

NO. 34

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

WEDNESDAY, MARCH 6, 2019

Wednesday, March 6, 2019
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 37:5-6

“Commit your way to the Lord; trust in him, and he will act. He will make your vindication shine like the light, and the justice of your cause like the noonday.”

Let us pray. Almighty God, source of all power, we praise You that You have entrusted Your power to these Senators so that they may lead and govern fairly and effectively.

Keep them fully aware that they hold power with Your permission and for Your purposes. May this power always be tempered with humility, compassion and thankful hearts that praise You.

Help them, each day Lord, to make a difference because of the difference You have made in them. Though the power of Your holy spirit we pray, Amen.

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

Point of Quorum

At 12:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Goldfinch
Grooms	Harpootlian	Hembree
Leatherman	Massey	McElveen
Peeler	Rankin	Reese
Rice	Sabb	Scott

[SJ]

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Setzler

Turner

Williams

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Dominic Owens, 2757 Crepe Myrtle Road, Florence, SC 29505-7025
VICE Sandra M. Grimsley

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

Holly Huggins Wall, 545 Persimmon Ford Road, Johnsonville, SC 29555-6704
VICE Roger N. Langley

Doctor of the Day

Senator NICHOLSON introduced Dr. Bryan Green of Greenwood, S.C., Doctor of the Day.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 298 Sens. Turner and Alexander

S. 332 Sen. Nicholson

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 615 -- Senator Campbell: A SENATE RESOLUTION TO RECOGNIZE TUESDAY, MARCH 12, 2019 AS "4-H DAY" IN SOUTH CAROLINA.

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The Senate Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

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S. 616 -- Senator Williams: A SENATE RESOLUTION TO RECOGNIZE WEDNESDAY, MARCH 20, 2019 AS "SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS DAY" IN HONOR OF THE IMPORTANT SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS.

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The Senate Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

S. 617 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ALEXANDER CLARKE "SANDY" PEABODY AND TO CONGRATULATE HIM FOR BEING NAMED THE 2018-2019 SURVEYOR OF THE YEAR.

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The Senate Resolution was adopted.

S. 618 -- Senator Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE THE TWENTY-FIFTH ANNIVERSARY OF THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION AS A STATE AGENCY AND TO COMMEND DIRECTOR EMILY H. FARR, THE AGENCY'S EMPLOYEES, AND ALL FORMER AGENCY LEADERS AND PUBLIC SERVANTS WHO HAVE CONTRIBUTED TO THE AGENCY'S SUCCESSES.

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

S. 619 -- Senators Harpootlian and McElveen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-105 SO AS TO PROVIDE THAT AFTER JULY 1, 2019, A MEMBER OF THE GENERAL ASSEMBLY, OR AN IMMEDIATE FAMILY MEMBER OF A MEMBER OF THE GENERAL ASSEMBLY, MAY NOT APPLY FOR OR BE AWARDED A JOB WITH THE STATE IF THE JOB IS FUNDED IN WHOLE OR IN PART BY A STATE APPROPRIATION AND IS SUBJECT TO APPROVAL UPON THE ADVICE AND CONSENT OF THE SENATE, AND THAT THIS PROHIBITION APPLIES UNTIL A MEMBER OF THE GENERAL ASSEMBLY CEASES TO BE A MEMBER OF THE GENERAL ASSEMBLY FOR A PERIOD OF AT LEAST ONE YEAR.

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

S. 620 -- Senator Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, 1976, BY AMENDING SECTION 58-37-40 TO REQUIRE ELECTRICAL UTILITIES, ELECTRIC COOPERATIVES, MUNICIPALLY-OWNED ELECTRIC UTILITIES AND THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO EACH SUBMIT AN INTEGRATED RESOURCE PLAN AT LEAST EVERY THREE YEARS, TO ESTABLISH REQUIREMENTS FOR AN INTEGRATED RESOURCE PLAN, AND TO REQUIRE ELECTRICAL UTILITIES TO SUBMIT ANNUAL UPDATES TO THEIR INTEGRATED RESOURCE PLANS.

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

S. 621 -- Senators Setzler, Campbell, Corbin and Williams: A BILL TO AMEND SECTION 41-43-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF BONDS FOR INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO PROVIDE FOR CERTAIN NOTICE REQUIREMENTS BEFORE THE BONDS MAY BE ISSUED.

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

S. 622 -- Senator Campbell: A BILL TO AMEND CHAPTER 7, TITLE 56 OF THE 1976 CODE, RELATING TO TRAFFIC TICKETS, BY ADDING SECTION 56-7-25, TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY BY ORDINANCE MAY INSTITUTE AN ASSESSMENT FEE FOR THE FUNDING OF TRAFFIC AND OTHER CITATIONS ISSUED ELECTRONICALLY BY LAW ENFORCEMENT OFFICERS OF THAT JURISDICTION, AND TO PROVIDE FOR THE DISTRIBUTION OF THE ELECTRONIC CITATION FEES.

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

S. 623 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 25 THROUGH MARCH 3, 2019 AS "EATING DISORDERS AWARENESS WEEK" IN THE STATE OF SOUTH CAROLINA, TO COINCIDE WITH NATIONAL EATING

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DISORDERS AWARENESS WEEK, AND TO RECOGNIZE FRIDAY, MARCH 1, 2019 AS "EATING DISORDERS AWARENESS DAY" IN SOUTH CAROLINA.

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

S. 624 -- Senator Williams: A SENATE RESOLUTION TO PROCLAIM WEDNESDAY, MARCH 20, 2019, AS "SOUTH CAROLINA PROFESSIONAL LAND SURVEYORS DAY" THROUGHOUT THE STATE AND TO RECOGNIZE THE IMPORTANCE OF THE SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS TO THE PALMETTO STATE.

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The Senate Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

S. 625 -- Senators Hutto, Jackson and Shealy: A SENATE RESOLUTION TO RECOGNIZE MARCH 4 THROUGH 8, 2019 AS "SCHOOL BREAKFAST WEEK" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

H. 3029 -- Reps. Fry, B. Newton, Crawford and Clemmons: A BILL TO AMEND SECTION 7-17-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEES TO HEAR CERTAIN PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEES ALSO TO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS AND LESS THAN COUNTY OFFICERS; AND TO REPEAL SECTIONS 7-17-530, 7-17-540, AND 7-17-550 RELATING TO HEARINGS BY COUNTY EXECUTIVE COMMITTEES AND APPEALS FROM DECISIONS OF COUNTY EXECUTIVE COMMITTEES.

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

H. 3294 -- Reps. Crawford, McCravy, Huggins, Burns, V. S. Moss, Long, G. R. Smith, Trantham, Fry, Norrell, Erickson and Clemmons: A BILL TO AMEND SECTION 63-7-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PLACEMENT OF INFANTS AT DESIGNATED LOCATIONS WITHOUT CRIMINAL

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LIABILITY, SO AS TO ALLOW THE PLACEMENT OF AN INFANT NOT MORE THAN ONE YEAR OLD AT A SAFE HAVEN AND TO CHANGE THE DEFINITION OF "INFANT".

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

H. 3417 -- Reps. Tallon, Wooten, W. Newton, Fry, R. Williams, Clemmons and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE STATE LAW ENFORCEMENT DIVISION; TO REPEAL SECTION 23-6-60 RELATING TO THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT ESTABLISHED WITHIN THE DEPARTMENT OF PUBLIC SAFETY; AND TO TRANSFER ALL THE ASSOCIATED EMPLOYEES, AUTHORIZED APPROPRIATIONS, ASSETS, AND LIABILITIES.

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

H. 3973 -- Reps. Crawford, Mace, Erickson, Thayer, Davis, Magnuson, Bennett, Allison, Bernstein, Cobb-Hunter, Henegan, McDaniel, Norrell, Funderburk, Brawley, Simmons, Henderson-Myers, Robinson, Collins, Calhoun, Dillard, Kimmons, Trantham, Caskey, Weeks and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 3, TITLE 16 SO AS TO PROHIBIT GENITAL MUTILATION OF A FEMALE UNDER THE AGE OF EIGHTEEN YEARS AND TO CREATE THE OFFENSE OF FEMALE GENITAL MUTILATION OF A MINOR; AND TO AMEND SECTION 63-7-20, AS AMENDED, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD FEMALE GENITAL MUTILATION OF A MINOR TO THE DEFINITION OF "CHILD ABUSE OR NEGLECT" OR "HARM".

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

H. 4111 -- egulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF SOCIAL WORK EXAMINERS, RELATING TO CONTINUING EDUCATION ADVISORY COMMITTEE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4864,

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

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

H. 4112 -- egulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO VETERINARY MEDICINE AND ANIMAL SHELTERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4859, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

Appointment Reported

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2015, and to expire February 13, 2020

At-Large :

Mark D. Buyck, P.O. Box 1909, Florence, SC 29503-1909 *VICE* Cary Daniel Adams

Received as information.

HOUSE CONCURRENCE

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

Returned with concurrence.

Received as information.

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

CARRIED OVER

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

On motion of Senator ALEXANDER, 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. 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".

Point of Quorum

At 12:18 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

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Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Kimpson	Leatherman
Massey	McElveen	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Turner	Williams	Young

A quorum being present, the Senate resumed.

**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. 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

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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 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.

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.

CARRIED OVER

S. 359 -- Senators Gambrell, Johnson, Senn, Grooms, Cromer and Scott: 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 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

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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.

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

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to recess at 12:25 P.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate will reconvene at 2:00 P.M.

Committee to Escort

The PRESIDENT appointed Senators CROMER, YOUNG, ALEXANDER, SCOTT and McELVEEN and Representatives Caskey, Bobby Cox, Wooten, Hosey and Robert Williams to escort the Honorable Brett Reistad, National Commander of the American Legion, and members of his party to the House of Representatives for the Joint Assembly.

RECESS

At 12:25 P.M., on motion of Senator MASSEY, the Senate recessed from business for the purpose of attending the Joint Assembly.

Address by the National Commander of the American Legion

The PRESIDENT of the Senate announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses, S. 479.

The Honorable Brett Reistad and members of his party were escorted to the rostrum by Senators CROMER, YOUNG, ALEXANDER, SCOTT and McELVEEN and Representatives Caskey, Bobby Cox, Wooten, Hosey and Robert Williams. The PRESIDENT of the Senate introduced the Honorable Dale Barnett, National Commander of the American Legion.

Commander Barnett addressed the Joint Assembly.

Address by the National Commander Brett Reistad

Lieutenant Governor Evette, Mr. Speaker, Senators and Representatives, it's truly an honor to speak to such a distinguished Body in this historic State House.

Before I begin, please allow me to take a moment to introduce members of The American Legion family who are with me today. We

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have with us the Commander of the South Carolina American Legion, John H. Britt of Laurens, the Department Adjutant Nick Diener, of Columbia, National Executive Committeeman Michael D. Strauss of North Augusta. It is also my pleasure to introduce the President of the Department of South Carolina American Legion Auxiliary, Pat Jarvis of Columbia, National Executive Committeewoman for the Department of South Carolina American Legion Auxiliary, Judy Hennis of Murrells Inlet, Sons of the American Legion Detachment of South Carolina Commander Boyd Comer of York, American Legion Riders of South Carolina State Director L.Z. Harrison of Columbia and finally, I'd like to introduce and thank the Director of the South Carolina Division of Veterans Affairs, Howard Metcalf.

On behalf of the nearly two million Legionnaires around the world and the 164 American Legion posts throughout the state of South Carolina, I want to express my appreciation for what you do for our men and women who serve in our military and our veterans from past wars. Since my predecessor spoke to you at about this time last year, South Carolina has lost another hero in service to his country. Sergeant First Class Christopher Celiz was an Army Ranger and a Summerville native. He attended Summerville High School and later the Citadel, before enlisting in the Army in 2007. This past summer, while serving in Afghanistan, he was wounded by enemy small arms fire as he was supporting a landing zone for a medical evacuation. He lost his life on July 12, 2018. He was only 32. You can tell a lot about a person by their friends. Sergeant First Class Celiz had many of them. More than 300 packed the synagogue for his funeral service and many more waited outside in the open doorway and on the sidewalk, according to a report in the Post and Courier. A friend told the newspaper, "I've never seen a man love his wife and his child as much as he loved them." Some losses just cannot be replaced. At the same moment that the 75th Army Ranger Regiment lost a hero, a wife lost a husband and an 8-year-old girl lost a dad.

In a letter to a Gold Star Mother during the Civil War, President Lincoln wrote, "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom." Families such as these must not grieve alone. The American Legion recently created a fulltime staff position at our national headquarters in Washington to advocate for Gold Star families. During my testimony before the U.S. Congress last week, I asked that access always be granted to family members visiting the Fallen at cemeteries located on federal land. But most importantly, is

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the SUPPORT. We must be there to help these families through a devastating loss that only those who have experienced it can fully understand. We can never completely heal their hearts, but we can make day-to-day life easier. That is why The American Legion offers scholarships for their children and a Family Support Network to help with household tasks and other needs.

South Carolina takes its obligation toward ALL veterans and their families seriously. From offering tax exemptions to free hunting and fishing licenses, this is a State that truly honors military service. It why more than 400,000 veterans choose to live in the Palmetto State. And recent legislative actions by this great Body make the State even more Veteran friendly. We are particularly grateful to you for the millions of dollars that you appropriated for new veterans homes in Columbia, Florence and Gaffney. Your existing homes are filled to capacity and we all know that the high cost of long-term care is out of reach for many Americans but especially those who spent many of their prime working years in service to their country.

The American Legion is also supportive of any measure that would elevate Veterans Affairs to the executive status that it deserves. On a federal level, The American Legion was a strong advocate to elevate the previous Veterans Administration to the Department of Veterans Affairs. In the 30 years since the change, VA -- while not perfect -- has been characterized by many experts as the best health care system in the country. We believe such a move on the state level, would be good for South Carolina's veterans.

We also thank Governor McMaster for his support of "Boots in Service," a program that provides free boarding and care for the pets of veterans who have no other options, while they undergo their own medical treatment at VA.

This is a State with a strong military presence. You are home to eight military installations, not including local Guard and Reserve centers. Men and women of every ethnic background, religious belief and economic status combine their diversity with their common love for this country. Yet, one group in particular, faced enormous stress and hardship that should never be a part of military life. That group is the United States Coast Guard. 2019 marked the first time in history that a branch of the Armed Forces missed a paycheck due to a federal government shutdown. The American Legion believes this was a disgrace. Despite the stoppage of pay, the men and women of the Coast Guard, continued to deploy more than 2,000 members a day at sea and ashore in direct support of Department of Defense operations and global priorities. Yet,

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they were treated differently than their DoD counterparts because a Washington flowchart places the service under the Department of Homeland Security. Pay uncertainty is difficult for everyone impacted, but especially to those who -- by contract -- are required to continue working and risking their lives in an occupation that provides modest pay under the best of circumstances. A junior enlisted member of the Coast Guard with less than two years of service earns less than \$23,200 per year in base pay. This is less than the poverty level for a family of four.

During a two week period in January, The American Legion provided more than one million dollars of financial assistance to Coast Guard families with young children. This was in the form of nonrepayable grants. Nearly \$25,000 of this assistance went to Coast Guard families stationed right here in South Carolina. As a nonprofit, however, we are not capable of covering the entire Coast Guard payroll.

This is why we are asking Congress and the White House to live up to their constitutionally mandated missions to support our military. Whether it's through the Pay Our Coast Guard Act or advanced appropriations for Coast Guard payroll, we should all abide by the Semper Paratus motto of "always prepared." I hope that we have to never again experience another government shutdown, but if that's the case, I know that veterans and military members in South Carolina can count on the elected leaders of this State to help minimize their hardships.

The impact of government shutdowns are long lasting. Future recruiting and retention goals in the U.S. Coast Guard may be just some of the unfortunate casualties of this year's budget wars. Another special population that takes its mission seriously is our nation's law enforcement officers. Last year, 150 of these heroes died in the line of duty, defending us in cities, towns and rural counties throughout the United States. It is not surprising that many military veterans continue to serve their country through careers in law enforcement. Service before self, even to the point of sacrificing ones' life if necessary, is just one of the many commonalities shared between military members and first responders. From an epidemic of opioids to criminal gang activity and domestic terrorism, the life of a law enforcement officer is fraught with danger. We ask that this legislature always consider how laws that you pass impact members of these special communities. They earn our support daily.

This is a very special time in American Legion history. Next week we will celebrate our 100th birthday. A century ago, The American Legion

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was founded by World War I veterans with a post-War mission. That mission, which continues today, was to care for veterans, provide patriotic programs for our nation's youth, advocate for a strong national defense and instill a societal pride in what it means to be an American.

We don't have to tell you what it means to an American. The patriotism of South Carolina is apparent for all to see. It is especially demonstrated by your hospitality towards veterans and our military.

Now, if you would allow me for one moment to call to the dais two members of this distinguished Body who have proven that they do care about those who have served. They have been designated by The American Legion Department of South Carolina as the Outstanding Members of the Legislature for 2019. They are true friends of veterans and The American Legion. Senator Thomas Alexander and Representative W. Brian White would you please join me? We appreciate all that you do on behalf of veterans. Thank you so much, South Carolina Legislature. God Bless you and God Bless America.

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.

AFTERNOON SESSION

At 2:03 P.M., the Senate resumed.

Point of Quorum

At 2:04 P.M., Senator CROMER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Cash	Climer
Cromer	Davis	Fanning
Goldfinch	Grooms	Harpootlian
Hembree	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Peeler	Rice
Sabb	Senn	Setzler

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Shealy	Sheheen	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

AMENDED, READ THE SECOND TIME

S. 156 -- Senators Allen, Turner and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-975 SO AS TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, IT IS UNLAWFUL TO POSSESS WITHIN OR INTRODUCE UPON THE GROUNDS OF A CORRECTIONAL FACILITY A TELECOMMUNICATION DEVICE, TO DEFINE THE TERM "TELECOMMUNICATION DEVICE", AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (156BH1), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 41 and inserting the following:

/ telecommunication device. This prohibition does not apply to devices contained within vehicles that are in designated parking areas or vehicles traveling on the grounds. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Grooms
Harpoottian	Hembree	Kimpson

[SJ]

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

Total--38

NAYS

Total--0

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

POINT OF ORDER

S. 259 -- Senators Goldfinch, Campsen and Kimpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

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.

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POINT OF ORDER

H. 3449 -- Reps. Hiott, Lucas, Kirby, Forrest, Young, Hixon, B. Newton, Erickson, Bradley, Mace, Atkinson, Ligon, Magnuson, Hill, Johnson and Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-55-70 SO AS TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE IS RESPONSIBLE FOR THE REGULATION OF HEMP IN SOUTH CAROLINA IN STRICT COMPLIANCE WITH THE STANDARDS AND PRACTICES ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE; AND TO REPEAL SECTIONS 46-55-20 THROUGH 46-55-60, ALL RELATING TO INDUSTRIAL HEMP.

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.

ADOPTED

S. 31 -- Senator Grooms: A CONCURRENT RESOLUTION TO RECOGNIZE MAY 12, 2019 AS "MYALGIC ENCEPHALOMYELITIS AWARENESS DAY" AND THE MONTH OF MAY, ANNUALLY, AS "MYALGIC ENCEPHALOMYELITIS AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO HELP SPREAD AWARENESS OF THE DISEASE AND THE NEED FOR INCREASED RESEARCH FUNDING AND TO SUPPORT INDIVIDUALS LIVING WITH MYALGIC ENCEPHALOMYELITIS.

The Resolution was adopted, ordered sent to the House.

S. 364 -- Senators Senn and Kimpson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 216A IN CHARLESTON COUNTY ALONG INTERSTATE HIGHWAY 26 "REVEREND DR. WILLIE E. GIVENS, JR. INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE CONTAINING THESE WORDS.

The Resolution was adopted, ordered sent to the House.

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

The Resolution was adopted, ordered sent to the House.

S. 532 -- Senator Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE MAY 2019 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA IN ORDER TO RAISE AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL INDIVIDUALS WITH MENTAL ILLNESS.

The Resolution was adopted, ordered sent to the House.

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

MOTION ADOPTED

At 2:20 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator JOHNSON rose for an Expression of Personal Interest.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

AMENDED, READ THE SECOND TIME

S. 18 -- Senators Hutto, Young, Climer and Davis: 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

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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 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

[SJ]

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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.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Amendment No. 3

Senators CORBIN and HEMBREE proposed the following amendment (18R001.KMM.TDC), which was carried over:

Amend the bill, as and if amended, page 17, by striking line 4 and inserting:

/ vehicle the person drives, except a moped or motorcycle, an ignition interlock /

Amend the bill further, as and if amended, page 17, by striking line 28 and inserting:

/ the person drives, except a moped or motorcycle. /

Re-number sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

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

Amendment No. 4

Senator MALLOY proposed the following amendment (JUD0018.003), which was not adopted:

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

/ SECTION __. Section 56-5-2930(I) of the 1976 Code is amended to read:

“(I) A person charged for a violation of this section may be prosecuted pursuant to Section 56-5-2933 if the original testing of the

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person's breath or collection of other bodily fluids was performed within two hours of the time of arrest and reasonable suspicion existed to justify the traffic stop. A person may not be prosecuted for both a violation of this section and a violation of Section 56-5-2933 for the same incident. A person who violates the provisions of this section is entitled to a jury trial and is afforded the right to challenge certain factors including the following:

- (1) whether or not the person was lawfully arrested or detained;
- (2) the period of time between arrest and testing;
- (3) whether or not the person was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;
- (4) whether the person consented to taking a test pursuant to Section 56-5-2950, and whether the:
 - (a) reported alcohol concentration at the time of testing was ~~eight~~ six one-hundredths of one percent or more;
 - (b) individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;
 - (c) tests administered and samples obtained were conducted pursuant to Section 56-5-2950 and regulations adopted pursuant to Section 56-5-2951(O) and Section 56-5-2953(F); and
 - (d) machine was working properly." /

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

/ SECTION __. Section 56-5-2930(L) of the 1976 Code is amended to read:

“(L) In cases in which enhanced penalties for higher levels of alcohol concentration may be applicable, upon the determination of guilt, the finder of fact shall determine the alcohol concentration and the judge shall apply the appropriate penalty. In cases involving jury trials, upon the return of a guilty verdict by the jury, the judge shall instruct the jury to make a finding of fact as to the following: ‘We the jury find the alcohol concentration of the defendant to be (1) at least ~~eight~~ six one-hundredths of one percent but less than ten one-hundredths of one percent; (2) at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent; or (3) sixteen one hundredths of one percent or more.’ Based on the jury’s finding of fact, the judge shall apply the appropriate penalty. If the jury cannot reach a unanimous verdict as to the finding of fact, then the judge shall sentence the defendant based on the nonenhanced penalties.” /

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

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/ SECTION __. Section 56-5-2933(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to drive a motor vehicle within this State while his alcohol concentration is ~~eight~~ ~~six~~ one-hundredths of one percent or more. A person who violates the provisions of this section is guilty of the offense of driving with an unlawful alcohol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, by a fine of four hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days. However, in lieu of the forty-eight hour minimum imprisonment, the court may provide for forty-eight hours of public service employment. The minimum forty-eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty-eight hour sentence. If the person’s alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy-two hours nor more than thirty days. However, in lieu of the seventy-two hour minimum imprisonment, the court may provide for seventy-two hours of public service employment. The minimum seventy-two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person’s alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty-day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty-day minimum sentence. Notwithstanding the provisions of

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Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years; or

(4) for a fourth or subsequent offense, by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by imprisonment for not less than three years nor more than seven years." /

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

/ SECTION __. Section 56-5-2933(I) of the 1976 Code is amended to read:

“(I) A person charged for a violation of Section 56-5-2930 may be prosecuted pursuant to this section if the original testing of the person’s breath or collection of other bodily fluids was performed within two hours of the time of arrest and reasonable suspicion existed to justify the traffic stop. A person may not be prosecuted for both a violation of Section 56-5-2930 and a violation of this section for the same incident. A person who violates the provisions of this section is entitled to a jury trial and is afforded the right to challenge certain factors including the following:

- (1) whether or not the person was lawfully arrested or detained;
- (2) the period of time between arrest and testing;
- (3) whether or not the person was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;
- (4) whether the person consented to taking a test pursuant to Section 56-5-2950, and whether the:
 - (a) reported alcohol concentration at the time of testing was ~~eight~~ six one-hundredths of one percent or more;
 - (b) individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;
 - (c) tests administered and samples obtained were conducted pursuant to Section 56-5-2950 and regulations adopted pursuant to Section 56-5-2951(O) and Section 56-5-2953(F); and
 - (d) machine was working properly.” /

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

/ SECTION __. Section 56-5-2950(A) of the 1976 Code is amended to read:

“(A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person’s breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or the combination of alcohol and drugs, if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs. At the direction of the

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arresting officer, the person first must be offered a breath test to determine the person's alcohol concentration. If the person is physically unable to provide an acceptable breath sample because the person has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the arresting officer may request a blood sample to be taken. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, ~~an~~ ~~eight~~ a six one-hundredths of one percent simulator test must be performed and the result must reflect a reading between ~~0.076~~ 0.056 percent and ~~0.084~~ 0.064 percent. Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED." /

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

/ SECTION __. Section 56-5-2950(G) of the 1976 Code is amended to read:

“(G)In the criminal prosecution for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person's breath or other body fluids, gives rise to the following:

(1) if the alcohol concentration was at that time five one hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol; or

~~(2) if the alcohol concentration was at that time in excess of five one hundredths of one percent but less than eight one hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person;~~
~~or~~

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(3) if the alcohol concentration was at that time ~~eight~~ six one hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Point of Quorum

At 2:44 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator MALLOY moved that the Senate stand adjourned.

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

Ayes 6; Nays 34

AYES

Fanning	Kimpson	Malloy
<i>Matthews, Margie</i>	McLeod	Sheheen

Total--6

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Grooms	Harpoottlian	Hembree
Hutto	Johnson	Leatherman
Martin	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

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Total--34

Having failed to receive the necessary vote, the Senate refused to stand adjourned.

Senator MALLOY continued speaking on the amendment.

The question then was the adoption of the amendment.

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

Ayes 5; Nays 34

AYES

Corbin	Fanning	Goldfinch
Malloy	Martin	

Total--5

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Cromer	Gambrell
Grooms	Harpoottian	Hembree
Hutto	Johnson	Kimpson
Leatherman	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Rice	Sabb	Scott
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

Total--34

Having failed to receive the necessary votes, the amendment failed.

Amendment No. 5

Senator MALLOY proposed the following amendment (JUD0018.005), which was ruled out of order:

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

[SJ]

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/ SECTION __. Section 56-5-2953 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“Section 56-5-2953. (A) ~~A person who violates~~ When a law enforcement officer is investigating a person suspected of violating Section 56-5-2930, 56-5-2933, or 56-5-2945 must have his that officer or another officer participating in the investigation or arrest should make a reasonable attempt to video record the person’s conduct at the incident site and the breath test site video recorded.

(1)(a) The video recording at the incident site ~~must:~~

~~(i) not begin~~ should begin no later than the activation of the officer’s blue lights;

~~(ii) include any field sobriety tests administered; and~~

~~(iii) include the arrest of a person for a violation of Section 56-5-2930 or Section 56-5-2933, or a probable cause determination in that the person violated Section 56-5-2945, and show the person being advised of his Miranda rights.~~

(b) A refusal to take a field sobriety test does not constitute disobeying a police command.

(2) The video recording at the breath test site ~~must~~ should:

(a) include the entire breath test procedure, ~~the person being informed that he is being video recorded, and that he has the right to refuse the test;~~

~~(b) include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and~~

~~(c)~~ (b) also include the person’s conduct during the required twenty-minute ~~pre-test~~ pretest waiting period, unless the person indicates that he is refusing the test or the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period.

(3) The video recordings of the incident site and of the breath test site are admissible pursuant to the South Carolina Rules of Evidence in a criminal, administrative, or civil proceeding by any party to the action.

(B) Nothing in this section may be construed as prohibiting the introduction of other relevant evidence in the trial of a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945. ~~Failure by the arresting officer to produce the video recording required by this section is not alone a ground for dismissal of any charge made pursuant to Section 56-5-2930, 56-5-2933, or 56-5-2945 if the arresting officer submits a sworn affidavit certifying that the video recording equipment at the time of the arrest or probable cause determination, or video equipment at the breath test facility was in an inoperable condition, stating which~~

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~~reasonable efforts have been made to maintain the equipment in an operable condition, and certifying that there was no other operable breath test facility available in the county or, in the alternative, submits a sworn affidavit certifying that it was physically impossible to produce the video recording because the person needed emergency medical treatment, or exigent circumstances existed. In circumstances including, but not limited to, road blocks, traffic accident investigations, and citizens' arrests, where an arrest has been made and the video recording equipment has not been activated by blue lights, the failure by the arresting officer to produce the video recordings required by this section is not alone a ground for dismissal. However, as soon as video recording is practicable in these circumstances, video recording must begin and conform with the provisions of this section. Nothing in this section prohibits the court from considering any other valid reason for the failure to produce the video recording based upon the totality of the circumstances; nor do the provisions of this section prohibit the person from offering evidence relating to the arresting law enforcement officer's failure to produce the video recording.~~

If an investigating officer is unable to produce a videotape or is only able to produce a partial videotape after making reasonable attempts to do so, the officer shall submit a sworn affidavit stating that the video or partial video was not produced based on one or more of the following reasons:

(1) the video recording equipment at the incident site or breath test site was in an inoperable condition;

(2) there were mechanical failures in video equipment, audio equipment, or both, at the incident site or breath test site;

(3) there were environmental factors which adversely impacted the ability to produce the video which may include, but are not limited to, excess sunlight, darkness, sound, or electrical interference, and weather;

(4) the person needed emergency medical treatment;

(5) the person's own actions or conduct prevented the production of the video;

(6) the person was taken for a blood sample, urine sample, or both pursuant to Section 56-5-2950;

(7) there were exigent circumstances and describing those circumstances;

(8) there were circumstances including, but not limited to, road blocks, collision investigations, or citizens' arrests, where an arrest has

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been made and the video recording equipment was not activated by blue lights;

(9) there was no vehicle at the incident site equipped with video recording equipment; or

(10) any other lawful and valid reason for the failure to produce the video based on the totality of the circumstances.

(C) A video recording must not be disposed of in any manner except for its transfer to a master recording for consolidation purposes until the results of any legal proceeding in which it may be involved are finally determined.

(D) SLED is responsible for purchasing, maintaining, and supplying all necessary video recording equipment for use at the breath test sites. SLED also is responsible for monitoring all breath test sites to ensure the proper maintenance of video recording equipment. The Department of Public Safety is responsible for purchasing, maintaining, and supplying all videotaping equipment for use in all law enforcement vehicles used primarily for traffic enforcement. The Department of Public Safety also is responsible for monitoring all law enforcement vehicles used primarily for traffic enforcement to ensure proper maintenance of video recording equipment.

(E) Beginning one month from the effective date of this section, all of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to equip all breath test sites with video recording devices and supplies. Once all breath test sites have been equipped fully with video recording devices and supplies, eighty-seven and one-half percent of the funds received in accordance with Section 14-1-208(C)(9) must be expended by the Department of Public Safety to purchase, maintain, and supply video recording equipment for vehicles used for traffic enforcement. The remaining twelve and one-half percent of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to purchase, maintain, and supply video recording equipment for the breath test sites. Funds must be distributed by the State Treasurer to the Department of Public Safety and SLED on a monthly basis. The Department of Public Safety and SLED are authorized to carry forward any unexpended funds received in accordance with Section 14-1-208(C)(9) as of June thirtieth of each year and to expend these carried forward funds for the purchase, maintenance, and supply of video recording equipment. The Department of Public Safety and SLED must report the revenue received under this section and the expenditures for which the revenue was used as required in the department's and SLED's annual appropriation request to the General Assembly.

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(F) The Department of Public Safety and SLED must promulgate regulations necessary to implement the provisions of this section.

(G) The provisions contained in ~~Section 56-5-2953~~ subsections (A), (B), and (C) take effect for each law enforcement vehicle used primarily for traffic enforcement once the law enforcement vehicle is equipped with a video recording device. The provisions contained in ~~Section 56-5-2953~~ subsections (A), (B), and (C) take effect for a breath test site once the breath test site is equipped with a video recording device.

(H) Nothing in this section shall be construed to require dismissal of a charge for an alleged violation of Section 56-5-2930, 56-5-2933, or 56-5-2945. If the trial court makes a specific finding on the record, based upon the totality of the circumstances, that the arresting officer's failure to comply with this section was both wilful and malicious, the court may prohibit the prosecutor from introducing evidence related to such charges or may enter such other relief as it deems just under the circumstances. To the extent any provision of law is inconsistent with the provisions of this subsection, the provisions of this subsection shall govern.

(I) This section shall not apply to cameras worn by any investigating officer or any cameras not under control of the investigating officers.

(J) This section shall not apply to drug recognition expert examinations." /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Point of Order

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

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 3

Senators CORBIN and HEMBREE proposed the following amendment (18R001.KMM.TDC), which was adopted:

Amend the bill, as and if amended, page 17, by striking line 4 and inserting:

/ vehicle the person drives, except a moped or motorcycle, an ignition interlock /

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Amend the bill further, as and if amended, page 17, by striking line 28 and inserting:

/ the person drives, except a moped or motorcycle. /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Amendment No. 6

Senator MALLOY proposed the following amendment (JUD0018.006), which was tabled:

Amend the bill, as and if amended, by striking SECTION 3 in its entirety, and inserting therein the following:

/ SECTION 3. Section 56-1-400 of the 1976 Code is amended to read:

“Section 56-1-400. (A)(1) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that the license be surrendered to the department. At the end of the suspension period, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system, the department shall issue a new license to the person.

(2) If the person has not held a license within the previous nine months, the department shall not issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and satisfied the department, after an investigation of the person’s driving ability, that it would be safe to grant the person the privilege of driving a motor vehicle on the public highways. The department, in the department’s discretion, where the suspension is for a violation under the point system, may waive the examination, application, and investigation. A record of the suspension must be endorsed on the license issued to the person, showing the grounds of the suspension.

(B) If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license issued to the person must conspicuously

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identify the person as a person who only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Sections 56-1-286; 56-1-1090; 56-5-2945; and 56-5-2947 ~~except if the conviction was for Section 56-5-750, 56-5-2951; or 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.~~

(C) For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be 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.

(D) Unless the person establishes that the person is entitled to the exemption set forth in subsection ~~(B)~~(G), no ignition interlock restricted license may be issued by the department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order.

(E) If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended indefinitely. If the person subsequently decides to have the ignition interlock device installed, the device must be installed for the length of time set forth in ~~Sections 56-1-286, 56-5-2945, and 56-5-2947~~ except if the conviction was for Section 56-5-750, 56-5-2951, or 56-5-2990 subsection (B).

(F) This provision does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23, Chapter 5 of this title.

~~(B)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that the person:~~

~~(a) cannot obtain a vehicle owner's permission to have an ignition interlock device installed on a vehicle;~~

~~(b) will not be driving a vehicle other than a vehicle owned by the person's employer; and~~

~~(c) will not own a vehicle during the ignition interlock period, may petition the department, on a form provided by the department, for issuance of an ignition interlock restricted license that permits the person to operate a vehicle specified by the employee according to the employer's needs as contained in the employer's statement during the~~

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days and hours specified in the employer's statement without having to show that an ignition interlock device has been installed.

~~(2) The form must contain:~~

~~(a) identifying information about the employer's noncommercial vehicles that the person will be operating;~~

~~(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and~~

~~(c) the notarized signature of the person's employer.~~

~~(3) This subsection does not apply to:~~

~~(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person.~~

~~(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.~~

~~(4) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.~~

~~(5) The determination of eligibility for the waiver is subject to periodic review at the discretion of the department. The department shall revoke a waiver issued pursuant to this exemption if the department determines that the person has been driving a vehicle other than the vehicle owned by the person's employer or has been operating the person's employer's vehicle outside the locations, days, or hours specified by the employer in the department's records. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.~~

~~(C) A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the department with proof that the fine owed by the person has been paid before the department may issue the person a license. Proof~~

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that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full." /

Amend the bill further, as and if amended, page 23, by striking lines 12 through 43, and inserting therein the following:

~~(L)(1) A person who is required in the course and scope of the person's employment to drive a motor vehicle owned by the person's employer may drive the employer's motor vehicle without installation of an ignition interlock device, provided that the person's use of the employer's motor vehicle is solely for the employer's business purposes.~~

~~(2) This subsection does not apply to:~~

~~(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person.~~

~~(b) a person who is self employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.~~

~~(3) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicles' form specified by Section 56-1-400(B).~~

~~(4) This subsection will be construed in parallel with the requirements of Section 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in Section 56-1-400(B).~~ /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator HUTTO spoke against the amendment.

Senator HUTTO moved to lay the amendment on the table.

The amendment was laid on the table.

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The question then was second reading of the Bill.

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

Ayes 40; Nays 1

AYES

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

Total--40

NAYS

Malloy

Total--1

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

Senator MASSEY moved that the Senate stand adjourned.

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

Ayes 39; Nays 2

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

[SJ]

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Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Johnson
Leatherman	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Williams	Young

Total--39

NAYS

Kimpson	Malloy
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Total--2

The Senate agreed to stand adjourned.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

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

Holly Huggins Wall, 545 Persimmon Ford Road, Johnsonville, SC 29555-6704

VICE Roger N. Langley

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Dominic Owens, 2757 Crepe Myrtle Road, Florence, SC 29505-7025

VICE Sandra M. Grimsley

ADJOURNMENT

At 3:39 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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