

NO. 16

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

THURSDAY, FEBRUARY 2, 2017

Thursday, February 2, 2017
(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:

1 Corinthians 12:12

“The body is a unit, though it is comprised of many parts. And although its parts are many, they all form one body.”

Let us pray. Gracious God, it is with thankful hearts that we gather this day with such a gifted group of Senators elected by the people of South Carolina. This Body has many parts just as Your church Body has many parts. No one part is more important than the other for they must all work together with Your blessing for the good of the State and the dignity of all its people.

As we observe the dedication and passion of the Senators, we recognize and honor them but we also recognize and honor all the wonderful staff and support people who labor each day beside them to make this Body work efficiently and effectively for our State. Their dedication and love for all those who walk these hallowed halls is an inspiration. Together the Senators and staff function like a family -- when one rejoices, we all rejoice and when one suffers, we all suffer.

This morning we remember Lt. Governor Bryant’s father who is going through back surgery today. We surround the Bryant family with our concern and prayers for a successful surgery and a complete and speedy recovery of Cliff Bryant. May God’s healing grace and love be present with him and the entire Bryant family this day and in the days to come.

We pray this prayer in the name of our Lord and Savior, Amen.

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

Point of Quorum

At 11:07 A.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

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Call of the Senate

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

| | | |
|------------|----------|-----------------------|
| Alexander | Campbell | Campsen |
| Climer | Corbin | Courson |
| Cromer | Davis | Fanning |
| Goldfinch | Grooms | Kimpson |
| Leatherman | Martin | <i>Matthews, John</i> |
| Nicholson | Peeler | Rice |
| Scott | Senn | Setzler |
| Shealy | Sheheen | Talley |
| Timmons | Turner | Verdin |
| Williams | Young | |

A quorum being present, the Senate resumed.

Recorded Presence

Senator McLEOD recorded her presence subsequent to the Call of the Senate.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, Director of Department of Revenue and Taxation, with term coterminous with Governor

W. Hartley Powell, 632 Spring Lake Road, Columbia, SC 29206 *VICE*
James F. "Rick" Reames III

Referred to the Committee on Finance.

Initial Appointment, Director of Department of Labor, Licensing and Regulation, with term coterminous with Governor

Emily H. Farr, 5 Green Meade Ct., Columbia, SC 29223 *VICE* Richele Keel Taylor

Referred to the Committee on Labor, Commerce and Industry.

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Leave of Absence

At 11:11 A.M., Senator TURNER requested a leave of absence for Senator BENNETT for the day.

Leave of Absence

At 11:12 A.M., Senator CAMPBELL requested a leave of absence for Senator GREGORY for the day.

Leave of Absence

At 11:56 A.M., Senator MALLOY requested a leave of absence beginning at Noon.

Expression of Personal Interest

Senator SHEHEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 18 Sen. Reese
S. 27 Sens. Setzler, Scott, J. Matthews, Turner
S. 46 Sen. Young
S. 217 Sens. Turner, Young
S. 218 Sens. Campsen, Turner, Young
S. 219 Sens. Young, Williams, Nicholson
S. 337 Sens. Grooms, Reese
S. 338 Sen. Fanning

RECALLED AND ADOPTED

S. 348 -- Senator Martin: A SENATE RESOLUTION TO PROCLAIM FEBRUARY 22, 2017 AS "PROFESSIONAL ENGINEERS DAY" IN SOUTH CAROLINA AND TO RECOGNIZE THE ESSENTIAL SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Labor, Commerce and Industry.

The Senate Resolution was recalled from the Committee on Labor, Commerce and Industry.

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

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There was no objection.

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

RECALLED

S. 338 -- Senators Hembree, Courson, J. Matthews, Setzler and Fanning: A JOINT RESOLUTION TO PROVIDE THAT THE OPENING DATE FOR STUDENTS TO ATTEND PUBLIC SCHOOLS DURING THE 2017-2018 SCHOOL YEAR MAY BE AS EARLY AS THURSDAY, AUGUST SEVENTEENTH, IN THE DISCRETION OF THE SCHOOL DISTRICT BOARD OF TRUSTEES.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 349 -- Senators Gregory, Peeler and Campbell: A BILL TO AMEND SECTION 38-71-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POLICIES EXEMPT FROM PROVISIONS CONCERNING ACCIDENT AND HEALTH INSURANCE, SO AS TO MODIFY THE EXEMPTIONS TO INCLUDE THE LONGSHORE AND HARBOR WORKERS COMPENSATION ACT AND THE MERCHANT MARINE ACT.

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

S. 350 -- Senators Leatherman, Rankin, Grooms, Williams, Hembree, Sabb, Fanning and Kimpson: A BILL TO AMEND SECTION 59-103-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MISSION AND GOALS OF INSTITUTIONS OF HIGHER LEARNING, SO AS TO AUTHORIZE CERTAIN DOCTORAL DEGREE PROGRAMS SO LONG AS STATE

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GENERAL FUNDS ARE NOT APPROPRIATED FOR THE OPERATIONS OF THE DEGREE PROGRAM.

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

S. 351 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3790 SO AS TO ALLOW AN INCOME TAX CREDIT FOR EACH CLINICAL ROTATION SERVED BY A PHYSICIAN, ADVANCED PRACTICE NURSE, OR PHYSICIAN ASSISTANT AS A PRECEPTOR FOR CERTAIN PROGRAMS.

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

S. 352 -- Senator Massey: A BILL TO AMEND SECTION 1-11-10(A) OF THE 1976 CODE OF LAWS, RELATING TO THE DEPARTMENT OF ADMINISTRATION, TO MOVE THE PROCUREMENT SERVICES DIVISION TO THE DEPARTMENT; TO AMEND SECTION 1-11-20, RELATING TO THE TRANSFER OF OFFICES, DIVISIONS, AND OTHER AGENCIES FROM THE STATE BUDGET AND CONTROL BOARD TO APPROPRIATE ENTITIES, TO REMOVE THE PROCUREMENT SERVICES DIVISION FROM THE STATE FISCAL AFFAIRS AUTHORITY; AND TO AMEND SECTION 11-35-310(2), RELATING TO THE SOUTH CAROLINA PROCUREMENT CODE, TO CHANGE REFERENCES TO THE STATE FISCAL AFFAIRS AUTHORITY TO THE DEPARTMENT OF ADMINISTRATION.

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

S. 353 -- Senator Massey: A BILL TO AMEND ACT 516 OF 1976, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, TO CHANGE THE COMMENCEMENT OF EACH COMMISSIONER'S OFFICE TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER 31 OF EACH EVEN-NUMBERED YEAR; AND TO AMEND ACT 1006 OF 1958, RELATING TO THE ELECTION OF COMMISSIONERS OF THE

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BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, TO CHANGE THE COMMENCEMENT OF EACH COMMISSIONER'S TERM TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER 31 OF EACH EVEN-NUMBERED YEAR, TO CHANGE THE ELECTION DATE FOR COMMISSIONERS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, AND TO CHANGE THE FILING PROCEDURE FOR COMMISSION CANDIDATES SO AS TO REQUIRE THEM TO FILE AN INTENTION OF CANDIDACY WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AND TO SET A FILING DEADLINE.

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

S. 354 -- Senators Alexander and Verdin: A BILL TO AMEND SECTION 44-7-130 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE STATE CERTIFICATION OF NEED AND HEALTH FACILITIES LICENSURE ACT, TO DEFINE CRISIS STABILIZATION UNIT FACILITY; TO AMEND SECTION 44-7-170(B), RELATING TO THE APPLICABILITY OF THE CERTIFICATE OF NEED PROCESS TO CERTAIN PROJECTS, TO MAKE THE CERTIFICATE OF NEED PROCESS INAPPLICABLE TO CRISIS STABILIZATION UNIT FACILITIES; AND TO AMEND SECTION 44-7-260(A), RELATING TO REQUIREMENTS FOR LICENSURE FOR HEALTH FACILITIES, TO REQUIRE CRISIS STABILIZATION UNIT FACILITIES OBTAIN A LICENSE FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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

S. 355 -- Senator Johnson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BARTLETTE STREET IN THE CITY OF SUMTER FROM ITS INTERSECTION WITH WASHINGTON STREET TO ITS INTERSECTION WITH GUIGNARD DRIVE "JAMES T. McCain MEMORIAL STREET" AND ERECT

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APPROPRIATE MARKERS OR SIGNS CONTAINING THIS DESIGNATION.

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

S. 356 -- Senator Johnson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CAPITAL WAY IN THE TOWN OF MANNING FROM ITS INTERSECTION WITH COMMERCE STREET TO ITS INTERSECTION WITH PAXVILLE HIGHWAY "HOLMES NATHANIEL SMITH, JR. MEMORIAL STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS STREET CONTAINING THIS DESIGNATION.

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

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

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

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

S. 310 -- Senator Sheheen: A BILL TO PERMIT THE TOWN OF CAMDEN TO ANNEX CERTAIN REAL PROPERTY BY ORDINANCE UPON FINDING THAT THE PROPERTY IS BLIGHTED.

S. 263 -- Senators Peeler, Malloy, Alexander, Grooms, Campbell, Turner, Corbin, Gambrell, Martin and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 140 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE "CLEMSON UNIVERSITY 2016 FOOTBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES.

S. 316 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO AT-RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4656,

[SJ]

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HEMBREE explained the Resolution.

S. 44 -- Senators Gregory and Reese: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT EIGHTY PERCENT OF THE FAIR MARKET VALUE OF CERTAIN DISTRIBUTED ENERGY RESOURCES AND TO EXEMPT THE VALUE OF RENEWABLE ENERGY RESOURCE PROPERTY FOR RESIDENTIAL USE.

S. 220 -- Senators Shealy and McElveen: A BILL TO AMEND SECTION 63-7-920(C) OF THE 1976 CODE, RELATING TO INTERVIEWS CONDUCTED DURING AN INVESTIGATION OF CHILD ABUSE ALLEGATIONS, TO PROVIDE THAT HEARING IMPAIRED CHILDREN SHALL BE INTERVIEWED USING A SIGN LANGUAGE INTERPRETER NOT RELATED TO THE CHILD, TO ALLOW FOR REMOTE VIDEO INTERPRETATION, AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO MAINTAIN A DATABASE OF QUALIFIED INTERPRETERS; AND TO AMEND CHAPTER 25, TITLE 16, RELATING TO CRIMINAL DOMESTIC VIOLENCE, TO PROVIDE THAT INTERVIEWS CONDUCTED DURING AN INVESTIGATION OF CRIMINAL DOMESTIC VIOLENCE IN WHICH A HEARING IMPAIRED CHILD MAY HAVE BEEN INVOLVED OR WITNESSED THE ACT OF DOMESTIC VIOLENCE MUST BE CONDUCTED WITH THE USE OF A SIGN LANGUAGE INTERPRETER NOT RELATED TO THE CHILD.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 46 -- Senators Campsen, Bennett and Young: A BILL TO AMEND SECTION 12-6-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLATION ADJUSTMENTS TO STATE INDIVIDUAL INCOME TAX BRACKETS, SO AS TO ENACT THE "TAXPAYER INFLATION PROTECTION ACT", TO DELETE THE PROVISION LIMITING THE INFLATION ADJUSTMENT TO ONE-HALF OF THE ACTUAL INFLATION RATE AND THE

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OVERALL FOUR PERCENT LIMIT ON THE TOTAL INFLATION
ADJUSTMENT, AND TO DELETE REDUNDANT LANGUAGE.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment
(DG\46C002.BBM.DG17), which was adopted:

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

/ SECTION 2. Section 12-6-520 of the 1976 Code is amended to
read:

“Section 12-6-520. Each December ~~15~~ fifteenth, the department shall
cumulatively adjust the brackets in Section 12-6-510 in the same manner
that brackets are adjusted in Internal Revenue Code Section 1(f).
However, the adjustment ~~is limited to one half of the adjustment~~
~~determined by Internal Revenue Code Section (1)(f)~~, may not exceed
four percent a year, and but the rounding amount provided in Section
1(f)(6) is deemed to be ten dollars. The brackets, as adjusted, apply ~~in~~
~~lieu~~ instead of those provided in Section 12-6-510 for taxable years
beginning in the succeeding calendar year. ~~Inflation adjustments must be~~
~~made cumulatively to the income tax brackets.” /~~

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

Senator CROMER explained the Bill.

The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

| | | |
|-----------|----------|------------|
| Alexander | Allen | Campbell |
| Campsen | Climer | Corbin |
| Courson | Cromer | Davis |
| Fanning | Gambrell | Goldfinch |
| Grooms | Hembree | Hutto |
| Johnson | Kimpson | Leatherman |
| Malloy | Martin | Massey |
| McElveen | McLeod | Nicholson |
| Peeler | Rankin | Reese |

[SJ]

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| | | |
|---------|----------|---------|
| Rice | Sabb | Scott |
| Setzler | Shealy | Sheheen |
| Talley | Timmons | Turner |
| Verdin | Williams | Young |

Total--39

NAYS

Total--0

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

READ THE SECOND TIME

S. 61 -- Senator Hutto: A BILL TO AMEND SECTION 1-11-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR PARTICIPATION IN THE STATE HEALTH PLAN, SO AS TO ALLOW EMPLOYEES AND RETIREES, AND THEIR DEPENDENTS, OF ANY POLITICAL SUBDIVISION OF THE STATE TO PARTICIPATE IN THE STATE HEALTH PLAN.

The Senate proceeded to a consideration of the Bill.

Senator ALEXANDER explained the Bill.

The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

| | | |
|-----------|----------|------------|
| Alexander | Allen | Campbell |
| Campsen | Climer | Corbin |
| Courson | Cromer | Davis |
| Fanning | Gambrell | Goldfinch |
| Grooms | Hembree | Hutto |
| Johnson | Kimpson | Leatherman |
| Malloy | Martin | Massey |
| McElveen | McLeod | Nicholson |

[SJ]

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| | | |
|---------|----------|---------|
| Peeler | Rankin | Reese |
| Rice | Sabb | Scott |
| Setzler | Shealy | Sheheen |
| Talley | Timmons | Turner |
| Verdin | Williams | Young |

Total--39

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 75 -- Senator Young: A BILL TO AMEND SECTION 12-43-220(c)(2) OF THE 1976 CODE, RELATING TO PROGRAMS AND UNIFORM ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT, TO PROVIDE THAT AN OWNER ELIGIBLE FOR AND RECEIVING THE SPECIAL ASSESSMENT PURSUANT TO SECTION 12-43-220(c) WHO IS RESIDING AT A NURSING HOME RETAINS THE SPECIAL ASSESSMENT RATIO OF FOUR PERCENT FOR AS LONG AS THE OWNER REMAINS IN THE NURSING HOME.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\75C002.BBM.DG17), which was adopted:

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

/ SECTION 1. Section 12-43-220(c)(2) of the 1976 Code is amended by adding a subsubitem at the end to read:

“(ix)If an owner who is entitled to the special assessment ratio for owner-occupied residential property allowed pursuant to this item (c), becomes a patient at a nursing home or a community residential care facility, then the owner retains the four percent assessment ratio and applicable exemptions for as long as the owner remains in the home or facility so long as the owner otherwise qualifies, has an intention of

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returning to the property, and the property is not rented in excess of the amount allowed by this subitem(c)(2). For purposes of this subsubitem, nursing home and community residential care facility have the same meaning as provided in Section 44-7-130.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

Senator CAMPBELL explained the Bill.

The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

| | | |
|-----------|----------|------------|
| Alexander | Allen | Campbell |
| Campsen | Climer | Corbin |
| Courson | Cromer | Davis |
| Fanning | Gambrell | Goldfinch |
| Grooms | Hembree | Hutto |
| Johnson | Kimpson | Leatherman |
| Malloy | Martin | Massey |
| McElveen | McLeod | Nicholson |
| Peeler | Rankin | Reese |
| Rice | Sabb | Scott |
| Setzler | Shealy | Sheheen |
| Talley | Timmons | Turner |
| Verdin | Williams | Young |

Total--39

NAYS

Total--0

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

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CARRIED OVER

S. 176 -- Senator Sheheen: A BILL TO AMEND CHAPTER 1, TITLE 24 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF CORRECTIONS, BY ADDING SECTION 24-1-300, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A DEPARTMENT OF CORRECTIONS FACILITY WITHOUT WRITTEN CONSENT, AND TO PROVIDE PENALTIES FOR THE VIOLATION.

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

Motion Adopted

On motion of Senator MASSEY, the following Resolutions were placed on the Statewide Second Reading Calendar:

S. 326 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO REAL ESTATE COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4711, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 327 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF BARBER EXAMINERS, RELATING TO BARBERSHOP REQUIREMENTS; APPLICATIONS FOR INSPECTION AND REGISTRATION AND SHOP LICENSE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4713, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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MOTION ADOPTED

At 12:01 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.

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

S. 27 -- Senators Campsen, Young, Hembree, Climer, Gregory, Scott, J. Matthews, Setzler and Turner: A BILL TO AMEND SECTION 59-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF THE STATE SUPERINTENDENT OF EDUCATION, SO AS TO PROVIDE FOR THE APPOINTMENT OF THE SUPERINTENDENT BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE FOR THE TERM, QUALIFICATIONS, AND FILLING OF A VACANCY IN THE OFFICE OF SUPERINTENDENT; AND TO REPEAL SECTION 59-3-20 RELATING TO VACANCIES IN THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

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

Motion under Rule 26B

Senator HUTTO moved to take up further amendments pursuant to the provisions of Rule 26B.

Amendment No. 10

Senators HUTTO, MASSEY and SETZLER proposed the following amendment (27.CBH.1), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 22-24 and inserting the following:

/ (C) Any judicial action challenging the qualifications of a candidate or appointee, as appropriate, must be brought in circuit court within thirty days of the close of candidate filing or appointment for Superintendent of Education. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

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The question then was third reading of the Bill.

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

Ayes 39; Nays 0

AYES

| | | |
|-----------|----------|------------|
| Alexander | Allen | Campbell |
| Campsen | Climer | Corbin |
| Courson | Cromer | Davis |
| Fanning | Gambrell | Goldfinch |
| Grooms | Hembree | Hutto |
| Johnson | Kimpson | Leatherman |
| Malloy | Martin | Massey |
| McElveen | McLeod | Nicholson |
| Peeler | Rankin | Reese |
| Rice | Sabb | Scott |
| Setzler | Shealy | Sheheen |
| Talley | Timmons | Turner |
| Verdin | Williams | Young |

Total--39

NAYS

Total--0

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

Recorded Vote

Senator SENN desired to be recorded as voting in favor of the third reading of the Bill.

ACTING PRESIDENT PRESIDES

At 12:10 P.M., Senator CROMER assumed the Chair.

PRESIDENT PRESIDES

At 12:15 P.M., the PRESIDENT assumed the Chair.

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DEBATE INTERRUPTED

S. 218 -- Senators Massey, Bennett, Alexander, Bryant, Rice, Gregory, Corbin, Martin, Campsen, Turner and Young: A BILL TO AMEND CHAPTER 1, TITLE 41 OF THE 1976 CODE, RELATING TO LABOR AND EMPLOYMENT GENERALLY, BY ADDING SECTION 41-1-25, TO PROVIDE THAT A POLITICAL SUBDIVISION OF THIS STATE MAY NOT ESTABLISH, MANDATE, OR OTHERWISE REQUIRE AN EMPLOYEE BENEFIT; AND TO DEFINE NECESSARY TERMS.

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

Senator MASSEY explained the Bill.

Debate was interrupted by adjournment.

Motion Adopted

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

ADJOURNMENT

At 12:32 P.M., on motion of Senator LEATHERMAN, 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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