

NO. 53

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, APRIL 9, 2019

Tuesday, April 9, 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 121:7-8:

“The Lord shall preserve thee from all evil: he shall preserve thy soul. The Lord shall preserve thy going out and thy coming in from this time forth and even for evermore.”

Let us pray. Gracious and loving God, as children, one of our earliest needs was to “feel safe”. This protection in our formative years was vested in our parents. But as we grew and experienced more and more independence, a more united effort beyond our parents was needed.

Today we give thanks for those whom You have united to keep us “feeling safe”. In our most immediate workplace, we are grateful for the vigilance and professionalism of our very own security staff.

In our community, we are grateful for the law enforcement both municipal and county that preserves our coming in and going out.

And nationally, we are forever grateful to the brave men and women of our armed forces that literally put their lives on the line to preserve our freedom and way of life both here and abroad.

We pray fervently, O God, for your daily blessing on all these dedicated individuals. May we never take for granted the sacrifices they make on our behalf. Through Your holy name we pray, Amen.

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

Point of Quorum

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

Call of the Senate

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

Bennett

Cash

Climer

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Corbin	Cromer	Goldfinch
Hembree	Hutto	Jackson
Johnson	Leatherman	Martin
Massey	McElveen	Nicholson
Peeler	Rice	Sabb
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointments

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

Nancy Devine, 121 Wilson Road, Williamston, SC 29697-9723

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

Matthew Lollis, 116 Royal Drive, Williamston, SC 29697-2045

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

Denise M. Malone, 803 Concord Ave., Anderson, SC 29621-1905

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

Sherry Mattison, 309 Oakwood Estates Dr., Anderson, SC 29621-2471

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

Jerry Lee Mullikin, 2301 Six and Twenty Road, Pendleton, SC 29670-9383

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

William Dan Sharp, 2402 East North Avenue, Anderson, SC 29625-2903

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

Samuel Thompson Tucker, III, 230 Grace Lane, Piedmont, SC 29673-7710

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

Lisa Hotchkiss, 716 Wingert Road, Greenwood, SC 29649-9668

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

Belinda Johnson, 1703A Westbrook Drive, Greenwood, SC 29649-7600

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

Gordon B. Johnson, Post Office Box 546, Prosperity, SC 29127-0546

Initial Appointment, Sumter County Master-in-Equity, with the term to commence December 31, 2016, and to expire December 31, 2022

Michael Mckinney Jordon, 2292 Ginkgo Dr., Sumter, SC 29150 *VICE*
Howard P. King

Doctor of the Day

Senator SETZLER introduced Dr. Jennifer Root of West Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CROMER, at 3:07 P.M., Senator CAMPBELL was granted a leave of absence for the day.

Leave of Absence

On motion of Senator GOLDFINCH, at 3:24 P.M., Senators CLIMER and GAMBRELL were granted a leave of absence for the balance of the day.

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Leave of Absence

On motion of Senator DAVIS, at 4:10 P.M., was granted a leave of absence until 5:45 P.M.

Leave of Absence

On motion of Senator SHEALY, at 4:49 P.M., Senator TURNER was granted a leave of absence until 5:15 P.M.

Leave of Absence

On motion of Senator McELVEEN, at 4:49 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator JOHNSON, at 4:53 P.M., Senator JACKSON was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

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

S. 139 Sen. Verdin
S. 281 Sen. Martin
S. 303 Sen. Alexander
S. 563 Sen. Grooms
S. 574 Sen. Loftis

Expression of Personal Interest

Senator GOLDFINCH rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator McELVEEN, with unanimous consent, the remarks of Senator GOLDFINCH, when reduced to writing and made available to the Desk, would be printed in the Journal.

RECALLED AND ADOPTED

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

Senator HEMBREE asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

The Resolution was recalled from the Committee on Education.

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Senator HEMBREE asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator HEMBREE, the Resolution was adopted and ordered sent to the House.

RECALLED AND ADOPTED

H. 4292 -- Rep. Davis: A CONCURRENT RESOLUTION TO PROCLAIM APRIL 9, 2019, AS "STEM EDUCATION DAY" THROUGHOUT THE STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN IN RECOGNIZING THE POSITIVE IMPACT THAT STEM EDUCATION HAS ON THE QUALITY OF LIFE FOR THE RESIDENTS OF THE PALMETTO STATE.

Senator HEMBREE asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

The Resolution was recalled from the Committee on Education.

Senator HEMBREE asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator HEMBREE, the Resolution was adopted and ordered sent to the House.

RECALLED AND COMMITTED

H. 3821 -- Rep. Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "ADVANCED PRACTICE REGISTERED NURSE ACT"; TO AMEND SECTION 32-8-325, RELATING TO THE USE OF DEATH CERTIFICATES TO AUTHORIZE CREMATORIES TO CREMATE HUMAN REMAINS, SO AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN SUCH DEATH CERTIFICATES; TO AMEND SECTION 32-8-340, RELATING TO CONDITIONS FOR CREMATIONS, SO

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AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN DEATH CERTIFICATES AND WAIVE CERTAIN TIME REQUIREMENTS; TO AMEND SECTION 40-33-34, AS AMENDED, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE CERTIFYING THE MANNER OF DEATH AND EXECUTING DO NOT RESUSCITATE ORDERS AMONG THE MEDICAL ACTS THAT MAY BE PERFORMED UNLESS OTHERWISE PROVIDED IN A PRACTICE AGREEMENT, AND TO PERMIT THE PRESCRIPTION OF SCHEDULE II NARCOTIC SUBSTANCES FOR PATIENTS RESIDING IN LONG-TERM CARE SETTINGS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 44-63-74, RELATING TO THE MANDATORY ELECTRONIC FILING OF DEATH CERTIFICATES WITH THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES TO REFLECT THE AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES TO SIGN DEATH CERTIFICATES AND CERTIFY CAUSES OF DEATH, AND TO PROVIDE ADVANCED PRACTICE REGISTERED NURSES WHO FAIL TO COMPLY WITH CERTAIN TIME LIMITS FOR CERTIFYING A CAUSE OF DEATH MAY BE SUBJECT TO CERTAIN PENALTIES; TO AMEND SECTION 44-78-15, RELATING TO DEFINITIONS IN THE DO NOT RESUSCITATE ORDER ACT, SO AS TO REVISE THE DEFINITION OF A "HEALTH CARE PROVIDER" TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES; AND TO AMEND SECTION 44-78-30, RELATING TO THE FORM OF DO NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

On motion of Senator VERDIN, with unanimous consent, the Bill was recalled from the Committee on Judiciary and committed to the Committee on Medical Affairs.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 744 -- Senators McElveen and Johnson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR TEMETRIUS JAMEL "JA" MORANT FOR HIS OUTSTANDING COLLEGIATE BASKETBALL CAREER WITH MURRAY STATE UNIVERSITY.

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The Senate Resolution was adopted.

S. 745 -- Senator Alexander: A SENATE RESOLUTION TO HONOR AND RECOGNIZE THE CLEMSON PUBLIC SERVICE AND AGRICULTURE EXTENSION EMERGING LEADERSHIP INITIATIVE FOR ITS VALUABLE EFFORTS IN FOSTERING FUTURE LEADERS IN THIS STATE.

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The Senate Resolution was adopted.

S. 746 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE THE MID-CAROLINA MIDDLE SCHOOL ACADEMIC TEAM, COACHES, AND SCHOOL OFFICIALS ON WINNING THE 2019 SOUTH CAROLINA STATE CHAMPIONSHIP OF ACADEMICS.

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The Senate Resolution was adopted.

S. 747 -- Senator Harpootlian: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-830 SO AS TO AUTHORIZE LOCAL GOVERNMENTS TO ADOPT ORDINANCES FOR THE CIVIL ENFORCEMENT OF CERTAIN TRAFFIC LAWS BY THE USE OF TRAFFIC-CONTROL SIGNAL MONITORING SYSTEMS; TO AMEND SECTION 14-25-45, RELATING TO THE JURISDICTION OF SUMMARY COURTS, SO AS TO PROVIDE FOR JURISDICTION OVER NONCRIMINAL CITATIONS ISSUED PURSUANT TO SECTION 56-5-830; TO AMEND SECTION 56-5-710, RELATING TO THE POWERS OF LOCAL AUTHORITIES TO ENFORCE TRAFFIC LAWS, SO AS TO ADD THE AUTHORITY TO ADOPT ORDINANCES FOR THE CIVIL ENFORCEMENT OF CERTAIN TRAFFIC LAWS BY THE USE OF TRAFFIC-CONTROL SIGNAL MONITORING SYSTEMS; AND TO AMEND SECTION 56-5-970, RELATING TO TRAFFIC-CONTROL SIGNALS, SO AS TO PROVIDE THAT VEHICULAR TRAFFIC, WHEN SAFE, MUST SLOW DOWN IMMEDIATELY WHEN FACING A STEADY YELLOW INDICATION SIGNAL.

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

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S. 748 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF WILHELMINA DAVIS OF RICHLAND COUNTY, TO HONOR HER STEADFAST COMMITMENT TO THE MEMBERS OF THIS CHAMBER, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LOVING FAMILY AND HER MANY FRIENDS.

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The Senate Resolution was adopted.

H. 3079 -- Reps. Pope, Burns, Bryant, Clyburn, Yow, Brown, Hixon and Forrest: A BILL TO AMEND SECTION 16-11-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE-PAINTED BOUNDARIES.

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

H. 3346 -- Reps. Yow, Lucas and Henegan: A BILL TO AMEND ACT 205 OF 1993, AS AMENDED, RELATING TO THE DISTRICT BOARD OF EDUCATION OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY.

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

H. 3778 -- Reps. Lucas, G. M. Smith, Sandifer, Simrill, Murphy, Weeks, Pope, McCoy, Hayes, Clary, Stringer, Bannister, Elliott, B. Cox, Morgan, W. Cox, Stavrinakis, Cobb-Hunter and Fry: 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

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THAT A PORT FACILITY IS A DISTRIBUTION FACILITY FOR PURPOSES OF CERTAIN SALES TAX EXEMPTIONS.

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

H. 4009 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 48-4-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO UPDATE THE NAMES OF THE DIVISIONS OF THE DEPARTMENT; TO AMEND SECTION 48-4-30, RELATING TO THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REMOVE THE AT-LARGE BOARD MEMBER FROM THE BOARD; TO AMEND SECTION 48-4-70, RELATING TO THE GENERAL DUTIES OF THE BOARD, SO AS TO REMOVE THE BOND REQUIREMENT; TO AMEND SECTION 49-30-80, RELATING TO THE REMOVAL OF UNPERMITTED STRUCTURES, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-1-220, RELATING TO THE APPLICATION OF THE PROVISIONS OF SECTIONS 50-1-180 TO 50-1-230 TO CERTAIN LANDS, SO AS TO REMOVE A REFERENCE TO A REPEALED STATUTE; TO AMEND SECTION 50-3-90, RELATING TO GAME AND FISH CULTURE OPERATIONS AND INVESTIGATIONS, SO AS TO REMOVE CERTAIN REQUIREMENTS BEFORE AN INVESTIGATION MAY BE CONDUCTED; TO AMEND SECTION 50-3-110, RELATING TO THE SUPERVISION OF ENFORCEMENT OFFICERS, SO AS TO UPDATE THE AGENCY NAME AND DELETE A REFERENCE TO A DISCONTINUED PRACTICE; TO AMEND SECTION 50-3-130, RELATING TO UNIFORMS AND EMBLEMS OF ENFORCEMENT OFFICERS, SO AS TO GRANT AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES TO PRESCRIBE THE OFFICIAL UNIFORM; TO AMEND SECTION 50-3-315, RELATING TO DEPUTY ENFORCEMENT OFFICERS, SO AS TO DELETE AN EXPIRED DIRECTIVE TO ESTABLISH A TRAINING PROGRAM; TO AMEND SECTION 50-3-320, RELATING TO THE TRANSMITTAL AND DELIVERY OF COMMISSIONS OF ENFORCEMENT OFFICERS, SO AS TO PROVIDE THE DEPARTMENT IS RESPONSIBLE TO MAINTAIN THE COMMISSIONS OF ENFORCEMENT OFFICERS AND TO DELETE A BOND REQUIREMENT; TO AMEND SECTION 50-3-350,

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RELATING TO THE OFFICIAL BADGE OF ENFORCEMENT OFFICERS, SO AS TO UPDATE THE AGENCY NAME FOR AN ENFORCEMENT OFFICER'S OFFICIAL BADGE; TO AMEND SECTION 50-3-395, RELATING TO THE AUTHORITY OF ENFORCEMENT OFFICERS TO ISSUE WARNING TICKETS, SO AS TO ALLOW THE DEPARTMENT TO ESTABLISH CERTAIN PROCEDURES WITHOUT PROMULGATING REGULATIONS; TO AMEND SECTION 50-3-510, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AUTHORITY TO CONTRACT FOR THE HARVEST OF TIMBER ON LANDS HELD BY THE DEPARTMENT, SO AS TO REQUIRE THE DEPARTMENT TO NOTIFY THE STATE FORESTER AT LEAST THIRTY DAYS PRIOR TO THE BIDDING OF TIMBER SALES; TO AMEND SECTION 50-5-25, RELATING TO DEPARTMENT OF NATURAL RESOURCES UNDER THE MARINE RESOURCES ACT, SO AS TO NO LONGER REQUIRE THE DEPARTMENT TO DEPOSIT FUNDS FROM THE SALE OF EXPERIMENTAL MARICULTURE PRODUCTS INTO A CERTAIN FUND; TO AMEND SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO ALTER THE REQUIREMENTS FOR THE NOTICE OF SUSPENSION; TO AMEND SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 50-9-960, RELATING TO THE MARINE RESOURCES FUND, SO AS TO ENCOURAGE DEVELOPMENT OF THE MARICULTURE INDUSTRY AND TO REQUIRE THE DEPOSIT OF REVENUE FROM SALES OF EXPERIMENTAL MARICULTURE PRODUCTS PRODUCED BY THE DEPARTMENT OF NATURAL RESOURCES TO THE MARINE RESOURCES FUND; TO AMEND SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO ALTER THE REQUIREMENTS FOR THE NOTICE OF SUSPENSION; TO AMEND SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION TO SUSPEND HUNTING AND FISHING PRIVILEGES UNDER THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 50-11-980, RELATING TO THE DESIGNATED WILDLIFE SANCTUARY IN CERTAIN AREAS OF CHARLESTON HARBOR, SO AS TO UPDATE THE BOUNDARIES OF THE

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WILDLIFE SANCTUARY; TO AMEND SECTION 50-13-675, RELATING TO NONGAME FISHING DEVICES PERMITTED IN CERTAIN BODIES OF WATER, SO AS TO PROHIBIT THE USE OF NONGAME FISHING DEVICES IN LAKE JOCASSEE; TO AMEND SECTION 50-13-1415, RELATING TO THE IMPORTATION, POSSESSION, OR PLACING OF WATER HYACINTH AND HYDRILLA IN THE WATERS OF THIS STATE, SO AS TO PROHIBIT THE POSSESSION, SALE, OR PLACEMENT OF CERTAIN AQUATIC PLANT PESTS; TO AMEND SECTION 50-15-10, RELATING TO DEFINITIONS APPLICABLE TO PROVISIONS PROTECTING NONGAME AND ENDANGERED WILDLIFE SPECIES, SO AS TO UPDATE THE CITATION OF THE FEDERAL LIST OF ENDANGERED SPECIES; TO AMEND SECTION 50-15-30, RELATING TO THE LIST OF ENDANGERED SPECIES, SO AS TO UPDATE THE CITATION TO THE FEDERAL REGULATION AND TO MOVE CERTAIN DUTIES TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-15-40, RELATING TO PROGRAMS FOR MANAGEMENT OF NONGAME AND ENDANGERED WILDLIFE, SO AS TO MOVE CERTAIN DUTIES TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-21-860, RELATING TO RESTRICTIONS ON THE USE OF AIRBOATS, SO AS UPDATE THE REFERENCE TO THE SECTION ESTABLISHING THE FRESHWATER-SALTWATER DIVIDING LINE; TO AMEND SECTION 50-23-11, AS AMENDED, RELATING TO WATERCRAFT DEALER DEMONSTRATION NUMBERS, SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR THE DEMONSTRATION NUMBER WHEN THE DEALER ALLOWS FOR THE OPERATION OF THE WATERCRAFT; TO REPEAL SECTION 1-30-75 RELATING TO THE TRANSFER OF AUTHORITY AND DUTIES FROM CERTAIN AGENCIES TO THE DEPARTMENT OF NATURAL RESOURCES; TO REPEAL SECTIONS 3-5-100 AND 3-5-170 BOTH RELATING TO CULTIVATING OYSTERS ON AREAS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES; TO REPEAL SECTION 11-37-200 RELATING TO THE WATER RESOURCES COORDINATING COUNCIL; TO REPEAL ARTICLE 5 OF CHAPTER 3, TITLE 47 RELATING TO FERAL DOGS; TO REPEAL SECTIONS 47-3-510, 47-3-520, AND 47-3-550 ALL RELATING TO THE REGISTRATION OF DOGS; TO REPEAL SECTION 49-3-30 RELATING TO THE TRANSFER OF THE WATER RESOURCES COMMISSION TO THE DEPARTMENT OF NATURAL

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RESOURCES; TO REPEAL SECTIONS 49-30-40 THROUGH 49-30-60 ALL RELATING TO THE PUBLIC WATERS NUISANCE ABATEMENT ACT; TO REPEAL SECTIONS 50-3-10 AND 50-3-150 BOTH RELATING TO THE TRANSFER OF THE WILDLIFE AND MARINE RESOURCES DEPARTMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO REPEAL SECTION 50-3-180 RELATING TO THE MITIGATION TRUST FUND; TO REPEAL ARTICLE 11 OF CHAPTER 3, TITLE 50 RELATING TO THE CONSERVATION GRANT FUND; TO REPEAL SECTION 50-5-17 RELATING TO THE FLOUNDER POPULATION STUDY PROGRAM; TO REPEAL SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; TO REPEAL SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES; TO REPEAL SECTION 50-11-851 RELATING TO THE PROHIBITION ON SHOOTING CARRIER PIGEONS; TO REPEAL SECTIONS 50-11-1110 AND 50-11-1120 BOTH RELATING TO THE AUTHORITY OF THE DEPARTMENT TO OPEN CERTAIN SEASONS UPON THE REQUEST OF A COUNTY LEGISLATIVE DELEGATION; TO REPEAL SECTIONS 50-11-1360 THROUGH 50-11-1430 ALL RELATING TO PEN-RAISED QUAIL; TO REPEAL SECTION 50-13-1936 RELATING TO FEES FOR OPERATION OF THE WALHALLA FISH HATCHERY; TO REPEAL ARTICLE 1 OF CHAPTER 19, TITLE 50 RELATING TO THE CHEROKEE FISH AND GAME CLUB; TO REPEAL ARTICLE 3 OF CHAPTER 19, TITLE 50 RELATING TO THE DARLINGTON COUNTY ADVISORY FISH AND GAME COMMISSION; TO REPEAL SECTIONS 50-19-210 THROUGH 50-19-240 ALL RELATING TO THE PRESTWOOD LAKE WILDLIFE REFUGE BOARD; TO REPEAL SECTION 50-19-250 RELATING TO THE PROHIBITION OF NIGHT FISHING IN A CERTAIN PORTION OF FOUR HOLE SWAMP; TO REPEAL SECTION 50-19-450 RELATING TO THE AUTHORITY TO PROMULGATE REGULATIONS TO MANAGE FISHERIES IN CERTAIN AREAS IN SPARTANBURG COUNTY; TO REPEAL ARTICLE 13 OF CHAPTER 19, TITLE 50 RELATING TO DEVICES ON THE LITTLE PEE DEE RIVER; TO REPEAL ARTICLE 17 OF CHAPTER 19, TITLE 50 RELATING TO THE DUTIES OF THE LEE COUNTY LEGISLATIVE DELEGATION TO PROTECT FISH AND GAME IN LEE COUNTY; TO REPEAL

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ARTICLE 19 OF CHAPTER 19, TITLE 50 RELATING TO THE MARION COUNTY FISH AND GAME COMMISSION AND THE ESTABLISHMENT OF THE SHELLY LAKE FISH SANCTUARY IN MARION COUNTY; TO REPEAL ARTICLE 21 OF CHAPTER 19, TITLE 50 RELATING TO FISH AND WILDLIFE PROJECTS IN MARLBORO COUNTY; TO REPEAL ARTICLE 25 OF CHAPTER 19, TITLE 50 RELATING TO HUNTING CROWS IN YORK COUNTY; TO REPEAL ARTICLE 27 OF CHAPTER 19, TITLE 50 RELATING TO FISHING IN YORK COUNTY; TO REPEAL SECTIONS 50-19-1710 THROUGH 50-19-1730 ALL RELATING TO THE CATAWBA-WATEREE FISH AND GAME COMMISSION; TO REPEAL SECTION 50-19-1935 RELATING TO THE DUTY TO MONITOR A BASS FISHERY IN THE WATEREE-SANTEE RIVERINE SYSTEM; TO REPEAL SECTION 50-19-2310 RELATING TO STRIPED BASS SEASONS IN LAKE GREENWOOD AND BOYD'S MILL; TO REPEAL SECTION 50-19-2330 RELATING TO THE REMOVAL AND CONTROL OF NONGAME FISH IN LAKE GREENWOOD AND BOYD'S MILL; TO REPEAL ARTICLE 23 OF CHAPTER 13, TITLE 51 RELATING TO THE ENOREE RIVER GREENWAY COMMISSION; TO REDESIGNATE ARTICLE 5 OF CHAPTER 19, TITLE 50 AS "SLADE LAKE FISHING"; AND TO REDESIGNATE ARTICLE 29 OF CHAPTER 19, TITLE 50 AS "FISHING AND HUNTING IN WATEREE LAKE".

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

H. 4011 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 49-3-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' DUTIES IN REGARDS TO WATER RESOURCE PLANNING AND COORDINATION, SO AS TO MAKE STATUTORY CHANGES TO REFLECT THE DUTIES OF THE DEPARTMENT; AND TO AMEND SECTION 49-3-50, RELATING TO MATTERS TO BE CONSIDERED BY THE DEPARTMENT IN EXERCISING ITS AUTHORITY UNDER THE WATER RESOURCES PLANNING AND COORDINATION ACT, SO AS TO REQUIRE THE DEPARTMENT TO CONSIDER THE NEED FOR MEASURES TO PREVENT SALTWATER INTRUSION ON GROUNDWATER AND SURFACE WATER AND PROTECT THE STATE'S AQUATIC RESOURCES.

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

H. 4013 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 48-22-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO CHANGE CERTAIN REQUIREMENTS FOR THE STATE GEOLOGIST; TO AMEND SECTION 48-22-30, RELATING TO THE POWERS AND DUTIES OF THE STATE GEOLOGIST, SO AS TO REQUIRE THAT THE STATE GEOLOGIST BECOME FAMILIAR WITH GEOLOGIC HAZARDS THROUGHOUT THE STATE; AND TO AMEND SECTION 48-22-40, RELATING TO THE DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO ESTABLISH NEW DUTIES FOR THE UNIT AND REMOVE CERTAIN MAPPING DUTIES.

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

H. 4014 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 10-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEASE OF DEVELOPMENT RIGHTS TO GEOTHERMAL RESOURCES, SO AS TO DESIGNATE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AS THE DESIGNATED AGENT IN SELECTING LANDS.

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

H. 4015 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING CHAPTER 11 OF TITLE 13 RELATING TO THE NEW HORIZONS DEVELOPMENT AUTHORITY.

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

H. 4127 -- Reps. Ballentine and Cobb-Hunter: A BILL TO AMEND SECTION 43-21-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT ON AGING'S PHYSICIAN STUDENT LOAN REPAYMENT PROGRAM, SO AS TO CHANGE THE PROGRAM'S ELIGIBILITY REQUIREMENTS.

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

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H. 4133 -- Reps. Weeks, G. M. Smith, Clyburn, Stavrinakis, Gilliard, Bales, Hosey, Henderson-Myers, R. Williams, Rutherford, Alexander and Forrest: A BILL TO AMEND SECTION 12-6-3530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO ALLOW A TAX CREDIT OF FIFTY PERCENT OF ANY CASH DONATION TO A COMMUNITY DEVELOPMENT CORPORATION OR COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT, TO ESTABLISH TAX CREDIT RESERVE ACCOUNTS FOR THE FIRST THREE QUARTERS OF EACH TAX YEAR SO AS TO AVOID THE DEPLETION OF CREDITS BY AN INDIVIDUAL TAXPAYER, TO DELETE THE PRO-RATA DISTRIBUTION OF TAX CREDITS, TO ALLOW FINANCIAL INSTITUTIONS WITH TAX LIABILITIES IN THIS STATE TO INVEST IN COMMUNITY DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF RECEIVING A TAX CREDIT, AND TO PROVIDE THAT RETURNS ON INVESTMENTS IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS AND CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS MAY NOT EXCEED THE TOTAL AMOUNT OF THE INITIAL INVESTMENT; AND TO AMEND SECTION 4 OF ACT 314 OF 2000, AS AMENDED, RELATING TO COMMUNITY DEVELOPMENT CORPORATIONS AND FINANCIAL INSTITUTIONS, SO AS TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT UNTIL JUNE 30, 2023.

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

H. 4245 -- Reps. Ligon, Kirby, Ott, Hewitt, Atkinson, Hiott, Hixon, Pope, Felder, V. S. Moss, D. C. Moss, B. Cox, Forrest, Simrill, Martin, B. Newton, Magnuson, Moore, Hyde, Simmons, Trantham, R. Williams, Jefferson, King, W. Cox and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 17, TITLE 47 SO AS TO PROVIDE IT IS UNLAWFUL TO ADVERTISE, SELL, LABEL, OR MISREPRESENT AS "MEAT" OR "CLEAN MEAT" ALL OR PART OF A CARCASS THAT IS CELL-CULTURED MEAT/PROTEIN, OR IS NOT DERIVED FROM HARVESTED PRODUCTION LIVESTOCK OR POULTRY, AND TO PROVIDE A PENALTY.

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

H. 4394 -- Reps. Ridgeway, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, 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, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SCOTT'S BRANCH BOYS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2018 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

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

H. 4395 -- Reps. Ridgeway, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, 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, Rivers, Robinson, Rose, Rutherford, Sandifer,

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Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE CLARENDON HALL BOYS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2019 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 1A STATE CHAMPIONSHIP TITLE.

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

REPORT OF STANDING COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3137 -- Reprs. G.M. Smith, Lucas, Ott, Stavrinakis, Simrill, Rutherford, Pope, Clyburn, S. Williams, Cobb-Hunter, Bailey, Erickson, Bradley, Yow, Forrest, Kirby, Sottile, Murphy, Chellis, Kimmons, Rose, Wheeler, Young, Clemmons, Cogswell, Gilliard, B. Newton, Anderson, Jefferson, Bales, Blackwell, McDaniel, Moore, R. Williams and Henderson-Myers: A BILL TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS TO CHANGE THE NAME OF THE LOCAL GOVERNMENT FUND, TO DELETE THE REQUIREMENT THAT THE FUND RECEIVE NO LESS THAN FOUR AND ONE-HALF PERCENT OF THE GENERAL FUND REVENUES OF THE LATEST COMPLETED FISCAL YEAR, TO DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE APPROPRIATION TO THE FUND MUST BE INCREASED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE PERCENTAGE INCREASE, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, TO AMEND THE DISTRIBUTION PERCENTAGE OF THE FUND, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

Ordered for consideration tomorrow.

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Privilege of the Chamber

On motion of Senator PEELER, on behalf of Senator McELVEEN, the Privilege of the Chamber, to that area behind the rail, was extended to Temetrius Jamal “Ja” Morant and his family in recognition of his success on the basketball court with Murray State University and to congratulate Ja as he prepares for the upcoming NBA draft.

Expression of Personal Interest

Senator NICHOLSON rose for an Expression of Personal Interest.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

**AMENDED, READ THE SECOND TIME
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.

Amendment No. 2

Senator MALLOY proposed the following amendment (203R003.SP.GM), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-17-45(A)(1) and inserting:

/ “Section 59-17-45. (A)(1) On or before August 1, 2022, any local school district that maintains an average daily membership of less than one thousand five hundred students based on the most recent count received by the Department of Education shall be eligible to receive appropriated funds for the purpose of consolidating with other districts within its county. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the Bill.

ACTING PRESIDENT PRESIDES

Senator DAVIS assumed the Chair.

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Senator FANNING continued speaking on the amendment.

PRESIDENT PRESIDES

At 1:26 P.M., the PRESIDENT assumed the Chair.

Senator FANNING continued speaking on the amendment.

Senator JOHNSON spoke on the amendment.

Remarks to be Printed

On motion of Senator JACKSON, with unanimous consent, the remarks of Senator JOHNSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator MALLOY spoke on the amendment.

Objection

On motion of Senator MALLOY, with unanimous consent, and Senator MALLOY retaining the floor, the Bill was read the second time, carrying over all amendments, and the provisions of Rule 26B were waived in order to allow amendments to be considered on third reading.

Senator LEATHERMAN objected.

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Amendment No. 3

Senator MARTIN proposed the following amendment (203R004.SP.SRM), which was adopted:

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

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

“Section 59-17-46. (A) Notwithstanding the provisions of Section 59-17-45, any local school district shall be eligible to receive appropriated funds for the purpose of consolidating with other districts within its county if the district maintains an average daily membership that is less than one thousand five hundred based on annual student counts received by the Department of Education. These 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

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of Education is eligible to carry forward these funds from one fiscal year to the next and use them for the same purpose.

(B) An eligible district intending to consolidate must submit a preliminary consolidation plan, timeline, and the proposed use of funds to the local legislative delegation for review and approval through the passage of local legislation. Upon approval by the local legislative delegation, the district shall forward the consolidation plan to 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.

(C) Upon submission of a consolidation plan, a local school district 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 its local legislative delegation.

(D) If sufficient funds are not appropriated to support the consolidation, then the Department of Education is directed to submit a report annually to the General Assembly outlining the districts that have submitted consolidation plans. The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.” /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

Amendment No. 4

Senator MARTIN proposed the following amendment (203R009.SP.SRM):

Amend the bill, as and if amended, SECTION 1, by deleting Section 59-17-45(A)(3) and inserting:

/ (3) On or before August 1, 2020, an eligible district intending to consolidate must submit a preliminary consolidation plan, timeline, and the proposed use of funds to the local legislative delegation for review and approval through the passage of local legislation. Upon approval by the local legislative delegation, the district shall forward the consolidation plan to the Department of Education. The Department of Education shall make an initial allocation to the impacted districts. The

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Department of Education shall allocate the remaining funds following any legislative action formally consolidating the districts. /

Re-number sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Bill was read the second time, carrying over all amendments, and the provisions of Rule 26B were waived in order to allow amendments to be considered on third reading and the Bill retain its place in Interrupted Debate on the calendar.

There was no objection.

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

**AMENDED, 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. 7 -- Senators Malloy, Climer, Goldfinch, Talley, Harpootlian, Kimpson and Allen: 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 TURNER proposed the following amendment (7R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 23 through 42 and inserting:

/ (b) No award for damages under this chapter shall include punitive or exemplary damages or interest prior to judgment, except as provided in subsection (c).

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(c) A party that 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 subsequent to the application of any limitations on liability in Section 15-78-120(a)(1) through (a)(4). Nothing in this subsection shall be construed 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).

~~(e)~~(d) In any claim, action, or proceeding to enforce a provision of /
Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

Ayes 38; Nays 3

AYES

Alexander	Allen	Campsen
Cash	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Harpoottian	Hembree
Hutto	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler

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Shealy	Talley	Turner
Verdin	Young	

Total--38

NAYS

Bennett	Corbin	Williams
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Total--3

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

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

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

S. 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.

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.

The Senate proceeded to the consideration of the Bill.

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The question being the third reading of the Bill.

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

Ayes 37; Nays 3

AYES

Alexander	Allen	Campsen
Cash	Corbin	Cromer
Davis	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Loftis
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Bennett	Malloy	Martin
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Total--3

The Bill was read the third time, passed and ordered sent to the House.

AMENDED, READ THE THIRD TIME

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

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ABUSE, TO ADD DEATH OF A CHILD BY TORTURE, OR BY CONSPIRING TO TORTURE, AS ACTIONS CONSTITUTING THE OFFENSE, AND TO ESTABLISH CRIMINAL PENALTIES; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-100, TO PROVIDE THAT TORTURING A CHILD, OR ALLOWING ANOTHER TO TORTURE A CHILD, IS A CRIMINAL OFFENSE, AND TO ESTABLISH PENALTIES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

Senator YOUNG proposed the following amendment (189R001.KMM.TRY), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 28 through 43, and page 4, by striking lines 1 through 2, and inserting:

/ (1) 'Torture' means acts or omissions that:

(a)(i) include one or more of the following:

(A) a pattern of assaults;

(B) psychological maltreatment; or

(C) omissions of care;

(ii) are committed upon a child for the purpose of causing severe physical, mental, or emotional pain, which occurs over a period of time, resulting in serious physical or psychological injury or impairment, prolonged suffering, or the risk of permanent disfigurement, dysfunction, or death; and

(iii) are done with malice or an extreme indifference to the well-being of the child.

(b) Torture includes, but is not limited to:

(i) the infliction of severe physical or emotional pain upon a child repeatedly for the purpose of terrorizing the child;

(ii) the unreasonable or extended binding, restraint, or confinement of a child that results in prolonged suffering or serious physical or psychological injury; or

(iii) the intentional refusal to provide for the health, safety, medical, or nutritional needs of a child for an extended period of time such that the child suffers or risks serious physical, mental, or emotional harm. /

Re-number sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

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The amendment was adopted.

The question being the third reading of the Bill.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

READ THE THIRD TIME

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.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO explained the Bill.

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The question being the third reading of the Bill.

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

Ayes 33; Nays 9

AYES

Alexander	Allen	Bennett
Campsen	Cash	Fanning
Goldfinch	Gregory	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Williams	Young

Total--33

NAYS

Corbin	Cromer	Davis
Grooms	Malloy	Martin
Massey	Rice	Verdin

Total--9

The Bill was read the third time, passed and ordered sent to the House.

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

S. 303 -- Senators Kimpson, Shealy, Fanning, Davis and Alexander:
A BILL TO AMEND SECTION 44-17-440 OF THE 1976 CODE,
RELATING TO THE CUSTODY AND TRANSPORT OF A PERSON
WHO IS BELIEVED TO HAVE A MENTAL ILLNESS AND IS
REQUIRING IMMEDIATE CARE, TO PROVIDE THAT A STATE
OR LOCAL LAW ENFORCEMENT OFFICER RESPONSIBLE FOR
TRANSPORTING THE PATIENT MUST BE A PART OF A
THERAPEUTIC TRANSPORT UNIT AND HAVE UNDERGONE
MENTAL HEALTH AND CRISIS INTERVENTION TRAINING,
AND TO PROVIDE THAT A PHYSICIAN RESPONSIBLE FOR THE

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PATIENT'S CARE MUST NOTIFY A FRIEND OR RELATIVE THAT THE FRIEND OR RELATIVE MAY TRANSPORT THE PATIENT TO THE MENTAL HEALTH FACILITY AND THAT THE FRIEND OR RELATIVE FREELY CHOOSES TO ASSUME THAT RESPONSIBILITY AND LIABILITY FOR THE TRANSPORT.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (303R002.SP.MEK), which was adopted:

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

/SECTION 1. Section 44-17-410(2) of the 1976 Code is amended to read:

“(2) a certification in triplicate by at least one licensed physician stating that the physician has examined the person and is of the opinion that the person is mentally ill and because of this condition is likely to cause harm to himself through neglect, inability to care for himself, or personal injury, or otherwise, or to others if not immediately hospitalized. The certification must contain the grounds for the opinion. A person for whom a certificate has been issued may not be admitted on the basis of that certificate after the expiration of three calendar days after the date of the examination; however, in the event of a natural disaster or the existence of life-threatening conditions during the time that a person may be taken into custody, the certificate expires three days after conditions are determined to be safe for transport;” /

SECTION 2. Section 44-17-440 of the 1976 Code is amended to read:

“Section 44-17-440. (A) The certificate required by Section 44-17-410, emergency admission, must authorize and require a state or local law enforcement officer, ~~preferably in civilian clothes and preferably with crisis intervention training,~~ to take into custody and transport the person to the hospital designated by the certification. No person may be taken into custody after the expiration of three days from the date of certification. In the event of a natural disaster or the existence of life-threatening conditions during the time that a person may be taken into custody, the certificate expires three days after conditions are determined to be safe for transport. ~~A friend or relative may transport the individual to the mental health facility designated in the application or engage the services of an emergency medical technician as defined by Section 44-61-310, if the friend or relative has read and signed a statement on the certificate which clearly states that it is the~~

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~~responsibility of a state or local law enforcement officer to provide timely transportation for the patient and that the friend or relative freely chooses to assume that responsibility and liability. A friend or relative who chooses to transport the patient is not entitled to reimbursement from the State for the cost of the transportation.~~ An officer or an emergency medical technician acting in accordance with this article is immune from civil liability. Upon entering a written agreement between the local law enforcement agency, the governing body of the local government, the emergency medical service providers, and the directors of the community mental health centers, an alternative transportation program utilizing peer supporters and case managers may be arranged for nonviolent persons requiring mental health treatment. The agreement clearly must define the responsibilities of each party and the requirements for program participation.

(B) A state or local law enforcement officer responsible for transporting a patient should be a part of a therapeutic transport unit and must have undergone crisis intervention training.

(1) For the purposes of this subsection, ‘crisis intervention training’ means training that teaches an officer to identify mental health resources for those in crisis and take appropriate action to ensure officer and community safety.

(2) For the purposes of this subsection, ‘therapeutic transport unit’ means an individual, office, department, division, or other component of public law enforcement that is responsible for moving a patient for mental or chemical dependency evaluation or treatment in accordance with orders issued by the probate court or a physician.

(C) If a certifying physician determines that a patient’s condition would not pose a flight risk or likely harm to himself or others if transported by a friend or relative; a friend or relative of the patient is readily available; and, in the case of a patient sixteen years of age or older, the patient does not object, then the certifying physician or his designee must notify a friend or relative, if available, that the friend or relative may transport the patient to the mental health facility designated in the application or engage the services of an emergency medical technician as defined by Section 44-61-310. The friend or relative must read and sign a statement on the certificate stating that it is the responsibility of a state or local law enforcement officer to provide timely transportation for the patient and that the friend or relative freely chooses to assume that responsibility and liability. A friend or relative who chooses to transport the patient must do so in a timely manner and

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is not entitled to reimbursement from the State for the cost of the transportation.

(D) An individual who has been certified for an involuntary emergency admission but not yet admitted to a facility and needs to be transported from a mental health center or an emergency department of a hospital to another facility for admission may be transported by an emergency medical technician.

(E)(1) There is established in the State Treasury a separate and distinct fund known as the ‘Therapeutic Transport Fund.’ The revenues of the fund must be distributed by the Department of Public Safety Coordinating Council for the purpose of assisting state and local law enforcement agencies in implementing the provisions of this section, including, but not limited to, initial crisis intervention training costs and staffing, and ongoing costs related to training and staffing needs. The Department of Public Safety Coordinating Council shall oversee the fund. The Department of Public Safety Coordinating Council shall disburse the funds in a fair and equitable manner, taking into consideration priorities in funding. Applications for funding may not be submitted until crisis intervention training has been completed.

(2) The Department of Public Safety Coordinating Council shall make its best efforts to seek and acquire available sources of public and private funding to be included in the fund.”

SECTION 3. Within one hundred eighty days of the effective date of this act, the Department of Public Safety Coordinating Council shall establish a process for the application for and disbursement of monies to state and local law enforcement agencies, pursuant to Section 44-17-440(E)(1), as added by this act.

SECTION 4. This act takes effect on July 1, 2020.

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

Senator VERDIN proposed the following amendment (303R003.SP.DBV), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-17-440(D) and inserting:

/ (D) An individual who has been certified for an involuntary emergency admission but not yet admitted to a facility and needs to be

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transported from a mental health center or an emergency department of a hospital to another facility for admission may be transported by ~~an emergency medical technician~~ a contracted non-emergency ambulance.

Re-number sections to conform.
Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

The Bill, as amended, was read the third time, passed and ordered sent to the House.

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AMENDMENT PROPOSED, CARRIED OVER

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.

The Senate proceeded to the consideration of the Bill.

Senators HUTTO and SABB proposed the following amendment (JUD0017.004):

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

/ A BILL

TO AMEND SECTION 7-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANDIDATES' QUALIFICATIONS, SO AS TO PROVIDE THAT A CANDIDATE FOR SHERIFF AND A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT; TO AMEND SECTION 7-13-350, RELATING TO CERTIFICATION OF CANDIDATES, SO AS TO PROVIDE THAT A CANDIDATE FOR SHERIFF AND A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT; TO AMEND SECTION 7-13-351, RELATING TO NOMINEES BY PETITION, SO AS TO PROVIDE THAT A CANDIDATE FOR SHERIFF AND A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT; TO AMEND SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO PROVIDE THAT A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT AND, IN ADDITION, TO SPECIFY THAT A

[SJ]

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FORENSIC SCIENCE DEGREE OR CERTIFICATION PROGRAM TO BE COMPLETED WITHIN ONE YEAR OF BEING ELECTED TO THE OFFICE OF CORONER MUST BE POSTED ON THE SOUTH CAROLINA CORONERS ASSOCIATION WEBSITE AND, BEFORE ANY CHANGE TO THE APPROVED RECOGNIZED FORENSIC SCIENCE DEGREE OR CERTIFICATION PROGRAM TAKES PLACE, THE NEW RECOGNIZED FORENSIC SCIENCE DEGREE OR CERTIFICATION PROGRAM MUST BE APPROVED BY THE CRIMINAL JUSTICE ACADEMY AND POSTED ON THE SOUTH CAROLINA CORONERS ASSOCIATION WEBSITE; AND SECTION 23-11-110(A) AND (B), RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES FOR SHERIFF, TO MAKE CLARIFICATIONS IN ADDITIONAL QUALIFICATIONS, AND TO PROVIDE THAT A CANDIDATE FOR SHERIFF MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT.

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

SECTION 1. Section 7-13-40 of the 1976 Code is amended to read:

“Section 7-13-40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county boards of voter registration and elections on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county board of voter registration and elections whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. A political party must not certify any candidate who does not or will not by the time of the general election, or

[SJ]

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as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and such candidate's name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.

For purposes of this section, a candidate for coroner may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 17-5-130.

For purposes of this section, a candidate for sheriff may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 23-11-110.”

SECTION 2. Section 7-13-350 of the 1976 Code is amended to read:

“Section 7-13-350. (A) Except as otherwise provided in this section, the nominees in a party primary or party convention held under the provisions of this title by any political party certified by the commission for one or more of the offices, national, state, circuit, multi-county district, countywide, less than countywide, or municipal to be voted on in the general election, held on the first Tuesday following the first Monday in November, must be placed upon the appropriate ballot for the election as candidates nominated by the party by the authority charged by law with preparing the ballot if the names of the nominees are certified, in writing, by the political party chairman, vice-chairman, or secretary to the authority, for general elections held under Section 7-13-10, not later than twelve o'clock noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than twelve o'clock noon on the following Monday; and for a special or municipal general election, by at least twelve o'clock noon on the sixtieth day prior to the date of holding the election, or if the sixtieth day falls on Sunday, by twelve o'clock noon on the following Monday. Political parties nominating candidates by primary or convention must verify the qualifications of those candidates prior to certification to the authority charged by law with preparing the ballot. The written certification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as

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otherwise required by law, the qualifications for the office for which he has filed. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which he has filed shall not be nominated and certified, and such candidate's name shall not be placed on a general, special, or municipal election ballot.

(B) Candidates for President and Vice President must be certified not later than twelve o'clock noon on the first Tuesday following the first Monday in September to the State Election Commission.

(C) For purposes of this section, a candidate for coroner may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 17-5-130.

(D) For purposes of this section, a candidate for sheriff may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 23-11-110."

SECTION 3. Section 7-13-351 of the 1976 Code is amended to read:

"Section 7-13-351. Any nominee by petition for one or more of the national, state, circuit, multi-county district, countywide, or less than countywide offices, to be voted on in the general election must be placed upon the appropriate ballot by the officer, commissioners, or other authority charged by law with preparing the ballot if the petition is submitted to the officer, commissioner, or other authority, as the case may be, for general elections held under Section 7-13-10, not later than twelve o'clock noon on July fifteenth or, if July fifteenth falls on Saturday or Sunday, not later than twelve o'clock noon on the following Monday. At the time the petition is submitted, the authority charged with accepting it shall issue a receipt to the person submitting the petition which must reflect the date it was submitted and the total number of signatures contained in the petition. The county board of voter registration and elections of each respective county must check the petition at the request of the authority charged with printing the ballot for that office and must certify the results to the authority not later than twelve o'clock noon August fifteenth or, if August fifteenth falls on Sunday, not later than twelve o'clock noon on the following Monday.

The petition of any candidate in any special election, including municipal special elections, must be submitted to the authority charged with printing the ballot for those offices not later than twelve o'clock noon on the sixtieth day prior to the date of the holding of the election, or if the sixtieth day falls on Sunday, by not later than twelve o'clock

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noon on the following Monday. At the time a petition is submitted, the authority charged with accepting it must issue a receipt to the person submitting the petition which must reflect the date the petition was submitted and the total number of signatures contained in the petition. The candidate submitting the petition must certify, on a form designed and provided by the State Election Commission, that he meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The board of voter registration and elections of each respective county must check the petition at the request of the authority charged with printing of the ballots for that office and must certify the results thereof to the authority not later than twelve o'clock noon on the forty-fifth day prior to the date of holding the election, or if the forty-fifth day falls on Sunday, by twelve o'clock noon on the following Monday.

Once submitted for verification, a petition for nomination of a candidate for any office may not be returned to the petitioner, but must be retained by the authority to whom the petition was submitted and must become a part of the records of the election for which the petition was submitted.

In the event of an emergency declared by the Governor and the conditions precipitating the emergency declaration prevent a candidate from filing the nominating petition within the time required by this section, the candidate has an additional five days to submit the nominating petition to the appropriate office.

The authority to whom a petition is submitted must verify that qualifications of each potential petition candidate prior to certification of that candidate to be placed on the ballot. The written certification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office for which the petition is submitted. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office sought shall not have his name placed on the ballot.

For purposes of this section, a petition candidate for coroner may be certified by the authority to whom the petition is submitted if the candidate has submitted a fully completed sworn affidavit as required by Section 17-5-130.

For purposes of this section, a petition candidate for sheriff may be certified by the authority to whom the petition is submitted if the

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candidate has submitted a fully completed sworn affidavit as required by Section 23-11-110.”

SECTION 4. Section 17-5-130 of the 1976 Code is amended to read:

“Section 17-5-130. (A)(1) A coroner in this State shall have all of the following qualifications, the person shall:

(a) be a citizen of the United States;
(b) be a resident of the county in which the person seeks the office of coroner for at least one year before qualifying for the election to the office;

(c) be a registered voter;
(d) have attained the age of twenty-one years before the date of qualifying for election to the office;

(e) have obtained a high school diploma or its recognized equivalent by the State Department of Education; and

(f) have not been convicted of a felony offense or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States.

(2) In addition to the requirements of subsection (A)(1), a coroner in this State shall have at least one of the following qualifications, the person shall:

(a) have at least three years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(b) have a two-year associate degree and two years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(c) have a four-year baccalaureate degree and one year of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(d) be a law enforcement officer, as defined by Section 23-23-10(E)(1), who is certified by the South Carolina Law Enforcement Training Council with a minimum of two years of experience;

(e) have completed a recognized forensic science degree or certification program or be enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner;

(f) be a medical doctor; or

(g) have a bachelor of science degree in nursing.

(B)(1) A person who offers his candidacy for the office of coroner, no later than the close of filing, shall file a fully completed sworn affidavit on a form designed and provided by the South Carolina Election

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Commission with the county executive committee of the person's political party.

(2) The county executive committee of a political party with whom a person has filed his affidavit must file a copy of the fully completed sworn affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on a Saturday, Sunday, or holiday, the affidavit must be filed by noon the following day.

(3) A person who seeks nomination by petition for the office of coroner, no later than the close of filing, shall file a fully completed sworn affidavit with the county election commission in the county of his residence.

(4) The affidavit required by the provisions of this subsection must contain a statement that the person meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office of coroner and the following information:

- (a) the person's date and place of birth;
- (b) the person's citizenship;
- (c) the county the person is a resident of, and how long the person has been a resident of that county;
- (d) whether the person is a registered voter;
- (e) the date the person obtained a high school diploma or its recognized equivalent by the State Department of Education;
- (f) whether the person has been convicted of a felony offense or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States;
- (g) the date the person obtained an associate or baccalaureate degree, if applicable;
- (h) the date the person completed a recognized forensic science degree or certification program, or information regarding the person's enrollment in a recognized forensic science degree or certification program, if applicable; and
- (i) the number of years of experience the person has as a death investigator, certified law enforcement officer, or licensed private investigator, if applicable.

(5)(a) Pursuant to Sections 7-13-40 and 7-13-350, a candidate for coroner may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by this subsection.

(b) Pursuant to Section 7-13-351, a petition candidate for coroner may be certified by the authority to whom the petition is

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submitted if the candidate has submitted a fully completed sworn affidavit as required by this subsection.

(C) Each person serving as coroner in the person's first term is required to complete a ~~basic training session~~ recognized forensic science degree or certification program to be determined recommended by the Board of Directors of the South Carolina Coroners Association and approved by the South Carolina Criminal Justice Academy. The South Carolina Coroners Association must post information about the recognized forensic science degree or certification program with links to allow for registration on its website. Before any change to the approved recognized forensic science degree or certification program takes place, the new recognized forensic science degree or certification program must be approved by the Criminal Justice Academy and posted on the South Carolina Coroners Association website. This ~~basic training session~~ recognized forensic science degree or certification program must be completed no later than the end of the calendar year following the person's election as coroner. A person appointed to fill the unexpired term in the office of coroner shall complete a ~~basic training session to be determined~~ recognized forensic science degree or certification program recommended by the Board of Directors of the South Carolina Coroners Association and approved by the South Carolina Criminal Justice Academy within one calendar year of the date of appointment. This section must not be construed to require an individual to repeat the ~~basic training session~~ recognized forensic science degree or certification program recommended by the Board of Directors of the South Carolina Coroners Association and approved by the South Carolina Criminal Justice Academy if the person has successfully completed the session prior to the person's election or appointment as coroner. A coroner who is unable to attend this ~~training session~~ recognized forensic science degree or certification program when offered because of an emergency or extenuating circumstances, within one year from the date the disability or cause terminates, shall complete the ~~standard basic training session~~ recognized forensic science degree or certification program required of coroners. A coroner who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the coroner completes the training session.

(D) A person holding the office of coroner or deputy coroner who was elected, appointed, or employed prior to January 1, 1994, and who has served continuously since that time shall attend a minimum of sixteen hours training annually as may be selected by the South Carolina Law Enforcement Training Council on or before December 31, 1995. Each

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year, all coroners and deputy coroners shall complete a minimum of sixteen hours training annually as selected by the council. Certification or records of attendance or training must be maintained as directed by the council.

(E)(1) The basis for the minimum annual requirement of in-service training is the calendar year. A coroner who satisfactorily completes the basic training session in accordance with the provisions of subsection (C) is excused from the minimum annual training requirements of subsection (D) for the calendar year in which the basic training session is completed.

(2) The Board of Directors of the South Carolina Coroners Association, in its discretion, may grant a waiver of the requirements of the annual in-service training upon presentation of evidence by a coroner that he was unable to complete the training due to an emergency or extenuating circumstances.

(3) A coroner who fails to complete the minimum annual in-service training required by this section may be suspended from office, without pay, by the Governor for ninety days. The Governor may continue to suspend a coroner until the coroner completes the annual minimum in-service training required in this section. The Governor shall appoint, at the time of the coroner's suspension, a qualified person to perform as acting coroner during the suspension.

(F) A coroner in office on the effective date of this section is exempt from the provisions of this section except for the provisions of subsection (D).

(G)(1) The Director of the South Carolina Criminal Justice Academy shall appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners and to determine those forensic science degree and certification programs that qualify as 'recognized' pursuant to the requirements of this section. Also, the committee shall assist in determining annual training requirements as set forth in this section. The committee must consist of no fewer than five coroners and at least one physician trained in forensic pathology as recommended by the South Carolina Coroners Association. The members of the committee shall serve without compensation.

(2) The Coroners Training Advisory Committee shall govern the qualifications of all coroners, deputy coroners, and candidates for coroner as set forth in this section. Also, the committee must certify all coroners. The committee may require a coroner or a deputy coroner to appear before it for performance review. Failure to appear before the

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committee or failure to follow state law relating to the performance of official duties may result in sanctioning in the form of a private or public reprimand. Also, the committee may recommend suspension to the Governor and loss of funding to the county council. A person may appeal an action of the committee pursuant to the provisions of Chapter 23, Title 1. The committee may hire an administrative assistant if it is determined necessary.

(H) Expenses of all training authorized or required by this section must be paid by the county the coroner or deputy coroner serves, and the South Carolina Law Enforcement Training Council is authorized to set and collect fees for this training.”

SECTION 5. Sections 23-11-110(A) and (B) of the 1976 Code are amended to read:

“(A) All sheriffs and candidates for sheriff in this State must have the following qualifications:

- (1) be a citizen of the United States;
- (2) be a resident of the county in which he seeks the office of sheriff for at least one year immediately preceding the date of the election for sheriff;
- (3) be a registered voter;
- (4) have attained the age of at least twenty-one years prior to the date of his qualifying for election to the office;
- (5) have:
 - (a) obtained a high school diploma, its recognized equivalent in educational training as established by the State Department of Education, and have at least five years experience as a Class 1 certified law enforcement officer; or
 - (b) obtained a two-year associate degree and three years experience as a Class 1 certified law enforcement officer; or
 - (c) obtained a four-year baccalaureate degree and one years experience as a Class 1 certified law enforcement officer; or
 - (d) served as a summary court judge for at least ten years.

For purposes of this section, a ‘Class 1 certified law enforcement officer’ is a person who has been issued a certificate as a Class 1 law enforcement officer ~~pursuant to Section 23-23-10 by the South Carolina Law Enforcement Training Council. A sheriff holding office on the effective date of this section is not required to have obtained the necessary experience as a certified law enforcement officer in this State;~~

- (6) have not been convicted of, ~~or~~ pled guilty to, or been pardoned for a violation of Section 56-1-460 or 56-5-2930, or both, within the past ten years or a felony in this State or another state; ~~and~~

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(7) have not been convicted of, pled guilty to, or been pardoned for a felony or a crime of moral turpitude in this State or another state;

(8) be fingerprinted and have the State Law Enforcement Division make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of any law enforcement agency and must be made available to SLED no later than one hundred thirty days prior to the general election. The results of the records search are to be filed with the county executive committee of the person's political party. A person seeking nomination by petition must file the records search with the county election commission in the county of his residence; and

(9) be eligible to be issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council upon the commencement of the term of office. A sheriff holding office on the effective date of this section is exempt from the provisions in this subsection.

(B)(1) A person offering his candidacy for the office of sheriff, shall file a fully completed sworn affidavit, on a form designed and provided by the South Carolina Election Commission, no later than the close of filing, with the county executive committee of the person's political party. The county executive committee of any political party with whom a person has filed his affidavit must file a copy of the fully completed sworn affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on Saturday, Sunday, or a holiday, the affidavits must be filed by noon the following day. A person seeking nomination by petition must file a fully completed sworn affidavit with the county election commission in the county of his residence.

(2) The affidavit must contain a statement that the person meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office of sheriff and the following information:

- (a) the date and place of the person's birth;
- (b) the date the person graduated from high school or the date the person obtained the recognized equivalent of a high school diploma;
- (c) the date the person received any associate or baccalaureate degrees when applicable;
- (d) the number of years' experience the person has had as a certified law enforcement officer when applicable;
- (e) the number of years the person has served as a summary court judge when applicable; and

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(f) an affirmation that the person meets all of the qualification requirements of subsection (A).

(3)(a) Pursuant to Sections 7-13-40 and 7-13-350, a candidate for sheriff may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by this subsection.

(b) Pursuant to Section 7-13-351, a petition candidate for sheriff may be certified by the authority to whom the petition is submitted if the candidate has submitted a fully completed sworn affidavit as required by this subsection.”

SECTION 6. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

Senator SABB spoke on the Bill.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE THIRD TIME**

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.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0180.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 28-37 and inserting therein:

/ “Section 16-11-605. (A)(1) Except as provided in subsection (D), a person shall not intentionally and willfully operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a

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vertical distance of two hundred fifty feet from the flight path of a federal military installation with restricted public access without written consent from the commander of the specific military installation or his designee. If specific approvals have been given, then all flights must meet the requirements set forth by the Federal Aviation Administration for the operation of unmanned aerial vehicles.

(2) Except as provided in subsection (D), a person shall not intentionally and willfully operate an unmanned aerial vehicle within a horizontal distance of five hundred feet of the Savannah River Site without written consent from the manager of the facility or his designee. If specific approvals have been given, then all flights must meet the requirements set forth by the Federal Aviation Administration for the operation of unmanned aerial vehicles. /

Amend the bill further, as and if amended, page 3, by striking line 9 and inserting:

/ vehicle.

(E) For purposes of this section, ‘federal military installation’ includes, but is not limited to, Fort Jackson, Shaw Air Force Base, Marine Corps Air Station Beaufort, Marine Corps Recruit Depot Parris Island, Joint Base Charleston, McEntire Joint National Guard Base, the United States Coast Guard Stations at Charleston and Georgetown, and any facility, range, or military training route located within the State that is subject to the base commanders’ use, oversight, or control, to include locations where the military conducts other testing and training activities such as tactical landing zones, special use airspace, and terrain flight routes.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

Ayes 41; Nays 0

AYES

Alexander
Campsen

Allen
Cash

Bennett
Corbin

[SJ]

44

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

Total--41

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

COMMITTEE AMENDMENT ADOPTED

AMENDED, AMENDMENT PROPOSED, OBJECTION

S. 276 -- Senators Senn and McLeod: 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

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NECESSARY, MENTAL HEALTH TREATMENT OR COUNSELING; AND TO PROVIDE FOR PENALTIES.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0276.002), which was adopted:

Amend the bill, as and if amended, by striking Section 16-23-540(A), beginning on page 1, line 38 and ending on page 2, line 7, and inserting therein:

/ “Section 16-23-540. (A) It is unlawful for a person to threaten, solicit another to threaten, or conspire to threaten to cause damage, serious bodily injury, or death to others or to cause damage to or destroy a building or other real or personal property by use of a dangerous weapon if the threat is to occur while:

(1) on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution;

(2) in a church, as defined by Section 61-6-120(A)(1);

(3) in any publicly owned building or recreational park areas; or

(4) at a public gathering place. /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

Senator SENN explained the Bill.

The amendment was adopted.

Senator SHEALY proposed the following amendment (JUD0276.005), which was withdrawn:

Amend the bill, as and if amended, page 2 by striking lines 8-15 and inserting therein:

/ (B)(1) A person who is charged with violating subsection (A) may, as a condition of his bond, be required to undergo a mental health evaluation. The purpose of this evaluation is to determine if the defendant needs mental health treatment or counseling. When the court requires a mental health evaluation, the evaluation may not take place until the facility conducting the evaluation has received all of the documentation including, but not limited to, warrants, incident reports, and NCIC reports associated with the charges. If the mental health

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evaluation reveals that the person needs mental health treatment or counseling, then the solicitor may refer him to a mental health court or the court may require him to undergo mental health treatment or counseling by a court-approved mental health professional, mental health facility, or facility operated by the State Department of Mental Health as a condition of his bond or as a condition of probation./

Re-number sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator HUTTO proposed the following amendment (JUD0276.004), which was adopted:

Amend the bill, as and if amended, page 2 by striking lines 16-19 and inserting therein:

/ (2) Mental health treatment or counseling pursuant to item (1) is all that may be imposed upon a person referred by the solicitor to a mental health court or when required by the court to undergo pretrial mental health treatment or counseling. /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator MASSEY proposed the following amendment (276R001.KMM.ASM):

Amend the bill, as and if amended, page 2, by striking lines 8 through 22 and inserting:

/ (B) A person who is charged with violating subsection (A) may, as a condition of his bond, be ordered to undergo a mental health evaluation. If the mental health evaluation reveals that the person needs mental health treatment or counseling, then the court shall require him to undergo mental health treatment or counseling by a court-approved mental health professional, mental health facility, or facility operated by the State Department of Mental Health as an additional condition of his bond.

(C) A person who violates subsection (A): /

Re-number sections to conform.

Amend title to conform.

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Senator MASSEY explained the amendment.

Senator CORBIN objected to further consideration of the Bill.

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

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 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.

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The Senate proceeded to the consideration of the Bill.

Senator CAMPSEN proposed the following amendment (JUD0342.00), which was adopted:

Amend the committee report, as and if amended, starting on page [342-1], by striking lines 26 through 42, and ending on page [342-2], by striking lines 1 through 14, and inserting therein the following:

/ (2) ‘Alcohol server’ means an individual who sells, serves, transfers, or dispenses alcohol for on-premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. ‘Alcohol server’ shall not include an individual employed or volunteering on a temporary basis for a one-time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink and shall not include an individual transferring alcohol from one location to another as a distributor, wholesaler, or as otherwise lawfully authorized to transfer alcohol from one location to another by this Title.

(3) ‘Alcohol server certificate’ means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on-premises consumption.

(4) ‘DAODAS’ means the South Carolina Department of Alcohol and Other Drug Abuse Services.

(5) ‘Department’ means the South Carolina Department of Revenue.

(6) ‘Division’ means the South Carolina Law Enforcement Division.

(7) ‘Employee’ means a person who is employed for at least ten hours a week by a permittee or a licensee.

(8) ‘Licensee’ means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption.

(9) ‘Manager’ means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on-premises consumption at the permitted or licensed premises.

(10) ‘Permittee’ means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption./

Re-number sections to conform.

Amend title to conform.

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Senator RANKIN explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0342.003), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 4 through 38, and inserting therein the following:

/ (2) 'Alcohol server' means an individual who sells, serves, or dispenses alcohol for on-premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. 'Alcohol server' shall not include an individual employed or volunteering on a temporary basis for a one-time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink.

(3) 'Alcohol server certificate' means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on-premises consumption.

(4) 'DAODAS' means the South Carolina Department of Alcohol and Other Drug Abuse Services.

(5) 'Department' means the South Carolina Department of Revenue.

(6) 'Division' means the South Carolina Law Enforcement Division.

(7) 'Employee' means a person who is employed for at least ten hours a week by a permittee or a licensee.

(8) 'Licensee' means a person issued a license by the department pursuant to Title 61 to sell, serve, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption.

(9) 'Manager' means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, or dispensing of alcoholic beverages for on-premises consumption at the permitted or licensed premises.

(10) 'Permittee' means a person issued a permit by the department pursuant to Title 61 to sell, serve, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption. /

Amend the bill further, as and if amended, page 4, by striking lines 39 through 40, and inserting therein the following:

/ (2) A provider shall not charge an individual more than thirty-five dollars for a training program. /

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

/ (5) Online or computer-based training programs shall use linear navigation that requires the completion of a module before the course proceeds to the next module, with no content omitted; be interactive; have audio for content; and include a test. /

Amend the bill further, as and if amended, page 7, by striking lines 30 through 34, and inserting therein the following:

/ (D) Alcohol server certificates are valid for a period of three years from the date that the alcohol server certificate was issued. After the three-year period, a new or recertified alcohol server certificate must be obtained pursuant to the provisions of this chapter in order for the holder to be employed as a server. /

Amend the bill further, as and if amended, page 8, by striking lines 1 through 15, and inserting therein the following:

/ Section 61-3-150. (A) In addition to civil and criminal penalties available for violations of the provisions of Title 61, an alcohol server who violates the provisions of this chapter, upon a final administrative determination:

(1) for a first offense, may be fined not more than fifty dollars, have his alcohol server certificate suspended for a period not to exceed fifteen days, or both;

(2) for a second offense not related to the first offense, may be fined not more than two hundred dollars, have his alcohol server certificate suspended for a period not to exceed thirty days, or both; and

(3) for a third or subsequent offense not related to earlier offenses, may be fined not more than three hundred fifty dollars, have his alcohol server certificate suspended not more than six months, or both. /

Amend the bill further, as and if amended, page 9, by striking lines 21 through 37, and inserting therein the following:

/ "Section 61-4-50. (A) It is unlawful for a person to sell beer, ale, porter, wine, or other similar malt or fermented beverage to a person under twenty-one years of age. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

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(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense. /

Amend the bill further, as and if amended, page 10, by striking line 1, and inserting therein the following:

/ of two hours and the cost to the person may not exceed ~~fifty~~ thirty-five dollars. /

Amend the bill further, as and if amended, page 10, by striking lines 18 through 30, and inserting therein the following:

/ (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.” /

Amend the bill further, as and if amended, page 12, by striking lines 1 through 16, and inserting therein the following:

/ (C) A permittee, servant, agent, or employee of the permittee who holds an alcohol server permit and violates the provisions of items (A)(1) or (A)(2), upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to

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Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.” /

Amend the bill further, as and if amended, page 12, by striking lines 28 through 40, and inserting therein the following:

/ (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.” /

Amend the bill further, as and if amended, page 13, by striking lines 10 through 22, and inserting therein the following:

/ (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.” /

Amend the bill further, as and if amended, page 13, by striking lines 31 through 43, and inserting therein the following:

/ (1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

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(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense. /

Amend the bill further, as and if amended, page 14, by striking line 7, and inserting therein the following:

/ of two hours and the cost to the person may not exceed ~~fifty~~ thirty-five dollars. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the committee amendment.

The amendment was adopted.

Senator RICE proposed the following amendment (JUD0342.006), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 4 through 11, and inserting therein the following:

/ (2) 'Alcohol server' means an individual who sells, serves, transfers, or dispenses alcohol for on-premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. 'Alcohol server' shall not include an individual employed or volunteering on a temporary basis for a one-time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink and shall not include an individual transferring alcohol from one location to another as a distributor, wholesaler, or as otherwise lawfully authorized to transfer alcohol from one location to another by this Title; and shall not include an individual who cannot lawfully serve or deliver alcohol pursuant to Sections 61-4-90(D) and 61-6-2200. /

Renumber sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

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Senators HUTTO and YOUNG proposed the following amendment (JUD0342.007):

Amend the bill, as and if amended, page 9, after line 18 by inserting an appropriately numbered new SECTION to read:

/ SECTION . Section 61-2-145 of the 1976 Code is amended to read:

“Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars during the period of the biennial permit or license. ~~Failure~~ The department must automatically suspend the permit or license for any person who fails to maintain this coverage constitutes grounds for suspension or revocation of the permit or license.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on-premises consumption after five o’clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on-premises consumption after five o’clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement. Upon notification of the permit or license holder’s lapse or termination of the liquor liability insurance policy or general liability insurance policy, the department must automatically suspend the permit or license theretofore issued.

(D) Notwithstanding any other provision of law, when the department has suspended the permit or license pursuant to subsection (A) or (C), the permittee or licensee may request an expedited contested case hearing with the Administrative Law Court to review the

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department's decision. The expedited hearing must be held within thirty days from the request, and the judge must issue an order no later than fifteen business days after the hearing is concluded.

~~(D)~~(E) For the purposes of this section, the term 'alcoholic beverages' means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61." /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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

CARRIED OVER

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 REASONABLE FEE FOR THE COLLECTION AND RETENTION OF THE FINGERPRINTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0480.002):

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

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/ SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-90. (A) Notwithstanding any other provision of law, an agency in this State authorized to conduct a state fingerprint-based background check conducted by SLED may also conduct a nationwide federal fingerprint-based background check conducted by the Federal Bureau of Investigation in a manner prescribed by SLED.

(B) SLED, upon request, may submit the fingerprints collected by agencies authorized to conduct state fingerprint-based background checks by SLED to the Federal Bureau of Investigation’s Next Generation Identification (NGI) program.

(C) SLED and the Federal Bureau of Investigation may retain collected fingerprints. Retained fingerprints may be searched by future submissions to SLED and the NGI System, including latent fingerprint searches, and appropriate responses sent to SLED and authorized recipients.

(D) SLED may charge a reasonable fee for the collection and retention of the fingerprints.”

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

Amend title to conform.

Senator HUTTO explained the committee amendment.

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

OBJECTION

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.

Senator MALLOY objected to the consideration of the Bill.

AMENDED, READ THE THIRD TIME

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

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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 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.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY proposed the following amendment (595R001.KMM.SFT), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 21 and inserting:

/that delivers services for which Child Care and Development /

Amend the bill further, as and if amended, page 5, by striking line 32 and inserting:

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/childcare center, or childcare provider that delivers services for

/

Amend the bill further, as and if amended, page 6, by striking lines 35 through 39 and inserting:

/registered, or approved, or who delivers services for which Child Care and Development Fund financial assistance is provided under this chapter; and

(2) any other employee at a facility licensed, registered, or approved, or who delivers services for which Child Care and /

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

Ayes 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

READ THE THIRD TIME

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.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY explained the Bill.

The question being the third reading of the Bill.

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

Ayes 38; Nays 0

AYES

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

Total--38

NAYS

Total--0

The Bill was read the third time, passed and ordered to the House.

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**COMMITTEE AMENDMENT ADOPTED
READ THE THIRD TIME**

S. 649 -- Senator Alexander: A BILL TO CHANGE THE EFFECTIVE DATE FOR AMENDMENTS TO SECTIONS 40-57-115, 40-57-340, AND 40-57-510(F) AND (G) OF THE 1976 CODE CONTAINED WITHIN ACT 60 OF 2017, ALL RELATING TO THE ADDITION OF CRIMINAL BACKGROUND CHECKS TO LICENSURE REQUIREMENTS FOR REAL ESTATE PROFESSIONALS, FROM MAY 19, 2020, TO JULY 1, 2020.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (649R001.KMM.TCA), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 32 through 34 and inserting:

/check as a condition of licensure renewal. Each of the provisions contained in Act 60 of 2017 identified herein is effective for initial license applications or renewals due on or after July 1, 2020. /

Re-number sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Corbin
Cromer	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb

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Scott	Senn	Setzler
Shealy	Talley	Verdin
Williams	Young	

Total--38

NAYS

Total--0

There being no further amendments, the Bill as amended, was read the third time, passed and ordered sent to the House.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, OBJECTION**

S. 281 -- Senators Talley, Campbell and Martin: A BILL TO AMEND ARTICLE 15, CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GUIDE DOGS, BY ADDING SECTION 47-3-980, TO PROVIDE THAT INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL IS A MISDEMEANOR AND TO ESTABLISH PENALTIES; AND TO AMEND SECTIONS 47-3-920(4) AND 47-3-970, RELATING TO TERMS DEFINED IN LAYLA'S LAW AND RESTITUTION REQUIREMENTS RESPECTIVELY, TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (281R006.SP.SFT), which was adopted:

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

/ SECTION 1. Article 15, Chapter 3, Title 47 of the 1976 Code is amended by adding:

“Section 47-3-980. (A) It is unlawful for a person to intentionally misrepresent an animal in his possession as a service animal or service animal-in-training for the purpose of obtaining any right or privilege provided to a disabled person if the person knows that the animal in his possession is not a service animal or service animal-in-training.

(B) A person who is adjudicated to be in violation of the provisions of subsection (A) must be fined:

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(1) for a first offense, an amount not less than three hundred fifty dollars and not more than one thousand dollars;

(2) for a second offense, an amount not less than six hundred dollars and not more than one thousand dollars; and

(3) for a third or subsequent offense, an amount not less than one thousand dollars and not more than five thousand dollars.

(C) Inquiries made in order to investigate and enforce the provisions of this section are limited to those inquiries allowed by the Department of Justice pursuant to 28 C.F.R. Section 36.302.

(D) A custodial arrest for a violation of subsection (A) must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of subsection (A) does not constitute a criminal offense.

Section 47-3-990. Places of public accommodation may establish rules and regulations related to access to such facilities by non-service animals, including emotional support animals.”

SECTION 2. 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~~

~~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~~

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~~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
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~~

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~~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;
(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;

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(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 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;

(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;

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- (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) Misrepresenting Service Animals Section 47-3-980.”

SECTION 3. Section 47-3-920(4) of the 1976 Code is amended to read:

“(4)(a) ‘Service animal’ or ‘service animal-in-training’ means an animal that is trained or that is being trained for the purposes of assisting or accommodating the sensory, mental, or physical disability of a disabled person to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A service animal is not a pet and is limited to a dog or a miniature horse. The work done or tasks performed must be directly related to the individual’s disability and may include, but are not limited to:

- (i) guiding an individual who is visually impaired or blind;
- (ii) alerting an individual who is deaf or hard of hearing;
- (iii) pulling a wheelchair;
- (iv) assisting with mobility or balance;
- (v) alerting others and protecting an individual if the individual is having a seizure;
- (vi) retrieving objects;
- (vii) alerting an individual to the presence of allergens;

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(viii) providing physical support and assistance with balance and stability to an individual with a mobility disability;

(ix) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors;

(x) reminding an individual with a mental illness to take his prescribed medications;

(xi) calming an individual with post-traumatic stress disorder during an anxiety attack; or

(xii) doing other specific work or performing other special tasks.

(b) The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

SECTION 4. Section 47-3-920 of the 1976 Code is amended by adding appropriately numbered new items to read:

“() ‘Emotional support animal’ means an animal intended to provide companionship and reassurance.

() ‘Places of public accommodation’ means airports, train stations, bus stations, and establishments defined in Section 45-9-10.”

SECTION 5. Section 47-3-970 of the 1976 Code is amended to read:

“Section 47-3-970. (A) A defendant convicted of a violation of ~~this article~~ Sections 47-3-930, 47-3-940, 47-3-950, or 47-3-960 may be ordered to make full restitution for damages including incidental and consequential expenses incurred by the guide dog or service animal and its user, which arise out of or are related to the criminal offense.

(B) Restitution for a conviction under this article ordered pursuant to this section includes, but is not limited to:

(1) the value of the replacement of an incapacitated or deceased guide dog or service animal, the training of a replacement guide dog or service animal, or retraining of the affected guide dog or service animal and related veterinary and care expenses; and

(2) medical expenses of the guide dog or service animal user, training of the guide dog or service animal user, and compensation for wages or earned income lost by the guide dog or service animal user.

(C) This article does not affect civil remedies available for conduct punishable under this article. Restitution paid pursuant to this article must be set off against damages awarded in a civil action arising out of the same conduct that resulted in the restitution payment.”

SECTION 6. Section 31-21-70 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

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“(1) A landlord may ask a tenant or prospective tenant the following questions to determine whether an animal that is not a service animal should be deemed a reasonable accommodation:

(a) ‘Does the person seeking to use and live with the animal have a disability that is a physical or mental impairment that substantially limits one or more major life activities?’

(b) ‘Does the person seeking to use and live with the animal have a disability-related need for the animal?’

(2) Landlords may request documentation to verify the tenant’s responses to the above questions. Such documentation shall be deemed sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support.”

SECTION 7. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator TALLEY explained the committee amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (281R008.SP.GM), which was adopted:

Amend the bill, as and if amended, by striking Section 47-3-980(B) and inserting:

/ (B) A person who is adjudicated to be in violation of the provisions of subsection (A) must be fined:

(1) for a first offense, an amount not more than five hundred dollars;

(2) for a second offense, an amount not more than one thousand dollars; and

(3) for a third or subsequent offense, an amount not more than five thousand dollars./

Renumber sections to conform.
Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

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Senator M.B. MATTHEWS objected to further consideration of the Bill.

READ THE THIRD TIME

S. 546 -- Senator Alexander: A BILL TO AMEND SECTION 7-7-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator ALEXANDER explained the Bill.

The question being the third reading of the Bill.

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

Ayes 38; Nays 0

AYES

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

Total--38

NAYS

Total--0

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The Bill was read the third time, passed and ordered to the House.

AMENDED, READ THE THIRD TIME

S. 607 -- Senators Grooms and Campbell: A BILL TO AMEND SECTION 7-7-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO ADD SIXTEEN PRECINCTS, 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.

The Senate proceeded to the consideration of the Bill.

Senators CAMPBELL and GROOMS proposed the following amendment (JUD0607.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 41, in Section 7-7-120(A), as contained in SECTION 1 and inserting therein the following:

/ ~~Carnes Cross Road 3~~ /

Amend the bill further, as and if amended, page 2, by striking lines 42 and 43, in Section 7-7-120(A), as contained in SECTION 1 and inserting therein the following:

/ Pimlico 4

~~Pimlico 2~~ /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Corbin
Cromer	Fanning	Goldfinch
Gregory	Grooms	Harpootlian

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

Total--38

NAYS

Total--0

There being no further amendments, the Bill as amended, was read the third time, passed and ordered sent to the House.

RECALLED, AMENDED, READ THE SECOND TIME

S. 444 -- Senators Hembree, Davis, Shealy, Young, Climer, Gregory, Harpootlian, Bennett, Verdin, Campsen and M.B. Matthews: A BILL TO AMEND SECTION 1-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATTENDANCE AT CIRCUIT COURT AND PREPARATION AND PUBLICATION OF THE DOCKET, SO AS TO CLARIFY THE ROLE OF THE CIRCUIT SOLICITOR IN THE DEVELOPMENT, DISSEMINATION, AND EXECUTION OF THE GENERAL SESSIONS COURT DOCKET PLAN; TO PROVIDE THAT THE ABILITY OF THE CIRCUIT SOLICITOR TO ADMINISTER THE DOCKET MAY NOT INTERFERE WITH A DEFENDANT'S RIGHT TO A SPEEDY TRIAL; TO ALLOW FOR THE CIRCUIT COURT TO RULE ON CASES AND CONTROVERSIES ARISING FROM THE ADMINISTRATION OF THE DOCKET; AND TO PRESERVE ALL CRIME VICTIMS' CONSTITUTIONAL RIGHTS.

Senator HUTTO asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration today.

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Senator HUTTO asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

Senators MASSEY and HUTTO proposed the following amendment (JUD0444.002), which was adopted:

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

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

SECTION 1. Section 1-7-330 of the 1976 Code is amended to read:

~~“Section 1-7-330. The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be exclusively vested in the circuit solicitor and the solicitor shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term.~~

(A) The circuit solicitor has the authority to call cases in such order and in such manner as will facilitate the efficient administration of his official duties, subject to the overall broad supervision of the trial judge. The circuit solicitor will determine the order in which the docketed cases are called subject to rulings of the court as outlined in subsection (B). A defendant may move for a speedy trial or he may make a motion for a continuance beyond the term or for postponement to a date later within the term. In the calling of cases for trial, the circuit solicitor has broad discretion in the first instance, and the trial judge has broad discretion in the final analysis.

(B) The trial court has the ultimate authority to determine whether a case on the published docket and called by the circuit solicitor will be tried by ruling on motions properly before it for continuances, dates certain, and speedy trials.

(C)(1) For purposes of this subsection and subsection (D), ‘consult’ means an interaction between two persons in which the initiating person:

- (a) provides information to another person;
- (b) provides the other person an opportunity to respond; and
- (c) takes the other person’s response, if any, into consideration.

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(2) Criminal cases in circuit court must be calendared by the circuit solicitor according to a written criminal case docketing plan developed by the circuit solicitor for each circuit. Before developing the plan, the circuit solicitor must consult with the chief administrative judge, the circuit public defender, and one member of the Circuit Public Defender Selection Panel within that circuit appointed by the panel. In developing the docketing plan, the circuit solicitor must consider processes that promote justice by maximizing efficient but thorough case preparation and resolution by and between circuit solicitors and the defense, and by maximizing the effective use of judges' time.

(D)(1) A criminal docketing plan for each circuit must be developed by the circuit solicitor and made effective no later than January 1, 2020. Thereafter, a new docketing plan must be developed and made effective no later than the first day of the sixth month following the beginning of the circuit solicitor's four-year term of office and, upon consultation as required, continued or amended every four years after. If the circuit solicitor does not develop a criminal docketing plan before January 1, 2020, or fails to continue or amend the docketing plan before expiration, the chief administrative judge for general sessions court must either issue a new written criminal case docketing plan or continue or amend the plan last in effect, and such plan will be effective for one year or until the circuit solicitor takes action as required. In that event, all organizational and administrative tasks associated with the management of the trial docket in general sessions court shall become the duty and responsibility of the chief administrative judge until the circuit solicitor takes action and publishes a criminal docketing plan as authorized. Nothing in this section prohibits the circuit solicitor from amending the most recent criminal docketing plan at other such times additional to those required by this subsection, provided that the solicitor complies with any and all consultation requirements in subsection (C) prior to issuing any amendment.

(2) Each criminal docketing plan must be published on the circuit solicitor's website, if available, or at each courthouse in the circuit solicitor's circuit if a website is unavailable. Each criminal docketing plan, at a minimum, must include the provisions required pursuant to this section but may contain additional provisions not inconsistent with this section. The circuit solicitor may, in his sole discretion, develop an individual docketing plan for each county within the circuit.

(E)(1) At least one administrative appearance must be established by the docketing plan, and any appearances must be scheduled and conducted by the chief administrative judge for general sessions court or

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his judicial designee. Venue for administrative appearances may be in any county in the circuit; however, the presence of the defendant must only be required for administrative appearances where the defendant is unrepresented by counsel or where the administrative appearance is held in the county where the case originated. A defendant that is represented by counsel must not be required to attend more than three administrative appearances. Administrative appearances must be scheduled at least twenty-eight calendar days apart.

(2) Procedures for administrative appearances as to cases with unrepresented defendants must be included in the docketing plan and provide for:

(a) the circuit solicitor to notify the court of unrepresented defendants;

(b) the chief administrative judge or his judicial designee to schedule administrative appearances for the purpose of informing unrepresented defendants of his rights and the risks and disadvantages of self-representation; and

(c) the court to establish, as to a defendant who voluntarily waives the right to counsel, a satisfactory court record demonstrating the decision to represent himself was made with a knowing and intelligent understanding of his rights and the risks of self-representation.

(3) At an administrative appearance:

(a) the court shall, as the first order of business, determine the status of the defendant's representation by counsel and appoint counsel if necessary; and

(b) the court may inquire as to the existence of any mental health issues that would require an order of the court.

(4) Nothing in this subsection precludes the disposition of a criminal case by plea, deferred prosecution, or dismissal prior to any administrative appearance.

(F) A status conference may be requested by any party at any time with the chief administrative judge to address issues including, but not limited to, plea negotiations, the scheduling of motions, compliance with discovery requests, or issues related to the defendant's bond.

(G) Pretrial conferences for cases on the published trial docket must be established by the docketing plan and must be conducted by the chief administrative judge for general sessions court or his judicial designee. The chief administrative judge or his judicial designee will address administrative matters and issues affecting the published trial docket, which may include a review or discussion of the status of available discovery in compliance with Rule 5 of the Rules of Criminal Procedure.

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(H) The chief administrative judge for general sessions court is responsible for the scheduling of motions throughout the terms of general sessions whether or not the case has been scheduled for trial in accordance with Rule 4 of the Rules of Criminal Procedure and the common law.

(I)(1) Not less than thirty-five days before the term of court, the circuit solicitor shall submit a proposed list of cases to the appropriate chief administrative judge and provide notice to defense counsel representing defendants on the proposed trial docket. The proposed trial docket should not contain cases that the circuit solicitor does not reasonably expect to be disposed of during the term of court. At any time prior to the publishing of the proposed trial docket, a defendant may submit his case to the circuit solicitor for consideration, if the case has exhausted plea negotiations and is ready to be set for trial. In any county in which multiple sessions of court are being held, the circuit solicitor, in his discretion, may publish a proposed list of cases for each session of court.

(2) The circuit solicitor must either post the proposed trial docket on his website or send the proposed trial docket to defense attorneys by regular mail, electronic mail or delivery, or hand delivery to the last known address. The circuit solicitor must also send the proposed trial docket to the clerk of court for each county within the circuit by electronic mail or delivery, or by such other method agreed to by the circuit solicitor and the clerk of court. The clerk of court must provide notice to defendants, including pro se defendants, pursuant to court requirements and by a delivery method approved by the court. Except by consent of the chief administrative judge, circuit solicitor, and defense counsel or pro se defendant, a case must not be added to the trial docket after it is published. Defense counsel or pro se defendants must file any motions for continuance with the court within seven business days of notice of the proposed trial docket. After the court rules on any continuance requests, or if there are no continuance motions, the proposed list of cases becomes the published trial docket. The filing of or the failure to file a motion for continuance within the seven business days does not affect a defendant's right to file a motion for continuance at a later time. If more than one session of court is scheduled for a court week, the circuit solicitor shall determine the number of plea sessions and trial sessions. The chief administrative judge shall determine which judge will preside over the solicitor-designated sessions.

(3) The circuit solicitor, defense counsel, or a pro se defendant may file a motion with the court for protection or relief from a trial

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docket. A motion by defense counsel pursuant to this subsection shall contain an affirmation that the counsel, prior to filing the motion, has communicated or attempted to communicate with the circuit solicitor in good faith to request accommodation for protection or relief and an explanation of whether the request was unanswered or denied, or how the request was inadequately resolved. The chief administrative judge, or a circuit judge designated by the chief administrative judge, may schedule and hold a hearing for the purpose of determining whether a motion for protection or relief should be granted and must, in any such determination, consider the age and complexity of the involved cases, experience of counsel, prejudice to any party or victim, and other relevant factors as determined by the court provided, however, that such a hearing must not be scheduled in a manner that conflicts with hearings or trials scheduled or taking place on other docketed cases.

(4) The circuit solicitor, after consultation with the parties, shall schedule new court dates for cases not reached during that term. The notice requirements of subsection (I)(1) are satisfied for any case that is called for trial within four weeks of the end of the term of court for which the case was initially scheduled unless the court grants a motion pursuant to subsection (B).

(5) Cases, if called by the circuit solicitor, should be called in the order of the published docket unless circumstances arise affecting the fair administration of justice and the responsible allocation of resources. The circuit solicitor must provide written notice to the court, circuit public defender, and appropriate defense counsel of his intent to call a case out of the published docket order. If the defendant whose case is called out of order objects to the calling of his case, the court shall rule on the defendant's objection to the change upon the defendant's motion pursuant to subsection (B).

(J)(1) When a case has not otherwise been scheduled for trial within one year of indictment, the chief administrative judge, circuit solicitor, or defendant may call for a status conference to identify and discuss each party's preparation level and any issues or obstacles slowing or preventing case preparation. The chief administrative judge shall schedule the status conference no later than sixty days following request.

(2) For any case that is still pending two years from the date of its indictment, the chief administrative judge, or his judicial designee, may require and hold a hearing sua sponte for the purpose of determining whether a trial date should be set. Factors to be considered by the judge include the age of the case, pretrial detention, other cases pending before the court, other charges pending against the defendant, and the status of

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witnesses and evidence for both the defendant and the circuit solicitor. The court may order the placement of a case on a trial docket pursuant to this subsection within a reasonable, specified time period as determined after consultation with the parties, but not sooner than sixty days from the ruling on a hearing held pursuant to subsection (J)(2).

(K) A defendant may make a request to be placed on a trial or plea docket with the circuit solicitor and, if both parties agree on a date, the circuit solicitor shall calendar the case. If the parties cannot agree, the defendant may file a motion to be placed on the trial or plea docket. All filed motions to be placed on a trial or plea docket must establish the basis of the request and contain an affirmation that the defendant, prior to filing the motion, has communicated with the circuit solicitor and has attempted in good faith but failed to have the circuit solicitor docket the case in a manner that accommodated his request. The chief administrative judge, or his judicial designee, may hold a hearing for the purpose of determining whether a trial or plea date should be set. The court may grant a motion to have a case placed on the trial docket within a reasonable specified time period as determined after consultation with the parties, but not sooner than sixty days from the ruling on the motion.

(L) Nothing in this section may be construed to deprive any victim or any defendant of any constitutional or statutory rights.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. Except as otherwise provided in SECTION 1, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

[SJ]

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Motion Under Rule 26B Waived

Senator MASSEY asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

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

CARRIED OVER

H. 3483 -- Reprs. 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.

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

AMENDED, READ THE SECOND TIME

H. 3929 -- Reprs. Anderson, R. Williams and Jefferson: A JOINT RESOLUTION TO PROVIDE THAT DURING THE 2018-2019 SCHOOL YEAR THE STATE BOARD OF EDUCATION MAY WAIVE THE REQUIREMENTS FOR MAKING UP DAYS BEYOND THE THREE DAYS THAT MAY BE FORGIVEN BY LOCAL SCHOOL DISTRICTS FOR ANY DAYS MISSED DURING THE 2018-2019 SCHOOL YEAR BECAUSE OF SNOW, EXTREME WEATHER CONDITIONS, OR OTHER DISRUPTIONS REQUIRING SCHOOLS TO CLOSE, TO PROVIDE THESE WAIVERS ONLY MAY BE CONSIDERED AND GRANTED UPON REQUEST OF THE LOCAL SCHOOL BOARD OF TRUSTEES THROUGH A MAJORITY VOTE OF THAT LOCAL BOARD, AND TO PROVIDE THE PROVISIONS OF THIS JOINT RESOLUTION APPLY NOTWITHSTANDING THE PROVISIONS OF SECTION 59-1-425 OR ANOTHER PROVISION OF LAW.

The Senate proceeded to the consideration of the Resolution.

Senator MARTIN proposed the following amendment (3929R001.SP.SRM), which was adopted:

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

/SECTION 1. During the 2018-2019 School Year, a local school district may waive additional makeup days in addition to the three days

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forgiven pursuant to Section 59-1-425 by the local school district for any days missed during the 2018-2019 School Year because of snow, extreme weather conditions, or other disruptions requiring schools to close. The provisions of this joint resolution apply notwithstanding the provisions of Section 59-1-425 or another provision of law that requires school districts to request a waiver from the State Board of Education. /

Renumber sections to conform.
Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

The question being the second reading of the Resolution.

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

Ayes 38; Nays 1

AYES

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

Total--38

NAYS

Massey

Total--1

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

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CARRIED OVER

H. 3698 -- Reps. Bailey, Hewitt, Hardee and Clemmons: A BILL TO AMEND SECTION 48-39-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEVELOPMENT OF THE COASTAL MANAGEMENT PROGRAM, SO AS TO EXEMPT CERTAIN PERMITS FROM REVIEW BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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

CARRIED OVER

H. 3699 -- Reps. Bailey, Hewitt and Hardee: A BILL TO AMEND SECTION 48-39-145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATION FEES FOR PERMITS TO ALTER CRITICAL AREAS, SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEFER TO THE UNITED STATES ARMY CORPS OF ENGINEERS IN DETERMINING THE SIZE OF A PRIVATE RECREATIONAL DOCK CONSTRUCTED ON THE ATLANTIC INTRACOASTAL WATERWAY FEDERAL NAVIGATION PROJECT.

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

CARRIED OVER

H. 3700 -- Reps. Bailey, Hewitt, Hardee and Clemmons: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

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

OBJECTION

S. 293 -- Senators Cash, Corbin and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-31-232 SO AS TO PROVIDE A CONCEALED WEAPON PERMIT HOLDER MAY CARRY A CONCEALABLE WEAPON ON SCHOOL PROPERTY LEASED BY A CHURCH FOR CHURCH SERVICES OR OFFICIAL CHURCH ACTIVITIES IF THE CHURCH OR ITS GOVERNING BODY PROVIDES EXPRESS

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PERMISSION TO THE PERMIT HOLDER, AND TO PROVIDE THAT THIS SECTION ONLY APPLIES DURING THE TIME THAT THE CHURCH HAS ACCESS TO THE PROPERTY FOR ITS SERVICES OR ACTIVITIES.

Senator SENN objected to the consideration of the Bill.

POINT OF ORDER

S. 742 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4834, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

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

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 603 -- Senator Turner: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON MONDAY, NOVEMBER 18 AND THURSDAY, NOVEMBER 21 AND FRIDAY, NOVEMBER 22, 2019. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

The Resolution was adopted, ordered sent to the House.

S. 235 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF EAST MADISON STREET IN YORK, SOUTH CAROLINA, FROM ITS INTERSECTION WITH NORTH CONGRESS STREET TO ITS INTERSECTION WITH HUNTER STREET "DANIEL LEE LOWRY BOULEVARD" AND TO ERECT

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APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered sent to the House.

LOCAL APPOINTMENTS

Confirmations

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

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

Nancy Devine, 121 Wilson Road, Williamston, SC 29697-9723

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

Matthew Lollis, 116 Royal Drive, Williamston, SC 29697-2045

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

Denise M. Malone, 803 Concord Ave., Anderson, SC 29621-1905

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

Sherry Mattison, 309 Oakwood Estates Dr., Anderson, SC 29621-2471

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

Jerry Lee Mullikin, 2301 Six and Twenty Road, Pendleton, SC 29670-9383

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

William Dan Sharp, 2402 East North Avenue, Anderson, SC 29625-2903

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

Samuel Thompson Tucker, III, 230 Grace Lane, Piedmont, SC 29673-7710

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

Lisa Hotchkiss, 716 Wingert Road, Greenwood, SC 29649-9668

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

Belinda Johnson, 1703A Westbrook Drive, Greenwood, SC 29649-7600

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

Gordon B. Johnson, Post Office Box 546, Prosperity, SC 29127-0546

Initial Appointment, Sumter County Master-in-Equity, with the term to commence December 31, 2016, and to expire December 31, 2022

Michael Mckinney Jordon, 2292 Gingko Dr., Sumter, SC 29150 *VICE*
Howard P. King

Motion Adopted

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

ADJOURNMENT

At 5:37 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:00 Noon.

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