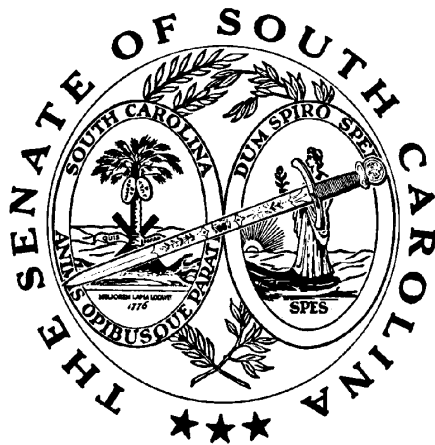


NO. 26

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, FEBRUARY 22, 2023

Wednesday, February 22, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.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:

Matthew 6:21

We read that the Lord himself proclaims: “ ‘For where your treasure is, there your heart will be also.’ ”

Let us pray. We recognize that today is Ash Wednesday, O Lord, a day of repentance when many cannot help but ponder how it is that we so typically live in ways that are light-years from the manner You would have us all live. In the face of that reality we pray that You will give each of us the strength we need to change our ways, dear God, the courage to admit our shortcomings, and the willing desire to choose to live as You, Lord, would have us live, day by day. And as always, we ask that You will strengthen each of these Senators as You alone can, and give them the peace of heart and mind they need in order to carry out Your will for all of the people of South Carolina. In Your name we pray, Lord. Amen.

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

Point of Quorum

At 1:05 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:

Adams	Alexander	Allen
Bennett	Cash	Climer
Cromer	Davis	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis

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Malloy	Martin	Massey
McElveen	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	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:

Statewide Appointments

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2022, and to expire May 19, 2026

1st Congressional District:

Ronald L. Coleman, 214 Calhoun Street, Apt. 2, Charleston, SC 29401-1315 *VICE* Mr. Peter Smith

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina Department of Veterans' Affairs, with term coterminous with Governor

Secretary:

Todd B. McCaffrey, 3908 Kilbourne Road, Columbia, SC 29205
VICE Major General William F. Grimsley

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2018, and to expire July 1, 2024

7th Congressional District:

Kathleen Richardson, 5251 Mount Pleasant Dr., Myrtle Beach, SC 29579-8529 *VICE* Philip G. Homan

Referred to the Committee on Education.

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Doctor of the Day

Senator CAMPSSEN introduced Dr. Joel Sirianni of Charleston, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 1:03 P.M., Senator HUTTO was granted a leave of absence until 1:30 P.M.

Leave of Absence

On motion of Senator KIMPSON, at 2:29 P.M., Senator SABB was granted a leave of absence until 3:15 P.M.

Leave of Absence

On motion of Senator SETZLER, at 4:40 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. 95 Sen. Young
S. 120 Sen. Martin
S. 125 Sen. Setzler
S. 142 Sens Campsen and McLeod
S. 143 Sen. McLeod
S. 145 Sens. Campsen and McLeod
S. 147 Sen. Campsen
S. 148 Sen. McLeod
S. 208 Sens. Fanning and Kimbrell
S. 304 Sen. Cromer
S. 305 Sens. M. Johnson, Kimbrell, Turner and Fanning
S. 423 Sen. Malloy
S. 527 Sen. Davis
S. 548 Sens. Goldfinch and Verdin
S. 559 Sen. Adams

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin and Reichenbach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO

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INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

lc-0021dg23.docx : 919d65ca-c489-4357-9182-5f3ee7d6a0d2

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

S. 558 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-31-40 SO AS TO PROVIDE THE PROCEDURE FOR THE TUBERCULOSIS TESTING OF APPLICANT RESIDENTS AND NEWLY-ADMITTED RESIDENTS OF NURSING HOMES IN THIS STATE.

sr-0063jg23.docx : 2859f523-5312-402f-a5dd-b4195ac342a3

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

S. 559 -- Senators Kimbrell, M. Johnson, Rice, Reichenbach, Climer, Adams, Talley and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 34-3-120 SO AS TO PROVIDE THAT BANKS MAY NOT USE SOCIAL CREDIT SCORES WHEN MAKING DECISIONS CONCERNING WHETHER TO PROVIDE SERVICES TO A CONSUMER OR BUSINESS ENTITY; AND BY ADDING SECTION 34-26-120 SO AS TO PROVIDE THAT CREDIT UNIONS MAY NOT USE SOCIAL CREDIT SCORES WHEN MAKING DECISIONS CONCERNING WHETHER TO PROVIDE SERVICES TO A CONSUMER OR BUSINESS ENTITY.

sr-0293km23.docx : 2343a70c-c926-4cca-92f9-fdd9ae5924ff

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

S. 560 -- Senator Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-2-105, RELATING TO GOLF CART PERMIT AND THE OPERATION OF A GOLF CART, SO AS TO AMEND THE HIGHWAYS AND STREETS ON WHICH THE OPERATION OF PERMITTED GOLF CARTS IS LEGAL TO THOSE WITH SPEED LIMITS LOWER THAN TWENTY-FIVE MILES PER HOUR; TO REQUIRE SEAT BELTS AND APPROPRIATE CHILD RESTRAINTS ON GOLF CARTS AND TO IMPOSE FINES FOR VIOLATION OF THE SECTION.

smin-0067aa23.docx : 3241e4b0-600c-4242-a4c0-c639430bcb89

Senator KIMPSON spoke on the Bill.

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

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S. 561 -- Senators McElveen, Massey, Young, Campsen, Cromer, Goldfinch, Hutto and Setzler: A SENATE RESOLUTION TO CONGRATULATE THE NATIONAL WILD TURKEY FEDERATION UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE NATION AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0292km-vc23.docx : 9ff6c69d-fa34-4d52-86a5-3361f32b16d0

The Senate Resolution was adopted.

S. 562 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-37-30, RELATING TO SALES AND USE TAXES OR TOLLS AS REVENUE FOR TRANSPORTATION FACILITIES, SO AS TO EXPAND THE UTILIZATION OF TRANSPORTATION SALES TAX PROGRAMS.

sr-0296km23.docx : b427bed4-147d-44e3-9d7a-dfef30b1909f

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

S. 563 -- Senators Turner, Alexander, Garrett, Loftis, Bennett, Adams, M. Johnson, Gustafson, Massey, Cromer, Peeler, Talley, Young, Kimbrell and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-13-135, RELATING TO RETAIL THEFT AND PENALTIES, SO AS TO DEFINE ORGANIZED RETAIL CRIME AND ORGANIZED RETAIL CRIME OF AN AGGRAVATED NATURE AND RELATED TERMS, TO CLASSIFY ORGANIZED RETAIL CRIME AS A FELONY OFFENSE, AND TO DEFINE AGGRAVATING CIRCUMSTANCES AND INCREASED PENALTIES FOR ORGANIZED RETAIL CRIME OF AN AGGRAVATED NATURE.

sr-0057jg23.docx : 6c086e35-cfc2-4400-8529-3056b4d73be2

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

S. 564 -- Senator Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-330, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD ONE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

lc-0147hdb23.docx : 6b529c38-e972-414f-a7ab-70213b1aad2a

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

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H. 3797 -- Reps. B. J. Cox, G. M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.
lc-0189wab23.docx : 360be2ef-1547-4dc7-9ce3-7daecc5b6fd

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

H. 3802 -- Reps. B. J. Cox and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "VETERANS' TRUST FUND" BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN; TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS; AND TO ESTABLISH A FOUR-YEAR TERM.
lc-0186sa23.docx : e41dbd1d-f451-470b-8af3-9b2df080da61

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

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REPORTS OF STANDING COMMITTEES

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

S. 31 -- Senators Hutto and K. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-7-240, RELATING TO INDEPENDENT AUDITS OF MUNICIPAL FINANCIAL RECORDS AND TRANSACTIONS, SO AS TO ALLOW MUNICIPALITIES WITH LESS THAN \$500,000 IN TOTAL REVENUES TO PROVIDE A COMPILATION OF FINANCIAL STATEMENTS; AND BY AMENDING SECTION 14-1-208, RELATING TO MUNICIPAL COURT AUDITS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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

S. 92 -- Senators Campsen and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7-17-110 SO AS TO PROVIDE FOR THE EXTENSION OF AN ELECTION PROTEST FILING DEADLINE WHICH FALLS ON A LEGAL HOLIDAY.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 123 -- Senators Hembree, Turner and Malloy: A JOINT RESOLUTION CREATES THE "PERMANENT AUTHORIZATION JOINT RESOLUTION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT"; AND PERMANENTLY AUTHORIZES THE ACT AND REPEALS FORMER SECTIONS AS IT RELATES TO THE REPEAL AND REAUTHORIZATION OF THE ACT.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 124 -- Senators Hembree and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE

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TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 125 -- Senators Hembree, Turner and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-15, RELATING TO ADDITIONAL LIFE SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE THE COMMISSION ON HIGHER EDUCATION PROMULGATE REGULATIONS TO DEFINE EDUCATION MAJOR; BY AMENDING SECTION 59-104-25, RELATING TO ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, SO AS TO EXTEND THE STIPEND TO EDUCATION MAJORS AND TO FURTHER PROVIDE FOR THE PROMULGATION OF REGULATIONS; BY AMENDING SECTION 59-149-50, RELATING TO A NUMERICAL ACT EQUIVALENT, SO AS TO SET THE EQUIVALENT SCORE OF THE ACT TO 22; AND BY AMENDING SECTION 59-104-20, RELATING TO PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO ALLOW A STUDENT WHO USES A PALMETTO FELLOWS SCHOLARSHIP TO ATTEND A TWO YEAR INSTITUTION SHALL RECEIVE A MAXIMUM OF FOUR CONTINUOUS SEMESTERS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 138 -- Senator McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-50, RELATING TO GRADE POINT AVERAGE REQUIREMENTS FOR LIFE SCHOLARSHIP ELIGIBILITY AND RETENTION, SO AS TO PROVIDE A STUDENT WHO BECOMES ELIGIBLE FOR A LIFE SCHOLARSHIP MAY NOT SUBSEQUENTLY BECOME INELIGIBLE FOR RETENTION OF THE SCHOLARSHIP BASED ON A GRADE IN A DUAL ENROLLMENT CLASS.

Ordered for consideration tomorrow.

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

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF "SEX TRAFFICKING", SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

Ordered for consideration tomorrow.

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

S. 143 -- Senators Shealy, Goldfinch, Senn and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS, SO AS TO DEFINE A HOUSEHOLD MEMBER AND TO DEFINE A DATING RELATIONSHIP; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITION FOR ORDER OF PROTECTION, SO AS TO DESIGNATE PEOPLE WHO CAN APPLY FOR AN ORDER OF PROTECTION ON BEHALF OF A MINOR.

Ordered for consideration tomorrow.

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

S. 145 -- Senators Shealy, Goldfinch, Hutto, Jackson, Campsen and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, LEWDNESS, ASSIGNATION, AND PROSTITUTION GENERALLY, SO AS TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION, TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING, AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION IF THE PROSTITUTE HAS A MENTAL DISABILITY; AND BY REPEALING SECTION 16-15-100, RELATING TO PROSTITUTION, FURTHER UNLAWFUL ACTS.

Ordered for consideration tomorrow.

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

S. 147 -- Senators Shealy, Gustafson, Senn, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-25-130 SO AS TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENTIAL ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS; BY ADDING SECTION 16-3-1656 SO AS TO REQUIRE NONPROFIT VICTIM ASSISTANCE ORGANIZATIONS THAT SERVE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, HUMAN TRAFFICKING, STALKING, HARASSMENT, OR SEXUAL OFFENSES TO PROTECT THE CONFIDENTIALITY AND PRIVACY OF CLIENTS, WITH EXCEPTIONS; AND BY ADDING SECTION 19-11-110 SO AS TO

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PROHIBIT EMPLOYEES, AGENTS, OR VOLUNTEERS OF SUCH ORGANIZATIONS FROM TESTIFYING IN ACTIONS OR PROCEEDINGS ABOUT COMMUNICATIONS MADE BY A CLIENT OR RECORDS KEPT DURING THE COURSE OF PROVIDING SERVICES TO THE CLIENT, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 203 -- Senator Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-910, RELATING TO REQUIRED PUBLIC SCHOOL DRILLS, SO AS TO PROVIDE EACH SEMESTER ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS WHOSE INSTRUCTION IS NOT PRIMARILY DELIVERED ONLINE, SHALL CONDUCT ONE FIRE DRILL, ONE ACTIVE SHOOTER/INTRUDER DRILL, AND ONE SEVERE WEATHER/EARTHQUAKE DRILL.

Ordered for consideration tomorrow.

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

S. 208 -- Senator Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO PROVIDE THAT A COUNTY MAY IMPOSE AN ADDITIONAL DRIVER'S LICENSE FEE AND AN ADDITIONAL MOTOR VEHICLE LICENSING AND REGISTRATION FEE FROM RESIDENTS NEW TO THIS STATE UPON A SUCCESSFUL REFERENDUM, AND TO PROVIDE THAT THE FUNDS REALIZED FROM THE ADDITIONAL FEES MUST BE USED ONLY FOR COUNTY INFRASTRUCTURE, PUBLIC EDUCATION RELATED EXPENSES, AND GREENSPACE CONSERVATION OR PRESERVATION; BY AMENDING SECTION 56-1-20, RELATING TO DRIVER'S LICENSE REQUIRED; SURRENDER AND DISPOSITION OF OUT-OF-STATE LICENSES; LOCAL LICENSES, SO AS TO PROVIDE THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM; AND BY AMENDING SECTION 56-3-210, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSE; TEMPORARY LICENSE PLATES; TRANSFER OF LICENSE PLATES, SO AS TO PROVIDE

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THAT A COUNTY MAY ASSESS AN ADDITIONAL FEE PURSUANT TO A SUCCESSFUL REFERENDUM.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Education submitted a favorable with amendment report on:

S. 256 -- Senators M. Johnson and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63-13-220 SO AS TO PROVIDE DAY

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CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO DAY CAMPS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

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

S. 259 -- Senators Rankin, Young, Hutto and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-50-20, RELATING TO DEFINITIONS, SO AS TO ADD SEVERAL DEFINITIONS TO THE CHAPTER; BY ADDING SECTION 15-50-25 SO AS TO PROVIDE A LIST OF ACTS IN WHICH A STRUCTURED SETTLEMENT PURCHASE COMPANY CANNOT ENGAGE; BY AMENDING SECTION 15-50-30, RELATING TO DISCLOSURE STATEMENTS, SO AS TO ADD TO THE LIST OF ITEMS WHICH MUST BE DISCLOSED TO THE PAYEE BY THE STRUCTURED SETTLEMENT PURCHASE COMPANY; BY AMENDING SECTION 15-50-40, RELATING TO APPROVAL BY FINAL COURT ORDER, SO AS TO ADD FACTORS WHICH THE COURT MUST CONSIDER IN DETERMINING IF THE TRANSFER OF THE STRUCTURED SETTLEMENT PAYMENT RIGHTS IS IN THE BEST INTEREST OF THE PAYEE; BY AMENDING SECTION 15-50-50, RELATING TO RIGHTS AND OBLIGATIONS OF A STRUCTURED SETTLEMENT OBLIGOR, ANNUITY ISSUER, AND TRANSFEREE, SO AS TO PROVIDE WHEN CERTAIN PARTIES WILL BE DISCHARGED FROM LIABILITY; BY AMENDING SECTION 15-50-60, RELATING TO THE NOTICE OF AN APPROVAL HEARING, SO

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AS TO PROVIDE THAT A HEARING MUST BE HELD IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN WHICH THE PAYEE RESIDES, WITH CERTAIN EXCEPTIONS, AND TO FURTHER REQUIRE THAT THE PAYEE MUST ATTEND THE HEARING IN PERSON UNLESS GOOD CAUSE EXISTS TO EXCUSE THE IN-PERSON ATTENDANCE; BY AMENDING SECTION 15-50-70, RELATING TO THE SCOPE OF THE TRANSFER AGREEMENT, SO AS TO MAKE CHANGES THAT CONFORM TO THE REST OF THE CHAPTER; BY ADDING SECTION 15-50-80 SO AS TO PROVIDE THAT THE COURT APPOINT AN ATTORNEY TO ADVISE THE COURT IN CERTAIN CASES; BY ADDING SECTION 15-50-90 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY WHO WANTS TO DO BUSINESS IN THIS STATE MUST REGISTER WITH THE SECRETARY OF STATE; BY ADDING SECTION 15-50-100 SO AS TO PROVIDE THAT REGISTRATION IS VALID FOR ONE YEAR AND A RENEWED APPLICATION MUST BE FILED EVERY YEAR THEREAFTER; BY ADDING SECTION 15-50-110 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST POST A BOND WITH THE SECRETARY OF STATE OR PAY A CASH BOND IN THE AMOUNT OF FIFTY THOUSAND DOLLARS; BY ADDING SECTION 15-50-120 SO AS TO PROVIDE THAT A STRUCTURED SETTLEMENT PURCHASE COMPANY MUST FILE A NOTICE OF JUDGMENT WITH THE SECRETARY OF STATE AND PROVIDE A COPY OF THE JUDGMENT SECURED AGAINST THE COMPANY; BY ADDING SECTION 15-50-130 SO AS TO PROVIDE THAT LIABILITY IS NOT AFFECTED BY A BREACH OF CONTRACT, BREACH OF WARRANTY, OR ANY OTHER ACT OR OMISSION OF THE BONDED STRUCTURED SETTLEMENT PURCHASE COMPANY; BY ADDING SECTION 15-50-140 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MUST RECEIVE WRITTEN NOTICE OF THE CANCELLATION OR MODIFICATION OF A SURETY BOND WITHIN TWENTY DAYS PRIOR TO THE CANCELLATION OR MODIFICATION; BY ADDING SECTION 15-50-150 SO AS TO PROVIDE THAT AN ASSIGNEE IS NOT REQUIRED TO REGISTER AS A STRUCTURED SETTLEMENT PURCHASE COMPANY TO ACQUIRE STRUCTURED SETTLEMENT PAYMENT RIGHTS; BY ADDING SECTION 15-50-160 SO AS TO PROVIDE THAT THE SECRETARY OF STATE MAY ASSESS AN ADMINISTRATIVE

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FINE IF A PERSON WHO IS REQUIRED TO REGISTER DOES NOT DO SO WITHIN FIFTEEN DAYS AFTER RECEIPT OF NOTICE TO REGISTER; AND BY ADDING SECTION 15-50-170 SO AS TO PROVIDE THAT A TRANSFER ORDER DOES NOT CONSTITUTE A QUALIFIED ORDER PURSUANT TO FEDERAL LAW IF THE TRANSFEREE IS NOT REGISTERED AS A STRUCTURED SETTLEMENT PURCHASE COMPANY PURSUANT TO THIS ACT AT THE TIME THE ORDER IS SIGNED.

Ordered for consideration tomorrow.

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

S. 285 -- Senators Davis, Rice, Grooms and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3791 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT AND HOME SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE STATE TREASURER AND DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT; AND TO REPEAL SECTION 12-6-3790 RELATING TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND.

Ordered for consideration tomorrow.

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

S. 330 -- Senators Rankin, Alexander and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

Ordered for consideration tomorrow.

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

S. 341 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101(11), RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62-5-201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62-5-303, RELATING TO PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN; SUMMONS AND PETITION, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BE INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

Ordered for consideration tomorrow.

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

S. 367 -- Senators Adams, M. Johnson, Kimbrell, Garrett, Rice, Harpootlian, Cash, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-15-20, RELATING TO CONDITIONS OF APPEARANCE, RECOGNIZANCE, OR APPEARANCE BOND; DISCHARGE, VALIDITY, AND RELIEF OF SURETY, SO AS TO PROVIDE THAT AN APPEARANCE BOND SHALL AUTOMATICALLY CONVERT TO A PERSONAL RECOGNIZANCE BOND AFTER THREE YEARS FOR A CIRCUIT COURT OFFENSE AND AFTER EIGHTEEN MONTHS FOR A MAGISTRATE'S OR MUNICIPAL COURT OFFENSE; BY AMENDING SECTION 17-15-30, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, TO PROVIDE THAT THE COURT MUST CONSIDER A DEFENDANT'S PRIOR CHARGES AND EXISTING BONDS WHEN DETERMINING BOND; BY AMENDING SECTION 38-53-10 TO ESTABLISH A DEFINITION FOR ELECTRONIC MONITORING; BY AMENDING SECTION 38-53-50, RELATING TO SURETY RELIEVED ON BOND, TO PROVIDE THAT FAILURE TO PAY PREMIUM FEES ALONE IS NOT SUFFICIENT REASON TO WARRANT IMMEDIATE INCARCERATION OF THE DEFENDANT; BY

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AMENDING SECTION 38-53-70, RELATING TO ISSUANCE OF BENCH WARRANT, TO PROVIDE THAT THE COURT MUST NOTIFY THE BONDSMAN WITHIN THIRTY DAYS OF THE ISSUANCE OF A BENCH WARRANT; BY ADDING SECTION 38-53-83 TO PROVIDE THAT ONLY A QUALIFIED AND LICENSED BONDSMAN OR RUNNER MAY ENGAGE IN ELECTRONIC MONITORING OF A DEFENDANT; BY ADDING SECTION 38-53-84 TO PROVIDE THAT A PERSON ENGAGED IN THE ELECTRONIC MONITORING OF A DEFENDANT MUST NOTIFY THE SOLICITOR WITHIN FORTY-EIGHT HOURS OF ANY VIOLATION OF A CONDITION OF THE BOND BY THE DEFENDANT AND TO PROVIDE THAT FAILURE TO PAY THE MONITORING FEES IS A REVOKABLE CONDITION OF THE BOND; BY AMENDING SECTION 38-53-170, RELATING TO UNLAWFUL ACTS BY A BONDSMAN, TO PROVIDE CONDITIONS FOR THE PAYMENT AND COLLECTION OF PREMIUMS, FEES, AND COLLATERAL; AND BY AMENDING SECTION 38-53-310, RELATING TO WRITTEN REPORT TO BE FILED WITH CLERK OF COURT, TO PROVIDE THAT A BONDSMAN MUST PROVIDE A WRITTEN REPORT TO THEIR INSURANCE PROVIDER WITHIN THIRTY DAYS OF EACH BOND, AND TO PROVIDE THAT THE REQUIREMENT FOR MONTHLY REPORTS TO THE CLERK OF COURT MAY BE SATISFIED WITH GIVING THE CLERK ACCESS TO AN ELECTRONIC DATABASE THAT CONTAINS THE REQUIRED INFORMATION.

Ordered for consideration tomorrow.

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

S. 405 -- Senators Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-19-70, RELATING TO CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REQUIRE THE GOVERNOR TO TRANSMIT TO THE ARCHIVIST OF THE UNITED STATES A CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS AT LEAST SIX DAYS BEFORE THE MEETING OF THE ELECTORS; BY AMENDING SECTION 7-19-90, RELATING TO THE MEETING OF ELECTORS, SO AS TO REVISE THE TIME FIXED FOR THE MEETING; AND BY AMENDING SECTION 7-19-100, RELATING TO THE

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DISPOSITION OF CERTIFICATES OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS, SO AS TO REVISE THE MANNER OF DISPOSITION.

Ordered for consideration tomorrow.

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

S. 406 -- Senators Campsen, Kimbrell and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-15-420(D) AND (E), RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO PROVIDE THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD MAY BEGIN TO BE TABULATED AT THE SAME TIME AS ABSENTEE BALLOTS.

Ordered for consideration tomorrow.

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

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 500 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-75-485,

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RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH GRANT CRITERIA, THAT MATCHING GRANT FUNDS MAY BE AVAILABLE TO LOCAL GOVERNMENTS, AND A NONMATCHING GRANT FORMULA; BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALLOW THE DIRECTOR TO PROVIDE INFORMATION REGARDING FACTORS THAT MAY AFFECT PREMIUM RATES; BY AMENDING SECTION 38-61-80, RELATING TO WITHDRAWING FROM THE MARKET, SO AS TO REQUIRE NOTICE TO THE DIRECTOR BY THE INSURER; AND BY AMENDING SECTION 38-73-1085, RELATING TO THE PUBLICATION OF REPRESENTATIVE SAMPLE PREMIUMS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO MAKE AVAILABLE INFORMATION THAT AFFECTS PRIVATE PASSENGER PREMIUM RATES.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Operations & Management polled out S. 550 favorable:

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

Poll of the Operations & Management Committee

Polled 9; Ayes 8; Nays 0; Abstain 0; Not Voting 1

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Setzler	

Total—8

NAYS

Total—0

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NOT VOTING

Hutto

Total—1

Ordered for consideration tomorrow.

ADOPTED

S. 550 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, VINCENT J. "JIM" TROIOLA, TO SOUTH CAROLINA, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 8, 2023.

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

There was no objection.

The Resolution was adopted, ordered sent to the House.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott, Sabb, Allen, Davis, Fanning, McElveen, Stephens, Goldfinch and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

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Ordered for consideration tomorrow.

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

H. 3741 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 13A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2023.

Ordered for consideration tomorrow.

Appointment Reported

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

Statewide Appointment

Initial Appointment, Director, State Election Commission, with the term to commence January 4, 2023, and to expire June 30, 2027

Howard M. Knapp, 10 Sasanqua Circle, Columbia, SC 29209

Received as information.

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

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

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

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

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

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams, Climer, Campsen and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO

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ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

The question being third reading of the Bill.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--45

NAYS

Total—0

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

AMENDMENT PROPOSED, CARRIED OVER

S. 304 -- Senators Turner, Climer, Verdin, Kimbrell and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY

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AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SR-304.JG0006S):

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1885(E)(1) and inserting:

(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than ~~twenty-five~~ fifty dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Seventy-five percent of each fine collected pursuant to this section shall be credited to the ticketing agency. Notwithstanding Section 56-1-640, a violation of this section must not be:

- (a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;
- (b) included in the criminal records maintained by SLED; or
- (c) reported to the offender's motor vehicle insurer.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator BENNETT spoke on the amendment.

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

CARRIED OVER

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT

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UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

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

AMENDED, READ THE SECOND TIME

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett, Climer, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SJ-1.BM0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80.(A) A person who knowingly and unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance as defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, commits the felony offense of fentanyl-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the fentanyl or fentanyl-related substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or

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negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (SR-1.JG0008S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80(C) and inserting:

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person, unless there exists clear and convincing evidence that the decedent intended to commit suicide.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was withdrawn.

Senator GARRETT proposed the following amendment (SJ-1.BM0007S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80. (A) A person who unlawfully delivers, dispenses, or otherwise provides a controlled substance to another person, in violation of the provisions of Section 44-53-370 or Section 44-53-375, commits the felony offense of drug-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the controlled substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a drug-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

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(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Amend the bill further, SECTION 2, by striking Section 16-1-10 and inserting:

Section 16-3-80. Drug-induced homicide

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was withdrawn.

Senator SENN proposed the following amendment (SR-1.JG0010S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80(C) and inserting:

(C) It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person, unless there exists clear and convincing evidence that the decedent intended to commit suicide. A person charged with a violation of this section may also be charged for any other applicable drug-related offense to include an assisted suicide pursuant to the provisions of Section 16-3-1090.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

The question then being the second reading of the Bill, as amended.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total—0

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

Remarks to be Printed

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

OBJECTION

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO

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THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Senator PEELER objected to consideration of the Bill.

COMMITTEE AMENDMENT ADOPTED

AMENDED, AMENDMENT PROPOSED, CARRIED OVER

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis, Senn and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION 12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE

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FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-484.BC0002S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(A) and inserting:

(A) The South Carolina Waterways Protection Fund is created for the purpose of receiving the three-dollar waterways protection fee that is attached to each tax notice for a watercraft, as provided in Section 12-37-3215.

Amend the bill further, SECTION 2, by striking Section 50-9-975(B)(2) and inserting:

(2) identification, marking, and lighting of hazards to navigation in accordance with applicable rules governing aids to navigation; and

Amend the bill further, by deleting SECTIONS 3 and 4.

Amend the bill further, SECTION 5, by striking Section 12-37-3215 and inserting:

Section 12-37-3215. A tax notice for a watercraft must include a waterways protection fee of three dollars. The fee must be deposited by the county treasurer into the South Carolina Waterways Protection Fund, as established in Section 50-9-975. The issuance or renewal of a certificate of number by the Department of Natural Resources is not contingent on the payment of the waterways protection fee.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senator KIMPSON proposed the following amendment (SR-484.KM0005S), which was adopted:

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

SECTION X. Section 50-23-280(A) of the S.C. Code is amended to read:

(A) (1)Unless otherwise specified, a person violating this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less

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than twenty-five nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(2) The owner of an abandoned, junked, or adrift watercraft or outboard motor seized pursuant to this chapter, in addition to any other penalties imposed in this chapter, must also be fined not less than five hundred dollars nor more than the cost of performing the removal of the abandoned, junked, or adrift watercraft or outboard motor.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

The amendment was adopted.

Senator SETZLER proposed the following amendment (SMIN-484.MW0003S), which was proposed:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(D) and (E) and inserting:

(D) The department shall allocate funds in a manner that ensures that each of the regions of this state receives no more than twenty-five percent of the funds annually.

(E)The South Carolina Office of Resilience, upon request from the department, may assist in the maintenance of a grant program established under this section.

(F) The department must provide an annual report on its website disclosing expenditures from the fund.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 394 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO PROVIDE FOR THE NOTIFICATION OF THE CHILD'S PRIMARY PROVIDER AND A QUALIFIED PEDIATRIC SPECIALIST OF ABNORMAL NEWBORN SCREENING RESULTS IN CERTAIN CIRCUMSTANCES.

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The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-394.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-37-30(B)(2) and inserting:

(2) If the results of the neonatal testing are abnormal, the department may recommend additional testing and, in addition to the notification requirements established in Section 44-37-30(B)(1), notify one or more of the following to ensure timely provision of follow-up services:

(a) the physician or healthcare provider attending the child's birth or his designee;

(b) the physician or healthcare provider responsible for newborn care in the hospital; or

(c) the physician or healthcare provider identified for follow-up care after the newborn's discharge from the hospital.

(3) If the results of the neonatal testing are abnormal, time-sensitive, or time-critical, the department may, in addition to notification requirements established in Section 44-37-30(B)(1) and (2), notify and provide information about the abnormal, time-sensitive, or time-critical screening results to a qualified pediatric specialist in accordance with guidelines established by the department's Newborn Screening Advisory Committee for the timely provision of the follow-up services.

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson

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Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

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

AMENDED, AMENDMENT PROPOSED, OBJECTION

S. 407 -- Senators Shealy and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-361(A), RELATING TO PRESCRIPTIONS FOR OPIOID ANTIDOTES, SO AS TO PROVIDE FOR IT TO BE OFFERED CONSISTENT WITH THE EXISTING STANDARD OF CARE AND THE FDA.

The Senate proceeded to the consideration of the Bill.

Senator SENN proposed the following amendment (SR-407.JG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 44-53-361, by adding a subsection to read:

(B) A prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

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The amendment was adopted.

Senator SENN proposed the following amendment (SR-407.JG0004S):

Amend the bill, as and if amended, SECTION 1, Section 44-53-361, by adding a subsection to read:

(B) A prescriber is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. A prescriber who offers or provides naloxone hydrochloride over the counter, without a prescription prior to FDA approval is not liable in either causes of action including, but not limited to, professional negligence or medical malpractice actions, or professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions of this section.

Re-number sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MALLOY objected to further consideration of the Bill.

POINT OF ORDER

S. 423 -- Senators Davis, Hutto, Grooms, Kimpson and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C. CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, SO AS TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; BY ADDING SECTION 56-5-3910, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING

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ARTICLE 4, CHAPTER 53, TITLE 44, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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

MOTION ADOPTED

At 2:47 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER

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AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

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

The Committee on Corrections and Penology proposed the following amendment (LC-120.VR0009S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. For all members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State. This identifying information shall be classified as a state secret.

Amend the bill further, SECTION 1, by striking Section 24-3-580(F) and inserting:

(F) Any pharmacy or pharmacist, whether located within or without the State, that is involved in the supplying, manufacturing, or compounding of any drug intended for use by the department in the administration of the death penalty shall be exempt from all licensing.

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dispensing, and possession laws, processes, regulations, and requirements of or administered by the Department of Labor, Licensing and Regulation, the Board of Pharmacy, or any other state agency or entity, found anywhere in the South Carolina Code of Laws or South Carolina Code of Regulations, only to the extent that the licensing, dispensing, and possession laws, processes, regulations, and requirements pertain to the drugs intended for use in the administration of the death penalty, and no prescription from any physician shall be required for any pharmacy or pharmacist to supply, manufacture, or compound any drug intended for use in the administration of the death penalty. This exemption shall not apply to any licensure or permitting requirements for the supply, manufacture, or compounding of any other legend drug or pharmaceutical device.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Amend the bill further, by striking SECTION 3 and inserting:
SECTION 3. This act takes effect upon approval by the Governor and applies to persons sentenced to death as provided by law prior to and after the effective date of this act.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the Committee Amendment.

The amendment was adopted.

Amendment No. 1A

Senator HEMBREE proposed the following amendment (SEDU-120.DB0015S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

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(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. For all members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 2

Senator HEMBREE proposed the following amendment (SR-120.JG0013S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580(A), by adding an item to read:

(3) "Deidentified condition" means data, records, or information from which identifying information is omitted or has been removed.

Amend the bill further, SECTION 1, by striking Section 24-3-580(H) and inserting:

(H) The Office of the Comptroller General and the Office of the State Treasurer shall work with the South Carolina Department of Corrections to develop a means to ensure that the State's accounting and financial records related to any transaction for the purchase, delivery, invoicing, etc. of or for supplies, compounds, drugs, medical supplies, or medical equipment utilized in the execution of a death sentence are kept in a de-identified condition.

(I) This section shall be broadly construed by the courts of this State so as to give effect to the General Assembly's intent to ensure the absolute confidentiality of the identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State.

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE explained the amendment.

The amendment was adopted.

Amendment No. 3

Senator KIMPSON proposed the following amendment (SMIN-120.AA0024S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately-numbered subsection to read:

() Notwithstanding any other provision of this section, the Department shall ensure that all medical personnel involved in the execution process, including but not limited to licensed physicians, registered nurses, and emergency medical technicians must be fully licensed or certified by their respective licensing boards and organizations and evidenced by current professional license documentation presented to the Director or his designee; have no adverse actions in their personnel or professional licensing records; and be trained in carrying out the administration of the death penalty via lethal injection.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

On motion of Senator KIMPSON, with unanimous consent, Amendment No. 3 was withdrawn.

Amendment No. 4

Senator KIMPSON proposed the following amendment (SMIN-120.AA0025S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately-numbered subsection to read:

() Notwithstanding any other provision of this section, the Department shall publish the qualifications and related training of the medical professionals directly or indirectly involved in the execution of a death sentence within this State. Nothing in this requirement shall be construed to require identifying information of any person.

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

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The amendment was adopted.

Amendment No. 5

Senator MATTHEWS proposed the following amendment (SMIN-120.AA0022S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) (1) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. A court, upon a showing of good cause, may order discovery relating to the identifying information of a member of the execution team if that member is a person or entity that compounds, tests, manufactures, imports, transports, distributes, supplies, or prepares the drugs, medical supplies, or medical equipment utilized in the execution of a death sentence. For all other members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any similar body that exercises any part of the sovereignty of the State.

(2) Notwithstanding (B)(1), identifying information of a person or entity that compounds, tests, manufactures, imports, transports, distributes, supplies, or prepares the drugs, medical supplies, or medical equipment utilized in the execution of a death sentence shall be provided to an attorney representing the defendant who has been sentenced to execution.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 6

Senator MATTHEWS proposed the following amendment (SMIN-120.AA0023S), which was tabled:

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Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately-numbered subsection to read:

() Prior to use of any drug or combination of drugs to be used in the administration of the death penalty, an independent, third-party analysis for efficacy of all drugs intended for use in the execution must be conducted by a qualified professional and results must be provided to the attorney representing the defendant who has been sentenced to execution.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

Ayes 29; Nays 12

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Turner	Verdin
Williams	Young	

Total--29

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimpson
Matthews	McElveen	McLeod
Sabb	Scott	Stephens

Total--12

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The amendment was laid on the table.

Amendment No. 8

Senator MATTHEWS proposed the following amendment (SMIN-120.AA0027S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential with the exception of any instance of medical malpractice in the professional history of any licensed physician who is part of the execution of a death sentence, which shall be made available to the attorney for the person sentenced to death. For all other members of the execution team, identifying information shall not be subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasilegislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State. This identifying information shall be classified as a state secret.

Renumber sections to conform.

Amend title to conform.

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

Amendment No. 9

Senator McELVEEN proposed the following amendment (SMIN-120.AA0034S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 24-3-580(B) and inserting:

(B) Notwithstanding any other provision of law, any identifying information of a person or entity that participates in the planning or administration of the execution of a death sentence shall be confidential. A court, upon a showing of good cause, may order discovery relating to the execution team and administration of the death sentence. Records released by the department pursuant to this subsection shall be accompanied by an order of protection issued by a circuit court judge to ensure the confidentiality of the records. The order of protection may make any order as justice requires to protect a party or person from

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annoyance, embarrassment, oppression, or undue burden or expense and may provide one or more of the following stipulations:

(1) the records shall not be reproduced except as authorized by court order;

(2) the records shall be viewed or disclosed only on specified terms and conditions;

(3) the records shall be sealed and only opened by court order;

(4) the order shall be applicable to all parties, their counsel, and any agent or representative of a party; and

(5) the records released pursuant to the order of protection shall be returned to the court upon completion of the matter that caused the production of the records.

A person who fails to obey an order of protection issued under this subsection shall be found in contempt of court.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

Senator HEMBREE spoke on the amendment.

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

Amendment No. 10

Senator KIMPSON proposed the following amendment (SR-120.JG0039S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding a subsection to read:

(I) Notwithstanding any other provision of this section the department shall ensure that all medical personnel involved in the execution, including but not limited to, licensed physicians, registered nurses, and emergency medical technicians must be fully licensed or certified by their respective licensing boards and organizations and evidenced by current professional license documentation presented to the director or his designee; have no adverse professional misconduct documented in their personnel record or professional licensing records; and be trained in carrying out the administration of the death penalty via lethal injection.

Renumber sections to conform.

Amend title to conform.

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Senator KIMPSON explained the amendment.

The amendment was adopted.

Amendment No. 11

Senator ALLEN proposed the following amendment (SMIN-120.AA0036S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding a subsection to read:

() Notwithstanding any other provision in this section, no drug shall be used in administration of the death penalty in this state unless it has been approved by the U.S. Food and Drug Administration.

Renumber sections to conform.

Amend title to conform.

Senator ALLEN explained the amendment.

The amendment was adopted.

Amendment No. 12

Senator STEPHENS proposed the following amendment (SMIN-120.AA0026S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580, by adding an appropriately-numbered subsection to read:

() The Department shall acquire and ensure the appropriate use of any such appliances, equipment, supplies, or materials as medically-trained personnel may recommend for the purpose of ensuring that the death sentence is carried out without exposing the person sentenced to death to a substantial risk of serious harm, pain, or suffering and in accordance with constitutional requirements.

Renumber sections to conform.

Amend title to conform.

Senator STEPHENS explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

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Amendment No. 13

Senator McLEOD proposed the following amendment (SMIN-120.AA0031S), which was withdrawn:

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

SECTION X. Section 24-3-550(D) of the S.C. Code is amended to read:

(D) Witnesses authorized or approved pursuant to this section shall not possess telephonic equipment, cameras, or recording devices in the Capital Punishment Facility during an execution. However, the Department shall conduct and maintain audio and video recordings of all executions. Nothing in this section shall be construed to require disclosure of identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State.

Renumber sections to conform.

Amend title to conform.

Senator McLEOD explained the amendment.

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

Amendment No. 14

Senator STEPHENS proposed the following amendment (SMIN-120.AA0029S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580(H), by adding a subsection to read:

(I) Notwithstanding any other provision in this section, in the event of an execution which involves unanticipated problems or delays that caused unnecessary pain and suffering for the prisoner or that reflect gross incompetence of the executioner, the Department must order and make available the results of an autopsy of the person sentenced to death to his or her attorney. Nothing in this subsection shall be construed to require identification of any member of an execution team.

Renumber sections to conform.

Amend title to conform.

Senator STEPHENS explained the amendment.

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

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Amendment No. 15

Senator McLEOD proposed the following amendment (SMIN-120.MW0040S), which was tabled:

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

SECTION X. Section 24-3-550(D) of the S.C. Code is amended to read:

(D) Witnesses authorized or approved pursuant to this section shall not possess telephonic equipment, cameras, or recording devices in the Capital Punishment Facility during an execution. However, the Department shall conduct and maintain audio and video recordings of all executions. Nothing in this section shall be construed to require disclosure of identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State. The provisions of this subitem are not subject to the Freedom of Information Act.

Renumber sections to conform.

Amend title to conform.

Senator McLEOD explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 16

Senator STEPHENS proposed the following amendment (SMIN-120.AA0042S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 24-3-580(H), by adding a subsection to read:

(I) The Department must order and make available the results of an autopsy of the person sentenced to death to his or her attorney. Nothing in this subsection shall be construed to require identification of any member of an execution team.

Renumber sections to conform.

Amend title to conform.

Senator STEPHENS explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 39; Nays 5

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Allen	<i>Johnson, Kevin</i>	McLeod
Sabb	Scott	

Total--5

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

Motion Adopted

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

ADJOURNMENT

At 4:45 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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