

NO. 55

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

---

THURSDAY, APRIL 11, 2019

**Thursday, April 11, 2019**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah 41:10

“So do not fear, for I am with you; do not be dismayed, for I am Your God. I will strengthen you and help you; I will uphold you with my right hand.”

Let us pray. Gracious and loving God, we commit this day to You. We know that we can put our complete trust in You and the promises of Your word in Scripture. Promises that You will never leave or forsake us, and that You will always uphold us with Your right hand. Promises that You will supply us with the strength for every challenge, the wisdom for every decision and the patience and hope we need in times of uncertain health. Promises that You love us and forgive us and that You will show us the way, Lord, to reach beyond our selfish needs and make a better day for someone else. Through the God of all mercies we pray, Amen.

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

**Point of Quorum**

At 11:03 A.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Allen	Bennett
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gregory	Grooms	Harpootlian
Johnson	Leatherman	Martin
Massey	Peeler	Rice

**THURSDAY, APRIL 11, 2019**

Senn	Shealy	Sheheen
Talley	Turner	Williams
Young		

A quorum being present, the Senate resumed.

**Leave of Absence**

On motion of Senator CROMER, at 11:10 A.M., Senator CAMPBELL was granted a leave of absence for the day.

**Leave of Absence**

On motion of Senator MARTIN, at 11:10 A.M., Senator GOLDFINCH was granted a leave of absence for the day.

**Leave of Absence**

On motion of Senator McELVEEN, at 11:42 A.M., Senator KIMPSON was granted a leave of absence for the day.

**RECALLED AND REFERRED**

Initial Appointment, South Carolina Board of Juvenile Parole, with the term to commence June 30, 2019, and to expire June 30, 2023

At-Large:

Kenneth D. McKellar, 108 Haywain Dr., Chapin, SC 29036-9713  
*VICE* Kimberly H. Frederick

On motion of Senator MARTIN, the appointment was recalled from the Committee on Corrections and Penology and referred to the Committee on Judiciary.

**RECALLED**

H. 3951 -- Reps. Clary, McCoy, Tallon, Bryant, Elliott, Martin, Gagnon, Thayer, McCravy, B. Newton, Jefferson and R. Williams: 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 MASSEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

**THURSDAY, APRIL 11, 2019**

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

**RECALLED**

H. 4236 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF COIT STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH SUMTER STREET TO ITS INTERSECTION WITH DARLINGTON STREET "REVEREND DR. WILLIAM EDWARD CHANEY WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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

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

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed that if and when the Senate adjourns, it stand adjourned to meet Tuesday, April 16 under the provisions of Rule 1B.

**Motion Adopted**

On motion of Senator MASSEY, under the provisions of Rule 1A, the Senate will convene on Wednesday, April 17 at 10:00 A.M.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

H. 4106 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 321 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH HOPEWELL ROAD TO ITS INTERSECTION WITH ZEIGLER STREET "VIRGIN JOHNSON, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

**THURSDAY, APRIL 11, 2019**

H. 4109 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF TILLMAN AVENUE IN THE TOWN OF VARNVILLE FROM ITS INTERSECTION WITH WEST PINE STREET TO ITS INTERSECTION WITH HAMPTON ROAD "H. J. BROOKS AVENUE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4145 -- Reps. Hewitt, Davis, Sottile and Kirby: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES FORESTRY SERVICE AND URGE THEM TO TAKE STEPS TO PROTECT WILD TURKEY NESTS IN SOUTH CAROLINA PRIOR TO CONDUCTING A CONTROLLED BURN IN SOUTH CAROLINA FORESTS.

The Concurrent Resolution was introduced and referred to the Committee on Fish, Game and Forestry.

H. 4326 -- Reps. Lucas and R. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CASHUA FERRY ROAD IN DARLINGTON COUNTY FROM WILSON CLINIC TO ITS INTERSECTION WITH COGGESHALL ROAD "JAMES 'JIMMY' MCKELVEY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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

**REPORTS OF STANDING COMMITTEES**

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 394 -- Senators Talley and Climer: A BILL TO AMEND CHAPTER 17, TITLE 39 OF THE 1976 CODE, RELATING TO CONTAINERS AND GRADES, BY ADDING ARTICLE 7, TO PROVIDE THAT ANY REGULATION REGARDING THE USE, DISPOSITION, SALE, OR IMPOSITION OF ANY PROHIBITION, RESTRICTION, FEE IMPOSITION, OR TAXATION OF AUXILIARY CONTAINERS MUST BE DONE BY THE GENERAL

**THURSDAY, APRIL 11, 2019**

ASSEMBLY, TO PROVIDE FOR EXCEPTIONS, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 506 -- Senator Jackson: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 31 OF THE 1976 CODE, RELATING TO CITY HOUSING AUTHORITIES, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH A COUNTY LEGISLATIVE DELEGATION MAY DECLARE A STATE OF EMERGENCY, TO PROVIDE THAT A STATE OF EMERGENCY RESULTS IN THE SUSPENSION OF HOUSING AUTHORITY COMMISSIONERS, TO PROVIDE FOR A REVIEW OF THE SUSPENSION BY THE MAYOR OF THE MUNICIPALITY IN WHICH THE HOUSING AUTHORITY EXISTS, TO PROVIDE FOR THE PERMANENT REMOVAL FROM OFFICE OF THE COMMISSIONERS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR NEW COMMISSIONERS WHEN NECESSARY.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs polled out S. 623 favorable:

S. 623 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 25 THROUGH MARCH 3, 2019 AS "EATING DISORDERS AWARENESS WEEK" IN THE STATE OF SOUTH CAROLINA, TO COINCIDE WITH NATIONAL EATING DISORDERS AWARENESS WEEK, AND TO RECOGNIZE FRIDAY, MARCH 1, 2019, AS "EATING DISORDERS AWARENESS DAY" IN SOUTH CAROLINA.

**Poll of the Medical Affairs Committee  
Polled 16; Ayes 15; Nays 0**

**AYES**

Verdin	Peeler	Jackson
Martin	Nicholson	Scott
Alexander	Davis	Johnson
Campbell	Corbin	<i>Margie Matthews</i>
Gambrell	Senn	Cash

**Total--15**

[SJ]

5

THURSDAY, APRIL 11, 2019

NAYS

**Total--0**

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs polled out S. 654 favorable:

S. 654 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE SEPTEMBER AS "HUNGER ACTION MONTH" IN SOUTH CAROLINA.

**Poll of the Medical Affairs Committee  
Polled 16; Ayes 15; Nays 0**

**AYES**

Verdin	Peeler	Jackson
Martin	Nicholson	Scott
Alexander	Davis	Johnson
Campbell	Corbin	<i>Margie Matthews</i>
Gambrell	Senn	Cash

**Total--15**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs polled out S. 4291 favorable:

H. 4291 -- Reps. Martin, 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,

[SJ]

**THURSDAY, APRIL 11, 2019**

King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE IMPORTANCE THAT MAMMOGRAPHY PROVIDES IN THE EARLY DETECTION OF BREAST CANCER AND TO DECLARE MONDAY, OCTOBER 7, 2019, "MAMMOGRAM AWARENESS DAY" IN SOUTH CAROLINA.

**Poll of the Medical Affairs Committee  
Polled 16; Ayes 15; Nays 0**

**AYES**

Verdin	Peeler	Jackson
Martin	Nicholson	Scott
Alexander	Davis	Johnson
Campbell	Corbin	<i>Margie Matthews</i>
Gambrell	Senn	Cash

**Total--15**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

**Appointments Reported**

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointments**

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

Master Haircare Specialist:

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



**THURSDAY, APRIL 11, 2019**

Received as information.

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

General Public:

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

Received as information.

Initial Appointment, South Carolina State Board of Barber Examiners, with the term to commence March 30, 2019, and to expire March 30, 2023

Barber:

Christopher L. Javis, 128 Southlake Court, Columbia, SC 29223-5925  
*VICE* Patricia Durkin

Received as information.

#### **HOUSE CONCURRENCE**

S. 750 -- Senator Rankin: A CONCURRENT RESOLUTION TO COMMEND AND RECOGNIZE THE PENGUINEERS, THE TEAM THAT SERVED AS CAPTAIN OF THE WINNING ALLIANCE AT THE SOUTH CAROLINA *FIRST* TECH CHALLENGE STATE CHAMPIONSHIP FOR THE 2018/19 *FIRST* ROBOTICS SEASON AND ADVANCED TO THE *FIRST* CHAMPIONSHIP IN HOUSTON, TEXAS.

Returned with concurrence.

Received as information.

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

#### **SECOND READING BILL**

H. 3819 -- Reps. Gagnon and West: A BILL TO AMEND ACT 755 OF 1988, RELATING TO ABBEVILLE COUNTY SCHOOL DISTRICT NO. 60, SO AS TO PROVIDE THAT THE SCHOOL DISTRICT BOARD OF TRUSTEES SHALL HAVE TOTAL FISCAL AUTONOMY.

On motion of Senator NICHOLSON.

**THURSDAY, APRIL 11, 2019**

**H. 3819--Ordered to a Third Reading**

On motion of Senator NICHOLSON, with unanimous consent, H. 3819 was ordered to receive a third reading on Friday, April 12, 2019.

**CARRIED OVER**

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.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

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

**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. 293 -- Senators Cash, Corbin, Rice and Verdin: 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 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.

**THURSDAY, APRIL 11, 2019**

**OBJECTION**

S. 15 -- Senators Rankin and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-17 SO AS TO REQUIRE A ONE-HALF CREDIT COURSE OF STUDY IN PERSONAL FINANCE WITH AN END-OF-YEAR TEST AS A REQUIREMENT FOR HIGH SCHOOL GRADUATION BEGINNING WITH THE 2020-2021 SCHOOL YEAR.

Senator MARTIN objected to the consideration of the Bill.

**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.

Senator HEMBREE explained the Bill.

On motion of Senator CAMPSSEN, 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.

Senator HEMBREE explained the Bill.

On motion of Senator CAMPSSEN, 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

**THURSDAY, APRIL 11, 2019**

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.

Senator HEMBREE explained the Bill.

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

**CARRIED OVER**

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.

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

**OBJECTION**

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

**THURSDAY, APRIL 11, 2019**

AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

Senator TALLEY objected to the consideration of the Bill.

**READ THE SECOND TIME**

H. 3398 -- Reps. Clary, Norrell, Loftis, Hill, Felder, W. Cox and Elliott: A BILL TO AMEND ACT 265 OF 2016, RELATING TO THE ESTABLISHMENT OF THE "TUCKER HIPPS TRANSPARENCY ACT", SO AS TO PERMANENTLY AUTHORIZE THE ACT AND TO REPEAL THE THREE-YEAR SUNSET PROVISION.

The Senate proceeded to the consideration of the Bill.

Senator RICE explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

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

**Total--37**

**NAYS**

**Total--0**

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

[SJ]

**THURSDAY, APRIL 11, 2019**

**OBJECTION**

H. 3659 -- Reps. McCoy, Rose, Ballentine, Wooten, W. Newton, Mack, Sottile, Clary, Erickson, Herbkersman, Pendarvis, Stavrinakis, Ott, Gilliard, Bennett, Caskey, Murphy, Bernstein, Mace, Young, Garvin, Cobb-Hunter, Norrell, Thigpen, Hyde, Jefferson, R. Williams, Funderburk, Huggins, Anderson, Hardee, Cogswell, Tallon, Sandifer, West, Gagnon, Forrester, Blackwell, Spires, Calhoun, B. Cox, Elliott, Morgan, Loftis, Bradley, Willis, Toole, Henderson-Myers, Daning and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA ENERGY FREEDOM ACT" BY ADDING SECTION 58-27-845 SO AS TO ENUMERATE SPECIFIC RIGHTS OWED TO EVERY ELECTRICAL UTILITY CUSTOMER IN SOUTH CAROLINA; BY ADDING SECTION 58-27-2350 SO AS TO PROVIDE FOR JUDICIAL REVIEW OF VIOLATIONS OF AN ELECTRICAL UTILITY CUSTOMER'S RIGHTS; BY ADDING CHAPTER 41 TO TITLE 58 SO AS TO DEFINE RELEVANT TERMS, TO REQUIRE PERIODIC HEARINGS TO REVIEW AND APPROVE ELECTRICAL UTILITIES' AVOIDED COST METHODOLOGIES, STANDARD OFFERS, FORM CONTRACTS, AND COMMITMENT TO SELL FORMS, AND TO ESTABLISH POLICIES AND PROCEDURES FOR THESE HEARINGS, TO REQUIRE EACH ELECTRICAL UTILITY TO FILE A VOLUNTARY RENEWABLE ENERGY PROGRAM FOR THE COMMISSION'S REVIEW AND APPROVAL AND TO ENUMERATE PROGRAM REQUIREMENTS, TO REQUIRE EACH ELECTRICAL UTILITY TO ESTABLISH A NEIGHBORHOOD COMMUNITY SOLAR PROGRAM PLAN WITH A GOAL TO EXPAND ACCESS TO SOLAR ENERGY TO LOW-INCOME COMMUNITIES AND CUSTOMERS, AND TO ENUMERATE PROGRAM REQUIREMENTS; TO AMEND SECTION 58-4-10, AS AMENDED, RELATING TO THE OFFICE OF REGULATORY STAFF, SO AS TO REVISE THE DEFINITION OF "PUBLIC INTEREST"; TO AMEND SECTION 58-27-460, RELATING TO THE PROMULGATION OF STANDARDS FOR INTERCONNECTION OF RENEWABLE ENERGY, SO AS TO, AMONG OTHER THINGS, INCREASE THE MAXIMUM GENERATION CAPACITY OF THOSE RENEWABLE ENERGY FACILITIES FOR WHICH THE PUBLIC SERVICE COMMISSION SHALL PROMULGATE INTERCONNECTION STANDARDS; TO AMEND SECTION 58-27-2610, RELATING TO LEASES OF RENEWABLE ELECTRIC GENERATION FACILITIES, SO AS TO,

[SJ]

**THURSDAY, APRIL 11, 2019**

AMONG OTHER THINGS, REMOVE THE SOLAR LEASING CAP; TO AMEND SECTION 58-33-110, RELATING TO REQUIRED PRECONSTRUCTION CERTIFICATIONS FOR MAJOR UTILITY FACILITIES, SO AS TO PROVIDE THAT A PERSON MAY NOT BEGIN CONSTRUCTION OF A MAJOR UTILITY FACILITY WITHOUT FIRST HAVING MADE A DEMONSTRATION THAT THE FACILITY HAS BEEN SELECTED THROUGH AN INDEPENDENTLY MONITORED, ALL-SOURCE, PROCUREMENT PROCESS OVERSEEN BY AN INDEPENDENT EVALUATOR CHOSEN BY THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-33-140, RELATING TO THE PARTIES TO CERTIFICATION PROCEEDINGS, SO AS TO PROVIDE THAT THE PARTIES SHALL INCLUDE ANY INDEPENDENT POWER PRODUCER THAT IS PROPOSING AN ALTERNATIVE TO THE MAJOR UTILITY FACILITY; TO AMEND SECTION 58-37-40, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO PROVIDE FOR THE EVALUATION OF THE ADOPTION OF RENEWABLE ENERGY, ENERGY EFFICIENCY, AND DEMAND RESPONSE IN INTEGRATED RESOURCE PLANS AND TO PROVIDE FOR CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 58-40-10, RELATING TO DEFINITIONS APPLICABLE TO NET ENERGY METERING, SO AS TO REVISE THE DEFINITION OF "CUSTOMER-GENERATOR"; AND TO AMEND SECTION 58-40-20, RELATING TO NET ENERGY METERING, SO AS TO REQUIRE ELECTRICAL UTILITIES TO MAKE NET ENERGY METERING AVAILABLE TO CUSTOMER-GENERATORS UNTIL THE TOTAL INSTALLED NAMEPLATE GENERATING CAPACITY OF NET ENERGY METERING SYSTEMS EQUALS AT LEAST TWO PERCENT OF THE PREVIOUS FIVE-YEAR AVERAGE OF THE ELECTRICAL UTILITY'S SOUTH CAROLINA RETAIL PEAK DEMAND AND TO PROVIDE FOR A SUCCESSOR NET ENERGY METERING TARIFF.

Senator CLIMER objected to the consideration of the Bill.

**OBJECTION**

H. 4001 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2018-2019, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED

**THURSDAY, APRIL 11, 2019**

FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Senator LEATHERMAN objected to the consideration of the Bill.

**ADOPTED**

H. 3016 -- Reps. Govan, Jefferson, S. Williams and Rivers: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GOFF AVENUE IN THE CITY OF ORANGEBURG FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 21 "DR. H.N. TISDALE AVENUE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

H. 4235 -- Rep. Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 1 APPROXIMATELY FOUR MILES OUTSIDE THE TOWN OF MCBEE "SERGEANT DARRYL QUICK MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

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

**MOTION ADOPTED**

At 11:44 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

**MESSAGE FROM THE GOVERNOR**

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

[SJ]



THURSDAY, APRIL 11, 2019

March 21, 2019

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

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-15, S. 504, which seeks to abolish the Allendale County Aeronautics and Development Commission (“Commission”) and to reconstitute the Commission as the “Allendale County Aeronautics Commission.”

Like several of my predecessors, I have consistently vetoed unconstitutional local or special legislation. Article VIII, section 7 of the South Carolina Constitution expressly prohibits the General Assembly from enacting legislation that applies to only a single county. S.C. Const. art VIII, § 7; *see also* S.C. Const. art. III, § 34(IX) (prohibiting local or special laws “where a general law can be made applicable”); S.C. Const. art. VIII, § 10 (“No laws for a specific municipality shall be enacted . . .”). Yet, S. 504 plainly pertains to only Allendale County and does not satisfy any recognized exception to the constitutional prohibition on local legislation. *See* 1983 WL 181822, at \*1 (S.C.A.G. Mar. 31, 1983) (“An act amending prior special legislation regarding a county aeronautics commission would violate the provisions of Article VIII, Section 7 of the South Carolina Constitution.”). As noted by Governor Sanford in vetoing the Commission’s 2008 enabling legislation, the South Carolina Supreme Court has declared similar acts unconstitutional. Therefore, because S. 504 does not cure the Commission’s original constitutional defect, I am compelled to veto the bill. Once again, I encourage the General Assembly to begin addressing such matters by passing laws of uniform, statewide application, rather than by repeatedly resorting to piecemeal and inconsistent local legislation.

For the foregoing reasons, I am respectfully vetoing R-15, S. 504 and returning the same without my signature.

Yours very truly,  
Henry McMaster

[SJ]

16

THURSDAY, APRIL 11, 2019

**VETO OVERRIDDEN**

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

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

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

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

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

**Ayes 36; Nays 0**

**AYES**

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

**Total--36**

**NAYS**

**Total--0**

**THURSDAY, APRIL 11, 2019**

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

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

**CONCURRENCE**

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

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

Senator HUTTO explained the amendments.

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

**Ayes 36; Nays 0**

**AYES**

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

**Total--36**

**THURSDAY, APRIL 11, 2019**

**NAYS**

**Total--0**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4000, THE GENERAL APPROPRIATIONS BILL.**

**CARRIED OVER**

H. 4000 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

Senator LEATHERMAN spoke on the Bill.

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

**Motion Adopted**

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

**THURSDAY, APRIL 11, 2019**

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Roderick Ian Macpherson of Charleston, S.C. Dr. Macpherson was the father-in-law of our beloved Senator Brad Hutto. Rod graduated from the University of Manitoba Faculty of Medicine, worked as the Chief of Radiology at The Children's Hospital of Winnipeg, was the head of Pediatric Radiology at The University of Texas and later joined the faculty at The Medical University of South Carolina. He was passionate about teaching and sharing knowledge. Rod enjoyed playing and coaching sports, skating and running. Rod was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator RICE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William A. Robinson, Jr. of Easley, S.C. William graduated from Clemson University and later from the University of South Carolina Law School. He was an airplane mechanic and ground crew chief for the U.S. Army Air Corps. William served as a trustee for Pickens County School District, Easley Rotary Club, S.C. Chamber of Commerce, and the Poinsett Club to mention a few. William was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 11:57 A.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

\* \* \*

**THURSDAY, APRIL 11, 2019**

**SENATE JOURNAL INDEX**

S. 15.....	<b>10</b>	H. 3659 .....	<b>13</b>
S. 293.....	<b>9</b>	H. 3698 .....	<b>10</b>
S. 394.....	<b>4</b>	H. 3699 .....	<b>10</b>
S. 504.....	<b>17</b>	H. 3700 .....	<b>10</b>
S. 506.....	<b>5</b>	H. 3819 .....	<b>8</b>
S. 534.....	<b>9</b>	H. 3951 .....	<b>2</b>
S. 623.....	<b>5</b>	H. 4000 .....	<b>19</b>
S. 654.....	<b>6</b>	H. 4000 .....	19
S. 742.....	<b>11</b>	H. 4001 .....	<b>14</b>
S. 750.....	<b>8</b>	H. 4106 .....	<b>3</b>
		H. 4109 .....	<b>4</b>
H. 3016.....	<b>15</b>	H. 4145 .....	<b>4</b>
H. 3137.....	<b>11</b>	H. 4235 .....	<b>15</b>
H. 3398.....	<b>12</b>	H. 4236 .....	<b>3</b>
H. 3420.....	<b>18</b>	H. 4291 .....	<b>6</b>
H. 3483.....	<b>9</b>	H. 4326 .....	<b>4</b>