

NO. 42

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

WEDNESDAY, MARCH 20, 2019

Wednesday, March 20, 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 acting Chaplain, Senator ALEXANDER as follows:

Proverbs 20:12

“The hearing ear and the seeing eye -- the Lord made them both.”

Let us pray. Dear Lord as we enjoy this first day of spring, we are reminded that You made the wonder of all the seasons. As we enter spring from the cold of the winter, we see Your majesty in the budding and blooming of the flowers, trees and in the beauty of Your creation coming to new life. As we hear the singing of the birds as they rejoice, may we pause and give thanks to You for all the beauty around as in Your creation that we enjoy daily and rejoice. May we take time to see and hear the voices and beauty of a new spring. In Your name we pray, Amen.

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

Point of Quorum

At 12:03 P.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

| | | |
|------------|---------|-------------|
| Alexander | Bennett | Campbell |
| Cash | Climer | Corbin |
| Cromer | Davis | Fanning |
| Gregory | Grooms | Harpootlian |
| Leatherman | Martin | Massey |
| Peeler | Rice | Scott |
| Setzler | Shealy | Talley |
| Turner | Young | |

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A quorum being present, the Senate resumed.

ACTING PRESIDENT PRESIDES

Senator ALEXANDER assumed the Chair.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2019, and to expire May 19, 2026

3rd Congressional District:

Stephen H. Mudge, Post Office Box 1918, Clemson, SC 29633 *VICE*
Kristofer D. Clark

Referred to the Committee on Judiciary.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2019, and to expire March 15, 2025

4th Congressional District:

Clifton D. Baxter, 1104 Charter Oak, Taylors, SC 29687-4403

Referred to the Committee on Corrections and Penology.

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2018, and to expire June 30, 2022

Master Haircare Specialist:

Paul E. Robinson, Jr., 4441 Deerfield Dr., Orangeburg, SC 29118-8300

Referred to the Committee on Labor, Commerce and Industry.

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4812

Agency: South Carolina Criminal Justice Academy

Chapter: 37

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

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SUBJECT: Withdrawal of Certification of Law Enforcement Officers
Received by Lieutenant Governor January 8, 2019
Referred to Committee on Judiciary
Legislative Review Expiration May 8, 2019
Withdrawn and Resubmitted March 20, 2019

Document No. 4813
Agency: South Carolina Criminal Justice Academy
Chapter: 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.
SUBJECT: Denial of Certification for Misconduct
Received by Lieutenant Governor January 8, 2019
Referred to Committee on Judiciary
Legislative Review Expiration May 8, 2019
Withdrawn and Resubmitted March 20, 2019

Doctor of the Day

Senator TURNER introduced Dr. Stephen Yarborough of Greenville, S.C., Doctor of the Day.

Leave of Absence

At 12:41 P.M., Senator KIMPSON requested a leave of absence for Senator McELVEEN for the day.

CO-SPONSORS ADDED

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

S. 11 Sen. Young
S. 112 Sen. Gambrell
S. 298 Sen. Harpootlian
S. 665 Sen. Allen

CO-SPONSOR REMOVED

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

S. 575 Sen. Martin

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 678 -- Senators Peeler and Climer: A JOINT RESOLUTION TO PROVIDE THAT THE GOVERNOR SHALL UTILIZE THE DEPARTMENT OF ADMINISTRATION TO CONDUCT A

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COMPETITIVE BIDDING PROCESS FOR THE SALE OF SANTEE COOPER, TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL EVALUATE BIDS, TO PROVIDE THAT THE GOVERNOR SHALL EXECUTE THE SALE OF SANTEE COOPER TO THE BIDDER WHOSE BID BEST PROTECTS THE INTERESTS OF SANTEE COOPER'S RATEPAYERS AND THE STATE'S TAXPAYERS, AND TO TRANSMIT THE PUBLIC SERVICE AUTHORITY EVALUATION AND RECOMMENDATION COMMITTEE'S WORK PRODUCT TO THE DEPARTMENT OF ADMINISTRATION.

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Senator PEELER spoke on the Resolution.

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

Remarks by Senator PEELER

Senators, I believe the time has come to sell Santee Cooper. For almost two years, Santee Cooper has been looming over us. Their leadership is in crisis. They are crippled by debt. It is clear to me that Santee Cooper cannot see their own way to a resolution that works for their ratepayers and the taxpayers of our State.

I'd like to thank the Senators on the select committee and the joint committee. They have put in a lot of hours working on this issue since last summer. Recently there has been a lot of discussion about what comes next. In my view, the joint committee achieved its primary goal -- it identified a robust and varied market of private companies ready to take on Santee Cooper. But, Senators, the General Assembly should not be directly involved in that sale process. It is simply not the role of 170 policy makers to direct the sale of a complex public utility.

Today, I am introducing a Joint Resolution that authorizes an open, competitive process to sell Santee Cooper. This Joint Resolution will empower the Governor and his Department of Administration, with the assistance of a competitively selected professional team, to conduct the sale. They will be given goals that ensure the sale will benefit the taxpayers of South Carolina -- and the customers of Santee Cooper. This Resolution will allow South Carolina to move forward. We have to do it. And this non-political process is the right way to get it done.

On motion of Senator MARTIN, with unanimous consent, the remarks of Senator PEELER, were ordered printed in the Journal.

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PRESIDENT PRESIDES

The PRESIDENT assumed the Chair.

S. 679 -- Senator Leatherman: A BILL TO AMEND SECTIONS 11-41-20, 11-41-30, AND 11-41-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO PROVIDE FURTHER FINDINGS, TO PROVIDE FOR STRATEGIC INFRASTRUCTURE PROJECTS AS ECONOMIC DEVELOPMENT PROJECTS, AND TO ALLOW FOR FREIGHT TRANSPORTATION AS INFRASTRUCTURE.

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

S. 680 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 63-13-30(A) OF THE 1976 CODE, RELATING TO CAREGIVER REQUIREMENTS, TO PROVIDE THAT A CAREGIVER OVER THE AGE OF EIGHTEEN IN A CHILDCARE FACILITY MAY BE CURRENTLY ENROLLED IN HIGH SCHOOL; TO AMEND SECTION 63-13-70 OF THE 1976 CODE, RELATING TO A REQUIRED REGISTER, TO PROVIDE THAT EVERY CHILDCARE CENTER FACILITY SHALL MAINTAIN A REGISTER; TO AMEND SECTION 63-13-80(B) OF THE 1976 CODE, RELATING TO INVESTIGATIONS AND INSPECTIONS, TO PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE; TO AMEND SECTION 63-13-90 OF THE 1976 CODE, RELATING TO ZONING, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 63-13-100 OF THE 1976 CODE, RELATING TO PROVISIONAL LICENSURE, APPROVAL, AND REGISTRATION, TO REMOVE PROVISIONAL REGISTRATIONS AND TO PROVIDE THAT NO PROVISIONAL LICENSE IS EFFECTIVE FOR A PERIOD GREATER THAN TWO YEARS; TO AMEND SECTION 63-13-110 OF THE 1976 CODE, RELATING TO FIRST AID AND CPR CERTIFICATES, TO PROVIDE THAT ALL CHILDCARE FACILITIES MUST HAVE AT LEAST TWO CAREGIVERS AND TO PROVIDE THAT REGISTERED FAMILY CHILDCARE HOMES MUST HAVE AT LEAST ONE CAREGIVER WHO MEETS CERTAIN CRITERIA; TO AMEND SECTION 63-13-150 OF THE 1976 CODE, RELATING TO VIOLATION CITATIONS, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 63-13-160(1) OF THE 1976 CODE, RELATING TO INJUNCTIONS, TO

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MAKE CONFORMING CHANGES; TO AMEND SECTION 63-13-210 OF THE 1976 CODE, RELATING TO NOTICE TO PARENTS THAT A CHILDCARE BUSINESS DOES NOT CARRY LIABILITY INSURANCE, TO PROVIDE THAT A CHILDCARE FACILITY MUST CARRY LIABILITY INSURANCE AND TO PROVIDE FOR THE REPORTING OF LIABILITY CLAIMS; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 63 OF THE 1976 CODE, RELATING TO CHILDCARE FACILITIES, BY ADDING SECTION 63-13-220 AND SECTION 63-13-230, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES'S CHILDCARE FACILITY LICENSING DIVISION ADMINISTERS THE ABC CHILDCARE PROGRAM AND TO PROVIDE FOR CONDITIONS FOR CHILDCARE FACILITIES' OPERATIONS; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 63 OF THE 1976 CODE, RELATING TO PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES, TO MAKE CONFORMING CHANGES, TO PROVIDE CONDITIONS UNDER WHICH NO LICENSE MAY BE ISSUED, TO REQUIRE CERTAIN BACKGROUND CHECKS FOR CERTAIN INDIVIDUALS, TO PROVIDE FOR CONDITIONS UNDER WHICH A PARENT OR THE DEPARTMENT OF SOCIAL SERVICES MUST BE NOTIFIED, TO PROVIDE THAT A REGULAR LICENSE OR REGULAR CERTIFICATE OF COMPLIANCE FOR A PRIVATE CHILDCARE CENTER OR GROUP CHILDCARE HOME IS VALID FOR TWO YEARS AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR APPLICATIONS FOR A CERTIFICATE OF COMPLIANCE, AND TO REQUIRE THAT A CHILDCARE FACILITY MUST BE LICENSED OR HOLD A CERTIFICATE OF COMPLIANCE; TO AMEND SECTION 63-13-825 OF THE 1976 CODE, RELATING TO TRAINING FOR DAYCARE OPERATORS AND WORKERS, TO PROVIDE FOR TRAINING ON SAFE SLEEP FOR INFANTS AND CERTIFICATION; TO AMEND SECTION 63-13-850 OF THE 1976 CODE, RELATING TO APPEALS, TO PROVIDE FOR THE RIGHT TO A HEARING PROCESS FOR A FAMILY CHILDCARE HOME OPERATOR WHOSE APPROVAL HAS BEEN WITHDRAWN; TO DEFINE NECESSARY TERMS; AND TO REPEAL SECTION 63-13-610 OF THE 1976 CODE, RELATING TO THE APPROVAL REQUIRED FOR PUBLIC CENTERS AND GROUP HOMES, SECTION 63-13-620 OF THE 1976 CODE, RELATING TO STATEMENT OF APPROVAL REQUIREMENTS, SECTION 63-13-630 OF THE 1976 CODE, RELATING TO APPROVAL RENEWAL, SECTION 63-13-640 OF

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THE 1976 CODE, RELATING TO DEFICIENCY CORRECTION NOTICES, SECTION 63-13-650 OF THE 1976 CODE, RELATING TO REVIEW MEETINGS, SECTION 63-13-1010 OF THE 1976 CODE, RELATING TO THE REGISTRATION REQUIRED FOR CHURCHES AND RELIGIOUS CENTERS, SECTION 63-13-1020 OF THE 1976 CODE, RELATING TO REGISTRATION AND INSPECTIONS, SECTION 63-13-1030 OF THE 1976 CODE, RELATING TO STATEMENTS OF REGISTRATION, SECTION 63-13-1050 OF THE 1976 CODE, RELATING TO DEFICIENCY CORRECTION NOTICES, SECTION 63-13-1060 OF THE 1976 CODE, RELATING TO INJUNCTIONS, SECTION 63-13-1070 OF THE 1976 CODE, RELATING TO APPEALS, AND SECTION 63-13-1080 OF THE 1976 CODE, RELATING TO PENALTIES.

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

S. 681 -- Senator Johnson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE-95 NORTHBOUND FROM EXIT 102 TO EXIT 115 "RANDOLPH GARRETT, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

S. 682 -- Senators Gambrell and Cash: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S YOUNG PEOPLE AND TO THE PREVENTION OF CHILD ABUSE AND NEGLECT AND TO DECLARE THE MONTH OF APRIL 2019 AS "CHILD ABUSE PREVENTION MONTH" IN THE STATE OF SOUTH CAROLINA.

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The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

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S. 683 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 8 THROUGH 12, 2019 AS "INDEPENDENT COLLEGES AND UNIVERSITIES WEEK" AND APRIL 10, 2019 AS "INDEPENDENT COLLEGES AND UNIVERSITIES DAY" IN SOUTH CAROLINA.

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

S. 684 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE WEDNESDAY, APRIL 3, 2019 AS "529 DAY" IN SOUTH CAROLINA IN ORDER TO ENCOURAGE CITIZENS TO LEARN MORE ABOUT THE FUTURE SCHOLAR 529 COLLEGE SAVINGS PLAN AND ALL OF THE OTHER CONSUMER-FACING PROGRAMS OFFERED AT THE STATE TREASURER'S OFFICE.

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The Senate Resolution was introduced and referred to the Committee on Finance.

S. 685 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE DR. ROBERT A. THOMAS ON HAVING A NEWLY IDENTIFIED SPECIES OF SNAKE FROM THE GALAPAGOS ISLANDS NAMED IN HIS HONOR.

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The Senate Resolution was adopted.

S. 686 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE EFFORTS NOW UNDERWAY BY THE SOUTH CAROLINA AFTERSCHOOL ALLIANCE TO SUPPORT TEACHERS, EDUCATIONAL LEADERS, AND FAMILIES OUTSIDE THE REGULAR SCHOOL DAY BY BUILDING AND STRENGTHENING AFTERSCHOOL AND SUMMER PROGRAMS TO ENSURE THEY ARE OF HIGH QUALITY TO SUPPORT STUDENT SUCCESS.

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The Senate Resolution was adopted.

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES

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MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

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

H. 3621 -- Reps. V. S. Moss, D. C. Moss, Erickson and W. Cox: A BILL TO AMEND SECTION 44-75-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE ATHLETIC TRAINERS' ACT OF SOUTH CAROLINA, SO AS TO CHANGE THE DEFINITION OF "ATHLETIC TRAINER"; TO AMEND SECTION 44-75-50, RELATING TO CERTIFICATION OF ATHLETIC TRAINERS, SO AS TO REVISE THE NAME OF THE REQUIRED EXAMINATION; TO AMEND SECTION 44-75-100, RELATING TO EMPLOYEES OF ORGANIZATIONS THAT ARE CONSIDERED ATHLETIC TRAINERS, SO AS TO ADD CERTAIN ORGANIZATIONS; AND TO AMEND SECTION 44-75-120, RELATING TO PENALTIES FOR VIOLATING A PROVISION OF THE ACT, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO TAKE CERTAIN DISCIPLINARY ACTIONS, INCLUDING THE IMPOSITION OF MONETARY PENALTIES.

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

H. 3725 -- Reps. Felder, King, Elliott, Hill, McDaniel, Simmons, W. Cox, Loftis, Jefferson, R. Williams, Henegan, Erickson, Burns, Stavrinakis and McCoy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-320 SO AS TO ESTABLISH AN "ADVISORY COUNCIL ON PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC SYNDROME (PANS) AND PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDER ASSOCIATED WITH STREPTOCOCCAL INFECTIONS (PANDAS)"; TO PROVIDE FOR MEMBERSHIP, DUTIES, AND REPORTING REQUIREMENTS OF THE ADVISORY COUNCIL; TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPOINT CERTAIN MEMBERS AND TO PROVIDE STAFF SUPPORT; AND FOR OTHER PURPOSES.

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

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H. 3755 -- Reps. Sandifer, Spires and Anderson: A BILL TO AMEND SECTION 38-77-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO AUTOMOBILE INSURANCE COVERAGE, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR THE RENEWAL OF AN AUTOMOBILE COVERAGE POLICY AND TO DEFINE THE TERM "REDUCTION IN COVERAGE"; AND TO AMEND SECTION 38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO RENEW A POLICY, SO AS TO ALLOW FOR AN INSURER TO RENEW A POLICY WITH A REDUCTION IN COVERAGE AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE REDUCTION IN COVERAGE.

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

H. 3821 -- Rep. Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "ADVANCED PRACTICE REGISTERED NURSE ACT"; TO AMEND SECTION 32-8-325, RELATING TO THE USE OF DEATH CERTIFICATES TO AUTHORIZE CREMATORIES TO CREMATE HUMAN REMAINS, SO AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN SUCH DEATH CERTIFICATES; TO AMEND SECTION 32-8-340, RELATING TO CONDITIONS FOR CREMATATIONS, SO AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN DEATH CERTIFICATES AND WAIVE CERTAIN TIME REQUIREMENTS; TO AMEND SECTION 40-33-34, AS AMENDED, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE CERTIFYING THE MANNER OF DEATH AND EXECUTING DO NOT RESUSCITATE ORDERS AMONG THE MEDICAL ACTS THAT MAY BE PERFORMED UNLESS OTHERWISE PROVIDED IN A PRACTICE AGREEMENT, AND TO PERMIT THE PRESCRIPTION OF SCHEDULE II NARCOTIC SUBSTANCES FOR PATIENTS RESIDING IN LONG-TERM CARE SETTINGS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 44-63-74, RELATING TO THE MANDATORY ELECTRONIC FILING OF DEATH CERTIFICATES WITH THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES TO

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REFLECT THE AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES TO SIGN DEATH CERTIFICATES AND CERTIFY CAUSES OF DEATH, AND TO PROVIDE ADVANCED PRACTICE REGISTERED NURSES WHO FAIL TO COMPLY WITH CERTAIN TIME LIMITS FOR CERTIFYING A CAUSE OF DEATH MAY BE SUBJECT TO CERTAIN PENALTIES; TO AMEND SECTION 44-78-15, RELATING TO DEFINITIONS IN THE DO NOT RESUSCITATE ORDER ACT, SO AS TO REVISE THE DEFINITION OF A "HEALTH CARE PROVIDER" TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES; AND TO AMEND SECTION 44-78-30, RELATING TO THE FORM OF DO NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

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

H. 3952 -- Rep. Clemmons: A BILL TO AMEND SECTION 56-2-105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF GOLF CARTS AND THE ISSUANCE OF GOLF CART PERMITS BY THE DEPARTMENT OF MOTOR VEHICLES, AND THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENTAL BODY MAY REGULATE AN ENTITY OFFERING GOLF CARTS FOR RENT OR LEASE WITHIN ITS JURISDICTION UNDER CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 56-2-3110 SO AS TO PROVIDE THAT A LOCAL GOVERNMENTAL BODY MAY REGULATE AN ENTITY OFFERING MOPEDS FOR RENT OR LEASE WITHIN ITS JURISDICTION UNDER CERTAIN CIRCUMSTANCES.

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

H. 4255 -- Reps. Ridgeway, 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, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore,

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Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, 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, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE THE SCOTT'S BRANCH HIGH SCHOOL GIRLS BASKETBALL TEAM FOR CAPTURING THE 2019 CLASS A STATE CHAMPIONSHIP TITLE AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

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

REPORTS OF STANDING COMMITTEES

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 575 -- Senators Campsen and McElveen: 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 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

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REPEAL SECTION 7 OF ACT 41 OF 2015, RELATING TO THE HUNTING AND TAKING OF WILD TURKEY.

Ordered for consideration tomorrow.

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

S. 593 -- Senator Shealy: A BILL TO AMEND SECTION 57-25-40 OF THE 1976 CODE, RELATING TO APPLICATIONS BY A REGIONAL TRANSIT AUTHORITY OR PUBLIC TRANSIT OPERATOR TO INSTALL COMMERCIAL ADVERTISEMENT BENCHES, TO DELETE THE EXPIRATION DATE OF PERMITS.

Ordered for consideration tomorrow.

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

H. 3310 -- Rep. Elliott: A BILL TO AMEND SECTION 56-19-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES OF TITLE, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SPECIAL PLATES FOR VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO PROVIDE A PROCEDURE FOR AN INSURANCE COMPANY OR ITS AGENT TO OBTAIN A CERTIFICATE OF TITLE FOR A VEHICLE FROM THE DEPARTMENT OF MOTOR VEHICLES WHEN A CLAIMANT FAILS TO DELIVER THE TITLE TO THE INSURANCE COMPANY OR ITS AGENT UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3750 -- Reps. Hewitt, Yow, Ott, Crawford, Kirby, Hardee, Hiott, W. Newton, Huggins and Ligon: A BILL TO AMEND SECTION 50-9-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEER HUNTING, SO AS TO PROVIDE THAT A RESIDENT WHO PURCHASES A SOUTH CAROLINA HUNTING LICENSE AND A BIG GAME PERMIT MUST RECEIVE AT LEAST TWO ANTLERLESS DEER TAGS THAT ARE NOT DATE SPECIFIC.

Ordered for consideration tomorrow.

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Privilege of the Chamber

On motion of Senator PEELER, on behalf of Senator M.B. MATTHEWS, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Jonathan Green in recognition of his receiving the Order of the Palmetto honoring his Gullah culture art works and wish him continued success in all future endeavors.

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

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

S. 259 -- Senators Goldfinch, Campsen, Kimpson, Senn and Campbell: 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

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UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

OBJECTION

S. 509 -- Senator Grooms: A BILL TO AMEND ARTICLE 4, CHAPTER 15, TITLE 56 OF THE 1976 CODE, RELATING TO NONFRANCHISE AUTOMOBILE DEALER PRE-LICENSING, BY ADDING SECTION 56-15-415, TO PROVIDE THAT AN APPLICANT FOR AN INITIAL NONFRANCHISE AUTOMOBILE DEALER LICENSE MUST COMPLETE PRELICENSING EDUCATION COURSES BEFORE HE MAY BE ISSUED A LICENSE, TO PROVIDE THAT CERTAIN EDUCATIONAL REQUIREMENTS MUST BE SATISFIED BEFORE A LICENSE MAY BE RENEWED, AND TO PROVIDE THAT A PERSON WHO PROVIDES EDUCATION COURSES MUST BE AFFILIATED WITH A NATIONAL OR STATE INDUSTRY TRADE ASSOCIATION; AND TO AMEND SECTIONS 56-15-430, 56-15-440, AND 56-15-450 OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF THE PROVISIONS THAT REGULATE NONFRANCHISE AUTOMOBILE DEALER PRELICENSING TO FRANCHISED AUTOMOBILE DEALERS, NONFRANCHISED AUTOMOBILE DEALERS OWNED AND OPERATED BY A FRANCHISED AUTOMOBILE DEALER, NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS IS MOTOR VEHICLE SALVAGE, AND NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS OBJECTIVE AND SUBSTANTIAL BUSINESS ACTIVITY IS IN THE RENTAL OF MOTOR VEHICLES, TO PROVIDE THAT CERTAIN EDUCATION REQUIREMENTS DO NOT APPLY TO THESE AUTOMOBILE DEALERS.

Senator CASH objects to the consideration of the Bill.

**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. 11 -- Senators Peeler, Bennett, McElveen and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-30 SO AS TO PROVIDE THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INTENDS FOR DAYLIGHT SAVING TIME TO BE THE YEAR-ROUND STANDARD TIME OF THE ENTIRE STATE SHOULD THE UNITED STATES CONGRESS

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AMEND CERTAIN RELATED FEDERAL LAW TO ALLOW STATES TO OBSERVE DAYLIGHT SAVING TIME YEAR ROUND.

S. 206 -- Senator Young: A BILL TO AMEND SECTION 13-7-810 OF THE 1976 CODE, RELATING TO THE NUCLEAR ADVISORY COUNCIL, TO RENAME THE COUNCIL; AND TO AMEND SECTION 1-5-40(A)(70) AND SECTION 1-11-10(A)(15) OF THE 1976 CODE, RELATING TO THE SECRETARY OF STATE'S MONITORING OF STATE BOARDS AND COMMISSIONS AND TO OFFICES, DIVISIONS, AND OTHER AGENCIES WITHIN THE DEPARTMENT OF ADMINISTRATION, RESPECTIVELY, TO MAKE CONFORMING CHANGES.

S. 252 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-215 SO AS TO DESIGNATE THE MONTH OF JUNE OF EVERY YEAR AS "SALKEHATCHIE SUMMER SERVICE MONTH" IN SOUTH CAROLINA.

S. 486 -- Senators Talley and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 26 SO AS TO ENACT THE "SOUTH CAROLINA REMOTE ONLINE NOTARIZATION ACT", TO PROVIDE A CITATION, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE FOR THE APPLICABILITY OF THE CHAPTER, TO PROVIDE THE SECRETARY OF STATE BY RULE SHALL DEVELOP AND MAINTAIN STANDARDS FOR CREDENTIAL ANALYSIS AND IDENTITY PROOFING AND TO PROVIDE REQUIREMENTS FOR THE DEVELOPMENT OF THESE STANDARDS, TO PROVIDE NOTARIES PUBLIC COMMISSIONED IN THIS STATE MAY REGISTER AS REMOTE ONLINE NOTARIES PUBLIC UPON SATISFYING CERTAIN REQUIREMENTS, TO ENUMERATE NOTARIAL ACTS THAT MAY BE PERFORMED BY REMOTE ONLINE NOTARIES USING ELECTRONIC TECHNOLOGY, TO PROVIDE REQUIREMENTS FOR CONDUCTING ONLINE NOTARIAL ACTS, TO PROVIDE REMOTE ONLINE NOTARIES PUBLIC MAY CHARGE FEES FOR PERFORMING REMOTE ONLINE NOTARIAL ACTS, TO PROVIDE LIABILITY, SANCTIONS, AND REMEDIES FOR THE IMPROPER PERFORMANCE OF REMOTE ONLINE NOTARIAL ACTS OR FOR PROVIDING FALSE OR MISLEADING

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INFORMATION IN REGISTERING TO PERFORM REMOTE ONLINE NOTARIAL ACTS ARE THE SAME AS PROVIDED BY LAW FOR THE IMPROPER PERFORMANCE OF NONELECTRONIC NOTARIAL ACTS, TO SPECIFY CERTAIN RECORDING REQUIREMENTS THAT ARE CONSIDERED SATISFIED BY REMOTE NOTARIAL ACTS, AND TO PROVIDE REMOTE ONLINE NOTARY PUBLIC APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING UNTIL THE ADMINISTRATIVE RULES ARE IN EFFECT AND VENDORS OF TECHNOLOGY ARE APPROVED BY THE SECRETARY OF STATE, AMONG OTHER THINGS.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments.

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.

H. 3595 -- Reps. Elliott, G.M. Smith, Simrill, Stavrinakis, Loftis, Clemmons, Erickson, West, Bannister and Forrest: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

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. 3985 -- Reps. Lucas, G.M. Smith and Stavrinakis: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF

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THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2018 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

READ THE SECOND TIME

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

The Senate proceeded to the consideration of the Bill.

Senator MARTIN explained the Bill.

Senator KIMPSON spoke on 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 | Campsen | Cash |
| Climer | Corbin | Cromer |
| Davis | Fanning | Gambrell |
| Goldfinch | Gregory | Grooms |
| Harpootlian | Hembree | Hutto |
| Jackson | Johnson | Kimpson |
| Leatherman | Malloy | Martin |
| Massey | <i>Matthews, John</i> | McLeod |

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| | | |
|-----------|---------|--------|
| Nicholson | Peeler | Reese |
| Rice | Sabb | Scott |
| Senn | Setzler | Shealy |
| Talley | Turner | Verdin |
| Williams | Young | |

Total--41

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

S. 132 -- Senators Davis, Nicholson, Hutto, M.B. Matthews, Kimpson and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PA ACT OF 2019" BY ADDING SECTION 40-47-936 SO AS TO PROVIDE CERTAIN ORDERS PHYSICIAN ASSISTANTS MAY PLACE TO BE PERFORMED BY LICENSED PERSONNEL PURSUANT TO THE SCOPE OF PRACTICE OF THE PHYSICIAN ASSISTANT; BY ADDING SECTION 40-47-1025 SO AS TO PROVIDE CERTAIN PROVISIONS MAY NOT BE CONSTRUED TO LIMIT THE EMPLOYMENT ARRANGEMENT OF PHYSICIAN ASSISTANTS; BY ADDING SECTION 40-47-1030 SO AS TO PROVIDE THE BOARD OF MEDICAL EXAMINERS MAY APPROVE PHYSICIAN ASSISTANTS TO ENTER INTO NONDISCIPLINARY ALTERNATIVE PROGRAMS AND TO PROVIDE CONFIDENTIALITY OF RELATED RECORDS; BY ADDING SECTION 40-47-1035 SO AS TO PROVIDE PHYSICIAN ASSISTANTS MAY BE CONSIDERED PRIMARY CARE PROVIDERS OR MENTAL HEALTH PROVIDERS WHEN PRACTICING IN THE MEDICAL SPECIALTIES REQUIRED FOR PHYSICIANS TO BE PRIMARY CARE PROVIDERS OR MENTAL HEALTH PROVIDERS, AND TO CLARIFY THE AFFECT ON RELATED WORKING RELATIONSHIPS AND SCOPES OF PRACTICE; BY ADDING SECTION 40-47-1040 SO AS TO PROVIDE THE BOARD MAY MAKE SPECIAL PROVISIONS FOR LICENSURES OF APPLICANTS WHO HAVE BEEN CLINICALLY

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INACTIVE FOR MORE THAN TWENTY-FOUR MONTHS, TO PROVIDE REQUIREMENTS FOR THESE SPECIAL PROVISIONS, AND TO PROVIDE PHYSICIAN ASSISTANTS WHO HAVE BEEN FULL-TIME EMPLOYEES OF CERTAIN ACCREDITED EDUCATIONAL PROGRAMS MAY NOT BE CONSIDERED TO HAVE BEEN CLINICALLY INACTIVE FOR LICENSURE OR LICENSE RENEWAL PURPOSES; TO AMEND SECTION 40-47-195, AS AMENDED, RELATING TO SUPERVISING PHYSICIANS IN SCOPE OF PRACTICES, SO AS TO REVISE RELATED REQUIREMENTS; TO AMEND SECTION 40-47-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING PHYSICIANS AND MISCELLANEOUS HEALTH CARE PROFESSIONALS, SO AS TO REVISE NECESSARY TERMS; TO AMEND SECTION 40-47-113, RELATING TO THE ESTABLISHMENT OF PHYSICIAN-PATIENT RELATIONSHIPS, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 40-47-910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO REVISE AND PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 40-47-915, RELATING TO THE APPLICABILITY OF THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO REVISE THE CRITERIA FOR PERSONS SUBJECT TO THE ACT; TO AMEND SECTION 40-47-925, RELATING TO THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE TO THE BOARD, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-930, RELATING TO THE POWERS AND DUTIES OF THE COMMITTEE AND BOARD, SO AS TO REVISE THE REQUIREMENTS AND MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-935, AS AMENDED, RELATING TO ACTS AND DUTIES THAT PHYSICIAN ASSISTANTS ARE AUTHORIZED TO PERFORM, SO AS TO EXPAND THE RANGE OF THESE ACTS AND DUTIES; TO AMEND SECTION 40-47-938, RELATING TO SUPERVISORY RELATIONSHIPS, SO AS TO REVISE THE REQUIREMENTS FOR THESE RELATIONSHIPS; TO AMEND SECTION 40-47-940, RELATING TO THE LICENSURE APPLICATION PROCESS AND TEMPORARY LICENSES, SO AS TO REVISE THE PROCESS AND PROVIDE REQUIREMENTS FOR EMERGENCY LICENSES; TO AMEND SECTION 40-47-945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSES FOR PHYSICIAN ASSISTANTS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-47-950,

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RELATING TO LIMITED PHYSICIAN ASSISTANT LICENSES, SO AS TO ELIMINATE CERTAIN REQUIREMENTS FOR THESE LICENSES, MODIFY THE ROLE OF SUPERVISING PHYSICIANS, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-955, AS AMENDED, RELATING TO SCOPE OF PRACTICE, SO AS TO REVISE THE REQUIREMENTS AND INCLUDE REQUIREMENTS CONCERNING TELEMEDICINE, AMONG OTHER THINGS; TO AMEND SECTION 40-47-960, RELATING TO REQUIRED CONTENT IN SCOPE OF PRACTICES, SO AS TO REVISE THE REQUIRED CONTENT AND PROVIDE SCOPE OF PRACTICES MAY BE IN WRITTEN OR ELECTRONIC FORMAT; TO AMEND SECTION 40-47-965, RELATING TO REQUIREMENTS OF PHYSICIAN ASSISTANTS WHEN PRESCRIBING CERTAIN TREATMENTS, SO AS TO EXPAND THE AUTHORITY OF PHYSICIAN ASSISTANTS TO PRESCRIBE SUCH TREATMENTS; TO AMEND SECTION 40-47-970, RELATING TO MEDICAL TASKS, ACTS, AND FUNCTIONS THAT PHYSICIAN ASSISTANTS MAY PERFORM, SO AS TO ELIMINATE RESTRICTIONS ON PRESCRIBING CERTAIN CONTROLLED SUBSTANCES AND RESTRICTIONS ON PERFORMING ACTS OUTSIDE THE USUAL PRACTICE OF THEIR SUPERVISING PHYSICIANS; TO AMEND SECTION 40-47-985, RELATING TO UNSCHEDULED INSPECTIONS THAT THE BOARD MAY MAKE OF FACILITIES EMPLOYING PHYSICIAN ASSISTANTS, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-990, RELATING TO THE IDENTIFICATION OF PHYSICIAN ASSISTANTS, SO AS TO REVISE THE REQUIREMENTS AND PROVIDE FOR EXCEPTIONS DURING UNPLANNED EMERGENCIES; TO AMEND SECTION 40-47-1000, RELATING TO UNLAWFUL REPRESENTATION OF ONESELF AS A PHYSICIAN ASSISTANT, SO AS TO ALLOW THAT PERSONS WHO MEET THE QUALIFICATIONS OF CHAPTER 47, TITLE 40 MAY REPRESENT THEMSELVES AS BEING PHYSICIAN ASSISTANTS, BUT MAY NOT PERFORM PHYSICIAN ASSISTANT ACTS; TO AMEND SECTION 40-47-1005, RELATING TO GROUNDS FOR MISCONDUCT MANDATING DISCIPLINE, SO AS TO REVISE THESE GROUNDS; TO AMEND SECTION 40-47-1015, RELATING TO LICENSURE FEES, SO AS TO REVISE THE FEES; TO AMEND SECTION 40-47-1020, RELATING TO THIRD PARTY REIMBURSEMENTS OF PHYSICIAN ASSISTANTS, SO AS TO

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MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 40-47-995 RELATING TO THE TERMINATION OF SUPERVISORY RELATIONSHIPS BETWEEN PHYSICIANS AND PHYSICIAN ASSISTANTS.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS proposed the following amendment (132R003.SP.TD), which was adopted:

Amend the bill, as and if amended, page 9, by striking lines 6 through 7 and inserting:

/ fact, conclusions of law, and sanctions to the board. The board shall conduct a final hearing at which it shall make a final decision; and
/

Amend the bill further, as and if amended, page 15, by striking lines 37 through 43.

Amend the bill further, as and if amended, page 18, by striking lines 10 through 13 and inserting:

/ (d) the ~~physician assistant~~ PA has directly evaluated the patient, provided, however, that the PA may authorize a medical order if the PA is assigned to take call for the supervising physician or alternate supervising physician treating the patient; and /

Re-number sections to conform.

Amend title to conform.

Senator DAVIS 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 42; Nays 0

AYES

| | | |
|-------------|------------|----------|
| Alexander | Allen | Bennett |
| Campbell | Campsen | Cash |
| Climer | Corbin | Cromer |
| Davis | Fanning | Gambrell |
| Goldfinch | Gregory | Grooms |
| Harpootlian | Hembree | Jackson |
| Johnson | Leatherman | Malloy |

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

Total--42

NAYS

Total--0

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

Motion under Rule 26B

Senator MALLOY asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 136 -- Senators Davis and Shealy: A BILL TO AMEND SECTION 44-53-360(j) OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCE PRESCRIPTIONS, TO REQUIRE THE USE OF ELECTRONIC PRESCRIPTIONS AND TO PROVIDE EXCEPTIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (136R001.SP.SRM), which was adopted:

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

/ SECTION 1. Section 44-53-360(a), (b), and (d) of the 1976 Code is amended to read:

“Section 44-53-360. (a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, or in emergency situations as prescribed by the Department by regulation, no controlled substance included in Schedule II may be dispensed without the written

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or electronic prescription of a practitioner. Prescriptions shall be retained in conformity with the requirements of Section 44-53-340. No prescription for a controlled substance in Schedule II may be refilled.

(b) A pharmacist may dispense a controlled substance included in Schedule III, IV, or V pursuant to either a written or electronic prescription signed by a practitioner, or a facsimile of a written, signed prescription, transmitted by the practitioner or the practitioner's agent to the pharmacy, or pursuant to an oral prescription, reduced promptly to writing and filed by the pharmacist. A prescription transmitted by facsimile must be received at the pharmacy as it was originally transmitted by facsimile and must include the name and address of the practitioner, the phone number for verbal confirmation, the time and date of transmission, and the name of the pharmacy intended to receive the transmission, as well as any other information required by federal or state law. Such prescription, when authorized, may not be refilled more than five times or later than six months after the date of the prescription unless renewed by the practitioner.

(d) Unless specifically indicated in writing on the face of the prescription or noted in the electronic prescription that it is to be refilled, and the number of times specifically indicated, no prescription may be refilled. The indication of 'PRN' or 'ad lib' or phrases, abbreviations, or symbols of like meaning shall not be construed as to exceed five refills or six months, whichever shall first occur. Preprinted refill instructions on the face of a prescription shall be disregarded by the dispenser unless an affirmative marking or other indication is made by the prescriber."

SECTION 2. Section 44-53-360(j) of the 1976 Code is amended by adding an appropriately numbered new item to read:

"(A) Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe any controlled substance included in Schedules II, III, IV, and V. This subsection does not apply to prescriptions for a controlled substance included in Schedules II through V issued by any of the following:

(i) a practitioner, other than a pharmacist, who dispenses directly to the ultimate user;

(ii) a practitioner who orders a controlled substance included in Schedules II through V to be administered in a hospital, nursing home, hospice facility, outpatient dialysis facility, or residential care facility;

(iii) a practitioner who experiences temporary technological or electrical failure or other extenuating circumstances that prevent a prescription from being transmitted electronically; however, the

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practitioner must document the reason for this exception in the patient's medical record;

(iv) a practitioner who writes a prescription for a controlled substance included in Schedules II through V to be dispensed by a pharmacy located on federal property; however, the practitioner must document the reason for this exception in the patient's medical record;

(v) a person licensed to practice veterinary medicine pursuant to Chapter 69, Title 40; or

(vi) a practitioner who writes a prescription for a controlled substance included in Schedules II through V for a patient who is being discharged from a hospital, emergency department, or urgent care.

(B) A prescription for a controlled substance included in Schedules II, III, IV, and V that includes elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard is exempt from this subsection.

(C) A dispenser is not required to verify that a practitioner properly falls under one of the exceptions specified in item (a) or (b) before dispensing a controlled substance included in Schedules II through V. A dispenser may continue to dispense a controlled substance included in Schedules II through V from valid written, oral, faxed, or electronic prescriptions that are otherwise consistent with applicable laws.

(D) A dispenser is immune from any civil or criminal liability or disciplinary action from the State Board of Pharmacy for dispensing a prescription written by a prescriber that is in violation of this subsection."

SECTION 3. This act takes effect January 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the committee amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (136R002.SP.SRM), which was adopted:

Amend the bill, as and if amended, by striking Section 44-53-360(j)(a)(iii) and inserting:

/ (iii) a practitioner who experiences temporary technological or electrical failure or other extenuating technical circumstances that prevent a prescription from being transmitted electronically; however,

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the practitioner must document the reason for this exception in the patient's medical record; /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN 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 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

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

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CARRIED OVER

S. 189 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 63-7-1640(C)(1)(d) OF THE 1976 CODE, RELATING TO FAMILY PRESERVATION AND REUNIFICATION, TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO FOREGO REASONABLE EFFORTS TO REUNIFY A FAMILY IN THE CASE OF TORTURE; TO AMEND SECTION 63-7-2570 OF THE 1976 CODE, RELATING TO GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, TO ADD TORTURE, OR CONSPIRING TO COMMIT TORTURE, AS A GROUND FOR TERMINATING A PARENT'S RIGHTS; TO AMEND SECTION 16-3-85 (A) AND (C) OF THE 1976 CODE, RELATING TO HOMICIDE BY CHILD ABUSE, TO ADD DEATH OF A CHILD BY TORTURE, OR BY CONSPIRING TO TORTURE, AS ACTIONS CONSTITUTING THE OFFENSE, AND TO ESTABLISH CRIMINAL PENALTIES; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-100, TO PROVIDE THAT TORTURING A CHILD, OR ALLOWING ANOTHER TO TORTURE A CHILD, IS A CRIMINAL OFFENSE, AND TO ESTABLISH PENALTIES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

Senator YOUNG explained the Bill.

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

OBJECTION

S. 413 -- Senator Shealy: A BILL TO AMEND SECTION 23-1-212 OF THE 1976 CODE, RELATING TO THE ENFORCEMENT OF STATE CRIMINAL LAWS BY FEDERAL LAW ENFORCEMENT OFFICERS, TO PROVIDE THAT NAVAL CRIMINAL INVESTIGATIVE SERVICE AGENTS ARE AUTHORIZED TO ENFORCE THE STATE'S CRIMINAL LAWS.

Senator MALLOY objects to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 498 -- Senators Shealy and Climer: A BILL TO AMEND ARTICLE 9, CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA CHILDREN'S TRUST

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FUND, BY ADDING SECTION 63-11-970, TO PROVIDE THAT THE CHILDREN'S TRUST FUND SHALL HAVE ACCESS AT ANY AND ALL REASONABLE TIMES TO ALL ELECTRONIC INFORMATION SYSTEMS, RECORDS, REPORTS, AND MATERIALS MAINTAINED BY THE DEPARTMENT OF SOCIAL SERVICES IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 63-7-1990(B), RELATING TO CONFIDENTIALITY AND THE RELEASE OF RECORDS AND INFORMATION, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES IS AUTHORIZED TO GRANT ACCESS TO THE RECORDS OF INDICATED CASES TO THE CHILDREN'S TRUST FUND OF SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

The Committee on Family & Veterans' Services proposed the following amendment (498R001.KMM.KS), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Article 9, Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Section 63-11-970. (A) The Department of Social Services shall enter into and maintain a contract with the Children's Trust Fund, detailing data access and sharing at both the client and case record levels, for the purposes of:

- (1) bona fide research on child abuse and neglect;
- (2) the quantitative or qualitative evaluation of prevention programs to reduce child abuse and neglect; or
- (3) the assessment of service needs and gaps for the prevention of child abuse and neglect.

(B) The Children's Trust Fund shall provide a report on the effectiveness and efficiency of its programs to prevent child abuse and neglect to the General Assembly annually on January 1.

(C) Data elements that would reasonably identify any specific person must be deleted or redacted from records, reports, or materials prior to their removal from the physical premises of the Department of Social Services or by electronic means.

(D) The Children's Trust Fund shall adhere to all information security policies, standards, guidelines, and procedures promulgated by the Department of Administration with respect to all records, reports, and materials obtained pursuant to this section.” /

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

/ SECTION __. The Children’s Trust Fund and the Department of Social Services shall fully execute the contract pursuant to Section 63-11-970, as added by this act, on or before August 1, 2019.” /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG 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 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

CARRIED OVER

S. 651 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION, RELATING TO HEARING PROCEDURES (REVIEW AND ENFORCEMENT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4830, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

CARRIED OVER

S. 652 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION, RELATING TO NOTICES TO BE POSTED, DESIGNATED AS REGULATION DOCUMENT NUMBER 4828, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

AMENDED, READ THE SECOND TIME

H. 3180 -- Reps. G.M. Smith, Erickson, Yow, Huggins, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 1, TITLE 25 SO AS TO ENACT THE "SOUTH CAROLINA SERVICEMEMBERS CIVIL RELIEF ACT"; TO DEFINE THE ACT'S RELEVANT TERMS; TO ENUMERATE CERTAIN RIGHTS, BENEFITS, AND OBLIGATIONS OF SERVICEMEMBERS AND THEIR DEPENDENTS; TO AUTHORIZE THE ATTORNEY GENERAL TO BRING A CIVIL ACTION FOR INTENTIONAL VIOLATIONS OF THE ACT; TO ESTABLISH REMEDIES AND PENALTIES; AND TO REQUIRE THE ADJUTANT GENERAL TO POST CERTAIN INFORMATION REGARDING THE ACT ON THE SOUTH CAROLINA NATIONAL GUARD WEBSITE.

The Senate proceeded to the consideration of the Bill.

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Senator MASSEY proposed the following amendment (JUD3180.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 2-4 and inserting:

/ pursuant to federal law. A violation of the federal Servicemembers Civil Relief Act, 50 U.S.C. Section 3901, et seq., constitutes a violation of this article. The provisions of this Article related to contractual agreements or obligations shall apply to any applicable contract entered into, extended, or amended on or after July 1, 2019. /

Re-number sections to conform.

Amend title to conform.

Senator MASSEY 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 43; Nays 0

AYES

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

Total--43

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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

H. 3420 -- Reps. Bernstein, Finlay, Thayer, West, Clemmons and Simmons: A BILL TO AMEND SECTION 16-17-500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006", SO AS TO PROHIBIT MINORS FROM ENTERING RETAIL ESTABLISHMENTS THAT PRIMARILY SELL TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR BOTH; AND TO AMEND SECTION 16-17-501, RELATING IN PART TO THE DEFINITION OF "ALTERNATIVE NICOTINE PRODUCT", SO AS TO CHANGE THE DEFINITION.

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

COMMITTEE AMENDMENT AMENDED AND ADOPTED

READ THE SECOND TIME

H. 3438 -- Reps. Pitts, McCravy, B. Cox, Huggins, Cobb-Hunter, Hixon, W. Cox, Taylor, Davis, Caskey and Mace: A BILL TO AMEND SECTION 25-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF VETERANS AFFAIRS, SO AS TO ESTABLISH THE DIVISION WITHIN THE EXECUTIVE BRANCH OF GOVERNMENT, TO PROVIDE THAT THE DIRECTOR MUST BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE GENERAL ASSEMBLY, AND TO ENUMERATE THE DIVISION'S POWERS AND DUTIES; TO AMEND SECTION 25-11-20, RELATING TO THE DIRECTOR OF THE DIVISION OF VETERANS AFFAIRS, SO AS TO ENUMERATE SPECIFIC DUTIES; AND TO AMEND SECTION 25-11-40, RELATING TO THE APPOINTMENT, REMOVAL, TRAINING, AND ACCREDITATION OF COUNTY VETERANS AFFAIRS OFFICERS, SO AS TO REVISE THE DEFINITION OF "VETERAN" FOR PURPOSES OF APPOINTING COUNTY VETERANS AFFAIRS OFFICERS, TO ELIMINATE THE AUTHORITY TO APPOINT NONVETERANS TO SERVE AS COUNTY VETERANS AFFAIRS OFFICERS, TO PROVIDE AN

[SJ]

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EXCEPTION FOR PERSONS CURRENTLY SERVING AS COUNTY VETERANS AFFAIRS OFFICERS, AND TO REMOVE LOCAL NONCONFORMING PROVISIONS.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT proposed the following amendment (3438R002.SP.SB), which was adopted:

Amend the Committee report, as and if amended, page [3438-5], by striking lines 35-40 and inserting:

/ ~~(D)(1) In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.~~

~~(2) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.~~

~~(3) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996. /~~

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The Committee on Family & Veterans' Services proposed the following amendment (3438R001.KMM.KS), which was adopted:

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

/ SECTION 1. Section 1-30-10(A) of the 1976 Code is amended by adding an appropriately numbered new item at the end to read:

“ . Department of Veterans' Affairs”

SECTION 2. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1-30-130. There is hereby created, within the executive branch of the state government, the Department of Veterans' Affairs, headed by a secretary appointed by the Governor pursuant to Section 25-11-20. The employees, funds, authorized appropriations, property, assets, liabilities, and all contractual rights and obligations associated with the Division of Veterans' Affairs of the Department of Administration established by Section 25-11-10, et seq. prior to July 1, 2019 are hereby transferred to and incorporated in and shall be administered as part of the Department of Veterans' Affairs.”

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SECTION 3. Chapter 11, Title 25 of the 1976 Code is amended to read:

“CHAPTER 11
—~~Division~~ Department of Veterans’ Affairs
ARTICLE 1
General Provisions

Section 25-11-10. (A) ~~A Division~~ The Department of Veterans’ Affairs is ~~hereby created in the Department of Administration within the executive branch of the state government~~ for the purpose of assisting ex-servicemen former, present, and future members of the armed forces of the United States in securing the benefits to which they are entitled under the provisions of federal legislation and under the terms of insurance policies issued by the federal government for their benefit. Powers, duties, and functions to be vested in the department shall include all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government agencies concerned with participation in federal grants-in-aid programs relating to veterans and veterans’ affairs. This division The department shall be under the direct supervision of receive advice and recommendations from a panel consisting of the Governor as chairman, the Attorney General for the purpose of giving legal advice, and the Adjutant and Inspector General.

(B) The department may promulgate regulations necessary to implement the provisions of this chapter.

(C) The department may apply for and accept funds, grants, gifts, and services from the State, the United States Government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs, as may be necessary for carrying out the department’s duties.

(D) The department shall submit an annual written report to the Governor and the General Assembly no later than December thirty-first of each year. The annual report shall describe:

(1) the number, nature, and kind of cases handled by the department and by county and city veteran service officers of the State;

(2) the amounts of benefits obtained for veterans;

(3) the names and addresses of all certified veteran service officers of the State;

(4) the current status and condition of the department’s domiciliary and nursing homes, including the number of residents received and discharged during the preceding year, occupancy rates, staffing, and all receipts and expenditures from the preceding year; and

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(5) any actions taken by the department to implement the provisions of this subsection, including other information and recommendations as the department considers prudent or necessary.

(E) The department shall administer this chapter and shall have the authority and responsibility to apply for and administer any federal programs and develop and coordinate such state programs as may be beneficial to the particular interests of the veterans of this State.

Section 25-11-20. (A) For the purpose of carrying on this work the Governor shall appoint, with the advice and consent of the Senate, a Director secretary of the Division of Veterans' Affairs department, who is charged with the duty of assisting all ~~ex-servicemen~~ veterans, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation.

(B) The ~~Director of the Division of Veterans' Affairs~~ secretary must be a ~~person~~ veteran, as defined in Section 25-11-40, who is well versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress ~~and must be appointed by the Governor.~~

(C) Before the appointment, the Governor shall receive a recommendation from (1) the executive committee of the American Legion, Department of South Carolina, (2) the Veterans of Foreign Wars of the United States, Department of South Carolina, and (3) the Disabled American Veterans. The Governor is not required to appoint the person recommended, ~~and he~~ The secretary is subject to removal by the Governor pursuant to the provisions of Section 1-3-240(B).

(D) The secretary's duties shall include:

(1) working with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange;

(2) coordinating with appropriate state agencies to ensure that available federal and state resources are directed toward assisting veterans and addressing all issues of mutual concern to the State and the armed forces of the United States, including quality of life issues unique to South Carolina's military personnel and their families, quality of educational opportunities for military children, transportation needs, substance abuse, and social service needs;

(3) monitoring and enhancing efforts to provide assistance and support for veterans living in South Carolina and members of the South Carolina National Guard and South Carolina residents in the armed

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forces reserves not in active federal service in the areas of medical care, mental health and rehabilitative services, housing, homelessness prevention, job creation, and education;

(4) settling claims, actions, causes of action, and legal proceedings brought against the department or its employees acting within the scope of their employment;

(5) accepting donations and gifts of property or grants of money on behalf of the department in compliance with the law;

(6) initiating the promulgation of regulations;

(7) performing other such functions as may be necessary to supervise, direct, conduct, and administer the daily duties of the department as authorized by law or by rules and policies; and

(8) submitting an annual report to the Governor and the General Assembly, pursuant to Section 25-11-10(D).

Section 25-11-30. (A) ~~The office of the division herein provided for~~ department shall be located in Columbia in space provided by the Department of Administration.

(B) The Department of Administration may provide administrative support to the department for the performance of its duties, including, but not limited to, financial accounting support, human resources administrative support, information technology shared services support, procurement services, and logistical support.

Section 25-11-40. (A) For the purpose of this section, 'veteran' means a person who served on active duty in the armed forces of the United States for a period of more than one hundred eighty days and was discharged or released from such active duty with an honorable discharge or, if one hundred eighty days or less, was discharged or released from service active duty because of and who was honorably discharged or released from such service due to a service-connected disability.

(B) Subject to the recommendation of a majority of the Senators representing the county and a majority of the House members representing the county, the ~~secretary~~ Director of the Division of Veterans Affairs shall appoint a county ~~veterans~~ veterans' affairs officer for each county in the State, whose term of office shall begin July first of each odd-numbered year and shall continue for a term of two years and until a successor shall be appointed. ~~A county veterans affairs officer must be a qualified veteran who served on active duty for a period of more than one hundred eighty days and was discharged or released from such active duty with an honorable discharge or, if one hundred eighty days or less, was discharged or released from such active duty because~~

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~~of a service connected disability; otherwise, a county veterans affairs officer may be a qualified nonveteran, if any veteran being considered for the post is not as qualified as a nonveteran being considered for the post.~~ Qualifications shall be determined by the county legislative delegation upon a majority vote of the Senators representing the county and a majority of the House members representing the county. A county ~~veterans~~ veterans' affairs officer is an at-will employee of the department, subject to removal for cause at any time by the secretary, a majority of the Senators representing the county, and a majority of the House members representing the county.

(C) All county ~~veterans~~ veterans' affairs officers must successfully complete a comprehensive course of training and be issued accreditation within one year following initial appointment, either through the ~~Division of Veterans Affairs~~ department or through an accredited national ~~veterans~~ veterans' service organization. A training council from the South Carolina Association of County Veterans Affairs Officers, in conjunction with the ~~Division of Veterans Affairs~~ department or through an accredited national ~~veterans~~ veterans' service organization, shall develop the training criteria. Training and accreditation must be provided by the ~~Division of Veterans Affairs~~ department or through an accredited national ~~veterans~~ veterans' service organization. A county ~~veterans~~ veterans' affairs officer who does not complete the required training and receives accreditation within the first year following appointment is ineligible for reappointment by the county legislative delegation. Additionally, in order to maintain accreditation, refresher training is required yearly.

~~(D)(1) In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.~~

~~(2) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.~~

~~(3) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.~~

Section 25-11-45. Notwithstanding Section 1-30-110(4), a ~~County Veterans Affairs Office~~ county veterans' affairs office must be funded with monies appropriated by the General Assembly for that purpose and payable directly to the County Treasurer's Office by the State Treasurer.

Section 25-11-50. The ~~secretary~~ Director of the Division of Veterans' Affairs shall establish uniform methods and procedure for the performance of service work among the several county officers, maintain contact and close cooperation with such officers, and provide assistance, advice and instructions with respect to changes in law and regulations

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and administrative procedure in relation to the application of such laws and he may require from time to time reports from such county ~~veterans~~ veterans' affairs officers, reflecting the character and progress of their official duties.

Section 25-11-60. The county ~~veterans~~ veterans' affairs officers shall render semiannually a complete report of their acts and doings to the county legislative delegation of their respective counties upon uniform forms to be furnished by the ~~secretary~~ Director of the Division of Veterans' Affairs.

Section 25-11-70. (A) The ~~Division of Veterans' Affairs~~ department shall assist the South Carolina Agent Orange Advisory Council and the Agent Orange Information and Assistance Program at the Division of Health and Environmental Control in carrying out the purposes of Chapter 40 of Title 44. The ~~Division of Veterans' Affairs~~ department shall:

(1) refer veterans to appropriate state and federal agencies or other available resources for treatment of adverse health conditions which may have resulted from possible exposure to chemical agents, including Agent Orange;

(2) assist veterans in filing compensation claims for disabilities that may have resulted from possible exposure to chemical agents, including Agent Orange;

(3) communicate the concerns of veterans related to exposure to chemical agents, including Agent Orange, to appropriate state and federal officials.

(B) The ~~division~~ department may request that the Attorney General represent a class of individuals composed of veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents, including Agent Orange, in a suit for release of information relating to the exposure to these chemicals during military service and for release of individual medical records.

Section 25-11-75. (A) The ~~secretary~~ Director of the Division of Veterans Affairs shall appoint an additional claims representative within the ~~Division of Veterans Affairs~~ department, who, in addition to being charged with the duty of assisting all ~~ex-servicemen~~ veterans, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must

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be versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress.

(B) Subject to the direction of the ~~director~~ secretary, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the ~~Division of Veterans Affairs~~ department on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the ~~Division of Veterans Affairs~~ department in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the ~~director~~ secretary in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the ~~director~~ secretary.

(C) The position created by this section is a classified position subject to Article 3, Chapter 11, Title 8 of the 1976 Code. In the general appropriations act for fiscal year 2001-2002 and thereafter, the General Assembly shall add the position in the budget for the ~~Division of Veterans Affairs~~ department and provide for its funding.

Section 25-11-80. (A) ~~In~~ For the purposes of this section:

(1) ~~'state veterans' cemetery'~~ 'State veterans' cemetery' means a cemetery that the ~~Division of Veterans Affairs~~ department establishes under this section; and

(2) ~~'immediate family'~~ 'Immediate family' means those family members who are eligible for burial in a ~~Department of Veterans Affairs~~ department national cemetery.

(B) The ~~division~~ department may establish one or more cemeteries in the State for the burial of veterans and their immediate families.

(C) The ~~division~~ department may accept land, in the name of the State, or otherwise acquire land for a state veterans' cemetery, if the ~~division~~ department has the approval of:

(1) the governing body of the county where the state veterans' cemetery is to be located;

(2) the delegation in the General Assembly for the county where the state veterans' cemetery is to be located; and

(3) the ~~Department of Administration~~ Governor.

(D) The ~~division~~ department shall maintain and supervise each state veterans' cemetery.

(E)(1) Subject to the limitations in this section, the ~~division~~ department shall provide a plot in a state veterans' cemetery, without charge, to an applicant who meets the requirements of this section.

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(2) In the order in which the ~~division~~ department receives the applications for plots, the ~~division~~ department shall allot a plot in the state veterans' cemetery that is closest to the residence of the veteran and has an available plot.

(F)(1) To qualify for a plot in a state veterans' cemetery, the applicant must be a veteran or a member of the immediate family of a veteran who meets the requirements of this subsection.

(2) The veteran must have an honorable discharge from the Armed Forces.

(3) The veteran must have been a resident of the State:

(a) when the veteran entered the Armed Forces;

(b) when the veteran or eligible family member died; or

(c) for five years, unless for a reason that the ~~division~~ department finds compelling, the ~~division~~ department waives the time period.

(G) To obtain a plot in a state veterans' cemetery, an applicant shall submit to the ~~division~~ department an application on the form that the ~~division~~ department provides.

(H) In a plot that is allotted to a veteran, the ~~division~~ department shall bury:

(1) the veteran; and

(2) any member of the immediate family of the veteran if the family member can be buried in a space above or below the veteran.

(I)(1) The ~~division~~ department shall bury the veteran without charge.

(2) For burial of a member of the immediate family, the ~~division~~ department may:

(a) set a fee that does not exceed the cost of burial; or

(b) accept, from the social security burial allowance, an amount that does not exceed the cost of the burial.

(J) The ~~division~~ department shall keep a registry of the graves of veterans who are buried in the state veterans' cemeteries.

Section 25-11-90. (A)(1) The ~~Division of Veterans Affairs~~ department shall prepare a complete roster of all South Carolina members of the United States military who served on active duty during:

~~(1)~~(a) the Korean conflict;

~~(2)~~(b) the Vietnam conflict;

~~(3)~~(c) Operation Urgent Fury (Grenada);

~~(4)~~(d) Operation Just Cause (Panama);

~~(5)~~(e) Operations Desert Shield and Desert Storm (Iraq and Kuwait);

~~(6)~~(f) Operation Restore Hope (Somalia);

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(7)(g) Operations Joint Guard, Joint Forge, and Joint Endeavor (Bosnia-Herzegovina);
(8)(h) Operation Joint Guardian (Kosovo);
(9)(i) Operation Noble Eagle (Homeland Defense); and
(10)(j) Operations Enduring Freedom and Iraqi Freedom (Afghanistan, Horn of Africa, Iraq, and Philippines).

(2) This roster shall also include veterans born in South Carolina who served on active duty but may have enlisted in another state. Upon returning to South Carolina, that veteran's name must be added to the roster.

(3) The list must be periodically updated to include persons who serve on active duty or are mobilized in any subsequent named military operation in which United States military personnel are engaged in armed conflict or any future war declared by the United States Congress.

(B) The roster shall contain the principal items of record of all military personnel included on the roster as shown by the service cards or records in the Office of State Selective Service, the Adjutant General, and the Department of Defense of the United States. The roster must be arranged in a manner to make the information readily accessible.

(C) The roster also shall contain an Order of Battle to include the name and location of assignment of every unit of the South Carolina National Guard and every active and reserve unit based in South Carolina participating in any of the conflicts listed in subsection (A). The Order of Battle must be periodically updated in conjunction with the roster.

(D) The ~~Division of Veterans Affairs~~ department shall secure printing of the roster, and a copy or set must be delivered to the South Carolina Department of Archives and History, Department Headquarters of the American Legion and Auxiliary, Department Headquarters of the Veterans of Foreign Wars and Auxiliary, Department Headquarters of the Disabled American Veterans, county libraries, and each county ~~Veterans Affairs Service Officer~~ veterans' affairs service officer. Any remaining copies must be placed in the ~~Office~~ office of the ~~Division of Veterans Affairs~~ department for distribution as needed.

(E) The preparation and distribution of the roster is subject to the availability of funds as appropriated by the General Assembly to the ~~Department of Administration, Division of Veterans' Affairs~~ department for this purpose. These rosters and their distribution must be maintained and updated based on workloads and availability of funds.

(F) The inclusion of a person's name on the roster does not entitle the person to any additional benefits or any benefits for which the person would not otherwise qualify.

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Section 25-11-100. (A) There is hereby established the South Carolina Military Base Task Force for the purpose of enhancing the value of military installations and facilities and the quality of life for military personnel located in this State. The task force shall assist military communities with such value enhancement, address the various incentives to military personnel assigned in this State, coordinate the efforts of the military communities, and provide for other methods and incentives to accomplish these purposes. The task force shall coordinate efforts among the public and the private sectors to maintain a significant United States Department of Defense presence in South Carolina. The task force shall advise the Governor and the General Assembly on any issues and strategies related to military base closures, realignments, and mission changes.

(B)(1) The task force shall be comprised of the following members or their designees:

- (a) South Carolina Adjutant General;
- (b) Secretary of the South Carolina Department of Commerce;
- (c) Executive Director of the South Carolina Chamber of Commerce;
- (d) Chief Executive Officer of the Beaufort Chamber of Commerce;
- (e) Chief Executive Officer of the Charleston Metro Chamber of Commerce;
- (f) Chief Executive Officer of the Columbia Chamber of Commerce;
- (g) Chief Executive Officer of the Sumter Chamber of Commerce;
- (h) Chairperson of Beaufort County Council;
- (i) Chairperson of Berkeley County Council;
- (j) Chairperson of Dorchester County Council;
- (k) Chairperson of Charleston County Council;
- (l) Chairperson of Richland County Council;
- (m) Chairperson of Sumter County Council;
- (n) Mayor of Beaufort;
- (o) Mayor of Charleston;
- (p) Mayor of Columbia;
- (q) Mayor of North Charleston;
- (r) Mayor of Port Royal;
- (s) Mayor of Sumter;
- (t) one or more members of the Senate or the House of Representatives appointed by the Governor; and

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(u) five at-large members appointed by the Governor who have demonstrated experience in one or more of the following areas: economic development, defense industry, military installation operation, environmental issues, finance, local government, or senior military leadership, of whom:

(i) four shall represent, respectively, the four military communities of Beaufort, Charleston, Columbia, and Sumter, and each shall reside in the military community that he is appointed to represent; and

(ii) the fifth at-large member shall serve as the task force chairman.

(2) The Governor may designate any one of the members of the task force as its vice-chairman.

(C) Staff support and other resources as necessary may be provided through funding by the General Assembly and/or other resources, which shall be administered by the department to assist the task force in carrying out the directives of this section.

(D) The task force chairman shall appoint an executive committee consisting of the chairman; vice-chairman, if any; Adjutant General, or his designee; Secretary of Commerce, or his designee; Executive Coordinator, if any; and the four at-large task force members who represent the four military communities of Beaufort, Charleston, Columbia, and Sumter.

(E) The task force executive committee shall also act as an executive advisory committee to the Governor and the General Assembly on various military matters that affect this State and shall coordinate an annual meeting between the Governor, military commanders, and General Assembly members geographically representing military communities to discuss items of interest to all parties and exchange pertinent information on the current climate and challenges facing our State's military installations and their personnel.

(F) Upon the approval of the secretary, the task force may pursue specialists to provide information and assistance, develop strategic plans, and assist in executing strategies to support military installations and their related military communities to maximize the potential for increased investment by the United States Department of Defense or other defense-related federal agencies and defense-related businesses in this State.

ARTICLE 3

South Carolina Military Family Relief Fund

Section 25-11-310. ~~As used in~~ For the purposes of this article:

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(1) 'Active duty' means military service performed as State Active Duty under the South Carolina Military Code, or corresponding provisions of the applicable state statute for South Carolina residents who are National Guard members of other states; military service performed under the provisions of Title 32, United States Code; or military service performed under the provisions of Title 10, United States Code.

(2) ~~'Division'~~ 'Department' means the ~~Division~~ Department of Veterans' Affairs ~~in the Department of Administration.~~

(3) 'Duty as a result of September 11, 2001, terrorist attacks' means active duty service of a minimum of thirty consecutive days, directly related to the President's Partial Mobilization Authority in response to the attacks, (currently referred to as Operation Noble Eagle and Operation Enduring Freedom); any future operations as determined by the President; or any future operations as determined by the Governor of the State.

(4) 'Families of members' means a husband, wife, child, mother, father, brother, sister, or other person who has been approved as a dependent and is enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) in accordance with applicable military regulations. A custodial parent or guardian of a member's dependent may apply for a grant on behalf of that dependent.

(5) 'Next of kin' means the person listed as next of kin for the member in DEERS. In the case of multiple entries for next of kin, the first person listed is considered next of kin for the purposes of this article.

Section 25-11-320. There is established in the State Treasury a fund separate and distinct from the general fund of the State and all other funds entitled the South Carolina Military Family Relief Fund. Earnings on this fund must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund of the State but is instead carried forward in the fund to the succeeding fiscal year and used for the same purposes. The fund is not subject to mid-year budget reductions. Revenues of the fund include amounts donated to it pursuant to the state individual income tax return as provided in Section 12-6-5060, other grants or donations made to the fund, regardless of source, and amounts as may be appropriated to the fund by the General Assembly. ~~The division~~ department may award grants from the fund in the manner and for the purposes provided in this article. Grants awarded may not at any time exceed the fund balance at the time of the grant.

Section 25-11-330. (A) The intent of this article is to provide an opportunity on standard individual income tax forms to allow individual

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taxpayers and other donors to contribute to the South Carolina Military Family Relief Fund, and to provide the ~~division~~ department the authority to award grants from the fund to families of South Carolina National Guard members or other Reserve component members, to include the Army Reserve, Marine Corps Reserve, Naval Reserve, Air Force Reserve, and Coast Guard Reserve, and including National Guard members of other states, who are South Carolina residents and were called to active military service as a result of the September 11, 2001, terrorist attacks.

(B) The grants must be in the form of three types of payments:

(1) payments based on the need of the member or the member's family as determined eligible under Section 25-11-340.

(2) payments based on the member's status as a member of the South Carolina National Guard or other Reserve component, made to the member or the member's family as determined eligible under Section 25-11-350.

(3) payments to the member's next of kin as determined eligible under Section 25-11-360.

Section 25-11-340. (A) The grant applicant must show proof of the following:

(1) The applicant is a member of the South Carolina National Guard or a South Carolina resident who is a member of another United States Armed Forces Reserve component, applying on behalf of the applicant's family, or is a family member of that member. Proof of residency for military members consists of information obtained from DEERS. Proof of a familial relationship also consists of information obtained from DEERS.

(2) The South Carolina National Guard or Reserve component member was on active military duty for at least thirty consecutive days as a result of the September 11, 2001, terrorist attacks. Proof of active duty consists of a copy of the orders issued by an authorized headquarters ordering the member to this duty and documentation showing this duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.

(3) A copy of a payroll record from the member's civilian employer that indicates member's monthly salary plus a copy of a military payroll record that indicates the member's monthly salary.

(4) Proof that the military salary, including Basic Allowance for Housing, of the member has decreased by thirty percent or greater from the applicant's civilian salary.

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(5) Proof that the member or family member has incurred or is about to incur a specific monetary expense relating to clothing, food, housing, utilities, medical services, medical prescriptions, insurance or vehicle payments. This proof includes, but is not limited to, a copy of a bill, invoice, estimate, cancellation notice, or any other similar record.

(6) A signed statement that the grant request is for the purpose identified in the application and that the grant funds will be used for the purposes requested.

(7) The South Carolina National Guard or Reserve component member holds a pay grade no higher than O-3, if a commissioned officer, or W-2, if a warrant officer. Individuals or families are eligible for the grant based upon rank at the time of the mobilization. Proof of pay grades consists of information obtained from DEERS.

(8) If a custodial parent or guardian is applying for a grant on behalf of a member's dependent, then the custodial parent or guardian must provide proof of guardianship of a member's dependent currently enrolled in DEERS.

(9) The ~~division~~ department may waive the requirements in subsection (A)(4) upon a written request indicating the circumstances justifying such a waiver, and upon proof that there has in fact been some decrease from the member's civilian salary. These circumstances include, but are not limited to, death, injury, or incapacity of the member, long-term deployment of the member, and unexpected expenses incurred by the member's family. The ~~division~~ department may use discretion in granting or denying these requests.

(B) The following members are ineligible to receive grants:

(1) all commissioned and warrant officers with pay grades of O-4 and W-3, or higher;

(2) personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service;

(3) members who are unmarried and have no family members enrolled in DEERS;

(4) members who, at any time before the disbursement of funds pursuant to a grant application under this section, receive a punitive discharge, or an administrative discharge with service characterized as Under Other Than Honorable Conditions.

Section 25-11-350. (A) The grant applicant must show proof of the following:

(1) The applicant is a member of the South Carolina National Guard or a South Carolina resident who is a member of another United States Armed Forces Reserve component, applying on behalf of the

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applicant's family or is a family member of that member. Proof of residency for military members consists of information obtained from the Defense Enrollment Eligibility Reporting System (DEERS). Proof of a familial relationship also consists of information obtained from DEERS.

(2) The South Carolina National Guard or Reserve component member was on active military duty for at least thirty consecutive days as a result of the September 11, 2001, terrorist attacks. Proof of active duty consists of a copy of the orders issued by an authorized headquarters ordering the member to this duty and documentation showing that this duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.

(3) The South Carolina National Guard or Reserve component member holds a pay grade no higher than O-3, if a commissioned officer, or W-2, if a warrant officer. Individuals or families are eligible for the grant based upon rank at the time of mobilization. Proof of pay grades consists of information obtained from DEERS.

(B) The following members are ineligible to receive grants:

(1) all commissioned and warrant officers with pay grades of O-4 and W-3, or higher;

(2) personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service;

(3) members who are unmarried and who have no family members enrolled in DEERS;

(4) members who receive a punitive discharge or an administrative discharge with service characterized as Under Other Than Honorable Conditions.

Section 25-11-360. (A) The grant applicant must show proof of the following:

(1) The applicant is a member of the South Carolina National Guard or a South Carolina resident who is a member of another United States Armed Forces Reserve component, applying on behalf of the applicant's family, or is next of kin of that member. Proof of residency for military members consists of information obtained from DEERS. Proof of a familial relationship also consists of information obtained from DEERS.

(2) The South Carolina National Guard or Reserve component member was on active military duty for at least thirty consecutive days as a result of the September 11, 2001, terrorist attacks. Proof of active duty consists of a copy of the orders issued by an authorized headquarters

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ordering the member to this duty and documentation showing that this duty was actually performed.

(3)(a) A statement signed by the member stating that the member sustained a service-connected injury or illness; or

(b) A statement signed by the member's next of kin that the member was killed in action, is missing in action, or is a prisoner of war.

(4) Proof of next of kin status includes, but is not limited to, an affidavit signed by the applicant or information obtained from DEERS.

(5) The ~~division~~ department may waive the thirty-day requirement in subsection (A)(2) upon a written request indicating the circumstances justifying the waiver. The ~~division~~ department may use discretion in granting or denying these requests.

(6) The ~~division~~ department must verify with the United States Department of Defense that the member has been wounded or killed, is missing in action, is a prisoner of war, or was otherwise incapacitated while on active duty. No payments may be made without this verification.

(B) Applications submitted under this section take precedence over all other applications.

(C) Members who, at any time before the disbursement of funds pursuant to a grant application under this section, receive a punitive discharge or an administrative discharge with service characterized as Under Other Than Honorable Conditions, are ineligible to receive grants pursuant to this section.

Section 25-11-370. (A) Payments to a South Carolina National Guard or Reserve component member's family pursuant to Section 25-11-340 may not exceed two thousand dollars, to include any amounts paid pursuant to provisions of Section 25-11-380 during a state fiscal year.

(B) If a grant payment is to be used for the purpose of payments for food, housing, utilities, medical services or medical prescriptions, it may be noted on the application.

(C) No additional applications from a member or a member's family may be accepted within one hundred eighty days from receipt of any prior applications.

(D) All grants must be paid directly to the applicant. Payments must not be made directly to creditors.

(E) The ~~division~~ department may waive the requirements in subsections (A) and (C) of this section upon a written request indicating the circumstances justifying the waiver. The ~~division~~ department may use discretion in granting or denying these requests. However, in no

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event may payments authorized pursuant to this section exceed three thousand dollars during any state fiscal year.

Section 25-11-380. (A) All grants pursuant to Section 25-11-350 must be a flat rate of five hundred dollars unless the number of requests and fund balance necessitate a lesser amount as determined by the ~~division~~ department.

(B) South Carolina National Guard or Reserve component members' families may receive a grant only one time in each fiscal year and only one time for each active duty order.

(C) All grants must be paid directly to the applicant. Payments must not be made directly to creditors.

Section 25-11-390. (A) All grants pursuant to Section 25-11-360 must be a flat rate of one thousand dollars unless the number of requests and fund balance necessitate a lesser amount as determined by the ~~division~~ department.

(B) South Carolina National Guard or Reserve component members or next of kin may receive a grant only one time for each active duty order.

(C) All grants must be paid directly to the applicant. Payments must not be made directly to creditors.

Section 25-11-400. (A) The procedures governing the acceptance of applications are as follows:

(1) To receive consideration for a grant, applicants must request and submit an application provided by the ~~division~~ department.

(2) All necessary documentation must be included with the application unless otherwise provided pursuant to DEERS and the applicant shall authorize access to DEERS for purposes of verification.

(3) Applications may be submitted via facsimile but the original documentation must be submitted before any grant payments are authorized.

(4) Incomplete applications must be returned to the applicant.

(5) The ~~division~~ department, upon receipt of a complete original application, shall verify required information under DEERS and then shall process the information for payment. The application must be processed in an expeditious manner.

(B) The procedure governing payments are as follows:

(1) Payment must be made to the applicant who has met all eligibility requirements.

(2) The timeliness of payment is determined by the amount of funds available at the time of application.

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(3) If adequate funds are not available, the application must be held in a queue until funds are available.

(4) Applications for casualty-based grants take precedence over all others.

(C) The procedures governing denials of applications are as follows:

(1) Grant applications from those not meeting eligibility requirements must be denied.

(2) A letter explaining the denial, as well as providing additional sources of available relief, must be sent to the applicant within thirty days after receipt of the application.

ARTICLE 5

South Carolina Prisoner of War Medal

Section 25-11-510. There is created the South Carolina Prisoner of War 'POW' Medal. The Governor may present the medal on behalf of the people of the State of South Carolina to any person who:

(1) on the date of induction into the organized militia or federal military service, was a resident of this State and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during a time of war or emergency, was officially listed as a prisoner of war by the United States Department of Defense;

(2) on the date of induction into the organized militia or federal military service, was not a resident of this State but currently resides in this State or was a resident at the time of death and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during time of war or emergency, was officially listed as a prisoner of war by the United States Department of Defense; or

(3) meets the residency requirements of item (1) or (2), and was taken prisoner and held captive while:

(a) engaged in an action against an enemy of the United States;

(b) engaged in military operations involving conflict with an opposing foreign force; or

(c) serving with friendly forces engaged in an armed conflict against an opposing force in which the United States is not a belligerent party.

Section 25-11-520. (A) ~~The South Carolina Division of Veterans' Affairs~~ department, in consultation with the Adjutant General, shall determine eligibility for the medal. For any person qualifying for the medal pursuant to Section 25-11-510(3), ~~the Director of the Division of Veterans' Affairs~~ secretary shall determine eligibility on a case by case

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basis. There is no required period of captivity; however, the ~~director~~ secretary and the Adjutant General shall compare such cases to those under which persons have generally been held captive by enemy forces during periods of armed conflict.

(B) The ~~Division of Veterans' Affairs~~ department may require a copy of DD Form 214 or WD Form 53 and any other information necessary to determine eligibility.

Section 25-11-530. Any person convicted by a United States military tribunal of misconduct or a criminal charge or whose discharge is less than honorable based on actions while a POW is ineligible for the medal. Any POW whose conduct was not in accord with the Code of Conduct and whose actions are documented by United States military records, is ineligible for the medal. Resolution of questionable cases shall be the responsibility of the ~~Director of the Division of Veterans' Affairs~~ secretary, in consultation with the Adjutant General.

Section 25-11-540. No person may be awarded more than one South Carolina POW Medal.

Section 25-11-550. The medal may be awarded for a deceased person or a person absent as a prisoner of war and presented to the person's next of kin.

Section 25-11-560. The ~~Division of Veterans' Affairs~~ department must develop and implement a plan to accept nominations for the medal.

Section 25-11-570. (A) The Adjutant General, in consultation with the ~~Director of the Division of Veterans' Affairs~~ secretary, shall develop the appropriate design and appearance of the medal and a ribbon to be worn in lieu of the medal. However, nothing in this section requires the ~~Director of the Division of Veterans' Affairs~~ secretary or the Adjutant General to provide or pay for the medal, ribbon, or its design.

(B) There is created in the State Treasury a special fund to be known as the South Carolina Prisoner of War Medal Fund for the sole purpose of receipt and disbursement of donated funds from the public to be used in the design, production, purchasing, and presentation of the South Carolina Prisoner of War Medal as administered by the ~~Director of the South Carolina Division of Veterans' Affairs~~ secretary, in consultation with the Adjutant General. The ~~Office of the South Carolina Division of Veterans' Affairs~~ department, or the Adjutant General, shall remit all funds donated to the South Carolina Prisoner of War Medal Fund to the Office of State Treasurer for deposit and disbursement."

SECTION 4. (A) All classified or unclassified personnel employed by these offices on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of

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Veterans' Affairs, with the same compensation, classification, and grade level, as applicable. The Department of Administration shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(B) Regulations promulgated by the Division of Veterans' Affairs as it formerly existed under the Department of Administration are continued and are considered to be promulgated by the newly created Department of Veterans' Affairs.

(C) The Code Commissioner is directed to change or correct all references to Division of Veterans' Affairs within the Department of Administration in the 1976 Code, to reflect the transfer of it to the Department of Veterans' Affairs. References to the Division of Veterans' Affairs in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate reference to the Department of Veterans' Affairs. This authority shall not be construed to remove any authority from the Department of Administration for approval of statewide policies, procedures, regulations, rates and fees, or specific actions requiring Department of Administration approval.

SECTION 5. This act takes effect July 1, 2019. County veterans' affairs officers serving on or before the effective date of Section 25-11-40(B), as amended by this act, are not subject to the revised qualifications provided in this section. /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY 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 43; Nays 0

AYES

| | | |
|-----------|---------|----------|
| Alexander | Allen | Bennett |
| Campbell | Campsen | Cash |
| Climer | Corbin | Cromer |
| Davis | Fanning | Gambrell |
| Goldfinch | Gregory | Grooms |

[SJ]

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

Total--43

NAYS

Total--0

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

OBJECTION

S. 203 -- Senator Young: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, BY ADDING SECTION 59-17-45, TO PROVIDE CRITERIA FOR SCHOOL DISTRICT CONSOLIDATION, AND TO PROVIDE FOR AN EXCEPTION.

Senator MALLOY objects to the consideration of the Bill.

OBJECTION

S. 283 -- Senator Talley: A BILL TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 157, TO ENACT THE "STATE INSTITUTION OF HIGHER EDUCATION ENTERPRISE ACT," TO ALLOW THE BOARD OF TRUSTEES OF AN INSTITUTION OF HIGHER EDUCATION TO ESTABLISH BY RESOLUTION AN ENTERPRISE DIVISION AS PART OF THE COLLEGE OR UNIVERSITY, TO PROVIDE THAT CERTAIN ASSETS, PROGRAMS, AND OPERATIONS OF THE COLLEGE OR UNIVERSITY MAY BE TRANSFERRED TO THE ENTERPRISE DIVISION, TO PROVIDE THAT THE ENTERPRISE DIVISION IS EXEMPT FROM VARIOUS STATE LAWS GOVERNING PROCUREMENT, HUMAN RESOURCES,

[SJ]

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PERSONNEL, AND THE DISPOSITION OF REAL AND PERSONAL PROPERTY, WITH SOME SUCH EXEMPTIONS APPLYING AUTOMATICALLY AND OTHERS REQUIRING ADDITIONAL ACTIONS BY THE BOARD OF TRUSTEES, TO PROVIDE THAT BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS MAY BE ISSUED FOR THE ENTERPRISE DIVISION, AND TO PROVIDE AUDIT AND REPORTING REQUIREMENTS; AND TO AMEND SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY MAY EXEMPT AN ENTERPRISE DIVISION, IF A DIVISION IS ESTABLISHED PURSUANT TO CHAPTER 157, TITLE 59 AND THE BOARD OF TRUSTEES HAS ADOPTED A PROCUREMENT POLICY FOR THE DIVISION THAT WAS APPROVED BY THE STATE FISCAL ACCOUNTABILITY AUTHORITY.

Senator MALLOY objects to the consideration of the Bill.

CARRIED OVER

S. 659 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - AUCTIONEERS' COMMISSION, RELATING TO AUCTIONEERS' COMMISSION (REPEAL SPECIFIC REGULATIONS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4846, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was carried over until March 28, 2019.

POINT OF ORDER

S. 109 -- Senator Massey: A BILL TO AMEND SECTION 40-79-20 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA ALARM SYSTEM BUSINESS ACT, TO ADD A DEFINITION FOR "ELECTRIC FENCE," AND TO MAKE TECHNICAL CORRECTIONS.

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.

[SJ]

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The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 133 -- Senator Davis: A BILL TO AMEND SECTION 38-75-485 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, TO EXPAND THE PROGRAM TO INCLUDE FLOOD DAMAGE.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 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 WAIVE OR MODIFY CERTAIN REQUIREMENTS; TO AMEND SECTION 34-41-10, 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

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TO PROVIDE THAT THE BOARD MAY WAIVE OR MODIFY CERTAIN REQUIREMENTS.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 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.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 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

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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 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.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 673 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO REQUIREMENTS FOR STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN ASSISTANCE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4838, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3732 -- Reps. Hewitt, Fry, West, Sandifer and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-69-255 SO AS TO REQUIRE VETERINARIANS TO COMPLETE CONTINUING EDUCATION RELATED TO PRESCRIBING AND MONITORING CERTAIN CONTROLLED SUBSTANCES.

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Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 4112 -- Regulations 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.

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. 661 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON WATEREE ROAD WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Senate adopted the Resolution, ordered sent to the House.

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

MOTION ADOPTED

At 1:29 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

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

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MOTION ADOPTED

On motion of Senators PEELER and SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John Albert Humphries of Gaffney, S.C. John was the brother of our beloved Malissa Ambrose of the Senate. John was a graduate of Gaffney High School. He retired from Hoechst Celanese and Timken and was employed by CPC Carolina. He was a U.S. Air Force veteran and a member of Grassy Pond Baptist Church. John loved spending time with his family, gardening, playing golf and watching the Atlanta Braves. John was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 1:42 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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