

NO. 46

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

WEDNESDAY, MARCH 27, 2019

Wednesday, March 27, 2019
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Psalm 111:10

“The fear of the Lord is the beginning of wisdom; all those who practice it have a good understanding. To God belongs eternal praise!”

Let us pray. Lord God, as each of us searches the depths of our own being in his or her own way, we know that it is You alone who can change human hearts. You alone can reshape our priorities and bring into focus the issues and concerns that are paramount to effective legislation for this moment in history. Give our Senators discernment Lord as they grapple with a budget that demands constructive restraint while simultaneously offers historic opportunity for real change. These are the times that try our souls. Therefore we call upon You, blessed Lord, to be our beacon of light that illuminates Your path for each and every Senator that serves our beloved State. Though the power of Your Holy 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	Gregory
Harpoottlian	Leatherman	Martin
Massey	Nicholson	Peeler
Rice	Scott	Setzler

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Shealy
Verdin

Talley
Williams

Turner

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR
STATE OF SOUTH CAROLINA
OFFICE OF THE GOVERNOR**

Columbia, S.C., March 21, 2019

Mr. President and Senators:

I am vetoing and returning without my approval R. 15, S. 504:

(R15, S504) -- Senators Hutto and M.B. Matthews: AN ACT TO AMEND ACT 372 OF 2008, RELATING TO THE ALLENDALE COUNTY AERONAUTICS AND DEVELOPMENT COMMISSION, SO AS TO ABOLISH THE EXISTING NINE-MEMBER COMMISSION, TO TERMINATE THE TERMS OF ITS MEMBERS, TO RECONSTITUTE THE COMMISSION AS THE ALLENDALE COUNTY AERONAUTICS COMMISSION, AND TO REVISE THE COMPOSITION OF THE COMMISSION'S MEMBERSHIP.

Respectfully submitted,
Henry D. McMaster

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

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, 2015, and to expire May 19, 2022

2nd Congressional District:

Phyllis B. Beighley, 6 Old Mill Ct., Columbia, SC 29206-3213 *VICE*
Jack F. Wolfe, Jr.

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Referred to the Committee on Judiciary.

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2017, and to expire June 30, 2021

General Public:

Frederick M. G. Evans, 214 Alderston Way, Columbia, SC 29229

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2019, and to expire June 30, 2025

5th Congressional District:

Heather C. Harris, 137 Setzler Road, Pomaria, SC 29126-8951 *VICE*
Marvin A. Hyatt, Sr.

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2019, and to expire June 30, 2023

4th Congressional District:

Karen W. McGill, 150 Cheek Road, Spartanburg, SC 29303-4311

Referred to the Committee on Judiciary.

Reappointment, South Carolina State Ports Authority, with the term to commence March 19, 2019, and to expire March 19, 2024

At-Large :

Whitemarsh S. Smith III, 12 Greenhill St., Charleston, SC 29401-2311

Referred to the Committee on Transportation.

Local Appointments

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Benjamin Franklin Byrd, 213 Hastings Point Drive, Columbia, SC 29203-9102

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Daniel M. Coble, 3901 Yale Avenue, Columbia, SC 29205-3551

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Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Harold A. Cuff, 516 Motley Road, Hopkins, SC 29061-9629

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tomothy Edmond, 6101 Easter Street, Columbia, SC 29203-4969

Reappointment, Richland County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Mildred Rita Metts, 3531 River Drive, Columbia, SC 29201-1348

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael Scott, 3521 Greenway Dr., Columbia, SC 29206-3415 *VICE*
Mel Mauer

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Barbara Jo Wofford-Kanwat, 108 King Charles Rd., Columbia, SC 29209-2240

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 27, 2019, at 12:05 P.M. and the following Acts were ratified:

(R22, S. 160) -- Senators Allen, Davis, Turner, Rice, Talley, Gambrell and Nicholson: AN ACT TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO IMPLEMENT A SYSTEM OF FILING AND INDEXING LIENS WHICH IS ACCESSIBLE TO THE PUBLIC OVER THE INTERNET OR THROUGH OTHER MEANS.

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(R23, H. 3449) -- Reps. Hiott, Lucas, Kirby, Forrest, Young, Hixon, B. Newton, Erickson, Bradley, Mace, Atkinson, Ligon, Magnuson, Hill, Johnson and Hardee: AN ACT TO AMEND CHAPTER 55, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUSTRIAL HEMP CULTIVATION, SO AS TO REMOVE

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REFERENCES TO THE SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM, TO DEFINE NECESSARY TERMS, TO PROHIBIT THE CULTIVATION, HANDLING, OR PROCESSING OF HEMP WITHOUT A HEMP LICENSE ISSUED BY THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE, TO PROVIDE CERTAIN REQUIREMENTS FOR A HEMP LICENSE, TO EXCLUDE CERTAIN ACTIVITIES FROM THE PROVISIONS OF CHAPTER 55, AND TO ESTABLISH CORRECTIVE ACTION PLANS FOR LICENSEES WHO VIOLATE A PROVISION OF CHAPTER 55; TO PROVIDE THAT THE COMMISSIONER OF THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE SHALL SUBMIT A STATE PLAN TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE; AND TO PROVIDE THAT CURRENT LICENSEES UNDER THE SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM MAY EXPAND OPERATIONS AND AUTHORIZE THE DEPARTMENT TO ISSUE HEMP LICENSES FOR CERTAIN APPLICANTS.

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(R24, H. 3595) -- Reps. Elliott, G.M. Smith, Simrill, Stavrinakis, Loftis, Clemmons, Erickson, West, Bannister and Forrest: AN ACT 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, SET CERTAIN QUALIFICATIONS, AND TO REQUIRE THE SOUTH CAROLINA RESEARCH AUTHORITY TO ISSUE AN ANNUAL REPORT.

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(R25, H. 3985) -- Reps. Lucas, G.M. Smith and Stavrinakis: AN ACT TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF 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.

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Doctor of the Day

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

Leave of Absence

On motion of Senator CROMER, at 12:09 P.M., Senator CAMPSER was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 12:59 P.M., Senator M.B. MATTHEWS was granted a leave of absence for the day.

Leave of Absence

On motion of Senator RICE, at 12:59 P.M., Senator SENN was granted a leave of absence for Wednesday, March 27, 2019, and Thursday, March 28, 2019.

Leave of Absence

On motion of Senator McELVEEN, at 12:59 P.M., Senator KIMPSON was granted a leave of absence for the day.

Leave of Absence

On motion of Senator CORBIN, at 1:38 P.M., Senator GAMBRELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MARTIN, at 2:00 P.M., Senator MARTIN was granted a leave of absence at 4:20 P.M. until Monday, April 1, 2019, at 2:00 P.M.

CO-SPONSORS ADDED

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

S. 89 Sen. Alexander
S. 112 Sen. Talley
S. 298 Sen. Sabb
S. 689 Sen. Bennett

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 711 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE SEPTEMBER 1 THROUGH 7, 2019 AS "NATURAL DISASTER RESILIENCY WEEK" IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS ABOUT THE CONTINUING NEED TO PLAN FOR FUTURE DISASTERS BY INSTITUTING A PRE-DISASTER MITIGATION STRATEGY.

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

S. 712 -- Senator Gambrell: A BILL TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BROADWAY WATER AND SEWERAGE DISTRICT IN ANDERSON COUNTY, SO AS TO RATIFY A 2001 EXPANSION OF THE DISTRICT'S SERVICE AREA PURSUANT TO A TRANSFER OF TERRITORY FROM THE BELTON-HONEA PATH WATER AUTHORITY.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 713 -- Senator Grooms: A BILL TO AMEND SECTION 50-13-640 OF THE 1976 CODE, RELATING TO THE POSSESSION OF BLUE CATFISH, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH OF THE SANTEE RIVER; TO AMEND SECTION 50-9-1120(3) OF THE 1976 CODE, RELATING TO THE POINT SYSTEM FOR FISHING VIOLATIONS, TO PROVIDE THAT A VIOLATION OF BLUE CATFISH CATCH LIMITS IS FOURTEEN POINTS; AND TO REQUIRE THAT THE DEPARTMENT OF NATURAL RESOURCES CONDUCT A STUDY OF THE BLUE CATFISH FISHERY IN THE SANTEE AND COOPER RIVER SYSTEMS.

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

S. 714 -- Senator Shealy: A CONCURRENT RESOLUTION TO CONGRATULATE THE WHITE KNOLL HIGH SCHOOL SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2018 STATE 5A SOFTBALL CHAMPIONSHIP.

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

S. 715 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE JASMINE JONES FOR WINNING THE USA GYMNASTICS LEVEL 8 STATE VAULT CHAMPIONSHIP, SENIOR B DIVISION.

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The Senate Resolution was adopted.

S. 716 -- Senator Shealy: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMBLEMS, THE PLEDGE TO THE STATE FLAG, AND OFFICIAL OBSERVANCES, TO PROVIDE FOR THE DESIGNATION OF MARCH OF DIMES DAY.

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

S. 717 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ROSALYN DANSBY OF GREENWOOD FOR HER MANY YEARS OF DEDICATED SERVICE AS AN EDUCATOR IN THE PALMETTO STATE AND TO EXPRESS GRATITUDE FOR HER ROLE IN PREPARING YOUNG PEOPLE TO TAKE THEIR PLACES AS PRODUCTIVE CITIZENS.

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The Senate Resolution was adopted.

S. 718 -- Senator Kimpson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF REVEREND DR. WILLIE EDWIN GIVENS, JR. AND TO EXTEND

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THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

H. 4243 -- Reprs. Simrill, Lucas, Pope, G. M. Smith, Rutherford, King, Felder, Bryant, D. C. Moss, B. Newton, Ligon, V. S. Moss, Brown, W. Cox, Jefferson, R. Williams, Calhoon, McKnight, Spires, Elliott, Gilliam, West, Atkinson, Bales, Gilliard, Blackwell, B. Cox and Anderson: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

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

H. 4276 -- Rep. Hayes: A BILL TO AMEND SECTION 7-7-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DILLON COUNTY, SO AS TO ELIMINATE THE GADDY'S MILL PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

H. 4310 -- Reprs. Hewitt, Anderson, Alexander, Allison, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott,

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Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinnakis, 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 STUDENTS, FACULTY, STAFF, AND ADMINISTRATION OF WACCAMAW INTERMEDIATE SCHOOL OF PAWLEYS ISLAND ON RECEIVING THE 2018-2019 PALMETTO'S FINEST AWARD.

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

H. 4312 -- Reps. G. M. Smith, Rutherford and Murphy: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 1, 2019, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE FEBRUARY 28, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2022; AND AS THE DATE TO MEET IN JOINT SESSION FOR THE PURPOSE OF ELECTING SUCCESSOR MEMBERS TO THE SOUTH CAROLINA CONSUMER AFFAIRS COMMISSION FOR SEATS 1, 2, 3, AND 4, SO AS TO FILL THE TERMS WHICH EXPIRE APRIL 14, 2018, AND JUNE 2, 2018.

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

RECALLED

H. 4312 -- Reps. G.M. Smith, Rutherford and Murphy: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 1, 2019, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE FEBRUARY 28, 2019, AND THE SUCCESSOR WILL FILL THE

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UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2022; AND AS THE DATE TO MEET IN JOINT SESSION FOR THE PURPOSE OF ELECTING SUCCESSOR MEMBERS TO THE SOUTH CAROLINA CONSUMER AFFAIRS COMMISSION FOR SEATS 1, 2, 3, AND 4, SO AS TO FILL THE TERMS WHICH EXPIRE APRIL 14, 2018, AND JUNE 2, 2018.

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

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

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 17 -- Senator Hutto: A BILL TO AMEND SECTION 7-5-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS, SO AS TO PROVIDE THAT EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS IS RESPONSIBLE FOR CERTIFYING THAT COUNTY'S CANDIDATES FOR COUNTY CORONER AND COUNTY SHERIFF.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 180 -- Senator McElveen: A BILL TO AMEND ARTICLE 7, CHAPTER 11, TITLE 16 OF THE 1976 CODE, RELATING TO TRESPASSES AND THE UNLAWFUL USE OF THE PROPERTY OF OTHERS, BY ADDING SECTION 16-11-605, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A FEDERAL MILITARY INSTALLATION; TO PROVIDE FOR DISPOSITION OF A CONFISCATED UNMANNED AERIAL VEHICLE; TO PROVIDE FOR EXCEPTIONS; AND TO PROVIDE PENALTIES FOR THE VIOLATION.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 276 -- Senator Senn: A BILL TO AMEND ARTICLE 5, CHAPTER 23, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES INVOLVING WEAPONS, BY ADDING SECTION 16-23-540, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO THREATEN, SOLICIT ANOTHER TO THREATEN, OR CONSPIRE TO THREATEN TO CAUSE DAMAGE, SERIOUS BODILY INJURY, OR DEATH OR TO CAUSE DAMAGE TO OR DESTROY A BUILDING OR OTHER REAL OR PERSONAL PROPERTY BY USE OF A DANGEROUS WEAPON ON ANY PREMISES OR PROPERTY OWNED, OPERATED, OR CONTROLLED BY A PRIVATE OR PUBLIC SCHOOL, COLLEGE, UNIVERSITY, TECHNICAL COLLEGE, OR OTHER POST-SECONDARY INSTITUTION, IN A CHURCH, IN ANY PUBLICLY OWNED BUILDING OR RECREATIONAL PARK AREAS, OR IN A PUBLIC GATHERING PLACE; TO PROVIDE THAT A PERSON WHO IS CHARGED WITH A VIOLATION MUST UNDERGO A MENTAL HEALTH EVALUATION AND, IF NECESSARY, MENTAL HEALTH TREATMENT OR COUNSELING; AND TO PROVIDE FOR PENALTIES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 342 -- Senators Rankin and Hutto: A BILL TO ENACT THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; TO AMEND TITLE 61 OF THE 1976 CODE, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM

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APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; TO AMEND SECTION 61-2-60 OF THE 1976 CODE, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND TO AMEND SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080 OF THE 1976 CODE, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

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

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REASONABLE FEE FOR THE COLLECTION AND RETENTION OF THE FINGERPRINTS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 534 -- Senators Hutto, Hembree, Shealy, Climer, Rice and Bennett: A BILL TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

Ordered for consideration tomorrow.

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

S. 595 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-13-40 OF THE 1976 CODE, RELATING TO BACKGROUND CHECKS FOR EMPLOYMENT, TO PROVIDE THAT A CHILDCARE FACILITY MAY NOT EMPLOY A CAREGIVER OR OTHER STAFF IF THAT PERSON IS REGISTERED OR REQUIRED TO REGISTER ON THE NATIONAL SEX OFFENDER REGISTRY, STATE SEX OFFENDER REGISTRY, OR CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT OR FOR OTHER CONVICTIONS, TO REQUIRE EMPLOYEES TO UNDERGO BACKGROUND CHECKS, INCLUDING A SEARCH ON THE NATIONAL SEX OFFENDER REGISTRY, STATE SEX OFFENDER REGISTRY, AND STATE CHILD ABUSE AND NEGLECT REGISTRY AND A DATABASE CHECK IN EACH STATE WHERE THE PERSON HAS LIVED FOR THE PREVIOUS FIVE YEARS, TO GIVE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND THE FEDERAL BUREAU OF INVESTIGATION THE AUTHORITY TO RETAIN, STORE, AND SHARE RECORDS, AND TO PROVIDE A FEE FOR BACKGROUND CHECKS; TO AMEND SECTION 63-13-50 OF THE 1976 CODE, RELATING TO FINGERPRINT EXEMPTIONS, TO PROVIDE THAT FINGERPRINT REVIEWS CONDUCTED WITHIN THE PREVIOUS SIX MONTHS ARE EXEMPT; AND TO AMEND SECTION 63-13-420 OF THE 1976 CODE, RELATING TO LICENSURE REQUIREMENTS, SECTION 63-13-430 OF THE 1976 CODE, RELATING TO LICENSE

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RENEWAL, SECTION 63-13-620 OF THE 1976 CODE, RELATING TO A STATEMENT OF APPROVAL REQUIREMENTS, SECTION 63-13-630(D), (E), (F), AND (G) OF THE 1976 CODE, RELATING TO APPROVAL RENEWAL, SECTION 63-13-810(C) OF THE 1976 CODE, RELATING TO THE REGISTRATION REQUIRED FOR FAMILY CHILDCARE HOMES, SECTION 63-13-820 OF THE 1976 CODE, RELATING TO REGISTRATION REQUIREMENTS, SECTION 63-13-830(C) AND (D) OF THE 1976 CODE, RELATING TO PERSONS APPLYING FOR REGISTRATION RENEWALS, AND SECTION 63-13-1010 OF THE 1976 CODE, RELATING TO THE REGISTRATION REQUIRED FOR CHURCHES AND RELIGIOUS CENTERS, TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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

S. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 640 -- Senator Malloy: A BILL TO AMEND SECTION 14-17-325 OF THE 1976 CODE, RELATING TO THE CLERK OF COURT REPORTING THE DISPOSITION OF EACH CASE IN THE COURT OF GENERAL SESSIONS, TO REQUIRE EVERY CLERK OF COURT TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CASE IN GENERAL SESSIONS AND TO REPORT WITHIN FORTY-EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; TO AMEND CHAPTER 1, TITLE 22 OF THE 1976 CODE, RELATING TO MAGISTRATES

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GENERALLY, BY ADDING SECTION 22-1-200, TO REQUIRE MAGISTRATES TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE AND TO REPORT WITHIN FORTY-EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; TO AMEND ARTICLE 1, CHAPTER 25, TITLE 14 OF THE 1976 CODE, RELATING TO MUNICIPAL COURTS, BY ADDING SECTION 14-25-250, TO REQUIRE MAGISTRATES TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE AND TO REPORT WITHIN FORTY-EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-1-250, TO REQUIRE EACH LAW ENFORCEMENT AGENCY TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TWENTY-FOUR HOURS THE FILING OF EACH INCIDENT REPORT, ORDER OF PROTECTION, RESTRAINING ORDER, ANY ORDER OR REPORT RELATING TO AN INCIDENT OF DOMESTIC VIOLENCE, OR ANY INCIDENT IN WHICH A PERSON MAY BE PROHIBITED FROM OBTAINING OR POSSESSING A FIREARM BY STATE OR FEDERAL LAW; AND TO AMEND TITLE 14 OF THE 1976 CODE, RELATING TO THE COURTS, BY ADDING CHAPTER 32, TO CREATE THE JUDICIAL CRIMINAL INFORMATION TECHNOLOGY COMMITTEE AND TO ESTABLISH ITS MEMBERSHIP, DUTIES, AND RESPONSIBILITIES, INCLUDING THE STUDY OF AND RECOMMENDATIONS FOR THE IMPROVEMENT OF JUDICIAL AND LAW ENFORCEMENT INFORMATION TECHNOLOGY AND REPORTING.

Ordered for consideration tomorrow.

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

S. 664 -- Senators Verdin, Martin, Talley, M.B. Matthews, Allen, Turner, Alexander and Davis: A SENATE RESOLUTION TO RECOGNIZE THE CRITICAL IMPORTANCE OF THE F-35 LIGHTNING II AND F-16 FIGHTING FALCON TO AMERICA'S SECURITY AND TO SOUTH CAROLINA AND TO CALL FOR FULL FUNDING BY THE UNITED STATES CONGRESS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

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

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 668 -- Senators Hutto, Jackson and Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, APRIL 2, 2019, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA IN ORDER TO CALL ATTENTION TO THE SIGNIFICANT PROBLEM OF CHILD ABUSE AND NEGLECT.

Returned with concurrence.

Received as information.

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

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

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

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

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CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH 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.

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.

**COMMITTEE AMENDMENT WITHDRAWN
CARRIED OVER**

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

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

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (575R004.KMM.GEC), which was withdrawn:

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

/SECTION 1. Section 50-11-544 of the 1976 Code is amended to read:

“Section 50-11-544. A person who hunts wild turkeys is required to possess a set of wild turkey ~~transportation~~ tags issued by the department ~~at no cost~~. All turkeys taken must be tagged before being moved from the point of kill. All tags must be validated as prescribed by the department before a turkey is moved from the point of kill. No person may obtain or possess more than one set of turkey tags.”

SECTION 2. Section 50-11-580 of the 1976 Code is amended to read:

“Section 50-11-580. (A) ~~Notwithstanding the provisions of Section 50-11-520 or any other provision of law or regulation, the~~ The statewide season for hunting and taking a male wild turkey is March 20 25 through May 5 April 30.

(B) ~~The Saturday and Sunday preceding March 20 of each year is declared to be ‘Youth Turkey Hunting Weekend’. A person less than eighteen years of age shall be considered a youth hunter. The license and permit requirements for hunting turkey are waived for youth hunters during Youth Turkey Hunting Weekend; however, youth hunters must still possess a set of turkey tags while hunting during Youth Turkey~~

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~~Hunting Weekend. A licensed hunter at least twenty one years of age must accompany a youth hunter in the field and may not harvest or attempt to harvest turkey during Youth Turkey Hunting Weekend, but is permitted to call turkeys for the youth hunter. The licensed hunter that accompanies the youth hunter must have a valid South Carolina hunting license, big game permit, and wildlife management area permit if applicable. The statewide season bag limit for male wild turkeys is three for residents and two for nonresidents. The daily bag limit is one, provided that only one male wild turkey may be taken from March 25 through April 3.~~

~~(C) The season bag limit for male wild turkeys is three, which may be taken by any lawful means. The season bag limit contained in this section is statewide. It is unlawful for a person to take a female wild turkey unless authorized by the department pursuant to Section 50-11-500(3).~~

~~(D) The daily bag limit per person for male wild turkeys is two, which may be taken by any lawful means. The daily bag limit contained in this section is statewide.~~

~~(E) The department shall conduct an analysis of the wild turkey resources in South Carolina and issue a draft report recommending any changes to the wild turkey season and bag limits. This report shall be provided to the General Assembly within one hundred eighty days of the conclusion of the third turkey season following the effective date of this section.~~

~~(F) The department shall provide an annual report of the on wild turkey resources in South Carolina to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee.”~~

SECTION 3. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-590. (A) The Saturday preceding the start of the statewide male wild turkey season is declared to be ‘Youth Turkey Day’ for youth turkey hunters under eighteen years of age.

(B) A license or tag requirement is waived for a youth turkey hunter on Youth Turkey Day.

(C) The bag limit on Youth Turkey Day is one male wild turkey.

(D) Youth turkey hunters who have not completed the hunter education program pursuant to Section 50-9-310, and who hunt on Youth Turkey Day, must be accompanied by an adult who is at least twenty-one years of age. An adult may not harvest or attempt to harvest turkeys

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during Youth Turkey Day but is permitted to call turkeys for a youth turkey hunter.”

SECTION 4. Section 50-9-920(B) of the 1976 Code is amended by adding a new item to read:

“(13) resident and nonresident wild turkey tag set shall only be used for the following purposes:

(a) the funding of wild turkey scientific research on public lands and private lands with the consent of landowners;

(b) the improvement of the wild turkey habitat and hunting opportunities for wild turkeys on public lands;

(c) wild turkey predator control;

(d) the enforcement of the wild turkey hunting laws and regulations; and

(e) the printing and mailing of the wild turkey tag sets.” /

SECTION 5. Article 6, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50-9-640. (A) For the privilege of hunting wild turkey, in addition to the required hunting license and big game permit, a person must possess a set of wild turkey tags issued in the person’s name. The fee for a:

(1) resident is ten dollars per set of three tags, one dollar of which may be retained by the license sales vendor; and

(2) nonresident is one hundred dollars per set of two tags, one dollar of which may be retained by the license sales vendor.

(B) There is no cost for a set of wild turkey tags for persons under the age of sixteen, lifetime licensees, and gratis licensees upon request to the department.”

SECTION 6. Section 50-11-520 of the 1976 Code is repealed.

SECTION 7. SECTION 7 of Act 41 of 2015 is repealed.

SECTION 8. This act takes effect on July 1, 2019. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

Senator MARTIN asked unanimous consent to withdraw the committee amendment.

There was no objection.

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

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

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 593 -- Senators Shealy and Scott: 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 ENROLLED FOR RATIFICATION

The following Bills and Resolution were 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. 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.

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.

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

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LICENSE AND A BIG GAME PERMIT MUST RECEIVE AT LEAST TWO ANTLERLESS DEER TAGS THAT ARE NOT DATE SPECIFIC.

**COMMITTEE AMENDMENT ADOPTED, AMENDED,
CARRIED OVER**

S. 7 -- Senators Malloy, Climer, Goldfinch, Talley, Harpootlian and Kimpson: A BILL TO AMEND SECTION 15-78-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION OF LIABILITY, SO AS TO INCREASE THE LIMITS FROM A LOSS TO ONE PERSON ARISING FROM A SINGLE OCCURRENCE TO ONE MILLION DOLLARS, TO INCREASE THE TOTAL LIMITS FROM A LOSS ARISING OUT OF A SINGLE OCCURRENCE TO TWO MILLION DOLLARS, AND TO REQUIRE THE LIMITS BE ADJUSTED ANNUALLY IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

The Senate proceeded to the consideration of the Bill.

Senator KIMPSON proposed the following amendment (JUD0007.019) which was withdrawn:

Amend the committee report, as and if amended, page [7-2], by striking line 3, and inserting therein the following:

/ Insurance Reserve Fund's internet website.

(7) Notwithstanding the liability limits outlined in Section 15-78-120(a)(1) through (a)(4), where one or more claimants individually and in a representative capacity, have brought a claim or claims seeking actual damages against one or more governmental entities, and where a court has certified those claims for actual damages as a class action, there shall not be a limit on the actual damages recoverable by the named claimant or claimants, or by the members of any such class.” /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

On motion of Senator MALLOY, the amendment was withdrawn.

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The Committee on Judiciary proposed the following amendment (JUD0007.007), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 21 through 30, in Section 15-78-120(a), as contained in SECTION 1, and inserting therein the following:

/ (6) Starting July 1, 2021, and every year thereafter, the Revenue and Fiscal Affairs Office, Board of Economic Advisors, must determine the increase or decrease in the ratio of the Consumer Price Index for all Urban Consumers (CPI-U), South Region, published by the U.S. Department of Labor, to the Index of June 30 of the previous year, and all limitations on liability amounts allowed by Sections 15-78-120(a)(1) through (4) must be adjusted accordingly. As soon as practicable after this adjustment is calculated, the Director of the Revenue and Fiscal Affairs Office shall submit the revised limitation on liability amounts as allowed by Section 15-78-120(a)(1) through (4) to the State Register for publication pursuant to Section 1-23-40(2) and to the Director of the Insurance Reserve Fund. The revised limitation on liability amounts becomes effective on July first of each year, starting July 1, 2021. As soon as practicable after this adjustment is calculated and the revised limitation on liability amounts is sent to the Director of the Insurance Reserve Fund, the Director of the Insurance Reserve Fund shall publish the revised limitation on liability amounts on the Insurance Reserve Fund's internet website. /

Amend the bill further, as and if amended, page 2, by striking line 32, as contained in SECTION 2, and inserting therein the following:

/ SECTION 2. Upon approval by the Governor, this act takes effect July 1, 2020, for causes of action with a date of loss arising on or after July 1, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the committee amendment.

The amendment was adopted.

Senator GOLDFINCH proposed the following amendment (JUD0007.035), which was carried over:

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

/ SECTION 1. Section 1-11-460 of the 1976 Code is amended to read:

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“Section 1-11-460. (A) For purposes of this section:

(1) ‘governmental entity’ means the State and its political entities.

(2) ‘State’ means the means the State of South Carolina and any of its offices, agencies, authorities, departments, commissions, boards, divisions, instrumentalities, including the South Carolina Protection and Advocacy System for the Handicapped, Inc., and institutions, including state-supported governmental health care facilities, schools, colleges, universities, and technical colleges.

(3) ‘State’s Catastrophic Fund’ means the fund provided for in Section 15-78-125(B).

(B)(1) The State Fiscal Accountability Authority, through the Division of Insurance Services, is authorized to pay judgments against any hospital that is considered a ‘charitable organization’ as that term is used in Section 33-56-20(1), governmental entities, and individual governmental employees and officials, in excess of one two million dollars, subject to a maximum of four million dollars in excess of one million dollars for one employee and but may not pay more than a maximum of twenty million dollars in excess of five million dollars in one fiscal year.

(2) These payments are limited to judgments rendered:

(a) under 42 U.S.C. Section 1983 against governmental employees or officials who are covered by a tort liability policy issued by the Insurance Reserve Fund; and

(b) against any hospital that is considered a ‘charitable organization’ as that term is used in Section 33-56-20(1), or against any governmental entities, governmental employees or governmental officials covered by a tort liability policy.

(3) These payments are also limited to judgments against any hospital that is considered a ‘charitable organization’ as that term is used in Section 33-56-20(1), or against any governmental entities, governmental employees and, or governmental officials for acts committed within the scope of employment.

(4) Payments made pursuant to this section must not be paid on an award for punitive damages.

(5) If a judgment is paid, the payment must be recovered by assessments against all governmental entities purchasing tort liability insurance from the Insurance Reserve Fund Any payment authorized by the State Fiscal Accountability Authority as provided in this section must be paid out of the State’s Catastrophic Fund.”

SECTION 2. Section 15-78-60 of the 1976 Code is amended to read:

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“Section 15-78-60. (A) The governmental entity is not liable for a loss resulting from:

- (1) legislative, judicial, or quasi-judicial action or inaction;
- (2) administrative action or inaction of a legislative, judicial, or quasi-judicial nature;
- (3) execution, enforcement, or implementation of the orders of any court or execution, enforcement, or lawful implementation of any process;
- (4) adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies;
- (5) the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee;
- (6) civil disobedience, riot, insurrection, or rebellion or the failure to provide the method of providing police or fire protection;
- (7) a nuisance;
- (8) snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions unless the snow or ice thereon is affirmatively caused by a negligent act of the employee;
- (9) entry upon any property where the entry is expressly or impliedly authorized by law;
- (10) natural conditions of unimproved property of the governmental entity, unless the defect or condition causing a loss is not corrected by the particular governmental entity responsible for the property within a reasonable time after actual or constructive notice of the defect or condition;
- (11) assessment or collection of taxes or special assessments or enforcement of tax laws;
- (12) licensing powers or functions including, but not limited to, the issuance, denial, suspension, renewal, or revocation of or failure or refusal to issue, deny, suspend, renew, or revoke any permit, license, certificate, approval, registration, order, or similar authority except when the power or function is exercised in a grossly negligent manner;
- (13) regulatory inspection powers or functions, including failure to make an inspection, or making an inadequate or negligent inspection, of any property to determine whether the property complies with or violates

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any law, regulation, code, or ordinance or contains a hazard to health or safety;

~~(14) any claim covered by the South Carolina Workers' Compensation Act, except claims by or on behalf of an injured employee to recover damages from any person other than the employer, the South Carolina Unemployment Compensation Act, or the South Carolina State Employee's Grievance Act;~~

~~(15) absence, condition, or malfunction of any sign, signal, warning device, illumination device, guardrail, or median barrier unless the absence, condition, or malfunction is not corrected by the governmental entity responsible for its maintenance within a reasonable time after actual or constructive notice. Governmental entities are not liable for the removal or destruction of signs, signals, warning devices, guardrails, or median barriers by third parties except on failure of the political subdivision to correct them within a reasonable time after actual or constructive notice. Nothing in this item gives rise to liability arising from a failure of any governmental entity to initially place any of the above signs, signals, warning devices, guardrails, or median barriers when the failure is the result of a discretionary act of the governmental entity. The signs, signals, warning devices, guardrails, or median barriers referred to in this item are those used in connection with hazards normally connected with the use of public ways and do not apply to the duty to warn of special conditions such as excavations, dredging, or public way construction. Governmental entities are not liable for the design of highways and other public ways. Governmental entities are not liable for loss on public ways under construction when the entity is protected by an indemnity bond. Governmental entities responsible for maintaining highways, roads, streets, causeways, bridges, or other public ways are not liable for loss arising out of a defect or a condition in, on, under, or overhanging a highway, road, street, causeway, bridge, or other public way caused by a third party unless the defect or condition is not corrected by the particular governmental entity responsible for the maintenance within a reasonable time after actual or constructive notice;~~

~~(16) maintenance, security, or supervision of any public property, intended or permitted to be used as a park, playground, or open area for recreational purposes, unless the defect or condition causing a loss is not corrected by the particular governmental entity responsible for maintenance, security, or supervision within a reasonable time after actual notice of the defect or condition;~~

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~~(17) employee conduct outside the scope of his official duties or which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude;~~

~~(18) imposition or establishment of a quarantine by a governmental entity, whether the quarantine relates to persons or property;~~

~~(19) emergency preparedness activities and activities of the South Carolina National Guard and South Carolina State Guard while engaged in state or federal training or duty. This exemption does not apply to vehicular accidents;~~

~~(20) an act or omission of a person other than an employee including but not limited to the criminal actions of third persons;~~

~~(21) the decision to or implementation of release, discharge, parole, or furlough of any persons in the custody of any governmental entity, including but not limited to a prisoner, inmate, juvenile, patient, or client or the escape of these persons;~~

~~(22) termination or reduction of benefits under a public assistance program;~~

~~(23) institution or prosecution of any judicial or administrative proceeding;~~

~~(24) holding or conduct of elections;~~

~~(25) responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any student, patient, prisoner, inmate, or client of any governmental entity, except when the responsibility or duty is exercised in a grossly negligent manner;~~

~~(26) failure to supervise or control areas open for public hunting or activities thereon. Failure to control, maintain, and/or supervise the use of and activities in, on, and around public boat ramps except within a reasonable time after actual notice of the defect or condition. Failure to maintain navigational markers, except within a reasonable time after actual notice of the defect or condition.~~

~~(27) solicitations on streets and highways as authorized by the provisions of Section 5-27-910.~~

~~(28) Notification of any public school student's parent, legal guardian, or other person with whom a public school student resides of the student's suspected use of alcohol, controlled substance, prescription or nonprescription drugs by any public school administrator, principal, counselor, or teacher if such notification is made in good faith.~~

~~(29) acts or omissions of members of the state and county athletic commissions or ringside physicians acting within the scope of their official duties pursuant to Chapter 7 of Title 52.~~

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~~(30) acts or omissions of members of local foster care review boards acting within the scope of their official duties pursuant to Subarticle 4, Article 13, Chapter 7 of Title 20. However, the member shall act in good faith, his conduct may not constitute gross negligence, recklessness, wilfulness, or wantonness, and he must have participated in a training program established by the state foster care review board system.~~

~~(31) acts or omissions of employees and volunteers of the South Carolina Protection and Advocacy System for the Handicapped acting within the scope of their official duties pursuant to Article 5, Chapter 33 of Title 43, when such acts or omissions are done or made in good faith, and do not constitute gross negligence, recklessness, wilfulness, or wantonness.~~

~~(32) a pre-occupancy housing inspection contracted for by the South Carolina Department of Employment and Workforce pursuant to Section 46-43-40.~~

~~(33) the performance of any duty related to the service of members of the Judicial Merit Selection Commission or the Citizens Committees on Judicial Selection.~~

~~(34) the performance of any duty related to the service of the members of the Tobacco Community Development Board.~~

~~(35) the failure of a library's or media arts center's governing board to adopt policies as provided in Section 10-1-205.~~

~~(36) acts or omissions by a special state constable who is appointed pursuant to Section 23-7-10 and acting within the scope of his official duty under conditions of a national emergency or of a serious and immediate risk to the physical security of an energy facility within the special state constable's jurisdiction as provided in Section 23-7-40.~~

~~(37) the performance of any duty related to the service of the members of the Tobacco Settlement Revenue Management authority.~~

~~(38) conduct of a director appointed pursuant to Section 58-31-20 giving rise to a lawsuit under Section 58-31-57.~~

~~(39) the grant or denial by a governing body of a county or municipality as provided in Section 23-35-175 of an application to extend a Fireworks Prohibited Zone beyond the subject property for which a Discharge of Fireworks Prohibited Agreement has been filed.~~

~~(40) an injury a student may sustain as a result of self-monitoring or self-administering medications or for an injury that a student may sustain from taking or using medications or self-monitoring devices for which the student does not have a prescription or does not have authorization by the school district.~~

(1) legislative, judicial, or quasi-judicial action or inaction;

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(2) administrative action or inaction of a legislative, judicial, or quasi-judicial nature;

(3) execution, enforcement, or implementation of the orders of any court or execution, enforcement, or lawful implementation of any process;

(4) civil disobedience, riot, insurrection, or rebellion or the failure to provide the method of providing police or fire protection;

(5) a nuisance;

(6) entry upon any property where the entry is expressly or impliedly authorized by law;

(7) assessment or collection of taxes or special assessments or enforcement of tax laws;

(8) regulatory inspection powers or functions, including failure to make an inspection, or making an inadequate or negligent inspection, of any property to determine whether the property complies with or violates any law, regulation, code, or ordinance or contains a hazard to health or safety;

(9) any claim covered by the South Carolina Workers' Compensation Act, except claims by or on behalf of an injured employee to recover damages from any person other than the employer, the South Carolina Unemployment Compensation Act, or the South Carolina State Employee's Grievance Act;

(10) employee conduct outside the scope of his official duties or which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude;

(11) imposition or establishment of a quarantine by a governmental entity, whether the quarantine relates to persons or property;

(12) emergency preparedness activities and activities of the South Carolina National Guard and South Carolina State Guard while engaged in state or federal training or duty. This exemption does not apply to vehicular accidents;

(13) an act or omission of a person other than an employee, including but not limited to the criminal actions of third persons;

(14) the decision to or implementation of release, discharge, parole, or furlough of any persons in the custody of any governmental entity, including but not limited to a prisoner, inmate, juvenile, patient, or client or the escape of these persons;

(15) termination or reduction of benefits under a public assistance program;

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(16) institution or prosecution of any judicial or administrative proceeding. This exemption does not apply if the governmental entity or the employee acted with malice in instituting such proceeding;

(17) holding or conduct of elections;

(18) failure to supervise or control areas open for public hunting or activities thereon;

(19) solicitations on streets and highways as authorized by the provisions of Section 5-27-910;

(20) acts or omissions of members of the state and county athletic commissions or ringside physicians acting within the scope of their official duties pursuant to Chapter 7 of Title 52;

(21) a pre-occupancy housing inspection contracted for by the South Carolina Department of Employment and Workforce pursuant to Section 46-43-40;

(22) the performance of any duty related to the service of members of the Judicial Merit Selection Commission or the Citizens Committees on Judicial Selection;

(23) the performance of any duty related to the service of the members of the Tobacco Community Development Board;

(24) the failure of a library's or media arts center's governing board to adopt policies as provided in Section 10-1-205;

(25) acts or omissions by a special state constable who is appointed pursuant to Section 23-7-10 and acting within the scope of his official duty under conditions of a national emergency or of a serious and immediate risk to the physical security of an energy facility within the special state constable's jurisdiction as provided in Section 23-7-40;

(26) the performance of any duty related to the service of the members of the Tobacco Settlement Revenue Management authority;

(27) conduct of a director appointed pursuant to Section 58-31-20 giving rise to a lawsuit under Section 58-31-57;

(28) the grant or denial by a governing body of a county or municipality as provided in Section 23-35-175 of an application to extend a Fireworks Prohibited Zone beyond the subject property for which a Discharge of Fireworks Prohibited Agreement has been filed; and

(29) for an injury a student may sustain as a result of self-monitoring or self-administering medications or for an injury that a student may sustain from taking or using medications or self-monitoring devices for which the student does not have a prescription or does not have authorization by the school district.

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(B) The governmental entity is not liable for a loss resulting from the following unless the absence, condition, or malfunction is not corrected by the governmental entity responsible for its maintenance within a reasonable time after actual or constructive notice:

(1) natural conditions of unimproved property of the governmental entity.

(2) absence, condition, or malfunction of any sign, signal, warning device, illumination device, guardrail, or median barrier. Governmental entities are not liable for the removal or destruction of signs, signals, warning devices, guardrails, or median barriers by third parties. Nothing in this item gives rise to liability arising from a failure of any governmental entity to initially place any of the above signs, signals, warning devices, guardrails, or median barriers when the failure is the result of a discretionary act of the governmental entity. The signs, signals, warning devices, guardrails, or median barriers referred to in this item are those used in connection with hazards normally connected with the use of public ways and do not apply to the duty to warn of special conditions such as excavations, dredging, or public way construction. Governmental entities are not liable for the design of highways and other public ways. Governmental entities are not liable for loss on public ways under construction. Governmental entities responsible for maintaining highways, roads, streets, causeways, bridges, or other public ways are not liable for loss arising out of a defect or a condition in, on, under, or overhanging a highway, road, street, causeway, bridge, or other public way caused by a third party.

(C) The governmental entity is not liable for a loss resulting from the following unless the absence, condition, or malfunction is not corrected by the responsible governmental entity within a reasonable time after actual notice of the defect or condition:

(1) maintenance, security, or supervision of any public property, intended or permitted to be used as a park, playground, or open area for recreational purposes;

(2) failure to control, maintain, or supervise the use of and activities in, on, and around public boat ramps; or

(3) failure to maintain navigational markers.

(D) The governmental entity is not liable for a loss resulting from snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions unless the snow or ice thereon is affirmatively caused by a negligent act of the employee.

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(E) The governmental entity is not liable for a loss resulting from the following unless the power or function is exercised in a grossly negligent manner or without good faith:

(1) acts or omissions of members of local foster care review boards acting within the scope of their official duties pursuant to Article 7, Chapter 11 of Title 63, if the board members have participated in a training program established by the state foster care review board system; or

(2) acts or omissions of employees and volunteers of the South Carolina Protection and Advocacy System for the Handicapped acting within the scope of their official duties pursuant to Article 5, Chapter 33 of Title 43.

(F) The governmental entity is not liable for a loss resulting from the following unless the power or function is exercised in a grossly negligent manner:

(1) licensing powers or functions including, but not limited to the issuance, denial, suspension, renewal, or revocation of or failure or refusal to issue, deny, suspend, renew, or revoke any permit, license, certificate, approval, registration, order, or similar authority;

(2) responsibility or duty including, but not limited to supervision, protection, control, confinement, or custody of any student, patient, prisoner, inmate, or client of any governmental entity; or

(3) the exercise of discretion or judgment by the governmental entity or employee or the performance of or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee.

(G) The governmental entity is not liable for a loss resulting from notification of any public school student's parent, legal guardian, or other person with whom a public school student resides of the student's suspected use of alcohol, controlled substances, prescription or nonprescription drugs by any public school administrator, principal, counselor, or teacher if such notification is made in good faith."

SECTION 3. Section 15-78-80(g) of the 1976 Code is amended to read:

"(g)(1) In all cases any case, where insurance is provided by the State Fiscal Accountability Authority, the agency or political subdivision involved must cooperate with the State Fiscal Accountability Authority in the investigation and handling of any claim.

(2) In any case where the claim is within the policy limits, the Insurance Reserve Fund must not seek any additional contribution from the insured related to that case."

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SECTION 4. Section 15-78-120(a) of the 1976 Code is amended to read:

“(a) For any action or claim for damages brought under the provisions of this chapter, the liability shall not exceed the following limits:

(1) Except as provided in Section 15-78-120(a)(3), no person shall recover in any action or claim brought hereunder a sum exceeding seven ~~three~~ hundred fifty thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(2) Except as provided in Section 15-78-120(a)(4), the total sum recovered hereunder arising out of a single occurrence shall not exceed one million five ~~six~~ hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(3) No person may recover in any action or claim brought hereunder against any governmental entity and caused by the tort of any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, a sum exceeding one million two hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(4) The total sum recovered hereunder arising out of a single occurrence of liability of any governmental entity for any tort caused by any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, may not exceed one million two hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(5) The provisions of Section 15-78-120(a)(3) and (a)(4) shall in no way limit or modify the liability of a licensed physician or dentist, acting within the scope of his profession, with respect to any action or claim brought hereunder which involved services for which the physician or dentist was paid, should have been paid, or expected to be paid at the time of the rendering of the services from any source other than the salary appropriated by the governmental entity or fees received from any practice plan authorized by the employer whether or not the practice plan is incorporated and registered with the Secretary of State.

(6) Starting July 1, 2021, and by July 1 of every even-numbered year thereafter, the Revenue and Fiscal Affairs Office, Board of Economic Advisors, must adjust the target fund amount by calculating the increase or decrease in the ratio of the Consumer Price Index for all Urban Consumers (CPI U), South Region, published by the U.S. Department of Labor, to the Index of June 30 of two years prior, and all

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limitations on liability amounts allowed by Sections 15-78-120(a)(1) through (4) must be adjusted accordingly. As soon as practicable after this adjustment is calculated, the Director of the Revenue and Fiscal Affairs Office shall submit the revised limitations on liability amounts as allowed by Section 15-78-120(a)(1) through (4) to the State Register for publication pursuant to Section 1-23-40(2) and to the Director of the Insurance Reserve Fund. As soon as practicable after this adjustment is calculated and the revised limitations on liability amounts are sent to the Director of the Insurance Reserve Fund, the Director of the Insurance Reserve Fund shall publish the revised limitations on liability amounts on the Insurance Reserve Fund's internet website. The revised limitations on liability amounts become effective on July 1 of the year in which the adjustment is made, and apply to all causes of action arising on or after July 1 of that year and before July 1 of every even-numbered year following."

SECTION 5. Section 15-78-120(b) of the 1976 Code is amended to read:

"(b) Except as otherwise provided in this subsection, No no award for damages under this chapter shall include punitive or exemplary damages or interest prior to judgment. A party who files an offer of judgment under this chapter as provided in Section 15-35-400(A) shall be allowed to recover as provided in Section 15-35-400(B) from the offeree regardless of whether the total of administrative, filing, or other court costs, and the eight percent interest on the amount of the verdict or award from the date of the offer combined with the verdict or award exceeds the liability limits specified in Sections 15-78-120(a)(1) through (a)(4). The eight percent interest must be determined from the date of the offer and must be computed on the amount of the verdict or award prior to the application of any limitations on liability in Section 15-78-120(a)(1) through (a)(4). Nothing in this subsection shall be so construed as to limit or restrict the right of a defendant who is an offeror pursuant to Section 15-35-400(A) from receiving administrative, filing, or other court costs, and a reduction from the judgment or award of eight percent interest on the amount of the verdict or award as provided in Sections 15-35-400(B)(1) and (B)(3)."

SECTION 6. Chapter 78, Title 15 of the 1976 Code is amended by adding:

"Section 15-78-125. (A)(1) A person may petition the State Fiscal Accountability Authority pursuant to Section 1-11-460 for a payment of the full amount of the verdict over the limitations on liability in Sections 15-78-120(a)(2) and (a)(4) provided the following:

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(a) the person suffered a loss proximately caused by any hospital that is considered a ‘charitable organization’ as that term is used in Section 33-56-20(1), a governmental entity, or individual governmental employees and governmental officials acting within the scope of his official duty;

(b) the person was awarded a verdict arising out of that loss that is in excess of two million dollars prior to the application of any limitations on liability in Sections 15-78-120(a)(1) through (a)(4); and

(c) the loss involved more than one claimant but arose out of a single occurrence or related occurrences.

(2) The State Fiscal Accountability Authority, through its Division of Insurance Services, is authorized to pay judgments against any hospital that is considered a ‘charitable organization’ as that term is used in Section 33-56-20(1), or against any governmental entities or any individual governmental employees or governmental officials in excess of two million dollars pursuant to the maximum limitations in Section 1-11-460, except that no payment from the fund may be ordered in excess of deposited funds.

(3) The State Fiscal Accountability Authority may authorize full or partial payment or decline to authorize payment.

(4) The State Fiscal Accountability Authority through its Division on Insurance Services shall promulgate and publish rules and regulations it finds necessary and appropriate that are not inconsistent with the provisions of this section and that concern the process and procedures by which requests for payments under this section are made and considered.

(5) Any payment authorized by the State Fiscal Accountability Authority as provided by Section 1-11-460 must be paid out of the State’s Catastrophic Fund.

(B)(1) The State Fiscal Accountability Authority through its Division on Insurance Services shall have the authority to promulgate rules and regulations under which it may make a reasonable charge or assessment against any hospital that is considered a ‘charitable organization’ as that term is used in Section 33-56-20(1) and that is protected by the liability limits in this chapter and any governmental entity protected by the liability limits in this chapter as provided by the provisions of this section. Such charge or assessment must be determined by the State Fiscal Accountability Authority and must be apportioned among the various hospitals that are considered ‘charitable organizations’ as that term is used in Section 33-56-20(1) and governmental entities in a proratable or fair manner, and the funds derived from such charge or

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assessment shall be used exclusively by the State Fiscal Accountability Authority to do the following:

(a) fund the State's Catastrophic Fund as provided for in Section 1-11-460 in the amount of three million dollars by July first of 2022, and

(b) collect an additional one million dollars every year thereafter for deposit in the State's Catastrophic Fund.

(2) Each governmental entity protected by the limits in this chapter and each hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) and that is protected by the limits in this chapter must pay into the State Catastrophic Fund at such time or times prescribed by and in the amounts and at the rates specified by regulations promulgated by the State Fiscal Accountability Authority in order to fund the State Catastrophic Fund pursuant to subsection (B)(1).

(3)(a) In case of refusal to pay such charge or assessment on the part of any hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) or governmental entity as defined in this chapter, or in case such charge or assessment remains unpaid for a period of thirty days:

(i) the State Fiscal Accountability Authority may initiate a suit in a court of competent jurisdiction for the recovery of such charge or assessment, or

(ii) the amount of such charge or assessment may, at the request of the State Fiscal Accountability Authority, be deducted from any other moneys payable to such hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) or governmental entity by any department or agency of the State.

(b) Any delinquent payment or payments due under this section by any hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) or by a governmental entity protected by the liability limits in this chapter must be charged interest compounded annually based on the adjusted prime rate charged by banks, rounded to the nearest full percent. The effective date of this adjustment must be based on the twelve-month period ending March thirty-first of any calendar year and must be established by April fifteenth for an effective date of the next first day of July. As used in this subitem, the 'adjusted prime rate charged by banks' means the average predominant prime rate quoted by commercial banks to large businesses as determined by the Board of Governors of the Federal Reserve System. The adjusted prime rate used must be the adjusted prime rate charged by the bank during March of that year.

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(c) Delinquent payments may:

(i) be recovered by action in a court of competent jurisdiction against any hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) or governmental entity liable for the payment, or

(ii) at the request of the State Fiscal Accountability Authority, be deducted from any other monies payable to such hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) or governmental entity by any department or agency of the State. Upon notification from the State Fiscal Accountability Authority to the State Treasurer and Comptroller General as to a delinquency of any payments due under this section, any distributions that might otherwise be made to any hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) or the governmental entity from any funds of the State shall be withheld from such governmental entity or hospital until notice from the State Fiscal Accountability Authority to the State Treasurer that such hospital that is considered a 'charitable organization' as that term is used in Section 33-56-20(1) or governmental entity is no longer in default in its payments.

(4)(a) As used in this item, 'target fund amount' means twenty million dollars.

(b) On June thirtieth of every year, starting in 2039, the State Fiscal Accountability Authority must review all outstanding obligations in this fund and may, by an equitable proratable method established by regulation, refund to the governmental entities and the hospitals that are considered 'charitable organizations' as that term is used in Section 33-56-20(1) the amount by which the account assets exceed the target fund amount. Refunds to governmental entities and hospitals that are considered 'charitable organizations' as that term is used in Section 33-56-20(1) must be in proportion to the contribution each governmental entity and hospital made to the fund.

(c) Starting June 1, 2040, and every year thereafter, the Revenue and Fiscal Affairs Office, Board of Economic Advisors, must adjust the target fund amount by calculating the increase or decrease in the ratio of the Consumer Price Index for all Urban Consumers (CPI U), South Region, published by the U.S. Department of Labor, to the Index of June first of 2019. As soon as practicable after this adjustment is calculated, the Director of the Revenue and Fiscal Affairs Office shall submit the revised target fund amount to the State Register for publication pursuant to Section 1-23-40(2) and to the Executive Director of the State Fiscal Accountability Authority and the Director of the Insurance Reserve

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Fund. The revised target fund amount becomes effective on June first of each year, starting June 1, 2040. As soon as practicable after this adjustment is calculated and the revised target fund amount is sent to the Director of the Insurance Reserve Fund, the Director of the Insurance Reserve Fund shall publish the revised target fund amount on the Insurance Reserve Fund's internet website.

(5) This fund must be established and held separate and apart from any other funds or moneys of the State and must be used and administered exclusively for the purpose of this section and Section 1-11-460. Investment earnings derived from monies in such account must be credited to the account. Withdrawals from this fund must be made solely for payments made pursuant to subsection (A) of this section and Section 1-11-460, and to defray expenses of administration.”

SECTION 7. A. The creation of a Tort Reform Study Committee.

(A) There is created a Tort Reform Study Committee to develop and recommend legislation to assist the General Assembly in enacting and implementing the State Catastrophic Fund as provided in Sections 1-11-460 and 15-78-125 for the purpose of compensating certain specified persons in an amount in excess of the governmental tort liability limits for injuries or deaths caused by the actions of a governmental entity or an employee of a governmental entity and to study other issues relating to governmental tort liability.

(B)(1) The committee shall be comprised of the following members:

- (a) the President of the Senate, or his designee;
- (b) the Speaker of the House, or his designee;
- (c) the Chairman of the Senate Finance Committee, or his designee;
- (d) the Chairman of the House Ways and Means Committee, or his designee;
- (e) the Chairman of the Senate Judiciary Committee, or his designee;
- (f) the Chairman of the House Judiciary Committee, or his designee; and
- (g) the Executive Director of the State Fiscal Accountability Authority, or his designee.

(2) Vacancies in the membership of this study committee must be filled for the remainder of the unexpired term in the manner of the original appointment.

(3) The President of the Senate and the Speaker of the House of Representatives shall provide staffing for the study committee.

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(C) The study committee shall provide a report to the General Assembly by March 1, 2020, at which time the study committee shall dissolve.

SECTION 7. B. This SECTION takes effect upon approval by the Governor.

SECTION 8. Except as otherwise provided, upon approval by the Governor, this act takes effect July 1, 2020, for causes of action with a date of loss arising on and after July 1, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

Senator MASSEY spoke on the Bill.

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

Senator MALLOY proposed the following amendment (JUD0007.049):

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

/ SECTION 1. Section 15-78-120(a) of the 1976 Code is amended to read:

“(a) For any action or claim for damages brought under the provisions of this chapter, the liability shall not exceed the following limits:

(1) Except as provided in Section 15-78-120(a)(3), no person shall recover in any action or claim brought hereunder a sum exceeding ~~three~~ seven hundred fifty thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(2) Except as provided in Section 15-78-120(a)(4), the total sum recovered hereunder arising out of a single occurrence shall not exceed one million ~~six~~ five hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(3) No person may recover in any action or claim brought hereunder against any governmental entity and caused by the tort of any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, a sum exceeding one million two hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

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(4) The total sum recovered hereunder arising out of a single occurrence of liability of any governmental entity for any tort caused by any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, may not exceed one million two hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(5) The provisions of Section 15-78-120(a)(3) and (a)(4) shall in no way limit or modify the liability of a licensed physician or dentist, acting within the scope of his profession, with respect to any action or claim brought hereunder which involved services for which the physician or dentist was paid, should have been paid, or expected to be paid at the time of the rendering of the services from any source other than the salary appropriated by the governmental entity or fees received from any practice plan authorized by the employer whether or not the practice plan is incorporated and registered with the Secretary of State.”/

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MASSEY spoke on the amendment.

Senators MALLOY and GOLDFINCH proposed the following amendment (JUD0007.051), which was adopted:

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

/ SECTION 1. Section 15-78-120 of the 1976 Code is amended to read:

“Section 15-78-120. (a) For any action or claim for damages brought under the provisions of this chapter, the liability shall not exceed the following limits:

(1) Except as provided in Section 15-78-120(a)(3), no person shall recover in any action or claim brought hereunder a sum exceeding five ~~three~~ hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(2) Except as provided in Section 15-78-120(a)(4), the total sum recovered hereunder arising out of a single occurrence shall not exceed one million ~~six hundred thousand~~ dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(3) No person may recover in any action or claim brought hereunder against any governmental entity and caused by the tort of any

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licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, a sum exceeding one million two hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(4) The total sum recovered hereunder arising out of a single occurrence of liability of any governmental entity for any tort caused by any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, may not exceed one million two hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(5) The provisions of Section 15-78-120(a)(3) and (a)(4) shall in no way limit or modify the liability of a licensed physician or dentist, acting within the scope of his profession, with respect to any action or claim brought hereunder which involved services for which the physician or dentist was paid, should have been paid, or expected to be paid at the time of the rendering of the services from any source other than the salary appropriated by the governmental entity or fees received from any practice plan authorized by the employer whether or not the practice plan is incorporated and registered with the Secretary of State.

(b) Except as otherwise provided in this subsection, No award for damages under this chapter shall include punitive or exemplary damages or interest prior to judgment. A party who files an offer of judgment under this chapter as provided in Section 15-35-400(A) shall be allowed to recover as provided in Section 15-35-400(B) from the offeree regardless of whether the total of administrative, filing, or other court costs, and the eight percent interest on the amount of the verdict or award from the date of the offer, combined with the verdict or award exceeds the liability limits specified in Sections 15-78-120(a)(1) through (a)(4). The eight percent interest must be determined from the date of the offer and must be computed on the amount of the verdict or award prior to the application of any limitations on liability in Section 15-78-120(a)(1) through (a)(4). Nothing in this subsection shall be so construed as to limit or restrict the right of a defendant who is an offeror pursuant to Section 15-35-400(A) from receiving administrative, filing, or other court costs, and a reduction from the judgment or award of eight percent interest on the amount of the verdict or award as provided in Sections 15-35-400(B)(1) and (B)(3).

(c) In any claim, action, or proceeding to enforce a provision of this chapter, the signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion, or other paper; that to the best

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of his knowledge, information, and belief formed after reasonable inquiry it is well-grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee."

SECTION 2. Upon approval by the Governor, this act takes effect July 1, 2020, for causes of action with a date of loss arising on and after July 1, 2020. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MALLOY spoke on the Bill.

The amendment was adopted.

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

AMENDED, READ THE SECOND TIME

S. 105 -- Senators Campbell, Sheheen, Verdin and Rankin: A BILL TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-225, TO PROVIDE THAT, EVERY FOUR YEARS, MAGISTRATES AND MUNICIPAL COURT JUDGES MUST RECEIVE AT LEAST TWO HOURS OF INSTRUCTION ON ISSUES CONCERNING ANIMAL CRUELTY; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING ARTICLE 2, TO PROVIDE REQUIREMENTS FOR TETHERING A DOG AND TO PROVIDE PENALTIES FOR CRUELLY TETHERING A DOG; TO AMEND SECTION 47-3-60 OF THE 1976 CODE, RELATING TO THE

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DISPOSITION OF QUARANTINED OR IMPOUNDED ANIMALS, TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, A LITTER OF UNIDENTIFIABLE DOGS OR CATS FOUR MONTHS OF AGE OR YOUNGER MAY BE TURNED OVER TO AN ORGANIZATION, AND TO PROVIDE FOR THE STERILIZATION OF STRAY CATS; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-145, TO PROVIDE THAT ANY PERSON, ORGANIZATION, OR OTHER ENTITY THAT IS AWARDED CUSTODY OF AN ANIMAL AND THAT PROVIDES SERVICES TO AN ANIMAL WITHOUT COMPENSATION MAY FILE A PETITION WITH THE COURT REQUESTING THAT THE DEFENDANT, IF FOUND GUILTY, BE ORDERED TO DEPOSIT FUNDS IN AN AMOUNT SUFFICIENT TO SECURE PAYMENT OF ALL THE REASONABLE EXPENSES INCURRED BY THE CUSTODIAN; TO AMEND SECTION 56-3-9600(B) OF THE 1976 CODE, RELATING TO THE SPECIAL FUND TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING PROGRAMS, TO PROVIDE THAT AN AGENCY MAY APPLY FOR UP TO TWO THOUSAND DOLLARS PER GRANT APPLICATION AND MAY APPLY FOR MULTIPLE GRANTS DURING A FISCAL YEAR, TO PROVIDE THAT GRANTS MUST BE FULFILLED WITHIN SIX MONTHS OF RECEIVING FUNDS, AND TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL ENCOURAGE TIER 3 AND TIER 4 COUNTIES TO PARTICIPATE IN THE GRANT PROGRAM; TO AMEND SECTION 40-69-30 OF THE 1976 CODE, RELATING TO LICENSING REQUIREMENTS TO PRACTICE VETERINARY MEDICINE, TO PROVIDE THAT, DURING AN EMERGENCY OR NATURAL DISASTER, A VETERINARIAN OR VETERINARY TECHNICIAN WHO IS NOT LICENSED IN THIS STATE, BUT IS LICENSED AND IN GOOD STANDING IN ANOTHER JURISDICTION, MAY PRACTICE VETERINARY MEDICINE RELATED TO THE RESPONSE EFFORTS IN LOCATIONS IN THIS STATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-3-470(3), SECTION 47-3-480, AND SECTION 47-3-490 OF THE 1976 CODE, ALL RELATING TO THE STERILIZATION OF DOGS AND CATS, TO REPLACE THE TERM "ANIMAL REFUGE" WITH "RESCUE ORGANIZATION"; TO AMEND CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO DOGS AND OTHER DOMESTIC PETS, BY ADDING ARTICLE 16, TO PROVIDE FOR SHELTER

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STANDARDS AND TO PROVIDE THAT ANIMAL CONTROL OFFICERS SHALL HAVE THE DUTY TO ENFORCE SHELTER STANDARDS, INCLUDING THE INVESTIGATION OF COMPLAINTS AGAINST, AND THE INSPECTION OF, ANIMAL SHELTERING FACILITIES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

Senators RICE, VERDIN, and CAMPBELL proposed the following amendment (105R014.SP.RFR), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“ARTICLE 3

Tethering Dogs

Section 47-1-300. As used in this article:

(1) ‘Cruelly tether’ means tethering a dog in a manner that causes injury or illness to the dog as determined by a veterinarian, utilizes a tether that is too short or too heavy for an unattended dog to move around, or does not permit the dog to have access to adequate sustenance or shelter as defined in Section 47-1-10.

(2) ‘Tether’ means to confine a dog by attaching it to a stationary object by means of a chain, rope, cable, trolley, running line, or similar device.

(3) ‘Unattended’ means beyond the visual sight of the owner, handler, or caretaker.

Section 47-1-310. (A) It is unlawful to tether a dog:

(1) if the dog is unattended for more than sixty minutes without continuous access to sustenance and shelter as defined in Section 47-1-10;

(2) by means of a choke collar, prong collar, logging chain, or tow chain;

(3) if the dog is younger than six months of age; or

(4) in a manner that limits the dog to access an area of usable space that is less than the greater of fifty square feet or one square foot for every one pound of the dog’s weight.

(B)(1) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense.

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(2) The provisions of this section do not constitute an unlawful tethering if:

(a) the owner, handler, or caretaker has been mandated by an animal control or law enforcement authority of the State to keep a dangerous dog restrained by use of a tether;

(b) the owner, handler, or caretaker has tethered a dog pursuant to the requirements of a park or camping or recreational area;

(c) the owner, handler, or caretaker has tethered a dog while actively engaged in the activity of shepherding or herding cattle, sheep, or other livestock or in conduct that is directly related to the business of cultivating agricultural products;

(d) the owner, handler, or caretaker has tethered a dog while actively engaged in lawful hunting or in training a dog for the purposes of lawful hunting;

(e) the owner, handler, or caretaker has tethered a dog while actively engaged in training for or participation in recognized exhibitions, events, tests, and trials; or

(f) the dog is tethered while being groomed, receiving veterinary care, or participating in other accepted dog husbandry purposes.

(C) Law enforcement may issue a uniform traffic ticket pursuant to Section 56-7-10 for violations of this section.

Section 47-1-320. It is unlawful to cruelly tether a dog. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be punished by imprisonment not to exceed ninety days, by a fine of not less than one hundred dollars and not more than one thousand dollars, or by both; or

(2) for a second or subsequent offense, by imprisonment not to exceed one year, by a fine of not less than five hundred dollars and not more than one thousand dollars, or by both.” /

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

SECTION __. Section 56-7-10(A) of the 1976 Code is amended to read:

“Section 56-7-10. (A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

~~Offense Citation~~

~~Interfering with Police Officer Serving Process Section 16-5-50~~

~~Dumping Trash on Highway/Private Property Section 16-11-700~~

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~~Indecent Exposure Section 16-15-130—
Disorderly Conduct Section 16-17-530—
Damaging Highway Section 57-7-10—
Place Glass, Nails, Etc. on Highway Section 57-7-20—
Obstruction of Highway by Railroad Cars, Etc. Section 57-7-240—
Signs Permitted on Interstate Section 57-25-140—
Brown Bagging Section 61-5-20—
Drinking Liquors in Public Conveyance Section 61-13-360—
Poles Dragging on Highway Section 57-7-80—
Open Container Section 61-9-87—
Purchase or Possession of Beer or Wine by a Person Under Age
Section 63-19-2440—
Purchase or Possession of Alcoholic Liquor by a Person Under Age
Twenty One Section 63-19-2450—
Unlawful Possession and Consumption of Alcoholic Liquors
Section 61-5-30—
Sale of Beer or Wine on Which Tax Has Not Been Paid Section
61-9-20—
Falsification of Age to Purchase Beer or Wine Section 61-9-50—
Unlawful Purchase of Beer or Wine for a Person Who Cannot
Legally Buy Section 61-9-60—
Unlawful Sale or Purchase of Beer or Wine, Giving False
Information as to Age, Buying Beer or Wine Unlawfully for Another
Section 61-9-85—
Employment of a Person Under the Age of Twenty One as an
Employee in Retail or Wholesale or Manufacturing Liquor Business
Section 61-13-340—
Failure to Remove Doors from Abandoned Refrigerators Section
16-3-1010—
Malicious Injury to Animals or Personal Property Section
16-11-510—
Timber, Logs, or Lumber Cutting, Removing, Transporting
Without Permission, Valued at Less Than Fifty Dollars Section
16-11-580—
Littering Section 16-11-700—
Larceny of a Bicycle Valued at Less Than One Hundred Dollars
Section 16-13-80—
Shoplifting Section 16-13-110—
Cock Fighting Section 16-17-650—
Ticket Scalping Section 16-17-710—
Domestic Violence, second and third degree Section 16-25-20—~~

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~~Glue Sniffing Section 44-53-1110—~~
~~Trespassing Section 16-11-755—~~
~~Trespassing Section 16-11-600—~~
~~Trespassing Section 16-11-610—~~
~~Trespassing Section 16-11-620—~~
~~Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs—Section 50-21-110—~~
~~Negligence of Boat Livery to Provide Proper Equipment and Registration Section 50-21-120—~~
~~Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area Section 50-21-170—~~
~~Operation of Watercraft Without a Certificate of Title Section 50-23-190—~~
~~Parking on private property without permission—Section 16-11-760—~~
~~Certificate of Veterinary Inspection; Requirement for Out-of-State Livestock or Poultry—Section 47-4-60—~~
~~Inhibition of Livestock Inspection Section 47-4-120—~~
~~Imported Swine—Section 47-6-50—~~
~~Operating Equine Sales Facility or Livestock Market Without Permit Section 47-11-20—~~
~~Liability of Person Removing Livestock for Slaughter—Section 47-11-120—~~
~~Notice to Disinfect Section 47-13-310—~~
~~Quarantine of Livestock or Poultry—Section 47-4-70—~~
~~Unlawful for Horse to Enter State Unless Tested Section 47-13-1350—~~
~~Quarantine of Exposed Horses—Section 47-13-1360—~~
~~Proof of Test Required for Public Assembly of Horses—Section 47-13-1370—~~
~~False Certificates—Section 47-13-1390—~~
~~Unlawful to Feed Garbage to Swine Section 47-15-20—~~
~~Notification Required from Certain Persons Disposing of Garbage—Section 47-15-40—~~
~~Sale of Uninspected Meat and Meat Products—Section 47-17-60—~~
~~Sale of Uninspected Poultry and Poultry Product Section 47-19-70~~
(1) Interfering with Police Officer Serving Process Section 16-5-50;
(2) Dumping Trash on Highway/Private Property Section 16-11-700;
(3) Indecent Exposure Section 16-15-130;

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- (4) Disorderly Conduct Section 16-17-530;
- (5) Damaging Highway Section 57-7-10;
- (6) Place Glass, Nails, Etc. on Highway Section 57-7-20;
- (7) Obstruction of Highway by Railroad Cars, Etc. Section 57-7-240;
- (8) Signs Permitted on Interstate Section 57-25-140;
- (9) Brown Bagging Section 61-5-20;
- (10) Drinking Liquors in Public Conveyance Section 61-13-360;
- (11) Poles Dragging on Highway Section 57-7-80;
- (12) Open Container Section 61-9-87;
- (13) Purchase or Possession of Beer or Wine by a Person Under Age Section 63-19-2440;
- (14) Purchase or Possession of Alcoholic Liquor by a Person Under Age Twenty One Section 63-19-2450;
- (15) Unlawful Possession and Consumption of Alcoholic Liquors Section 61-5-30;
- (16) Sale of Beer or Wine on Which Tax Has Not Been Paid Section 61-9-20;
- (17) Falsification of Age to Purchase Beer or Wine Section 61-9-50;
- (18) Unlawful Purchase of Beer or Wine for a Person Who Cannot Legally Buy Section 61-9-60;
- (19) Unlawful Sale or Purchase of Beer or Wine, Giving False Information as to Age, Buying Beer or Wine Unlawfully for Another Section 61-9-85;
- (20) Employment of a Person Under the Age of Twenty One as an Employee in Retail or Wholesale or Manufacturing Liquor Business Section 61-13-340;
- (21) Failure to Remove Doors from Abandoned Refrigerators Section 16-3-1010;
- (22) Malicious Injury to Animals or Personal Property Section 16-11-510;
- (23) Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars Section 16-11-580;
- (24) Littering Section 16-11-700;
- (25) Larceny of a Bicycle 651
Valued at Less Than One Hundred Dollars Section 16-13-80;
- (26) Shoplifting Section 16-13-110;
- (27) Cock Fighting Section 16-17-650;
- (28) Ticket Scalping Section 16-17-710;

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- (29) Domestic Violence, second and third degree Section 16-25-20;
- (30) Glue Sniffing Section 44-53-1110;
- (31) Trespassing Section 16-11-755;
- (32) Trespassing Section 16-11-600;
- (33) Trespassing Section 16-11-610;
- (34) Trespassing Section 16-11-620;
- (35) Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs Section 50-21-110;
- (36) Negligence of Boat Livery to Provide Proper Equipment and Registration Section 50-21-120;
- (37) Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area Section 50-21-170;
- (38) Operation of Watercraft Without a Certificate of Title Section 50-23-190;
- (39) Parking on private property without permission Section 16-11-760;
- (40) Certificate of Veterinary Inspection; Requirement for Out of State Livestock or Poultry Section 47-4-60;
- (41) Inhibition of Livestock Inspection Section 47-4-120;
- (42) Imported Swine Section 47-6-50;
- (43) Operating Equine Sales Facility or Livestock Market Without Permit Section 47-11-20;
- (44) Liability of Person Removing Livestock for Slaughter Section 47-11-120;
- (45) Notice to Disinfect Section 47-13-310;
- (46) Quarantine of Livestock or Poultry Section 47-4-70;
- (47) Unlawful for Horse to Enter State Unless Tested Section 47-13-1350;
- (48) Quarantine of Exposed Horses Section 47-13-1360;
- (49) Proof of Test Required for Public Assembly of Horses Section 47-13-1370;
- (50) False Certificates Section 47-13-1390;
- (51) Unlawful to Feed Garbage to Swine Section 47-15-20;
- (52) Notification Required from Certain Persons Disposing of Garbage Section 47-15-40;
- (53) Sale of Uninspected Meat and Meat Products Section 47-17-60;
- (54) Sale of Uninspected Poultry and Poultry Product Section 47-19-70;
- (55) Unlawfully Tethering a Dog 47-1-310.” /

Renumber sections to conform.

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Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 38; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Cromer	Davis	Fanning
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Leatherman
Malloy	Martin	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Corbin

Total--1

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

RECOMMITTED

S. 386 -- Senators Malloy, Goldfinch, Talley, Sabb and Harpootlian:
A BILL TO AMEND CHAPTER 78, TITLE 15, CODE OF LAWS OF
SOUTH CAROLINA, 1976, RELATING TO THE SOUTH
CAROLINA TORT CLAIMS ACT, SO AS TO AMEND AND

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REORGANIZE THE EXISTING EXCEPTIONS AND MAKE OTHER RELATED CHANGES.

On motion of Senator MALLOY, the Bill was recommitted to the Committee on Judiciary.

CARRIED OVER

S. 439 -- Senators Leatherman, Grooms, Campbell, Williams and Reese: A BILL TO AMEND SECTION 12-6-3375, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR A PORT CARGO VOLUME INCREASE, SO AS TO INCREASE THE MAXIMUM AMOUNT OF THE AVAILABLE TAX CREDITS FOR PORT CARGO VOLUME INCREASES, AND TO PROVIDE FOR A PORT TRANSPORTATION CREDIT FOR THE COSTS OF TRANSPORTING FREIGHT, GOODS, AND MATERIALS FROM QUALIFYING FACILITIES LOCATED IN CERTAIN COUNTIES IN SOUTH CAROLINA TO A SOUTH CAROLINA PORT FACILITY; AND BY ADDING SECTION 12-36-2140 SO AS TO PROVIDE THAT A PORT FACILITY IS A DISTRIBUTION FACILITY FOR PURPOSES OF CERTAIN SALES TAX EXEMPTIONS.

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

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,

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AND TO ESTABLISH PENALTIES; AND TO DEFINE NECESSARY TERMS.

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

CARRIED OVER

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.

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

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, 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

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THE DEFINITION OF “ALTERNATIVE NICOTINE PRODUCT”, SO AS TO CHANGE THE DEFINITION.

The Senate proceeded to the consideration of the Bill.

Senator MASSEY proposed the following amendment (3420R001.SP.ASM) which was withdrawn:

Amend the bill, as and if amended, page 2, by striking lines 6 through 13 and inserting:

/ (a) for a first offense, fined not less than ~~one hundred dollars nor more than two hundred dollars~~ two hundred dollars and not more than three hundred dollars, imprisoned for not more than thirty days, or both;

(b) for a second and subsequent offense, ~~which occurs within three years of the first offense,~~ fined not less than ~~two~~ four hundred dollars ~~nor and not more than three~~ five hundred dollars, imprisoned for not more than thirty days, or both;

(c) ~~for a third or subsequent offense, which occurs within three years of the first offense, fined not less than three hundred dollars nor more than four hundred dollars.~~ /

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

/ SECTION __. Section 16-17-500(E) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“() Failure of an individual to require identification for the purpose of verifying a person’s age is prima facie evidence of a violation of this section.” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator MASSEY, the amendment was withdrawn.

Senator YOUNG proposed the following amendment (JUD3420.018), which was adopted:

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

/ SECTION __. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-506. (1) For purposes of this section, “container” means a bottle or other container of any kind that contains e-liquid and is offered for sale, sold, or otherwise distributed, or intended for distribution to consumers, but that does not include a cartridge that is

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prefilled and sealed by the manufacturer and not intended to be opened by the customer.

(2) It is unlawful to sell, hold for sale, or distribute a container of e-liquid unless:

(a) the container satisfies the requirements of the 21 C.F.R. 1143.3, if applicable, for the placement of labels, warnings, or any other information upon a package of e-liquid that is to be sold within the United States;

(b) the container complies with child-resistant effectiveness standards under 16 C.F.R. 1700.15(b)(1) when tested in accordance with the requirements of 16 C.F.R. 1700.20; and

(c) the container complies with federal trademark or copyright laws.

(3) A person who knowingly sells, holds for sale, or distributes e-liquid containers in violation of subsection (2) is guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than three years or fined not more than one thousand dollars, or both.

(4) In addition to the other penalties provided by law, law enforcement may seize and destroy or sell to the manufacturer, for export only, any containers in violation of this section.” /

Re-number sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

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

READ THE SECOND TIME

S. 185 -- Senators McElveen, Rice, Alexander and Martin: A BILL TO AMEND SECTION 1B OF ACT 80 OF 2013, RELATING TO THE HIGH GROWTH SMALL BUSINESS JOB CREATION ACT OF 2013, COMMONLY REFERRED TO AS THE ANGEL INVESTOR ACT, FOUND IN CHAPTER 44, TITLE 11, TO EXTEND THE SUNSET PROVISION FROM DECEMBER 31, 2019, TO DECEMBER 31, 2025.

The Senate proceeded to the consideration of the Bill.

Senator CROMER explained the Bill.

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The question being the second reading of the Bill.

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

Ayes 39; Nays 2

AYES

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

Total--39

NAYS

Cash	Davis
------	-------

Total--2

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 401 -- Senators Campbell and Scott: A BILL TO AMEND ARTICLE 5, CHAPTER 5, TITLE 57 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, BY ADDING SECTION 57-5-880, TO PROVIDE THAT AN ENTITY UNDERTAKING A TRANSPORTATION IMPROVEMENT PROJECT SHALL BEAR THE COSTS RELATED TO RELOCATING WATER AND SEWER LINES, TO PROVIDE THE REQUIREMENTS FOR UTILITIES TO BE ELIGIBLE FOR

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RELOCATION PAYMENTS, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (401R001.SP.LKG), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 1 and inserting:

/ (B)(1) Notwithstanding any encroachment permit conditions to the contrary, an entity undertaking a transportation improvement /

Amend the bill further, as and if amended, page 3, by striking lines 17 through 20 and inserting:

/all relocation drawings and bid documents. All documents necessary for inclusion in the transportation improvement project must be provided by the utility at least one hundred eighty days prior to the receipt of bids for the project. However, if the transportation improvement project is under an accelerated schedule, then the entity undertaking the project shall notify the utility of the date by which the documents must be provided. Failure to meet the bidding and construction schedule requirements shall result in the utility having to bear all relocation costs, except if the delay is due to an event beyond the control of the utility. /

Amend the bill further, as and if amended, page 4, by striking lines 1 through 21 and inserting:

/the general contractor. A decision by a large public water utility or large public sewer utility to not have the relocations placed under the control of the general contractor must be communicated in writing to the entity undertaking the transportation improvement project one hundred eighty days prior to the receipt of bids for the project. Failure to meet the project contract requirements and construction schedule shall result in the utility having to bear all relocation costs.

(G) Nothing herein shall prohibit or limit payment by a transportation improvement project for the relocation of public water or public sewer lines necessary for the transportation improvement project if a public utility has a prior right to situate the water or sewer lines in their present location.

(H) The department shall include metrics on utility relocation under this section in its annual accountability report.”

SECTION 2. The requirements of Section 57-5-880, as added by this act, expire on July 1, 2026 unless otherwise extended by the General Assembly. /

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Renumber sections to conform.
Amend title to conform.

Senator CAMPBELL 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 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Malloy	Martin
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 530 -- Senator Leatherman: A BILL TO AMEND VARIOUS SECTIONS OF CHAPTER 35, TITLE 11 OF THE 1976 CODE, RELATING TO THE CONSOLIDATED PROCUREMENT CODE,

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TO REVISE THE CONSOLIDATED PROCUREMENT CODE, ITS APPLICATION, THE PROCEDURES GOVERNED BY THE CODE, AND INTERNAL REFERENCES; TO REORGANIZE THE PROCUREMENT SERVICES DIVISION AT THE STATE FISCAL ACCOUNTABILITY AUTHORITY; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (SA\530C001.RT.SA19), which was adopted:

Amend the bill, as and if amended, by striking SECTION 11 and inserting:

/ SECTION 11 Section 11-35-710 of the 1976 Code is amended to read:

“Section 11-35-710. (A) The board, upon the recommendation of the ~~designated board office~~ chief procurement officer, may exempt governmental bodies from purchasing certain items through the respective chief procurement officer’s area of responsibility. The board may exempt specific supplies, services, information technology, or construction from the purchasing procedures required in this chapter and for just cause by unanimous written decision limit or may withdraw exemptions provided for in this section. The following exemptions are granted from this chapter:

(1) the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance and repair; and other emergency-type parts or equipment utilized by the Department of Transportation or the Department of Public Safety;

(2) the purchase of raw materials by the South Carolina Department of Corrections, Division of Prison Industries;

(3) South Carolina State Ports Authority;

(4) Division of Public Railways of the Department of Commerce;

(5) South Carolina Public Service Authority;

(6) expenditure of funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operation of canteens and bookstores, except as the funds are used for the procurement of construction, architect-engineer, construction-management, and land surveying services;

(7) livestock, feed, and veterinary supplies;

(8) articles for commercial sale by all governmental bodies;

(9) fresh fruits, vegetables, meats, fish, milk, and eggs;

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(10) South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one-of-a-kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval;

(11) published books, periodicals, and technical pamphlets;

(12) South Carolina Research Authority;

(13) the purchase of supplies, services, or information technology by state offices, departments, institutions, agencies, boards, and commissions or the political subdivisions of this State from the South Carolina Department of Corrections, Division of Prison Industries;

(14) Medical University Hospital Authority, if the Medical University Hospital Authority has promulgated a procurement process in accordance with its enabling provision;

(15) if approved in writing by the State Engineer in advance, and if some aspect of the overall transaction is otherwise approved by the board in advance of the acquisition, an acquisition of construction from an eleemosynary corporation or foundation, or a wholly owned business thereof, established solely for the governmental body's benefit, but only if the eleemosynary corporation or foundation acquires the construction on behalf of or for the use of the governmental body and does so pursuant to this code, as required by Section 11-35-40(4).

(B) The State Fiscal Accountability Authority shall maintain and post publicly a running list of all currently effective actions taken by the board pursuant to subsection (A)." /

Amend the bill further, as and if amended, pages 37-38, by deleting SECTION 23.B.

Amend the bill further, as and if amended, SECTION 56, pages 62-63, by striking Section 11-35-4210(1)(b) and inserting:

/ (b) Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall notify the appropriate chief procurement officer in writing of its intent to protest within seven business days of the date that award or notification of intent to award, whichever is earlier, is posted and sent in accordance with this code. Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2)(b)

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within ~~ten~~ fifteen days of the date award or notification of intent to award, whichever is earlier, is posted and sent in accordance with this code; except that a matter that could have been raised pursuant to subitem (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract. /

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

/ SECTION __. No later than the first Monday in September after this act takes effect, the State Fiscal Accountability Authority shall publish interim regulations it will follow to implement changes to Chapter 35, Title 11 of the 1976 Code, as contained in this act. These interim regulations must be used in implementing this act until such time as the final rules and regulations are adopted in accordance with this section and Chapter 23, Title 1. No later than the first Monday in November after this act takes effect, the State Fiscal Accountability Authority shall publish a draft of the proposed final regulations it will follow to implement changes; provided, however, the interim regulations are not subject to the provisions of Chapter 23, Title 1. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER 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 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Malloy	Martin
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott

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Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\621C001.NBD.DG19), which was adopted:

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

/ SECTION 1. Section 41-43-100 of the 1976 Code is amended to read:

“Section 41-43-100. In addition to other powers vested in the authority by existing laws, the authority has all powers granted the counties and municipalities of this State pursuant to the provisions of Chapter 29, Title 4, including the issuance of bonds by the authority and the refunding of bonds issued under that chapter. The authority may issue bonds ~~upon receipt of a certified resolution by the county or municipality in which the project, as defined in Chapter 29, Title 4, is or will be located, containing the findings pursuant to Section 4-29-60 and evidence of a public hearing held not less than fifteen days after publication of notice in a newspaper of general circulation in the county pursuant to this section after a public hearing is held as required by federal law to enable interest on such bonds to be excluded from gross~~

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income for federal tax purposes. Notice of any required public hearing must be provided to the public and to the clerk of the county council or clerk of the municipal council in the county or municipality in which the project is or will be located at the times and in the manner permitted or required by federal tax law. Additionally, a copy of the public hearing notice must be published by the authority in a newspaper of general circulation in the county in which the project is located before the date of the public hearing, if such public hearing is required by federal law; provided however, the notice posted by the authority as required by federal law shall control for the purpose of compliance with any federal law and not the notice published in the newspaper where the project is located. The authority may combine for the purposes of a single offering bonds to finance more than one project. The interest rate of bonds issued pursuant to this section is not subject to approval by the South Carolina Coordinating Council for Economic Development.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER 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 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpoottian	Hembree
Hutto	Jackson	Johnson
Leatherman	Malloy	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

[SJ]

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Total--39

NAYS

Total--0

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

READ THE SECOND TIME

S. 647 -- Senator Martin: A BILL TO AMEND SECTION 12-6-3750(A) OF THE 1976 CODE, RELATING TO A NONREFUNDABLE TAX CREDIT FOR PROCESSING DONATED DEER FOR CHARITABLE DISTRIBUTION, TO INCLUDE WILD HOGS.

The Senate proceeded to the consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Malloy	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

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Total--0

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

CARRIED OVER

S. 655 -- Senators Peeler, Malloy, Climer, Fanning, Gregory and Leatherman: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

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

READ THE SECOND TIME

H. 4157 -- Reps. Lucas, G.M. Smith, Simrill, Bannister and Clemmons: A JOINT RESOLUTION TO EXTEND THE DEADLINE TO SUBMIT OFFERS FOR A SOLICITATION FOR A STATEWIDE VOTING SYSTEM SOLUTION FOR THE SOUTH CAROLINA ELECTIONS COMMISSION AND TO CREATE A SPECIAL EVALUATION PANEL TO EVALUATE AND SCORE EACH PROPOSAL.

The Senate proceeded to the consideration of the Resolution.

Senator CROMER explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 39; Nays 0

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AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Leatherman	Malloy	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

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

OBJECTION

S. 666 -- Senator Climer: A BILL TO AMEND SECTION 56-2-105 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ISSUANCE OF GOLF CART PERMITS AND THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, TO PROVIDE THAT A MUNICIPALITY MAY ADOPT AN ORDINANCE THAT ALLOWS FOR THE OPERATION OF GOLF CARTS THAT ARE EQUIPPED WITH WORKING HEADLIGHTS AND REAR LIGHTS DURING NON-DAYLIGHT HOURS.

Senator HUTTO objected to the consideration of the Bill.

ADOPTED

S. 466 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF BLUFF ROAD AND LOWER RICHLAND BOULEVARD IN RICHLAND COUNTY "HATTIE N. FRUSTER MEMORIAL INTERSECTION"

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AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 515 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION PLACE APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF BLUFF ROAD AND FRAZIER STREET IN RICHLAND COUNTY CONTAINING THE WORDS “IN MEMORY OF MRS. ROXANA FRAZIER COMMUNITY ORGANIZER (1898-1978)”.

The Resolution was adopted, ordered sent to the House.

S. 707 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 1, 2019, AS THE TIME AND DATE TO ELECT THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2023; TO ELECT A MEMBER TO THE BOARD OF VISITORS OF THE CITADEL, AT-LARGE SEAT, WHOSE TERM WILL EXPIRE JUNE 30, 2025; A MEMBER TO THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY, FIRST CONGRESSIONAL DISTRICT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; THIRD CONGRESSIONAL DISTRICT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2023; FIFTH CONGRESSIONAL DISTRICT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2023; SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2023; AT-LARGE, SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2023; AT-LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2023; AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2023; AND TO ELECT A MEMBER TO THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, FOURTH CONGRESSIONAL DISTRICT, MEDICAL SEAT, WHOSE TERM WILL EXPIRE JUNE 30, 2020.

The Resolution was adopted, ordered sent to the House.

H. 3488 -- Reps. Bernstein, Ballentine, Huggins and Bales: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSTATE HIGHWAY 126 INTERCHANGE LOCATED AT ELMWOOD AVENUE AND HUGER STREET IN THE CITY OF COLUMBIA “THOMAS

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MOFFATT BURRISS INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

H. 3797 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF BLUFF ROAD AND ROSEWOOD DRIVE IN THE CITY OF COLUMBIA “JACO’S CORNER” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

Expression of Personal Interest

Senator SHEHEEN rose for an Expression of Personal Interest.

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

MOTION ADOPTED

At 2:00 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

DEBATE INTERRUPTED

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.

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

The Committee on Education proposed the following amendment (203R001.SP.TRY):

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

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/ Whereas, the General Assembly established the Profile of the South Carolina Graduate as the standard by which all high school students should be measured to ensure college and career readiness; and

Whereas, all high school students should receive an equal opportunity to achieve the goals of the Profile of the South Carolina Graduate; and

Whereas, the General Assembly finds that there are disparities between communities within the State that create barriers that make it difficult for economically distressed rural areas to provide high quality opportunities to students and to recruit and retain highly qualified educators; and

Whereas, 2017 efficiency studies reveal that rural districts would benefit from receiving a series of one-time investments, combined with collaboration with other districts to maximize resources and identify potential savings for taxpayers; and

Whereas, the General Assembly finds that consolidating smaller school districts in economically distressed rural areas will provide certain benefits, including shared leadership, expanded educational opportunities, and potential taxpayer savings; and

Whereas, the General Assembly finds that a combination of targeted collaboration and consolidation will modernize school facilities, technology, career and technology equipment, academic planning, and professional development that will support higher rates of student achievement. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-45. (A)(1) On or before August 1, 2022, any local school district meeting the following characteristics shall be eligible to receive appropriated funds for the purpose of consolidating with other districts within its county:

(a) based on the most recent student count received by the Department of Education, maintains an average daily membership that is less than one thousand five hundred; and

(b) is located within a county ranked as Tier IV pursuant to Section 12-6-3360(B).

(2) The funds must be used to support costs directly related to the consolidation, including, but not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors that the district demonstrates are necessary to complete consolidation. The Department of Education is eligible to carry forward

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these funds from one fiscal year to the next and use them for the same purpose.

(3) On or before August 1, 2020, eligible districts must submit a preliminary consolidation plan and timeline to the Department of Education for review and approval and must include the proposed use of funds. Upon approval by the Department of Education, the districts shall forward the consolidation plan to their local legislative delegation for action. Upon approval of a consolidation plan by the Department of Education, the Department of Education shall make an initial allocation to the impacted districts. The Department of Education shall allocate the remaining funds following any legislative action formally consolidating the districts.

(B)(1) After August 1, 2022, any local school district satisfying the characteristics of subsection (A)(1) that has not implemented consolidation pursuant to subsection (A) shall be merged with one or more districts in the same county and is not eligible for appropriated funds. The Department of Education will direct the merger and shall report to the General Assembly any legislative actions necessary to accomplish the merger.

(2) If a district began consolidation and received funding pursuant to subsection (A) but did not fully implement the consolidation, then the district shall be consolidated pursuant to this subsection. The Department of Education shall direct the district to remit payment in an amount equal to the funds allocated pursuant to subsection (A). The Department of Education shall work with the districts involved to identify services that will be consolidated and to enhance educational services and the programs available to students.

(C) After August 1, 2020, a local school district eligible for consolidation pursuant to subsection (A) may not incur new bonded indebtedness, spend existing district reserves, dispose of district assets, or increase the salary of any district employee without prior approval by the Department of Education unless otherwise directed by the General Assembly.

(D) If sufficient funds are not appropriated to support subsection (A), then the Department of Education is directed to submit a report to the General Assembly by January 10, 2020, outlining the districts that meet the criteria of subsection (A)(1). School districts included in the report required by this subsection are subject to the consolidation process in subsection (B). The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.”

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

Senator YOUNG explained the committee amendment.
Senator JOHNSON spoke on the amendment.

Debate was interrupted by adjournment.

LOCAL APPOINTMENTS

Confirmations

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

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Benjamin Franklin Byrd, 213 Hastings Point Drive, Columbia, SC 29203-9102

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Daniel M. Coble, 3901 Yale Avenue, Columbia, SC 29205-3551

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Harold A. Cuff, 516 Motley Road, Hopkins, SC 29061-9629

Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tomothy Edmond, 6101 Easter Street, Columbia, SC 29203-4969

Reappointment, Richland County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Mildred Rita Metts, 3531 River Drive, Columbia, SC 29201-1348

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael Scott, 3521 Greenway Dr., Columbia, SC 29206-3415 *VICE*
Mel Mauer

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Reappointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Barbara Jo Wofford-Kanwat, 108 King Charles Rd., Columbia, SC 29209-2240

Motion Adopted

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

ADJOURNMENT

At 3:12 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

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