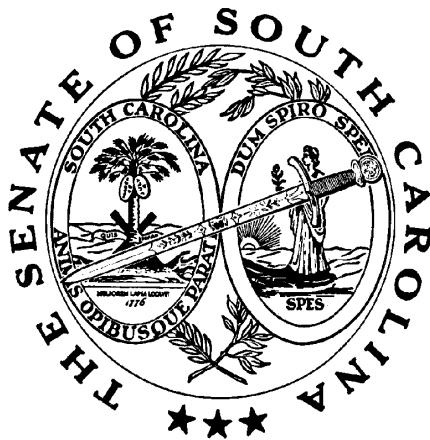


NO. 47

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

THURSDAY, MARCH 30, 2023

Thursday, March 30, 2023
(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:

Daniel 12:3

The Book of Daniel reminds us that: “Those who are wise shall shine like the brightness of the sky, and those who lead many to righteousness like the stars forever and ever.”

Join your heart with mine as we pray, please: Most holy God, South Carolina has long been blessed with women and men who have served in many significant arenas through the ages, carrying out their duties effectively and well. It should go without saying that we are all so very grateful to these individuals for their many, many gifts, for all that they have done which has contributed to making our State a better place for all of us. And today we continue to praise every Senator currently serving in this place, O Lord, May You so bless and inspire and strengthen each one of these modern day leaders as they now guide us through the various challenges that the world confronts us with today. Help them also, Lord, to “shine like the brightness of the sky.” And as always, to You, dear Lord, be the glory. Amen.

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

Point of Quorum

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

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

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Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Setzler
Shealy	Turner	Williams
Young		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Roosevelt Jenkins, 1328 Adnah Church Road, Islandton, SC 29929-5220

Reappointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Peter E. Becker, 1011 Mockingbird Circle, Florence, SC 29501-8442

Initial Appointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tony Anthony Foster, 105 Creekside Court, Greenwood, SC 29649-9540 *VICE* Belinda Strong

Reappointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Cheryl Dennis Warren, 1617 Westbrook Dr., Apt. H 2, Greenwood, SC 29649-8977

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Bradley Stewart Melton, 139 East Main Street, Suite B, Lexington, SC 29072-4128

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Doctor of the Day

Senator VERDIN introduced Dr. Amanda Davis and Dr. Taylor Haines of Anderson, S.C., Doctors of the Day.

Leave of Absence

On motion of Senator SABB, at 12:13 P.M., Senator STEPHENS was granted a leave of absence for today.

Leave of Absence

On motion of Senator McELVEEN, at 12:14 P.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator HEMBREE, at 12:16 P.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator MASSEY, at 12:48 P.M., Senator CORBIN was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator SABB rose for an Expression of Personal Interest.

Remarks to be Printed

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

CO-SPONSORS ADDED

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

S. 269	Sen. Gambrell
S. 284	Sen. Sabb
S. 423	Sens. Verdin, Fanning, Gustafson, Goldfinch and Shealy
S. 303	Sens. Jackson, Rankin, Harpootlian, M. Johnson, Hutto, Sabb Matthews, Fanning, Gambrell, Peeler, Cromer, Goldfinch and McLeod
S. 566	Sen. Malloy
S. 588	Sen. Fanning

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RECALLED AND ADOPTED

S. 629 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO HONOR THE IMPORTANT WORK BEING DONE TO COMBAT CHILD ABUSE, AND TO DECLARE APRIL 4, 2023, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Family and Veterans' Services.

The Resolution was recalled from the Committee on Family and Veterans' Services.

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

There was no objection.

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

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

RECALLED

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

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

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

RECALLED

H. 3959 -- Reps. S. Jones, Gilliam, McCravy, Willis and Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN LAURENS COUNTY FROM ITS INTERSECTION WITH DOVE FIELD ROAD TO ITS INTERSECTION WITH CRYSTAL BAY DRIVE "SAMUEL J. MCCALL, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 696 -- Senator Kimpson: A SENATE RESOLUTION TO RECOGNIZE GEORGE SINK FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0294km-vc23.docx : 0d03c92a-3093-4b08-adc2-d0b271f3ba71

The Senate Resolution was adopted.

S. 697 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES TO DEVELOP A MARINE RECREATIONAL OFFSHORE HARVEST DATA COLLECTION PROGRAM TO CONSERVE MARINE FISHERIES WHILE ENSURING SOUTH CAROLINIANS AND THOSE WHO VISIT OUR COAST EACH YEAR HAVE ACCESS TO OUR PUBLIC TRUST RESOURCES.

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lc-0252ph-ph23.docx : 0a7ae97d-9cd0-4d5f-a3e9-74df9f1b19d3

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

S. 698 -- Education Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, RELATING TO PARKING, TRAFFIC, AND PUBLIC SAFETY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5108, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0287wab-rt23.docx : 100919ad-ea75-49b3-b28d-5597889911f7

Read the first time and ordered placed on the Calendar without reference.

S. 699 -- Senator Loftis: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF MARTIN O'CONNOR, MEMBER OF THE BOARD OF THE CHARTER INSTITUTE OF ERSKINE, AND TO WISH HIM A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

lc-0293sa-jn23.docx : deefca2b-5c55-4f59-9a3d-543af37ff39b

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

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

lc-0114ha23.docx : 61979fde-1e22-46ff-aac9-840acc35ff19

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

S. 701 -- Senator Kimpson: A SENATE RESOLUTION TO RECOGNIZE APRIL 2023 AS "ALCOHOL RESPONSIBILITY MONTH" IN SOUTH CAROLINA.

sr-0356km-hw23.docx : a9d99b4d-deb1-42ee-875b-78b5ac5f0018

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

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H. 3295 -- Reps. Collins, Erickson, Bradley and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-210 SO AS TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 59-39-290 SO AS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT, ESTABLISH, AND PROMULGATE NECESSARY RULES AND REGULATIONS; BY ADDING SECTION 59-19-360 SO AS TO PROVIDE A PROCESS FOR THE EXEMPTION OF COMPETENCY-BASED SCHOOLS FROM CERTAIN APPLICABLE LAWS AND REGULATIONS, TO PROVIDE REQUIREMENTS FOR IMPLEMENTING COMPETENCY-BASED EDUCATION IN SCHOOLS, AND TO PROVIDE RELATED REQUIREMENTS FOR THE STATE DEPARTMENT OF EDUCATION AND THE COMMISSION ON HIGHER EDUCATION; BY AMENDING SECTION 59-1-425, RELATING TO THE STATUTORY ANNUAL SCHOOL CALENDAR, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 59-39-100, RELATING TO REQUIRED UNITS FOR A HIGH SCHOOL DIPLOMA, SO AS TO MAKE CONFORMING CHANGES.

lc-0106wab23.docx : 692bfla7-8db4-44b4-960b-b7d005158d82

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

H. 3682 -- Reps. Murphy, Wetmore, Bailey, Rose, Crawford, Brewer, Taylor, Hardee, Wooten, Pope, McDaniel, Hewitt, Bauer, Yow, J. E. Johnson, Willis, Ligon, Lawson, Robbins, Schuessler, Guest, Henegan, Williams, M. M. Smith and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 47-1-140, RELATING TO THE CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO REMOVE PROVISIONS REGARDING A LIEN ON THE SEIZED ANIMAL; BY AMENDING SECTION 47-1-145, RELATING TO CUSTODY AND CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO OUTLINE HEARING PROCEDURES FOR ORDERING THE COST OF CARE OF THE SEIZED ANIMALS; AND BY AMENDING SECTION 47-1-170, RELATING TO PENALTIES FOR ANIMAL CRUELTY, SO AS TO MAKE CONFORMING CHANGES.

lc-0114ph23.docx : 147819d0-5195-4933-8471-bd6488f37329

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

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H. 3782 -- Reps. West, Yow, Jefferson, Ligon, Nutt, Anderson, Hardee, Bannister, Thayer, Blackwell and Oremus: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-12-300, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "VIDEO SERVICE".

lc-0042ha23.docx : 03da36c2-b7fa-4818-ac4e-68b864f405c9

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

H. 3843 -- Reps. Erickson, Bradley, W. Newton, Hager, Ballentine, Elliott, Caskey, Wooten, Bannister, Herbkersman, Willis, M. M. Smith and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-25 SO AS TO PROVIDE AN OPEN ENROLLMENT OPTION IN PUBLIC SCHOOLS; BY AMENDING SECTIONS 59-63-30 AND 59-63-32, RELATING TO REQUIREMENTS FOR PUBLIC SCHOOL ENROLLMENT AND PENALTIES FOR PROVIDING FALSE INFORMATION, AND SECTION 59-63-480, RELATING TO ATTENDANCE AT SCHOOLS IN ADJACENT COUNTIES, ALL SO AS TO MAKE CONFORMING CHANGES; AND BY REPEALING SECTION 59-63-500 RELATING TO TRANSFER WITHOUT CONSENT OF SCHOOL DISTRICT OF RESIDENCE.

lc-0180wab23.docx : 5b56747a-b9f4-47db-9d75-d13715af16d3

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

H. 3951 -- Reps. Haddon, G. M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

lc-0178ph23.docx : f3e6e182-4e18-4943-abb7-10558d694238

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

H. 3952 -- Reps. G. M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Felder, Alexander, Wetmore, Hyde, Sessions, Guffey, Connell, Hager, Atkinson, Moss, Stavrinakis, Yow, Mitchell, Ligon, B. Newton, Williams, T. Moore, Robbins, Brewer, Murphy, Wooten, Cromer, Magnuson, Pope, Hixon, Forrest, M. M.

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Smith, Davis, Ballentine, Erickson, Guest, Ott, Willis, Sandifer, White, Lawson, Hardee and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

lc-0150dg23.docx : b2d78263-2166-44dc-a559-7bcd4e7f6f80

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

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

lc-0190ph23.docx : fe7af73d-e751-4fed-814c-f96f4d8cfca3

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

H. 4000 -- Reps. Jefferson, Cobb-Hunter, Gatch, Robbins, Brewer, Tedder and Murphy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 BEGINNING AT MILE POINT 12.79 AND ENDING AT MILE POINT 22.39 IN DORCHESTER COUNTY "LAVEL 'TYLER' NORMAN DAVIS, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0237cm-gt23.docx : 1ffe013d-1087-4ee4-9068-95619166042b

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

H. 4066 -- Rep. B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 7-9-80 AND 7-9-100, RELATING TO THE COUNTY AND STATE CONVENTIONS OF A POLITICAL PARTY, RESPECTIVELY, SO AS TO CHANGE THE FORMULA FOR DETERMINING HOW MANY DELEGATES EACH COUNTY MAY ELECT TO THE STATE CONVENTION; BY AMENDING SECTION 7-17-560, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEE OF A POLITICAL PARTY TO HEAR CERTAIN PRIMARY PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO ALSO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS, LESS THAN COUNTY OFFICERS, AND MUNICIPAL OFFICERS, TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE TO ADOPT A RESOLUTION TO REQUIRE THE FILING OF ANY PROTEST OR CONTEST TO BE ACCOMPANIED BY A BOND WITH SURETY, AND TO PROVIDE FOR APPEALS FROM DECISIONS BY THE STATE EXECUTIVE COMMITTEE; BY AMENDING SECTION 7-17-570, RELATING TO HEARINGS OF PRIMARY PROTESTS AND CONTESTS, SO AS TO EXTEND THE TIME IN WHICH THE STATE EXECUTIVE COMMITTEE MUST CONDUCT SUCH HEARINGS; BY AMENDING SECTION 5-15-80, RELATING TO MUNICIPAL PRIMARY PROTESTS AND CONTESTS, SO AS TO PROVIDE THAT SUCH PROTESTS AND CONTESTS ARE TO BE FILED, HEARD, AND DECIDED IN THE MANNER PROVIDED IN SECTIONS 7-17-560 AND 7-17-570; AND BY REPEALING SECTIONS 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, AND 7-17-590 ALL RELATING TO PRIMARY PROTESTS AND CONTESTS FOR CERTAIN OFFICES.

lc-0160hdb23.docx : 3ccb09b3-d915-4223-bbed-bd55bcb25b13

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

H. 4120 -- Reps. Pope and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-3-80 SO AS TO CREATE THE "ILLEGAL IMMIGRATION ENFORCEMENT UNIT" WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE IT TO ENTER INTO A

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MEMORANDUM OF AGREEMENT WITH THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY; BY REPEALING SECTION 23-6-60 AND CHAPTER 30 OF TITLE 8 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND RECORDING AND REPORTING OF IMMIGRATION LAW VIOLATIONS; AND BY ADDING SECTION 40-1-35 SO AS TO PROVIDE CERTAIN IMMIGRANTS ARE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THIS TITLE.

lc-0257cm23.docx : 0312c03f-fc8d-4f95-b80c-eb97502f2403

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

H. 4206 -- Reps. Bailey, Alexander, Anderson, Atkinson, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO PROCLAIM APRIL 27, 2023, AS "BOULINEAU'S IGA HERITAGE DAY" IN SOUTH CAROLINA

lc-0189hdb-gm23.docx : 21309fd6-275f-43bd-94e5-d1102e739eba

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

H. 4235 -- Rep. G. M. Smith: A CONCURRENT RESOLUTION TO HONOR DAVID M. BEASLEY ON THE OCCASION OF THE CONCLUSION OF HIS SERVICE AS EXECUTIVE DIRECTOR OF THE UNITED NATIONS WORLD FOOD PROGRAMME, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT

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SESSION IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON WEDNESDAY, MAY 3, 2023.

lc-0150ahb-ahb23.docx : 54274990-e40e-48e1-817d-3e9b0c498e49

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

H. 4237 -- Reps. Felder, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE AUGUST 8, 2023, "CLOG DANCING DAY" IN THE PALMETTO STATE.

lc-0231vr-rm23.docx : 1d4a690b-16a8-41d6-9be1-220bfe4c084c

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

Appointment Reported

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

Statewide Appointment

Initial Appointment, South Carolina Department of Employment and Workforce, with term coterminous with Governor

Director:

William H. Floyd, III, 129 Forbidden Lane, Lexington, SC 29072-9331 *VICE* G. Daniel Ellzey

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Received as information.

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

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

S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson, Senn, Campsen and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT proposed the following amendment (SR-284.JG0005S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

(7) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(viii) and (ix) and inserting:

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(viii) operating visitor information centers; or

(ix) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, Section 6-4-15, by striking the first undesignated paragraph and inserting:

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, ~~and cultural events, or workforce housing, which must include programs to promote home ownership~~ which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator BENNETT proposed the following amendment (SR-284.JG0006S), which was withdrawn:

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Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

(7) development of workforce housing, which must include fifty percent of the programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include fifty percent of the programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(viii) and (ix) and inserting:

(viii) operating visitor information centers; or

(ix) development of workforce housing, which must include fifty percent of the programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include fifty percent of the programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, Section 6-4-15, by striking the first undesignated paragraph and inserting:

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, ~~and cultural events, or~~ workforce housing, which must include fifty percent of the programs to promote home ownership which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received

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by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators DAVIS and BENNETT proposed the following amendment (SR-284.JG0018S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

(7) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(ix) and inserting:

(ix) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, by striking Section 6-4-15 and inserting:

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities, all of which must fulfill the purpose of this chapter, for civic activities, the arts, ~~and~~ cultural events,

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or workforce housing that includes programs to promote home ownership, which fulfill the purpose of this chapter.—The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

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

SECTION X. Chapter 4, Title 6 of the S.C. Code is amended by adding:

Section 6-4-12. (A) If a local government intends to use the funds for the development of workforce housing, then the local government shall prepare a housing impact analysis prior to giving second reading to the ordinance.

(B) The analysis required by subsection (A) must include:

(1) information about the effect of the ordinance on housing, including the effect of the ordinance on each of the following:

(a) the cost of developing, construction, rehabilitating, improving, maintaining, or owning single family or multifamily dwellings;

(b) the purchase price of new homes or the fair market value of existing homes;

(c) the cost and availability of financing to purchase or develop housing;

(d) housing costs; and

(e) the density, location, setback, size, or height development on a lot, parcel, land division, or subdivision; and

(2) an analysis of the relative impact of the ordinance on low- and moderate-income households.

(C) The following applies to information on housing costs required to be included in the analysis conducted pursuant to subsection (B)(1)(d):

(1) the analysis must include reasonable estimates of the effect of the ordinance on housing costs, expressed in dollar amounts. The local government shall include a brief summary of, or worksheet demonstrating, the computations used in determining the dollar amounts. However, if the local government determines that it is not possible to

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make an estimate expressed in dollar amounts, then the analysis must include a statement setting forth the reasons for the local government's determination; and

(2) the analysis must include descriptions of both the immediate effect and, to the extent ascertainable, the long-term effect of the ordinance on housing costs.

(D) Except as otherwise provided in this section, a housing impact analysis required pursuant to this section must be based on costs associated with the development, construction, financing, purchasing, sale, ownership, or availability of a median-priced single-family residence. However, the analysis may include estimates for larger developments as part of an analysis of the long-term effects of the ordinance.

(E) A local government may request information from any state agencies, local units of government, universities or colleges, organizations, or individuals as necessary to prepare a housing impact analysis pursuant to this section.

(F) The local government shall provide the housing impact analysis for an ordinance to the members of the legislative body of the local government, the Department of Revenue, and the Tourism Expenditure Revenue Committee before the ordinance is considered by the legislative body. The Department of Revenue may not disburse any hospitality or accommodations taxes to the local government for purposes of development of workforce housing unless and until the local government has provided the housing impact analysis to the parties required pursuant to this subsection.

SECTION X. Section 6-4-5 of the S.C. Code is amended to read:

Section 6-4-5. As used in this chapter:

(1) "County area" means a county and municipalities within the geographical boundaries of the county.

(2) "Cultural", as it applies to members of advisory committees in Section 6-4-25, means persons actively involved and familiar with the cultural community of the area including, but not limited to, the arts, historical preservation, museums, and festivals.

(3) "Hospitality", as it applies to members of the committees in item (2), means persons directly involved in the service segment of the travel and tourism industry including, but not limited to, businesses that primarily serve visitors such as lodging facilities, restaurants, attractions, recreational amenities, transportation facilities and services, and travel information and promotion entities.

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(4) “Travel” and “tourism” mean the action and activities of people taking trips outside their home communities for any purpose, except daily commuting to and from work.

(5) “Housing costs” for housing occupied by the owner means:

(a) the principal and interest on a mortgage loan that finances the purchase of the housing;

(b) the closing costs and other costs associated with a mortgage loan;

(c) mortgage insurance;

(d) property insurance;

(e) utility-related costs;

(f) property taxes; and

(g) if the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing.

(6) “Housing costs” for rented housing means:

(a) rent; and

(b) utility-related costs, if not included in the rent.

(7) “Ordinance” means an ordinance adopted pursuant to Section 6-29-530.

(8) “Utility-related costs” means costs related to power, heat, gas, light, water, and sewage.

(9) “Workforce housing” means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

SECTION X. Section 6-1-710 of the S.C. Code is amended by adding:

(4) “Workforce housing” means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

SECTION X. Section 6-1-510 of the S.C. Code is amended by adding:

(4) “Workforce housing” means residential housing for rent or sale that is reasonably and appropriately priced for rent or sale to a person or family whose income falls within thirty percent and one hundred twenty

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percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

SECTION X. Section 6-29-510(D)(6) of the S.C. Code is amended to read:

(6) a housing element which considers location, types, age, and condition of housing, owner and renter occupancy, and affordability of housing. This element includes an analysis to ascertain nonessential housing regulatory requirements, as defined in this chapter, that add to the cost of developing affordable housing but are not necessary to protect the public health, safety, or welfare and an analysis of market-based incentives that may be made available to encourage development of affordable housing, which incentives may include density bonuses, design flexibility, and streamlined permitting processes. The planning commission must solicit input for this analysis from homebuilders, developers, contractors, and housing finance experts when developing this element;

SECTION X. (A) There is created the Land Development Study Committee to examine current and prospective methods to plan for and manage land development in South Carolina.

(B) The study committee must be comprised of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House. Staff from the Senate and House of Representatives shall assist the study committee.

(C) The members of the study committee shall seek assistance from governmental agencies including the South Carolina Building Codes Council, the South Carolina Housing Authority, and the South Carolina Department of Agriculture, and from members of the private sector including, but not limited to, the Homebuilders Association of South Carolina, the South Carolina Association of Habitat for Humanity, the Realtors Association of South Carolina, the Municipal Association of South Carolina, the South Carolina Association of Counties, South Carolina Land Trust, Conservation Voters of South Carolina, and the South Carolina Chapter of the American Planning Association.

(D) The study committee shall provide a report to the General Assembly by December 31, 2023, at which time the study committee shall dissolve.

Renumber sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

The amendment was adopted.

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

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

Ayes 34; Nays 6

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Matthews
McElveen	McLeod	Peeler
Rankin	Sabb	Scott
Setzler	Turner	Williams
Young		

Total--34

NAYS

Gustafson	Martin	Massey
Reichenbach	Rice	Verdin

Total--6

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

READ THE THIRD TIME

SENT TO THE HOUSE

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS IN CHAPTER 1, TITLE 56, TO REVISE THE PROCESS FOR DRIVER'S LICENSE SUSPENSIONS AND REINSTATEMENTS; BY AMENDING VARIOUS SECTIONS IN

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CHAPTER 10, TITLE 56 TO REVISE THE REQUIREMENTS FOR MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST PENALTIES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF "UNINSURED MOTOR VEHICLE"; BY AMENDING VARIOUS SECTIONS IN CHAPTER 3, TITLE 56, TO RESTRUCTURE THE MANNER IN WHICH TEMPORARY LICENSE PLATES ARE ISSUED TO A MOTOR VEHICLE PURCHASER; TO AMEND VARIOUS CHAPTERS IN TITLE 56 AND TITLE 8 TO REVISE THE REQUIREMENTS FOR LICENSED DEALERS OF RECREATIONAL VEHICLES, MOTOR VEHICLES, AND MOTORCYCLES AND THE PROCEDURES FOR TITLING AND REGISTERING A VEHICLE. (ABBREVIATED TITLE)

The Senate proceeded to the consideration of the Bill.

The question then being third reading of the Bill.

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

Ayes 42; 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
Setzler	Shealy	Turner
Verdin	Williams	Young

Total--42

NAYS

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Total--0

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

OBJECTION

S. 303 -- Senators Shealy, McElveen, Gustafson, Talley, Davis, Adams, Kimbrell, Jackson, Rankin, Harpootlian, M. Johnson, Hutto, Sabb, Matthews, Fanning, Gambrell, Peeler, Cromer, Goldfinch and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Senator CAMPSSEN objected to further consideration of the Bill.

AMENDED, OBJECTION

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO

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REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR

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VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

The Senate proceeded to the consideration of the Bill.

Senators MALLOY and GROOMS proposed the following amendment (SR-3518.JG0029S), which was adopted:

Amend the bill, as and if amended, SECTION 28, by striking Section 56-19-370(B)(2) and inserting:

(2) If the department has reason to believe that the dealer knowingly did not properly title, or, if applicable, register the vehicle within forty-five days after the sale, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-150.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator MATTHEWS objected to further consideration of the Bill.

POINT OF ORDER

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young and Grooms: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF

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STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

The Senate proceeded to the consideration of the Resolution.

The Committee on Judiciary proposed the following amendment (SJ-95.PB0012S):

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

SECTION X.A. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

Section 7. There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

Beginning upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of the provisions of this paragraph, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office.

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B. It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, ~~the Comptroller General~~, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

C. It is proposed that Section 13, Article X of the Constitution of this State be amended to read:

Section 13. (1) Subject to the conditions and limitations in this section, the State shall have power to incur indebtedness in the following categories and in no others: (a) general obligation debt; and (b) indebtedness payable only from a revenue-producing project or from a special source as provided in subsection (9) hereof.

(2) "General obligation debt" shall mean any indebtedness of the State which shall be secured in whole or in part by a pledge of the full faith, credit and taxing power of the State.

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(3) General obligation debt may not be incurred except for a public purpose and all general obligation debt shall mature not later than thirty years from the time such indebtedness shall be incurred.

(4) In each act authorizing the incurring of general obligation debt the General Assembly shall allocate on an annual basis sufficient tax revenues to provide for the punctual payment of the principal of and interest on such general obligation debt. If at any time any payment due as the principal of or interest on any general obligation debt shall not be paid as and when the same become due and payable, the ~~State Comptroller General~~ Governor shall forthwith levy and the State Treasurer shall collect an ad valorem tax without limit as to rate or amount upon all taxable property in the State sufficient to meet the payment of the principal and interest of such general obligation debt then due.

(5) If general obligation debt be authorized by (a) two-thirds of the members of each House of the General Assembly; or (b) by a majority vote of the qualified electors of the State voting in a referendum called by the General Assembly there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness, and (ii) the provisions of subsection (3) hereof.

(6) General obligation debt may be also incurred on such terms and conditions as the General Assembly may by law prescribe under the following limitations:

(a) General obligation bonds for highway purposes (highway bonds) may be issued if such bonds shall be additionally secured by a pledge of the revenues derived from the "sources of revenue" as such term is defined in this subsection; provided, that the maximum annual debt service on all highway bonds so additionally secured which shall thereafter be outstanding shall not exceed fifteen percent of the proceeds received from the sources of revenue for the fiscal year next preceding.

For the purpose of this subsection, the term "sources of revenue" shall mean so much of the revenues as may be made applicable by the General Assembly for state highway purposes from any and all taxes or licenses imposed upon individuals or vehicles for the privilege of using the public highways of the State.

(b) General obligation bonds for any state institution of higher learning designated by the General Assembly (state institution bonds) may be issued, if such bonds shall be additionally secured by a pledge of the revenues derived from the tuition fees received by the particular institution of higher learning for which such state institution bonds are

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issued; provided, that the maximum annual debt service on all state institution bonds so additionally secured issued for such state institution thereafter to be outstanding shall not exceed ninety percent of the sums received by such state institution of higher learning from tuition fees for the fiscal year next preceding.

(c) General obligation bonds for any public purpose including those purposes set forth in (a) and (b) may be issued; provided, that the maximum annual debt service on all general obligation bonds of the State thereafter to be outstanding (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) must not exceed five percent of the general revenues of the State for the fiscal year next preceding (excluding revenues which are authorized to be pledged for state highway bonds and state institution bonds).

Upon implementation of the provisions of this item by law, the percentage rate of general revenues may be reduced to four or increased to seven percent by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

During the regular session of the General Assembly in 1990 and during every fifth annual regular session thereafter, the General Assembly shall conduct and complete a review of the law implementing this item. Unless during such session that review results in an amendment to or repeal of the law implementing this item, which must be accomplished by legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives.

(7) General obligation indebtedness may be incurred in anticipation of state tax collections (tax anticipation notes) under such terms and conditions as the General Assembly may prescribe by law. Such tax anticipation notes shall be secured by a pledge of such taxes and by a pledge of the full faith, credit and taxing power of the State. All tax anticipation notes shall be expressed to mature not later than ninety days from the end of the fiscal year in which such notes are issued.

(8) General obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may be lawfully issued (bond anticipation notes) under terms and conditions which the General Assembly may prescribe by law. Such bond anticipation notes shall be secured by a pledge of the proceeds of the bonds in anticipation of which such bond anticipation notes are issued and by a pledge of the full faith, credit and taxing power of the State.

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Bond anticipation notes shall be expressed to mature not later than one year following the date of issuance, but if the General Assembly shall so authorize by law, bond anticipation notes may be refunded or renewed.

(9) The General Assembly may authorize the State or any of its agencies, authorities or institutions to incur indebtedness for any public purpose payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax but may include fees paid for the use of any toll bridge, toll road or tunnel. Such indebtedness may be incurred upon such terms and conditions as the General Assembly may prescribe by law. All indebtedness incurred pursuant to the provisions of this subsection shall contain a statement on the face thereof specifying the sources from which payment is to be made.

Amend the joint resolution further, by striking the undesignated paragraph containing the question to be submitted to the voters and inserting:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Comptroller General from the list of state officers that the Constitution requires to be elected; provide that upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of this provision, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate; and require the General Assembly to provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Comptroller General may be removed from office; and must Section 12, Article IV be amended so as to delete the Comptroller General’s name from the list of elected state constitutional officers a majority of which may submit a written declaration that the Governor is unable to discharge his duties; and must Section 13, Article X be amended so as to provide if the principal of or interest on any general obligation debt is not paid when due, that instead of an appointed Comptroller General, the Governor, an elected state constitutional officer, shall levy an ad valorem tax to meet the payment?

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

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Point of Order

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

The PRESIDENT sustained the Point of Order.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 146 -- Senators Shealy, Goldfinch and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF “LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE” TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING

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CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY AMENDING SECTION 44-48-100, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT

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PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-146.BM0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-48-30(13)(a) and inserting:

(a) a licensed psychiatrist or psychologist; or

Amend the bill further, SECTION 3, by striking Section 44-48-40(B) and inserting:

(B) If a person has been convicted of a sexually violent offense and the Board of Probation, Parole and Pardon Services or the Board of Juvenile Parole intends to grant the person a parole or the South Carolina Department of Corrections or the Board of Juvenile Parole intends to grant the person a conditional release or supervised reentry, then the parole, ~~or the conditional release, or supervised reentry~~ must be granted to be effective one hundred eighty days after the date of the order of parole, ~~or conditional release, or supervised reentry~~. The Board of Probation, Parole and Pardon Services, the Board of Juvenile Parole, or the South Carolina Department of Corrections immediately must send notice of the parole, ~~or conditional release, or supervised reentry~~ of the person to the multidisciplinary team, the victim, and the Attorney General. If the person is determined to be a sexually violent predator pursuant to this chapter, then the person is subject to the provisions of this chapter even though the person has been released on parole, ~~or conditional release, or supervised reentry~~. If at any time the person is determined to not be a sexually violent predator pursuant to this chapter, then the person shall be released pursuant to the order granting parole, or the order for conditional release or supervised reentry.

Amend the bill further, SECTION 5, by striking Section 44-48-80(D) and inserting:

(D) If the probable cause determination is made, then the court must direct that, upon completion of the criminal sentence, the person must be transferred to a local or regional detention facility pending the conclusion of the proceedings under this chapter. The court must further direct that the person be transported to an appropriate facility of the South Carolina Department of Mental Health for an evaluation as to

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whether the person is a sexually violent predator and must order the person to comply with all reasonable testing and assessments deemed necessary by a court-appointed qualified evaluator. The evaluation must be conducted by a qualified expert appointed by the court at the probable cause hearing. The expert court-appointed qualified evaluator must complete the evaluation within ~~sixty~~ ninety days after the Department of Mental Health provides written certification to the Attorney General's Office and the person's legal counsel that it has received all medical, psychological, criminal offense, and disciplinary records and reports concerning the person but not greater than one hundred eighty days after the probable cause order is filed completion of the probable cause hearing. The court may grant one extension upon the request of the court-appointed qualified evaluator expert and a showing of good cause. ~~Any further extensions only may be granted for extraordinary circumstances. After the evaluation by the court-appointed qualified evaluator, if the person or the Attorney General seeks an independent evaluation by an independent qualified evaluator, pursuant to Section 44-48-90(C), then that evaluation must be completed within ninety days after receipt of the report by the court-appointed qualified evaluator. The court may grant an extension upon the request of the independent qualified evaluator and a showing of extraordinary circumstances. Any qualified evaluator who will be submitted as an expert at either a hearing or trial must submit a written report available to both parties.~~

Amend the bill further, SECTION 6, by striking Section 44-48-90(C) and inserting:

(C) Upon receipt of the evaluation issued by the court appointed expert as to whether the person is a sexually violent predator pursuant to Section 44-48-80(D), the person or the Attorney General may retain a qualified expert to perform a subsequent examination. If the court appointed qualified evaluator determines that the person is not a sexually violent predator, then the Attorney General, with notice to the person, may seek an independent evaluation pursuant to this section. If the court appointed qualified evaluator determines that the person is a sexually violent predator, then the person, with notice to the Attorney General, may seek an opinion by an independent qualified evaluator pursuant to this section. All examiners are permitted to have reasonable access to the person for the purpose of the examination, as well as access to all relevant medical, psychological, criminal offense, and disciplinary records and reports. In the case of an indigent person who requests would like an independent qualified evaluator expert of his own choosing, the indigent person must file and serve upon the Attorney General and the Commission on

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Indigent Defense a motion requesting payment and costs ~~court must determine whether the services are necessary.~~ The Attorney General shall have ten days from the date of service to file a response to the motion. If the court determines that the services are necessary and the ~~expert's~~ requested compensation for the independent qualified evaluator services is reasonable, ~~then~~ the court must assist the person in obtaining the authorize, in a written order prior to any fees or expenses being incurred, the person's attorney to obtain the services of an independent qualified evaluator ~~expert~~ to perform an evaluation ~~examination~~ or participate in the trial on the person's behalf and must authorize the payment from funds available to the Commission on Indigent Defense. All qualified evaluators are permitted to have reasonable access to the person for the purpose of the evaluation, as well as reasonable access to all relevant medical, psychological, criminal offense, and disciplinary records and reports. The court shall order ~~must approve payment for the services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the person to comply with any reasonable testing and assessments deemed necessary by the qualified evaluator for a thorough evaluation, and compensation received in the case or for the same services from any other source.~~

Amend the bill further, SECTION 8, by striking Section 44-48-110(A)(2) and inserting:

(2) The designated qualified evaluator's report must be provided to the clerk of the court in the jurisdiction that committed the resident pursuant to this chapter, the Attorney General, the solicitor who prosecuted the resident, and the resident. The resident is entitled to the assistance of counsel, and if the person is indigent, the court must appoint counsel designated by the Office of Indigent Defense to handle sexual predator cases to assist the person.

Amend the bill further, SECTION 8, by striking Section 44-48-110(B) and (C) and inserting:

(B) The ~~resident person~~ may retain or, if the ~~resident person~~ is indigent and so requests, the court may appoint a qualified evaluator ~~expert~~ to evaluate ~~examine~~ the ~~resident person~~, and the ~~resident's~~ qualified evaluator ~~expert~~ must have reasonable access to all medical, psychological, criminal offense, ~~and disciplinary, and treatment~~ records and reports concerning the ~~resident person~~. In the case of an indigent resident who seeks to retain a qualified evaluator, the indigent resident must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs. The Attorney

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General shall have ten days from the date of service to file a response to the motion. If, after considering the number and dates of the resident's prior requests for funding, the court determines the resident's request is reasonable, then the court must approve all reasonable expenses associated with the evaluation.

(C) ~~The annual report must be provided to the court which committed the person pursuant to this chapter, the Attorney General, the solicitor who prosecuted the person, and the multidisciplinary team. The court must conduct an annual hearing to review the status of the committed person. The committed person is not prohibited from petitioning the court for release at this hearing. The Attorney General must serve upon the resident a copy of the annual report along with a notice of the right to request a hearing within sixty days of service. The resident must request a hearing in writing for the court to review the resident's status. If no request is made within sixty days of service, the resident's right to a hearing pursuant to this chapter is deemed waived.~~

Amend the bill further, SECTION 8, by striking Section 44-48-110(F) and inserting:

(F) If the court determines that probable cause exists to believe that the resident's ~~person's~~ mental abnormality or personality disorder has so changed that the resident ~~person~~ is safe to be at large and, if released, is not likely to commit acts of sexual violence, the court must schedule a trial on the issue. At the trial, the resident ~~committed person~~ ~~is entitled to be present and~~ is entitled to the benefit of all constitutional protections that were afforded the resident ~~person~~ at the initial commitment proceeding. The Attorney General must notify the victim of all proceedings. The Attorney General must represent the State and has the right to have the resident ~~committed person~~ evaluated by a qualified evaluator ~~experts~~ chosen by the State. The trial must be before a jury if requested in writing by either the resident ~~person~~, the Attorney General, or the solicitor. If no request is made, the trial must be before a judge in the county where the offense was committed. The resident ~~committed person~~ also has the right to have a qualified evaluator ~~experts~~ evaluate the resident ~~person~~ on the resident's ~~person's~~ behalf, and the court must appoint ~~an~~ a qualified evaluator expert if the resident ~~person~~ is indigent and requests the appointment. The burden of proof at the trial is upon the State to prove beyond a reasonable doubt that the resident's ~~committed person's~~ mental abnormality or personality disorder remains such that the resident ~~person~~ is not safe to be at large and, if released, is likely to engage in acts of sexual violence.

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Amend the bill further, SECTION 9, by striking Section 44-48-115(B) and inserting:

(B) Petitions shall be filed in the original jurisdiction of the South Carolina Supreme Court under the South Carolina Appellate Court Rules within one hundred eighty days of the date that any appeals from the commitment or periodic review proceedings are final. Upon the receipt of the petition, the Clerk of Court of the Supreme Court shall issue an order designating a circuit court or appellate court judge as a referee to make appropriate findings of fact and conclusions of law and shall report the findings and conclusions to the Supreme Court. The designated judge shall have the statewide authority to issue orders as necessary.

Amend the bill further, SECTION 9, by striking Section 44-48-115(E) and inserting:

(E) Upon the filing of a petition alleging that the resident is indigent and desires appointed counsel, the designated judge shall appoint an attorney to represent the resident. Counsel shall be appointed from the contract attorney list of post-conviction counsel maintained by the South Carolina Commission on Indigent Defense, or such other list of attorneys as the Executive Director of the South Carolina Commission on Indigent Defense shall designate. If no attorney is available from this list, then the designated circuit court judge shall appoint an attorney from the Appointment of Lawyers for Indigents. The designated judge shall not appoint an attorney who previously represented the resident in any prior criminal proceedings underlying the commitment or state post-conviction relief proceedings or appeals from those proceedings, in the original sexually violent predator civil commitment proceeding or appeal from that proceeding, or in any previous or present periodic reviews or appeals therefrom.

Amend the bill further, SECTION 9, by striking Section 44-48-115(I) and inserting:

(I) Within thirty days of an assignment, the designated judge shall issue a scheduling order, including a discovery schedule, and shall set a hearing within not more than one hundred eighty days from the filing of the petition. A final report to the Supreme Court shall be submitted within thirty days from the conclusion of the hearing, including findings of fact and conclusions of law supporting the designated judge's recommendation. This does not preclude the designated judge from recommending to the Supreme Court that the petition be denied on the basis of the pleadings without a hearing. The recommendation shall set forth the basis for dismissal.

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Amend the bill further, SECTION 10, by striking Section 44-48-120(B) and inserting:

(B) The court, upon receipt of the petition for release filed pursuant to subsection (A), must order a hearing within thirty days unless the Attorney General, with notice to the resident, requests an ~~examination~~ evaluation by a ~~qualified expert evaluator~~ qualified evaluator as to whether the ~~petitioner's~~ resident's mental abnormality or personality disorder has so changed that the ~~resident~~ petitioner is safe to be at large and, if released, is not likely to commit acts of sexual violence, or the ~~resident~~ petitioner or the Attorney General requests a trial before a jury. The Attorney General must represent the State and has the right to have the ~~petitioner~~ resident examined by a qualified expert evaluator chosen by the State. If the Attorney General retains a qualified expert who concludes that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and, if released, is likely to commit acts of sexual violence, the petitioner may retain a qualified expert of his own choosing to perform a subsequent examination. In the case of an indigent petitioner who would ~~like an expert of his own choosing~~, the court ~~must determine whether the services are necessary~~. If the court determines that the services are necessary and the expert's requested compensation for the services is reasonable, the court must assist the petitioner in obtaining the expert to perform an examination or participate in the hearing or trial on the petitioner's behalf. The court ~~must approve payment for the services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the petitioner, and compensation received in the case or for the same services from any other source~~. request an independent qualified evaluator, the indigent petitioner must file and serve upon the Attorney General and the Commission on Indigent Defense a motion requesting payment and costs for the evaluator. If the court determines that the services are necessary and the requested compensation is reasonable, then the court must authorize, in written order prior to any fees or expenses being incurred, the petitioner's attorney to obtain the services of an independent qualified evaluator to perform an evaluation or participate in the trial on the petitioner's behalf and authorize the payment from funds available to the Commission on Indigent Defense. All qualified evaluators are permitted to have reasonable access to the resident for the purpose of the examination, as well as reasonable access to all relevant medical, psychological, criminal offense, and disciplinary records and reports, and the court shall order the resident to comply with any reasonable

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testing and assessments deemed necessary by a qualified evaluator. The burden of proof is upon the Attorney General to show beyond a reasonable doubt that the resident's ~~petitioner's~~ mental abnormality or personality disorder remains such that the resident ~~petitioner~~ is not safe to be at large and, that if released, is likely to commit acts of sexual violence.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being third 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	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
Setzler	Shealy	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

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

S. 146 -- Ordered to a Third Reading

On motion of Senator HUTTO, S. 146 was ordered to receive a third reading on Friday, March 31, 2023.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley, Davis and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO SELL UP TO TWO THOUSAND BARRELS OF BEER EACH YEAR BREWED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES AT RETAIL, WHOLESALE, OR BOTH, AND DELIVER OR SHIP THE BEER TO LICENSED RETAILERS IN THIS STATE, TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR, TO DELETE THE CONDITION THAT THE MAXIMUM AMOUNT OF BEER THAT MAY BE SOLD TO A CONSUMER FOR OFF-PREMISES CONSUMPTION SHALL BE EQUIVALENT TO TWO HUNDRED EIGHTY-EIGHT OUNCES, AND TO PROVIDE THAT A BREWERY IS ELIGIBLE FOR A SPECIAL PERMIT PURSUANT TO SECTION 61-4-550; AND BY ADDING SECTION 61-4-1550 SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO TRANSFER BEER PRODUCED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES TO OTHER FACILITIES WITHIN THIS STATE OWNED, LEASED, OR RENTED BY THE BREWERY WITHOUT BEING SUBJECT TO THE DISTRIBUTION AND WHOLESALE PROVISIONS OF TITLE 61 AND ANY TAXATION PROVISIONS OF THIS STATE, INCLUDING LOCAL GOVERNMENTS.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-566.MF0004S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 61-4-1515(A) and (B) and inserting:

~~(A)~~

(A) A brewery permitted in this State is authorized to sell beer to consumers on its permitted premises, provided that the beer is brewed on the permitted premises with an alcoholic content of twelve percent by weight, or less, subject to the following conditions:

(1) sales to consumers must be held in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises; beer sold for on-premises consumption must be produced by the brewery on its permitted premises or transferred to the brewery, subject to the following conditions: (a) the transferring and receiving breweries operate under one hundred percent identical ownership, and (b) the annual volume of beer received by a brewery does not exceed the annual volume of beer produced by such brewery on its permitted premises;

(2) sales to consumers must be held in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;

—(3) sales shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of twenty-one;

(3)(4)(a) no more than a total of forty-eight ounces of beer brewed at or transferred to the permitted premises shall be sold to a consumer for on-premises consumption within a twenty-four hour period; and

(b) of that forty-eight ounces of beer available to be sold to a consumer within a twenty-four hour period, no more than sixteen ounces of beer with an alcoholic weight of above eight percent, including any samples offered and consumed with or without cost, shall be sold to a consumer for on-premises consumption within a twenty-four hour period;

(4)(5) a brewery must develop and use a system report in a manner required by the department to monitor the amounts, and types, and brewing locations of beer sampled or sold to a consumer for on-premises consumption;

(5)(6) a brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located;

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~~(6)(7)~~ a brewery must remit appropriate taxes to the department ~~Department of Revenue~~ for beer sales in an amount equal to and in a manner required for excise taxes assessed by the department. A brewery also must remit appropriate sales and use taxes and local hospitality taxes;

~~(7)(8)~~ a brewery must post information that states the alcoholic content by weight of the various types of beer available in the brewery and the penalties for convictions for:

- (a) driving under the influence;
- (b) unlawful transport of an alcoholic container; and
- (c) unlawful transfer of alcohol to minors.

And, the information shall be in signage that must be posted at each entrance, each exit, and in places in a brewery seen during a tour;

~~(8)(9)~~ a brewery must provide department or DAODAS approved alcohol enforcement training for the employees who serve beer on the permitted premises to consumers for on-premises consumption, so as to prevent and prohibit unlawful sales, transfer, transport, or consumption of beer by persons who are under the age of twenty-one or who are intoxicated;- and

~~(9)(10)~~ a brewery must maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the amount of at least one million dollars for the biennial period for which it is permitted. Within ten days of receiving its biennial permit, a brewery must send proof of this insurance to the State Law Enforcement Division and to the Department of Revenue, where the proof of insurance information shall be retained with the department's alcohol beverage licensing section.

Amend the bill further, SECTION 2, by striking Section 61-4-1515(B)~~(C)~~(1) and (2) and inserting:

(B)(1) In addition to the sales provisions set forth in subsection (A) and subject to this subsection (B), a brewery permitted in this State is authorized to sell beer ~~produced on its permitted premises~~ to consumers on site for on-premises consumption within an area of its permitted and licensed premises approved by the rules and regulations of the Department of Health and Environmental Control governing eating and drinking establishments and other food service establishments. These establishments also may apply for a retail on-premises consumption permit for the sale of beer and wine ~~not produced on the licensed premises~~ that has been purchased from a wholesaler through the three-tier distribution chain set forth in Section 61-4-735 and Section 61-4-940.

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(2) In addition to a retail on-premises consumption permit for the sale of beer and wine as authorized in this subsection, a brewery that has a Department of Health and Environmental Control approved and licensed food establishment on its premises as provided in subsection (B)(1) may apply for a license to sell alcoholic liquor by the drink for on-premises consumption within a specified area of its licensed or permitted premises physically partitioned from the brewing operation and designated for the purpose of engaging substantially and primarily in the preparation and serving of meals. The brewery must:

(a) maintain compliance with all provisions of Section 61-6-1610 and all other provisions of Chapter 6 regulating the purchase and sale by food establishments of alcoholic liquor by the drink for on-premises consumption not inconsistent with other provisions of this section;

(b) not sell or allow the consumption of alcoholic liquor by the drink on that part of the brewery's premises designated and permitted for the brewing operation;

(c) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the brewing operation, and allocate expenses common to both operations in a manner the brewery considers reasonable, when applicable; and

(d) maintain a physical partition between the brewing and food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the brewing operation, and may contain a door or doors which remain locked during hours when the brewery is not in operation.

Amend the bill further, SECTION 2, by striking Section 61-4-1515(C)(D) and inserting:

(C) The department shall terminate and a brewery shall surrender each permit and license issued to the brewery pursuant to subsection (B) immediately following inspection, determination, and report by the division to the department that brewing operations have ceased on the brewery's permitted premises. This includes the food establishment permits and licenses. Following reinstitution of brewing operations on the formerly permitted premises, a brewery may re-apply for the applicable permits and licenses authorized by subsection (B).

Amend the bill further, SECTION 2, by striking Section 61-4-1515(D)(E) and inserting:

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(D) The sale of beer ~~that is brewed on the licensed premises~~ for on-premises consumption pursuant to subsection (B) must comply with the following provisions:

(1) all provisions of subsection (A) shall apply to sales under subsection (B) and this subsection, except subsection (A)(1), (2), (3), and (5);

(2) the brewery must comply with all state and local laws concerning hours of operation applicable to eating and drinking establishments and other food service establishments holding permits to sell beer and wine for on-premises consumption;

(3) the brewery must comply with the discount pricing provisions of Section 61-4-160, applicable to persons holding permits to sell beer and wine for on-premises consumption;

(4) the brewery must sell the beer at a price approximating retail prices generally charged for identical beverages by on-premises retailers in the county where the licensed premises are located; and

(5) a wholesaler must not provide and a brewery must not accept services, equipment, fixtures, or free beer prohibited by Section 61-4-940(B), except those items authorized by Section 61-4-940(C). Changes to the brewery laws pursuant to subsection (B) and this subsection do not alter or amend the structure of the three-tier laws of this State, and the wholesalers and the breweries must not discriminate in pricing at the producer or wholesaler levels.

Amend the bill further, SECTION 2, by striking Section 61-4-1515(E)(F) and inserting:

(E) A brewery located in this State is authorized to sell beer to consumers on its permitted premises for off-premises consumption, provided that the sealed beer was brewed on the brewery's permitted premises or received pursuant to subsection (A) with an alcohol content of fourteen percent by weight or less, subject to the following conditions:

(1) the maximum amount of beer that may be sold to an individual per day for off-premises consumption shall be equivalent to ~~two hundred eighty-eight hundred sixty-four~~ two hundred eighty-eight hundred sixty-four ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;

—(3) the beer sold is for personal use only and must not be resold;

(4) the beer must not be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

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(5) the brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located; ~~and~~

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12-21-1020 and Section 12-21-1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes and:-

(7) beer sold in kegs must comply with the requirements of Article 19, entitled "Keg Registration".

Amend the bill further, SECTION 2, by striking Section 61-4-1515(F)(G) and (H) and inserting:

(F) A brewery must report monthly in a manner required by the department the amounts and brands of beer present on its licensed premises at the month's beginning, brewed on its licensed premises, transferred to and received from a separate licensed brewery under identical ownership, sold to wholesalers for resale, sold to consumers for off-premises consumption, sold to consumers for on-premises consumption, lost to spillage and spoilage, removed for owner consumption, and present on its licensed premises at the month's end.

(G) A brewpub permitted pursuant to Article 17, which is a retailer for purposes of Sections 61-4-735(D) and 61-4-940(D), may make application to the department for a brewery permit and the permits and licenses authorized pursuant to subsection (B) for the brewpub's existing permitted premises. For these applications, the department shall waive newspaper notice and sign posting requirements, except the requirements shall not be waived for an alcoholic liquor by the drink application if the brewpub does not possess this license at the time of application. Excluding operations authorized pursuant to subsection (B), the department must not approve an application if the applicant or any principal or person acting directly or indirectly on behalf of the applicant would have ownership or financial interest in a wholesale or retail beer, wine, or alcoholic liquor operation following the issuance of the brewery permit. Contemporaneous with obtaining the brewery and applicable permits or licenses authorized pursuant to subsection (B), the applicant shall surrender the brewpub permit and the alcoholic liquor by the drink license previously issued for the premises.

Amend the bill further, SECTION 2, by striking Section 61-4-1515(G)(I) and inserting:

(G)(H) In addition to other applicable fines or penalties, a person permitted as a brewery in this State who violates the provisions of this

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section must be assessed a fine of five hundred dollars for a first violation. For a second violation that occurs within three years of the first violation, a person must be assessed an additional five hundred dollars. For subsequent violations within a three-year period, the department must suspend the brewery permit for a period of not less than thirty days. The revenue from the fines established in this section must be directed to the State Law Enforcement Division for supplementing funds required for the regulation and enforcement of this section.

Amend the bill further, by striking SECTIONS 3 and 4 and inserting:

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT 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 40; Nays 1

AYES

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

Total--40

NAYS

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Massey

Total--1

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

S. 566 -- Ordered to a Third Reading

On motion of Senator BENNETT, S. 566 was ordered to receive a third reading on Friday, March 31, 2023.

POINT OF ORDER

H. 3014 -- Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M.M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J.L. Johnson, Jefferson, B.J. Cox, Garvin, B.L. Cox, Tedder and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEMENTA C. PINCKNEY HATE CRIMES ACT"; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

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.

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POINT OF ORDER

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

Point of Order

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

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 689 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023, PROVIDED THE SENATE OR HOUSE OF REPRESENTATIVES IS NOT IN SESSION, AND THE CHAMBERS MAY NOT BE USED IF THE SENATE OR HOUSE OF REPRESENTATIVES IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

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The Resolution was adopted, ordered sent to the House.

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

MADE SPECIAL ORDER

H. 3532 -- Reps. G.M. Smith, Pope, McCravy, B. Newton, West, Chapman, Burns, Wooten, Haddon, O'Neal, Carter, W. Newton, M.M. Smith, Davis, Pace, B.L. Cox, Gilliam, Thayer, Bailey, Hardee, Blackwell, Leber, Mitchell, Chumley, Ligon, Hiott, Yow, Landing, Hixon, Taylor, Oremus, Cromer and J.E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-15-270 SO AS TO PROVIDE SENTENCING ENHANCEMENTS FOR PERSONS WHO COMMIT CERTAIN ADDITIONAL CRIMES WHILE ON PRETRIAL RELEASE ON BOND; BY ADDING SECTION 17-15-280 SO AS TO PROHIBIT PRETRIAL RELEASE ON BOND FOR PERSONS CHARGED WITH COMMITTING CERTAIN ADDITIONAL CRIMES AND TO PROVIDE APPROPRIATE PROCEDURES FOR DETERMINING IF ADDITIONAL CHARGES ARE PENDING; AND BY AMENDING SECTION 17-15-15, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE IN LIEU OF BOND, SO AS TO REQUIRE A FULL CASH BOND FOR PERSONS CHARGED WITH CERTAIN CRIMES.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

MOTION ADOPTED

At 1:21 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.

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

S. 298 -- Senators Bennett, Turner, Kimbrell, Campsen and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF

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INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

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

Motion Adopted

On motion of Senator DAVIS, under Rule 26B, the Senate agreed to take up a further amendment on third reading.

Amendment No. 1

Senator Davis proposed the following amendment (SR-298.JG0001S), which was tabled:

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

SECTION 2. This act takes effect upon approval by the Governor and applies to all open tax periods excluding assessments then being adjudicated in the Administrative Law Court or under judicial review by the South Carolina Court of Appeals or Supreme Court as of the date of the Governor's approval.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator SETZLER spoke on the amendment.

Senator DAVIS moved to lay the amendment on the table.

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

Ayes 24; Nays 11

AYES

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

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Total--24

NAYS

Allen	Hutto	Kimpson
Malloy	Matthews	McElveen
McLeod	Sabb	Scott
Setzler	Williams	

Total--11

The amendment was laid on the table.

The question then was third reading of the Bill.

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

Recorded Vote

Senators HUTTO, SETZLER, McELVEEN, MATTHEWS, WILLIAMS, SCOTT, MALLOY, ALLEN and McLEOD desired to be recorded as voting against the third reading of the Bill.

LOCAL APPOINTMENTS

Confirmations

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

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Roosevelt Jenkins, 1328 Adnah Church Road, Islandton, SC 29929-5220

Reappointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Peter E. Becker, 1011 Mockingbird Circle, Florence, SC 29501-8442

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Bradley Stewart Melton, 139 East Main Street, Suite B, Lexington, SC 29072-4128

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Reappointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Cheryl Dennis Warren, 1617 Westbrook Dr., Apt. H 2, Greenwood, SC 29649-8977

Initial Appointment, Greenwood County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Tony Anthony Foster, 105 Creekside Court, Greenwood, SC 29649-9540 *VICE* Belinda Strong

Motion Adopted

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

ADJOURNMENT

At 2:06 P.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.

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