### **1. Infrastructure**

We lack adequate office space for our employees. Due to a lack of funding and delays in construction, we still have employees working in

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<sup>1</sup> PAUL DE MUNIZ, MAINTAINING INSTITUTIONAL INDEPENDENCE: FUNDING SUSTAINABLE STATE COURTS DURING ECONOMIC CRISIS 5 (Nat'l Ctr. for State Courts 2013), <https://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Harvard%20Executive%20Session/Maintaining-Judicial-Independence.ashx>.

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converted hallways and closets. The Supreme Court and Calhoun Buildings need significant repairs.

We will always need funding for our Infrastructure. But, this year we focused our funding needs on two key areas: 1). Updating Technology, and 2. Recruiting and Retaining Talent.

### **2. Updating Technology**

We need to outfit at least 25 more courtrooms with Digital Recorders. This technology has proven successful to supplement our court reporter workforce and accurately capture the record. With additional Digital Recorders, we can ensure that scheduled terms of court are covered and cases are heard and resolved quickly and efficiently.

Our current Case Management System is based on a 15-year-old application design model and has reached the end of its lifecycle. The need for funding this modernization project cannot be overstated.

This system is crucial to court operations as it provides secured public access to court data and provides for the exchange of court data with state and local law enforcement agencies.

The failure of this system would be devastating as critical data would be lost and court operations would be interrupted.

Finally, I would note that our IT Department will ultimately be responsible for maintaining the Family Court Case Management System within five years of implementation. The first regional pilot is scheduled for September 9th of this year.

Managing and supporting this system will come at a yearly cost of approximately \$1.5 million to \$3 million to the Judicial Branch. We will need funding for maintenance costs, staff, training, vendor costs, and infrastructure.

We are also working with DSS as they roll out the Palmetto Automated Child Support System. Right now, the System is "Live" in 18 counties with 8 more to be added in April.

This system has been years in the making and the delays have cost the State millions of dollars in fines from the federal government. It is time for it to be operational. I believe it will drastically improve the efficiency of our family courts. It will also ensure that children receive the financial support that they desperately need.

### **3. Talent**

New equipment and cutting edge technology is only as good as the staff that operates it. For the Judicial Branch to be successful, we need talented staff and judicial candidates.

Our most pressing staff need is in IT. Our IT Department provides training, technical support, and end-user support for our hosted statewide

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Case Management System and E-Filing. These are used by approximately 400 different court agencies throughout all 46 counties. Our IT Call Center provides telephone support to court and public users.

The IT Department also assists in collecting and reporting data for numerous outside organizations, including the Legislature and other state and federal agencies to address critical issues, such as gun purchases and human trafficking.

Finally, and most importantly, we need to be able to recruit and retain the most qualified and experienced judicial candidates.

Right now, our judicial candidates are younger and less experienced than in the past. Quite simply, the more experienced lawyers do not want to leave a successful private practice to become a judge and take a significant cut in pay. They cannot afford to do so with mortgages, children's college tuition, and other financial responsibilities.

You have recognized this issue and have been so supportive of our efforts to obtain a salary increase for our judges. We truly appreciate your willingness to listen and work toward a solution.

### **D. Court Education Program**

In addition to paying our judges more, we also need to provide them with quality training and education. Because our new judges are coming to the Bench with less experience, we are seeking funding for a Court Education Program.

This centralized education program would be operated within Court Administration by a program coordinator. The program would provide training and education for new judges, judicial staff members, and court-related personnel.

For example, as I referenced earlier, the need to inform an indigent defendant of the Sixth Amendment right to counsel and to assess the defendant's ability to pay a fine. This Program would be responsible for creating, producing, and supporting this type of mandatory training.

### **III. A Successful Judiciary Leads to a Successful State**

To summarize, for any business to be successful it must have talented individuals who are equipped with the best tools and working environment to perform their jobs efficiently and effectively. The Judicial Branch is no different. We will succeed only if we have sustainable funding.

#### **A. Strategic Goals**

While I am always focused on the success of the Judicial Branch, I am equally concerned about the success of South Carolina.

That is why when I became Chief Justice, I formulated strategic goals that will benefit the State as a whole. These goals are listed on the screen:

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1. Foster a cooperative (not subservient) relationship between the Judicial Branch, the General Assembly, and the Governor's Office while maintaining a focus on the constitutional separation of powers.
2. Restructure the organization of departments within the Judicial Branch;
3. Facilitate the efficient resolution of cases in all courts through improved docket management, revitalized case management systems, and enhanced infrastructure;
4. Ensure access to justice for all regardless of income, disability, or language barriers; and
5. Foster a legal profession that is innovative in providing legal services to the public.

As you can see from the 2018 highlights, we have made significant progress toward achieving each of these goals. Still, much work needs to be done.

### **B. South Carolina's Success Depends on Three Branches of Government**

I am committed to doing my part to manage the Judicial Branch of government. But, that alone is not enough. We need to work together.

As I listened to Governor McMaster's Inaugural Address and State of the State Address, he too expressed a desire to move South Carolina forward by working together. In fact, Governor McMaster referenced football and noted that "we are still on the same team."

I agree with Governor McMaster but would like to be more direct about our roles as separate, but equal, branches of government.

Chief Justice Toal concluded her addresses with pictures of her grandchildren. Chief Justice Pleicones showed you a picture of his cat. I would like to do something different. I am going to show you a short educational video about the Judicial Branch of government.

As you just saw, our State court system plays a significant role in the operation of government. At some point in their lives, every citizen will be affected by a decision of one of our trial or appellate courts. To fulfill this unique role, the Judicial Branch must work cooperatively with the other branches of government while at the same time being financially stable and independent from the other two branches.

### **V. Conclusion**

As I conclude, I would like to thank you for the opportunity to update you on the State of your Judiciary. I know that your time is limited, but I would urge you to review the "Annual Report". I believe it will provide

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you with valuable information on the important role of the Judicial Branch in the State of South Carolina. Thank you.

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The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

The Senate resumed at 2:00 P.M.

**Point of Quorum**

At 2:01 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Bennett	Cash
Climer	Corbin	Cromer
Goldfinch	Gregory	Grooms
Harpootlian	Hutto	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rice	Senn	Setzler
Shealy	Talley	Turner
Verdin		

A quorum being present, the Senate resumed.

**Doctor of the Day**

Senator MARTIN introduced Dr. Jerome Aya-ay of Spartanburg, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator CROMER, at 2:03 P.M., Senator CAMPSER was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator CLIMER, at 2:25 P.M., Senator DAVIS was granted a leave of absence for today.

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**Leave of Absence**

On motion of Senator BENNETT, at 2:28 P.M., Senator HEMBREE was granted a leave of absence for today.

**CO-SPONSORS ADDED**

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

S. 363 Sen. McLeod  
S. 427 Sen. Grooms

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 563 Sen. McElveen

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 572 -- Senator M. B. Matthews: A SENATE RESOLUTION TO CONGRATULATE MOUNT CARMEL BAPTIST CHURCH UPON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY, TO RECOGNIZE AND HONOR THE CHURCH FOR ITS DEEP HERITAGE IN SEABROOK, AND TO COMMEND ITS LEADERSHIP AND CONGREGATION FOR THEIR MANY YEARS OF SERVICE TO THE COMMUNITY.

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The Senate Resolution was adopted.

S. 573 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 34-39-310 AND 34-41-140 SO AS TO PROVIDE THAT THE STATE BOARD OF FINANCIAL INSTITUTIONS MAY PARTICIPATE IN A NATIONWIDE MULTISTATE LICENSING SYSTEM; TO AMEND SECTION 34-39-120, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION FOR "NATIONWIDE MULTISTATE LICENSING SYSTEM" AND "UNIQUE IDENTIFIER"; TO AMEND SECTION 34-39-150, RELATING TO LICENSURE APPLICATIONS, SO AS TO PROVIDE THAT AN APPLICATION MUST BE ACCOMPANIED WITH CERTAIN ACTUAL COSTS OF OBTAINING CREDIT REPORTS AND CRIMINAL HISTORY RECORD CHECKS; TO AMEND SECTION 34-39-260, RELATING TO THE PROMULGATION OF REGULATIONS, SO AS TO PROVIDE THAT THE BOARD MAY

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WAIVE OR MODIFY CERTAIN REQUIREMENTS; TO AMEND SECTION 39-41-10, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION FOR "NATIONWIDE MULTISTATE LICENSING SYSTEM" AND "UNIQUE IDENTIFIER"; TO AMEND SECTION 34-41-40, RELATING TO LICENSURE APPLICATIONS, SO AS TO PROVIDE THAT AN APPLICATION MUST BE ACCOMPANIED WITH CERTAIN ACTUAL COSTS OF OBTAINING CREDIT REPORTS AND CRIMINAL HISTORY RECORD CHECKS; AND TO AMEND SECTION 34-41-130, RELATING TO THE PROMULGATION OF REGULATIONS, SO AS TO PROVIDE THAT THE BOARD MAY WAIVE OR MODIFY CERTAIN REQUIREMENTS.

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

S. 574 -- Senators Verdin and Campbell: A BILL TO AMEND SECTION 44-96-40 OF THE 1976 CODE, RELATING TO SOLID WASTE POLICY AND MANAGEMENT, TO PROVIDE THAT POST-USE POLYMERS AND RECOVERABLE FEEDSTOCKS USED IN PYROLYSIS AND GASIFICATION PROCESSES ARE RECOVERED MATERIALS AND ARE NOT "SOLID WASTE" FOR THE PURPOSES OF REGULATION BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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

S. 575 -- Senators Campsen, McElveen and Martin: A BILL TO AMEND SECTION 50-11-544 OF THE 1976 CODE, RELATING TO WILD TURKEY HUNTING AND TRANSPORTATION TAGS, TO PROVIDE COSTS FOR WILD TURKEY TRANSPORTATION TAGS; TO AMEND SECTION 50-11-580 OF THE 1976 CODE, RELATING TO THE SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEY, THE ESTABLISHMENT OF YOUTH TURKEY HUNTING WEEKEND, BAG LIMITS, AND AN ANNUAL REPORT, TO PROVIDE THE SEASON FOR HUNTING AND TAKING A MALE WILD TURKEY, TO PROVIDE BAG LIMITS, TO DELETE THE PROVISION ESTABLISHING YOUTH TURKEY HUNTING WEEKEND, AND TO DELETE A REPORTING REQUIREMENT; TO AMEND ARTICLE 3, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO BIG GAME, BY ADDING



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SECTION 50-11-590, TO PROVIDE FOR YOUTH TURKEY DAY; TO AMEND SECTION 50-9-920(B) OF THE 1976 CODE, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO PROVIDE THAT REVENUE GENERATED FROM RESIDENT AND NONRESIDENT WILD TURKEY TRANSPORTATION TAG SETS SHALL BE USED FOR CERTAIN PURPOSES; TO REPEAL SECTION 50-11-520 OF THE 1976 CODE, RELATING TO WILD TURKEY SEASON AND THE DECLARATION OF OPEN OR CLOSED SEASONS; AND TO REPEAL SECTION 7 OF ACT 41 OF 2015, RELATING TO THE HUNTING AND TAKING OF WILD TURKEY.

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

S. 576 -- Senator Goldfinch: A BILL TO AMEND SECTION 50-5-715(B) AND (C) OF THE 1976 CODE, RELATING TO TRAWLING RESTRICTION AREAS WITHIN THE GENERAL TRAWLING ZONE, TO PROVIDE THAT CERTAIN AREAS ARE CLOSED TO TRAWLING FROM MAY 1 THROUGH SEPTEMBER 15.

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

S. 577 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 28, TITLE 44 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF THE "DISABLED SELF-EMPLOYMENT DEVELOPMENT TRUST FUND" TO PROVIDE ASSISTANCE TO INDIVIDUALS WITH DISABILITIES TO PURSUE ENTREPRENEURSHIP AND SELF-EMPLOYMENT OPPORTUNITIES, BY PROVIDING BUSINESS DEVELOPMENT GRANTS FOR THE STARTUP, EXPANSION, OR ACQUISITION OF A BUSINESS OPERATED WITHIN THE STATE; BY ADDING SECTION 12-6-3760 SO AS TO PROVIDE FOR A TAX CREDIT FOR TAXPAYER CONTRIBUTIONS TO THE FUND; AND TO AMEND SECTION 12-6-5060, RELATING TO TAX RETURNS, SO AS TO ADD THE FUND TO THE LIST OF FUNDS TO WHICH A TAXPAYER MAY CONTRIBUTE ON A STATE INDIVIDUAL TAX RETURN.

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**WEDNESDAY, FEBRUARY 27, 2019**

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

S. 578 -- Senators Shealy, Setzler and Peeler: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 14, 2019.

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

S. 579 -- Senator Gambrell: A BILL TO AMEND SECTION 38-73-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRED RATE FILINGS FOR INSURERS, SO AS TO PROVIDE THAT AUTOMOBILE INSURANCE RATE INCREASES MAY NOT BE APPROVED FOR AN INSURER OR RATING ORGANIZATION WHO HAS BEEN GRANTED A RATE INCREASE IN THE PRECEDING SIX MONTHS.

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

S. 580 -- Senator Gambrell: A BILL TO AMEND CHAPTER 29, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO ALTER THE APPLICATION OF THE CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH

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CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION FOR THE PURPOSE OF INSURANCE SALES, AND TO REQUIRE THE ASSOCIATION TO PREPARE A DOCUMENT DESCRIBING THE GENERAL PURPOSES AND LIMITATIONS OF THIS CHAPTER.

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

S. 581 -- Senator Senn: A BILL TO AMEND ARTICLE 1, CHAPTER 27, TITLE 58 OF THE 1976 CODE, RELATING TO ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES, TO PROVIDE THAT A CERTIFIED ARBORIST MUST BE PRESENT TO SUPERVISE ALL MAINTENANCE PLANS, TO PROVIDE AN EXEMPTION FOR NATURAL DISASTERS, AND TO DEFINE NECESSARY TERMS.

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

S. 582 -- Senator Nicholson: A SENATE RESOLUTION TO CONGRATULATE JAMES GIBSON ON THE OCCASION OF HIS NINETY-SIXTH BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

H. 3011 -- Rep. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES STORE CREEK ALONG SOUTH CAROLINA HIGHWAY 174 IN CHARLESTON COUNTY THE "REVEREND TONY L. DAISE BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THIS DESIGNATION.

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

H. 3016 -- Reps. Govan, Jefferson, S. Williams and Rivers: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GOFF AVENUE IN THE CITY OF ORANGEBURG FROM ITS INTERSECTION

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WITH UNITED STATES HIGHWAY 601 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 21 "DR. H.N. TISDALE AVENUE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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

H. 3274 -- Reps. Simrill, Rutherford, Ligon, Taylor, Loftis, Hixon, Gilliard, West, Bannister and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO 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.

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

H. 3928 -- Reps. Sottile, Gilliard, McCoy, Mack, Hewitt, Pendarvis, Bennett, Cogswell, Mace and Brown: A CONCURRENT RESOLUTION TO REQUEST THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RENAME THE PORTION OF THE NAVIGATIONAL CHANNEL ADJACENT TO THE CITY OF CHARLESTON WATERFRONT CONSISTING OF THE CHARLESTON MARITIME CENTER, INTERNATIONAL AFRICAN AMERICAN MUSEUM, AND THE PEDESTRIAN WALKWAY OF THE ARTHUR RAVENEL, JR. BRIDGE TO "RILEY REACH" IN ORDER TO HONOR THE LEGACY OF MAYOR JOSEPH P. RILEY, JR.

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

H. 4041 -- Reps. Ligon, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott,

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Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 14, 2019, HOWEVER, THE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

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

H. 4059 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR RUSSELL RAY "BUDDY" BROWNING, JR., OF IRMO, UPON THE OCCASION OF HIS

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RETIREMENT AFTER TWENTY YEARS OF OUTSTANDING SERVICE THROUGHOUT THE SOUTHEASTERN UNITED STATES WITH SHENANDOAH RESTORATIONS, INC., AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 4060 -- Reps. Wheeler, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoun, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE AGNES G. DRAYTON OF LEE COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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

**REPORT OF STANDING COMMITTEE**

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

S. 359 -- Senators Gambrell and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO ESTABLISH A LICENSE REQUIREMENT FOR PHARMACY BENEFITS MANAGERS, TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM RESTRICTING OR PENALIZING A

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PHARMACY FROM DISCLOSING CERTAIN INFORMATION, TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM UNDERTAKING CERTAIN ACTIONS, TO SET CERTAIN REQUIREMENTS FOR A MAXIMUM ALLOWABLE COST LIST, AND TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS ARTICLE; TO AMEND SECTION 38-2-10, AS AMENDED, RELATING TO ADMINISTRATIVE PENALTIES, SO AS TO APPLY CERTAIN ADMINISTRATIVE PENALTIES TO PHARMACY BENEFITS MANAGERS; TO AMEND SECTION 38-71-1810, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO ALLOW A PHARMACY TO SUBMIT RECORDS IN AN ELECTRONIC FORMAT OR BY CERTIFIED MAIL AND TO PROHIBIT CERTAIN ERRORS FROM SERVING AS THE SOLE BASIS OF THE REJECTION OF A CLAIM; AND TO REPEAL ARTICLE 20 OF CHAPTER 71, TITLE 38 RELATING TO PHARMACY BENEFIT MANAGERS.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 550 -- Senators Rice and Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE JAMES E. STEWART OF EASLEY AND TO COMMEND HIM FOR HIS OVER FORTY-THREE YEARS OF OUTSTANDING SERVICE TO PICKENS COUNTY.

Returned with concurrence.

Received as information.

S. 553 -- Senator Fanning: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF PATRICIA WILMORE HAMPTON OF CHESTER COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LOVING FAMILY AND HER MANY FRIENDS.

Returned with concurrence.

Received as information.

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

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

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

S. 318 -- Senators Alexander and Davis: A BILL TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 60, TO ENACT THE "SOUTH CAROLINA PAY FOR SUCCESS PERFORMANCE ACCOUNTABILITY ACT", TO ESTABLISH THE TRUST FUND FOR PERFORMANCE ACCOUNTABILITY TO FUND PAY-FOR-SUCCESS CONTRACTS, WHEREBY THE STATE CONTRACTS WITH A PRIVATE-SECTOR ORGANIZATION TO ACHIEVE SPECIFICALLY DEFINED MEASUREABLE OUTCOMES IN WHICH THE STATE PAYS ONLY TO THE EXTENT THAT THE DESIRED OUTCOMES ARE ACHIEVED.

S. 329 -- Senators Cromer, Scott, Verdin, Reese and Nicholson: A BILL TO PROVIDE THAT TAX CREDITS FOR THE PURCHASE OF GEOTHERMAL MACHINERY AND EQUIPMENT SHALL BE REPEALED ON JANUARY 1, 2022.

S. 408 -- Senators Reese, Turner and Campbell: A BILL TO AMEND SECTION 12-6-2295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ITEMS INCLUDED AND EXCLUDED FROM THE TERMS "SALES" AND "GROSS RECEIPTS", SO AS TO PROVIDE THAT RECEIPTS FROM THE OPERATION OF A CABLE SYSTEM ARE ATTRIBUTABLE TO THIS STATE IN PRO RATA PROPORTION OF THE COSTS OF PERFORMING THE SERVICE.

S. 514 -- Senators Alexander and Peeler: A BILL TO AMEND ARTICLE 140 OF CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CLEMSON UNIVERSITY 2016 FOOTBALL NATIONAL CHAMPIONS SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE FOR THE ISSUANCE OF "CLEMSON UNIVERSITY 2018 FOOTBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES.



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**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3639 -- Reps. Taylor, Allison, Felder and Huggins: A BILL TO AMEND SECTION 59-112-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE ENTITLED TO PAY IN-STATE TUITION AND FEES WITHOUT REGARD TO THE LENGTH OF TIME THEY HAVE RESIDED IN THIS STATE, SO AS TO EXPAND THE CATEGORIES OF INDIVIDUALS COVERED BY THESE PROVISIONS TO CONFORM WITH CERTAIN CHANGES IN FEDERAL LAW.

**HOUSE RESOLUTION RETURNED**

The following Resolution was read the third time and ordered returned to the House with amendments.

H. 3849 -- Reps. G.M. Smith and Toole: 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.

**CARRIED OVER**

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 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

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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 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

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SHELTERING FACILITIES; AND TO DEFINE NECESSARY TERMS.

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

**CARRIED OVER**

S. 18 -- Senators Hutto, Young and Climer: A BILL TO AMEND SECTION 56-1-286, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF A LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES AND HAVE A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE WHO IS SERVING A SUSPENSION OR DENIAL OF A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-385, RELATING TO THE REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT APPLICATION TO OFFENSES OCCURRING PRIOR TO OCTOBER 1, 2014; TO AMEND SECTION 56-1-400, RELATING TO SURRENDER OF A LICENSE AND ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICE ON A LICENSE, SO AS TO REORGANIZE FOR CLARITY, REMOVE THE REQUIREMENT THAT A PERSON SEEKING TO HAVE A LICENSE ISSUED MUST FIRST PROVIDE PROOF THAT ANY FINE OWED HAS BEEN PAID, AND INCLUDE REFERENCE TO THE HABITUAL OFFENDER STATUTE; TO AMEND SECTION 56-1-1090, RELATING TO REQUESTS FOR RESTORATION OF THE PRIVILEGE TO OPERATE A MOTOR VEHICLE, SO AS TO ALLOW A PERSON CLASSIFIED AS AN HABITUAL OFFENDER TO OBTAIN A DRIVER'S LICENSE WITH AN INTERLOCK RESTRICTION IF HE PARTICIPATES IN THE INTERLOCK IGNITION PROGRAM; TO AMEND SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE PROVISIONAL LICENSES FOR FIRST OFFENSE DRIVING UNDER THE INFLUENCE UNLESS THE OFFENSE WAS CREATED PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO AMEND SECTION 56-1-1340, RELATING TO THE ISSUANCES OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM INTERNAL STATUTORY REFERENCES; TO AMEND SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO INCLUDE REFERENCE TO THE HABITUAL

[SJ]

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OFFENDER STATUTE, REMOVE EXCEPTIONS TO IGNITION INTERLOCK DEVICES FOR OFFENDERS WHO ARE NONRESIDENTS AND FIRST-TIME OFFENDERS OF DRIVING UNDER THE INFLUENCE WHO DID NOT REFUSE TO SUBMIT TO CHEMICAL TESTS AND HAD AN ALCOHOL CONCENTRATION OF FIFTEEN ONE HUNDREDTHS OF ONE PERCENT OR MORE, REQUIRE DEVICE MANUFACTURERS PAY CERTIFICATION FEES ASSOCIATED WITH IGNITION INTERLOCK DEVICES, PERMIT THOSE DRIVERS WITH PERMANENTLY REVOKED LICENSES AFTER OCTOBER 2014 TO SEEK RELIEF AFTER FIVE YEARS, AND MAKE THE RECORDS OF THE IGNITION INTERLOCK DEVICES THE RECORDS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES; TO AMEND SECTION 56-5-2951, RELATING TO TEMPORARY ALCOHOL LICENSES, SO AS TO REQUIRE AN IGNITION INTERLOCK DEVICE RESTRICTION ON A TEMPORARY ALCOHOL LICENSE AND TO DELETE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES; AND TO AMEND SECTION 56-5-2990, RELATING TO SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE AND THE PERIOD OF SUSPENSION, SO AS TO REQUIRE AN IGNITION INTERLOCK DEVICE IF A FIRST-TIME OFFENDER OF DRIVING UNDER THE INFLUENCE SEEKS TO END A SUSPENSION.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED  
CARRIED OVER**

S. 79 -- Senators Sheheen and Climer: A BILL TO AMEND SECTION 63-7-20(6) OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING CHILD PROTECTION AND PERMANENCY, TO PROVIDE EXCEPTIONS TO THE DEFINITION OF "CHILD ABUSE OR NEGLECT" OR "HARM."

The Senate proceeded to the consideration of the Bill.

Senator CLIMER proposed the following amendment (JUD0079.008), which was adopted:

Amend the Committee Report, as and if amended, page [79-2], by striking lines 2 through 6 and inserting therein the following:

/ ~~(D)~~(4) has not brought about permanent or lasting damage to the child; and

[SJ]

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~~(E)(5)~~ is not reckless or grossly negligent behavior by the parents; /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0079.007), which was adopted:

Amend the bill, as and if amended, beginning on page 1, by striking SECTION 1 in its entirety, and inserting therein the following:

/ SECTION 1. Section 63-7-20(6) of the 1976 Code is amended to read:

“(6)(a) ‘Child abuse or neglect’ or ‘harm’ occurs when:

~~(a)(i)~~ the parent, guardian, or other person responsible for the child’s welfare:

~~(A)~~ inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:

~~(A)(1)~~ is administered by a parent or person in loco parentis;

~~(B)(2)~~ is perpetrated for the sole purpose of restraining or correcting the child;

~~(C)(3)~~ is reasonable in manner and moderate in degree; and

~~(D) has not brought about permanent or lasting damage to the child; and~~

~~(E)(4)~~ is not reckless or grossly negligent behavior by the parents;

~~(ii)(B)~~ commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

~~(iii)(C)~~ fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child’s age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child’s absences from school may not be considered abuse or neglect unless the

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school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter 'adequate health care' includes any medical or nonmedical remedial health care permitted or authorized under state law;

~~(iv)~~(D) abandons the child;

~~(v)~~(E) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; or

~~(vi)~~(F) has committed abuse or neglect as described in subsubitems ~~(i) through (v)~~(A) through (E) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect; or

~~(b)~~(ii) a child is a victim of trafficking in persons as defined in Section 16-3-2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child's welfare. Identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child's welfare abused, neglected, or harmed the child.

(b) 'Child abuse or neglect' or 'harm' does not occur if the parent, guardian, or other person responsible for the child's welfare permits the child, whose basic needs are met and who is of sufficient age and maturity to avoid harm or unreasonable risk of harm, to engage in independent activities, including:

(i) walking, running, bicycling, or taking other independent means of travel to and from school;

(ii) walking, running, bicycling, or taking other independent means of travel to and from nearby commercial or recreational facilities;

(iii) engaging in outdoor play;

(iv) remaining at home unattended if the parent, guardian, or other person responsible for the child's welfare:

(A) returns home on the same day on which the parent, guardian, or other person responsible for the child's welfare gives the child permission to remain at home;

(B) makes provisions for the child to be able to contact the parent, guardian, or other person responsible for the child's welfare on the same day on which the parent, guardian, or other person responsible for the child's welfare gives the child permission to remain at home;  
and

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(C) makes provisions for any reasonably foreseeable emergencies that may arise on the same day on which the parent, guardian, or other person responsible for the child's welfare gives the child permission to remain at home; or

(v) engaging in similar independent activities.” /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the committee amendment.

The amendment was adopted.

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

**CARRIED OVER**

S. 362 -- Senators Verdin, Reese, McElveen and Rice: A BILL TO AMEND ARTICLE 25, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO INCOME TAX CREDITS, BY ADDING SECTION 12-6-3775, TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES CERTAIN SOLAR ENERGY PROPERTY AND THAT PLACES IT IN SERVICE IN THIS STATE, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

Senator CROMER explained the Bill.

Senator GREGORY spoke on the Bill.

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 199 -- Senator Turner: A BILL TO AMEND SECTION 56-1-140(B) OF THE 1976 CODE, RELATING TO A VETERAN DESIGNATION ON A DRIVER'S LICENSE, TO PROVIDE THAT AN APPLICANT FOR A NEW, RENEWED, OR REPLACEMENT DRIVER'S LICENSE MAY APPLY TO THE DEPARTMENT TO OBTAIN A VETERAN DESIGNATION ON THE FRONT OF HIS DRIVER'S LICENSE BY PROVIDING A UNITED STATES DEPARTMENT OF DEFENSE DISCHARGE CERTIFICATE, A NATIONAL GUARD BUREAU REPORT OF SEPARATION AND

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RECORD OF SERVICE, OR A UNITED STATES DEPARTMENT OF DEFENSE HONORABLE DISCHARGE CERTIFICATE.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (199R001.KMM.LKG), which was adopted:

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

/ SECTION 1. Section 56-1-140(B) and (C) of the 1976 Code is amended to read:

“(B) An applicant for a new, renewed, or replacement driver’s license may apply to the department to obtain a veteran designation on the front of his driver’s license by providing a:

(1) United States Department of Defense discharge certificate, also known as a DD Form 214, ~~Form 4~~, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States Armed Forces;

(2) National Guard Report of Separation and Record of Service, also known as an NGB Form 22, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service of at least twenty years in the National Guard; or

(3) Veterans Identification Card. A Veterans Health Identification Card may not be accepted.

(C) The department may determine the appropriate form of the veteran designation on the driver’s license authorized pursuant to this section.

~~(C)~~(D) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund.”

SECTION 2. Section 56-1-3350(B) of the 1976 Code is amended to read:

“(B) An applicant for a new, renewed, or replacement South Carolina ~~driver’s license~~ identification card may apply to the Department of Motor Vehicles to obtain a veteran designation on the front of his ~~driver’s license~~ identification card by providing a:

(1) United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable



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conditions' and establishes the person's qualifying military service in the United States Armed Forces; and

~~(2) payment of a one-dollar fee that must be collected by the department and placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167 National Guard Report of Separation and Record of Service, also known as an NGB Form 22, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service of at least twenty years in the National Guard; or~~

(3) Veterans Identification Card (VIC). A Veterans Health Identification Card (VHIC) may not be accepted."

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

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**Total--41**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 277 -- Senator Senn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-67-75 SO AS TO PROVIDE SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE PATHOLOGY ASSISTANTS UNDER THEIR SUPERVISION SHALL ADHERE TO CERTAIN GUIDELINES; TO AMEND SECTION 40-67-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS, SO AS TO REVISE THE DEFINITION OF SPEECH-LANGUAGE PATHOLOGISTS; TO AMEND SECTION 40-67-30, RELATING TO THE SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY INTERNS AND ASSISTANTS, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 40-67-260, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR LICENSE RENEWAL, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-280, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR INACTIVE LICENSE REACTIVATIONS, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-300, RELATING TO THE APPLICABILITY OF THE CHAPTER, SO AS TO LIMIT THE EXEMPTION FOR SPEECH-PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY THE FEDERAL GOVERNMENT OR THE STATE TO THOSE SO EMPLOYED BEFORE JANUARY 1, 2020, AND TO REMOVE AN EXEMPTION FOR PERSONS LICENSED UNDER TITLE 40 OR ANOTHER PROVISION OF LAW WHOSE SCOPE OF PRACTICE OVERLAPS WITH THE PRACTICE OF SPEECH PATHOLOGY OR AUDIOLOGY; TO REDESIGNATE CHAPTER 67, TITLE 40 AS "SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS"; AND TO REPEAL ACT

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124 OF 2015 RELATING TO THE TEMPORARY EXEMPTION OF CERTAIN APPLICANTS FOR LICENSURE AS SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS FROM THE REQUIREMENT OF HAVING A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION.

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

**CARRIED OVER**

S. 540 -- Senator Alexander: A BILL TO AMEND SECTION 41-29-35(B) OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO PROVIDE THAT THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE MUST NOMINATE UP TO THREE QUALIFIED CANDIDATES FOR THE GOVERNOR'S CONSIDERATION.

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

**READ THE SECOND TIME**

S. 548 -- Transportation Committee: A BILL TO AMEND SECTION 56-1-146 AND SECTION 56-1-148 OF THE 1976 CODE, RELATING TO THE DRIVER'S LICENSE OF A PERSON CONVICTED OF CERTAIN CRIMES, TO AMEND THE DEFINITION FOR A CRIME OF VIOLENCE.

The Senate proceeded to the consideration of the Bill.

Senator GROOMS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

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

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3798 -- Reps. Clary, Hiott, Collins and W. Cox: A BILL TO AMEND SECTION 7-7-450, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN PICKENS 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.

The Senate proceeded to the consideration of the Bill.

Senator RICE explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Hutto

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

**Total--41**

**NAYS**

**Total--0**

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

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

**MOTION ADOPTED**

At 2:34 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**MESSAGE FROM THE GOVERNOR**

State of South Carolina  
Office of the Governor  
P. O. Box 11369  
Columbia, SC 29211  
February 26, 2019

**WEDNESDAY, FEBRUARY 27, 2019**

February 26, 2019

The Honorable Harvey S. Peeler, Jr.  
President of the Senate  
State House, Second Floor  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-4, S. 335, which seeks to amend certain election procedures related to the Langley Water and Sewer District, Bath Water and Sewer District, and Clearwater Water and Sewer District. To be clear, I understand and appreciate the need to address existing issues involving the aforementioned public service districts. Therefore, I have endeavored to assist the local legislative delegation by seeking guidance from the Office of the Attorney General, 2018 WL 5096184 (S.C.A.G. Oct. 4, 2018), and by appointing individuals to fill vacancies one or more of the governing commissions. However, because the manner in which S. 335 attempts to resolve these issues ultimately conflicts with the constitution, I am compelled to veto the bill.

Like several of my predecessors, I have been clear and consistent since the beginning of my administration that I will veto unconstitutional local or special legislation. Article VIII, section 7 of the South Carolina Constitution expressly prohibits the General Assembly from enacting legislation which applies only to a single county. S.C. Const. art VIII, § 7; *see also* S.C. Const. art. III, § 34(IX) (prohibiting local or special laws “where a general law can be made applicable”). Yet, S. 335 indicates that all of the special purpose districts in question are located entirely within Aiken County. Therefore, while I applaud the members of the Aiken County Legislative Delegation for their efforts to craft a solution to what has been described as a “confused and muddled matter,” 2018 WL 5096184, at \*7, I must veto S. 335 because the measure amounts to unconstitutional local, or special, legislation. *See Spartanburg Sanitary Sewer Dist. v. City of Spartanburg*, 283 S.C. 67, 80, 321 S.E.2d 258, 265 (1984) (“Article VIII, § 7 is not only applicable to special legislation creating a special purpose district, but also to special legislation dealing with special purpose districts created prior to the ratification of [a]rticle VIII or the amendment of prior special legislation.” (citation omitted)). As I noted in vetoing similar legislation in 2017—and as the Attorney General’s Opinion recently alluded to—the General Assembly should address these matters by passing laws of uniform, statewide application.

For the foregoing reasons, I am respectfully vetoing R-4, S. 335 and returning the same without my signature.

Yours very truly,

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**WEDNESDAY, FEBRUARY 27, 2019**

Henry McMaster

**VETO OVERRIDDEN**

(R4, S335) -- Senator Massey: AN ACT 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, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER'S TERM OF OFFICE TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER THIRTY-FIRST 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, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER'S TERM TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION, TO CHANGE THE ELECTION DATE FOR COMMISSIONERS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER AND TO PROVIDE FOR STAGGERED TERMS, TO REVISE THE PROCEDURES FOR ADVERTISING ELECTIONS FOR COMMISSIONERS IN A NEWSPAPER OF GENERAL CIRCULATION, TO REQUIRE COMMISSION CANDIDATES TO FILE STATEMENTS OF INTENTION OF CANDIDACY WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, AND TO ESTABLISH THE FILING PERIOD FOR THE ELECTION OF COMMISSIONERS.

The veto of the Governor was taken up for immediate consideration.

Senator MASSEY moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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

**Ayes 40; Nays 0**

**AYES**

Alexander	Allen	Campbell
Cash	Climer	Corbin

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Cromer	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

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

**CONCURRENCE**

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

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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 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.

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

Senator BENNETT explained the amendments.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

On motion of Senator BENNETT, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Motion Adopted**

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

**ADJOURNMENT**

At 2:46 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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