

**NO. 18**

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



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017**

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**TUESDAY, FEBRUARY 7, 2017**

**Tuesday, February 7, 2017  
(Statewide Session)**

Indicates Matter Stricken

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

1 Thessalonians 5:11

“Therefore encourage one another and build one another up just as you are doing.”

Let us pray. Gracious God, we pause at this hour to honor You. In the rush of the day, we pray that You will slow us down, O Lord, for we know that we live too fast. Turn our thoughts to matters of the heart, remembering to be kind to others and taking time to care about others -- not just the ones we love, but those who are less fortunate.

Help us to begin today the process of restoring our souls. Help us to restore our souls by praying daily for those who are hurting. Help us to restore our souls through a heartfelt compliment rather than a sarcastic remark. Help us to restore our souls by not trying to make ourselves feel big while trying to make someone else feel small. Help us to restore our souls by turning to You daily for forgiveness -- forgiveness for hurtful words spoken and deeds that are selfish.

Through Your grace may our love be genuine, may we hate what is evil and may we hold fast to what is good. We pray this in Your holy name. Amen.

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

**Point of Quorum**

At 2:05 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Bennett	Campbell
Campsen	Climer	Corbin

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Courson	Cromer	Davis
Gambrell	Goldfinch	Grooms
Hutto	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	McElveen	Nicholson
Peeler	Rice	Senn
Setzler	Shealy	Timmons
Turner	Williams	Young

A quorum being present, the Senate resumed.

**Privilege of the Chamber**

On motion of Senator DAVIS, on behalf of Senator CROMER, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Carl Edwards, Jr. and his family to recognize his contribution in helping the Chicago Cubs win the 2016 World Series.

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4665

Agency: Department of Revenue

Chapter: 117

Statutory Authority: 1976 Code Section 12-4-320

SUBJECT: Examples of the Application of Tax to Various Charges  
Imposed by Hotels, Motels, and Other Facilities

Received by Lieutenant Governor January 10, 2017

Referred to Finance Committee

Legislative Review Expiration May 10, 2017

Withdrawn and Resubmitted February 7, 2017

**Doctor of the Day**

Senator RICE introduced Dr. Horace Walpole, Jr., of Piedmont, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 6 Sen. Senn

S. 46 Sen. Alexander

S. 91 Sen. Fanning

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S. 92 Sen. Fanning  
S. 93 Sen. Fanning  
S. 94 Sen. Fanning  
S. 160 Sen. Campsen  
S. 214 Sen. Gregory  
S. 217 Sens. Davis, Talley, Shealy  
S. 301 Sen. Verdin

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 357 -- Senator Shealy: A SENATE RESOLUTION TO HONOR AND RECOGNIZE GIRL SCOUTS OF SOUTH CAROLINA, MOUNTAINS TO MIDLANDS AND GIRL SCOUTS OF EASTERN SOUTH CAROLINA AND TO CELEBRATE ONE HUNDRED YEARS OF THE GIRL SCOUT ORGANIZATION'S ICONIC COOKIE SALE, AS IT PROVIDES GIRLS WITH VALUABLE FINANCIAL LITERACY SKILLS.

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The Senate Resolution was adopted.

S. 358 -- Senator Kimpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3632 SO AS TO ALLOW AN INCOME TAX CREDIT EQUAL TO TWENTY PERCENT OF THE FEDERAL EARNED INCOME TAX CREDIT.

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

S. 359 -- Senator Cromer: A BILL TO AMEND SECTION 39-5-325, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNFAIR TRADE PRACTICES FOR MOTOR FUEL RETAILERS, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT OF CONSUMER AFFAIRS.

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

S. 360 -- Senator Kimpson: A BILL TO AMEND ARTICLE 25, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO THE

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SOUTH CAROLINA INCOME TAX ACT, BY ADDING SECTION 12-6-3710, TO ALLOW A TAX CREDIT FOR ANY TAXPAYER WHO EMPLOYS A FORMERLY INCARCERATED INDIVIDUAL AS A FULL-TIME EMPLOYEE; TO SPECIFY THE TAXES FOR WHICH THE CREDIT MAY BE APPLIED; TO ALLOW THE CREDIT FOR TWENTY-FOUR CONSECUTIVE MONTHS FOR EACH FORMERLY INCARCERATED INDIVIDUAL; TO SPECIFY ELIGIBILITY REQUIREMENTS; AND TO DEFINE NECESSARY TERMS.

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

S. 361 -- Senator Kimpson: A BILL TO AMEND TITLE 41 OF THE 1976 CODE, RELATING TO LABOR AND EMPLOYMENT, TO ENACT THE EARNED PAID SICK LEAVE ACT, TO PROVIDE THAT EMPLOYEES SHALL ACCRUE EARNED PAID AND EARNED UNPAID SICK LEAVE; TO PROVIDE FOR THE METHOD OF AND LIMITS OF ACCRUAL; TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN EMPLOYEE MAY USE EARNED PAID OR EARNED UNPAID SICK LEAVE; TO PROVIDE FOR CERTIFICATION OF THE REASONS FOR WHICH EARNED PAID OR EARNED UNPAID SICK LEAVE IS USED; TO PROVIDE THAT AN EMPLOYER CANNOT HINDER AN EMPLOYEE'S USE OF EARNED PAID OR EARNED UNPAID SICK LEAVE; TO PROVIDE THAT EMPLOYERS MAY NOT PENALIZE A PERSON FOR PROPERLY USING EARNED PAID OR EARNED UNPAID SICK LEAVE; TO PROVIDE THAT EMPLOYERS WHO ALREADY HAVE POLICIES THAT EXCEED THE PROVISIONS OF THIS CHAPTER DO NOT HAVE TO CHANGE THOSE POLICIES; TO PROVIDE THAT EMPLOYEES MUST PROVIDE REASONABLE NOTICE TO EMPLOYERS BEFORE USING EARNED PAID OR EARNED UNPAID SICK LEAVE IF POSSIBLE; TO PROVIDE FOR NOTICE OF THE PROVISIONS OF THIS CHAPTER TO EMPLOYERS AND EMPLOYEES; AND TO DEFINE NECESSARY TERMS.

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

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S. 362 -- Senator Kimpson: A BILL TO AMEND ARTICLE 25, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO TAX CREDITS, BY ADDING SECTION 12-6-3800, TO ALLOW A TAXPAYER WHO IS ELIGIBLE FOR A FEDERAL LOW-INCOME HOUSING TAX CREDIT TO CLAIM A LOW-INCOME STATE TAX CREDIT IN AN AMOUNT EQUAL TO THE FEDERAL TAX CREDIT.

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

S. 363 -- Senator Kimpson: A BILL TO AMEND SECTION 12-24-10(A) OF THE 1976 CODE, RELATING TO DEED RECORDING FEES, TO ALLOW AN INCREASE IN THE DEED RECORDING FEE BY TWENTY CENTS AND TO REQUIRE TEN CENTS OF THE INCREASE TO GO TO THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY AND TEN CENTS TO LOCAL AND REGIONAL HOUSING TRUST FUNDS FOR USE TOWARD AFFORDABLE HOUSING.

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

S. 364 -- Senator Kimpson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO COUNTIES, BY ADDING SECTION 4-1-160, TO ALLOW COUNTY GOVERNMENTS TO INCREASE BUILDING FEES UP TO TEN PERCENT AND REQUIRE COUNTY GOVERNMENTS TO USE THE MONEY FROM THE INCREASE FOR AFFORDABLE HOUSING PROGRAMS; AND TO AMEND SECTION 5-25-310, TO ALLOW MUNICIPAL GOVERNMENTS TO INCREASE BUILDING PERMIT FEES UP TO TEN PERCENT AND TO REQUIRE THE MUNICIPALITY TO USE THE MONEY COLLECTED FROM THE INCREASE TOWARD AFFORDABLE HOUSING PROGRAMS.

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

S. 365 -- Senators Rankin, Hembree and Goldfinch: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 141, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE "COASTAL CAROLINA

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UNIVERSITY 2016 COLLEGE WORLD SERIES CHAMPIONS"  
SPECIAL LICENSE PLATES.

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

S. 366 -- Senator Cromer: A BILL TO AMEND SECTION 37-22-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MORTGAGE LENDING DEFINITIONS, SO AS TO MAKE CERTAIN CHANGES AND DEFINE THE TERM "LOAN CORRESPONDENT"; TO AMEND SECTION 37-22-140, RELATING TO MORTGAGE LENDING LICENSE APPLICATIONS, SO AS TO REMOVE THE STATE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIREMENT, TO REQUIRE THREE HOURS OF PRELICENSING EDUCATION ON SOUTH CAROLINA LAWS AND REGULATIONS, TO ALLOW THE LICENSURE OF A PERSONAL RESIDENCE UNDER CERTAIN CIRCUMSTANCES, AND TO ALLOW FOR THE GRANT OF TRANSITIONAL LICENSES PURSUANT TO THE SAFE ACT; TO AMEND SECTION 37-22-150, RELATING TO EXPIRATION AND RENEWAL OF LICENSES, SO AS TO REMOVE REFERENCES TO A STATE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK; TO AMEND SECTION 37-22-160, RELATING TO CONTINUING PROFESSIONAL EDUCATION, SO AS TO REQUIRE AT LEAST ONE HOUR OF ANNUAL CONTINUING PROFESSIONAL EDUCATION ON SOUTH CAROLINA LAWS AND REGULATIONS; TO AMEND SECTION 37-22-190, RELATING TO PROHIBITED ACTIVITIES, SO AS TO REMOVE A REFERENCE TO THE SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; TO AMEND SECTION 37-22-210, RELATING TO THE COMMISSIONER'S RECORDS, SO AS TO UPDATE A REFERENCE; TO AMEND SECTION 37-22-240, RELATING TO CRIMINAL BACKGROUND CHECKS, SO AS TO REMOVE CERTAIN REQUIREMENTS AND TO AUTHORIZE THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY TO RETAIN FINGERPRINTS FOR CERTAIN PURPOSES; TO AMEND SECTION 37-22-270, RELATING TO PARTICIPATION IN THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY, SO AS TO DELETE REFERENCES TO THE SOUTH CAROLINA LAW

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ENFORCEMENT DIVISION; TO AMEND SECTION 37-23-75, RELATING TO LOAN DISCLOSURES, SO AS TO REQUIRE A LOAN ESTIMATE TO BE MADE UNDER THE TILA-RESPA INTEGRATED DISCLOSURE RULE, TO AMEND SECTION 40-58-20, RELATING TO DEFINITIONS CONCERNING THE LICENSING OF MORTGAGE BROKERS ACT, SO AS TO MAKE CERTAIN CHANGES AND DEFINE THE TERM "LOAN CORRESPONDENT"; TO AMEND SECTION 40-58-50, AS AMENDED, RELATING TO MORTGAGE BROKER LICENSE APPLICATIONS, SO AS TO REMOVE THE STATE CRIMINAL BACKGROUND CHECK REQUIREMENT, TO AUTHORIZE THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY TO RETAIN FINGERPRINTS FOR CERTAIN PURPOSES, AND TO REQUIRE AT LEAST THREE HOURS OF PRELICENSING EDUCATION ON SOUTH CAROLINA LAWS AND REGULATIONS; TO AMEND SECTION 40-58-60, RELATING TO THE ISSUING OF A MORTGAGE BROKERS LICENSE, SO AS TO AUTHORIZE THE GRANT OF TRANSITIONAL LICENSES; TO AMEND SECTION 40-58-65, RELATING TO THE MAINTENANCE OF RECORDS, SO AS TO REMOVE CERTAIN PHYSICAL PRESENCE REQUIREMENTS; TO AMEND SECTION 40-58-67, RELATING TO CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS, SO AS TO REQUIRE AT LEAST ONE HOUR OF ANNUAL CONTINUING PROFESSIONAL EDUCATION ON SOUTH CAROLINA LAWS AND REGULATIONS; TO AMEND SECTION 40-58-110, RELATING TO LICENSE APPLICATIONS AND RENEWAL FEES, SO AS TO ALLOW FOR THE DEPARTMENT TO LICENSE A PERSONAL RESIDENCE UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 48-58-130, RELATING TO PARTICIPATION IN THE NATIONWIDE MORTGAGE LICENSING SYSTEM REGISTRY, SO AS TO DELETE REFERENCES TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

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

S. 367 -- Senator Alexander: A BILL TO AMEND SECTION 50-21-870(B)(6) OF THE 1976 CODE, RELATING TO PROVISIONS THAT REGULATE THE OPERATION OF VARIOUS TYPES OF

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WATERCRAFT, TO INCREASE THE DISTANCE BETWEEN A WATERCRAFT AND ANOTHER OBJECT NEAR WHICH A WATERCRAFT MAY BE OPERATED IN EXCESS OF IDLE SPEED, AND TO PROVIDE THAT CERTAIN WATERCRAFT MAY NOT BE OPERATED UPON THE INTRACOASTAL WATERWAY IN EXCESS OF IDLE SPEED WITHIN FIFTY FEET OF CERTAIN OBJECTS.

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

S. 368 -- Senator Alexander: A BILL TO AMEND SECTION 56-3-8400 OF THE 1976 CODE, RELATING TO LIONS CLUB SPECIAL LICENSE PLATES, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE LIONS CLUB SPECIAL MOTOR VEHICLE LICENSE PLATES TO OWNERS OF PRIVATE PASSENGER MOTOR VEHICLES AS DEFINED IN SECTION 56-3-630 REGISTERED IN THEIR NAMES.

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

S. 369 -- Senator Hembree: A BILL TO AMEND CHAPTER 13, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INMATES IN CORRECTION OR DETENTION FACILITIES, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO INDECENTLY EXPOSE HIS PERSON IN A CORRECTIONAL OR DETENTION FACILITY, TO PROVIDE PENALTIES, AND TO PROVIDE THAT THE SENTENCE IS TO RUN CONSECUTIVELY TO ANY OTHER SENTENCE THE PERSON IS SERVING.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 370 -- Senators Talley, Rice and Timmons: A JOINT RESOLUTION TO AMEND SECTION 3, ARTICLE V OF THE CONSTITUTION OF THIS STATE, RELATING TO THE ELECTION OF SUPREME COURT JUSTICES, SECTION 8, ARTICLE V, RELATING TO THE ELECTION OF JUDGES OF THE COURT OF APPEALS, SECTION 13, ARTICLE V, RELATING TO JUDICIAL

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CIRCUITS AND CIRCUIT COURT JUDGES, SECTION 18, ARTICLE V, RELATING TO VACANCIES IN THESE JUDICIAL OFFICES, AND SECTION 27, ARTICLE V, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES OF THE COURT OF APPEALS, AND CIRCUIT COURT JUDGES SHALL BE APPOINTED BY THE GOVERNOR, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE FOR THE COMPOSITION OF THE JUDICIAL MERIT SELECTION COMMISSION.

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

S. 371 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF EXAMINERS IN OPTICIANRY, RELATING TO EXAMINATIONS; APPRENTICESHIP; AND CONTINUING EDUCATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4723, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 372 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS, RELATING TO ADMINISTRATOR-IN-TRAINING PROGRAM REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4722, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 373 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SHELLFISH,

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DESIGNATED AS REGULATION DOCUMENT NUMBER 4736,  
PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,  
TITLE 1 OF THE 1976 CODE.

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

S. 374 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO THE EVALUATION OF SCHOOL EMPLOYEES FOR TUBERCULOSIS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4704, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 375 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO DRYCLEANING FACILITY RESTORATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4705, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 376 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO UNDERGROUND STORAGE TANK CONTROL REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4706, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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S. 377 -- Senator Shealy: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2017.

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

S. 378 -- Medical Affairs Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF PHARMACY, RELATING TO MINIMUM SPECIFICATIONS AND PRACTICE STANDARDS GOVERNING PHARMACIES AND PHARMACISTS ENGAGED IN NONSTERILE AND STERILE COMPOUNDING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4734, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 379 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Climer, Corbin, Courson, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO HONOR AND RECOGNIZE REVEREND ELLA DELORES WHITE FOR HER YEARS OF OUTSTANDING LEADERSHIP AND SERVICE TO THE MOUNT OLIVE BAPTIST CHURCH CONGREGATION AND THE COLUMBIA COMMUNITY.

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The Senate Resolution was adopted.

H. 3218 -- Reps. Lucas, Hiott, V. S. Moss, Pitts, West and Crosby: A BILL TO AMEND SECTION 49-11-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE DAMS AND RESERVOIRS SAFETY ACT, SO AS TO REVISE CERTAIN DEFINITIONS IN ORDER TO MAKE THE PROVISIONS

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OF THIS ACT FURTHER APPLICABLE TO CERTAIN DAMS; AND TO AMEND SECTION 49-11-150, RELATING TO DAM OR RESERVOIR OWNERS BEING RESPONSIBLE FOR THE SAFE MAINTENANCE OF THEIR DAMS OR RESERVOIRS, NOTICE TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OF DAM OR RESERVOIR OWNERSHIP CHANGES, AND EMERGENCY ACTION PLAN REQUIREMENTS FOR SPECIFIED DAM OWNERS, SO AS TO REQUIRE ANNUAL REPORTING TO THE DEPARTMENT BY DAM OR RESERVOIR OWNERS OF CERTAIN OWNER CONTACT AND OTHER INFORMATION, TOGETHER WITH A COMPLETED OWNER CHECKLIST, AND TO REQUIRE THE OWNERS OF DAMS OR RESERVOIRS CLASSIFIED AS A HIGH OR SIGNIFICANT HAZARD ANNUALLY TO PROVIDE A CURRENT EMERGENCY ACTION PLAN INCLUDING CONTACT INFORMATION OF SPECIFIED OFFICIALS, DOWNSTREAM RESIDENTS, AND BUSINESS OWNERS.

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

H. 3289 -- Reps. G. R. Smith and Knight: A BILL TO AMEND SECTION 56-5-1930, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTANCE THAT MUST BE MAINTAINED BETWEEN VEHICLES TRAVELING ALONG A HIGHWAY, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE OPERATOR OF ANY NONLEADING VEHICLE TRAVELING IN A PROCESSION OF VEHICLES IF THE SPEED OF EACH VEHICLE IS AUTOMATICALLY COORDINATED.

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

H. 3296 -- Reps. Willis, Hamilton and G. R. Smith: 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 MAY ISSUE VIRGINIA TECH SPECIAL LICENSE PLATES.

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

H. 3340 -- Reps. Ott, Cobb-Hunter and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY

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ADDING SECTION 49-11-235 SO AS TO PROVIDE THAT THE OWNER OF A DAM WHICH FAILS OR FAILED ON OR AFTER OCTOBER 1, 2015, WHICH HAS A PUBLIC ROAD OR HIGHWAY IN THE STATE HIGHWAY SYSTEM RUNNING ACROSS THE TOP OF IT, MUST PROVIDE WRITTEN NOTIFICATION TO THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL INDICATING WHETHER OR NOT THE OWNER INTENDS TO REPAIR THE DAM AND THE DATE BY WHICH THE REPAIRS ARE ANTICIPATED TO BE COMPLETED, TO PROVIDE THE TIMELINES IN WHICH THIS NOTIFICATION MUST BE PROVIDED, AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PROCEED UNDER CERTAIN CONDITIONS AND IN A SPECIFIED MANNER WITH THE PROCESS OF REPAIRING THE PUBLIC ROAD OR HIGHWAY, IF THE DAM OWNER INDICATES THE OWNER DOES NOT INTEND TO REPAIR THE DAM.

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

H. 3359 -- Reps. Simrill, Pope, Norman, Felder, King, Delleney, D. C. Moss, B. Newton and Norrell: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF DAVE LYLE BOULEVARD FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 77 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 21 IN ROCK HILL "DEPUTY JAMES BRENT MCCANTS MEMORIAL BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THIS DESIGNATION.

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

H. 3442 -- Reps. Delleney, Felder, Pope, Martin, Norrell, B. Newton, Simrill, Norman, Thayer, Putnam, Clary, Hamilton, Yow, W. Newton, Kirby, Erickson, Knight, Hixon, Elliott, Henderson, Bedingfield, V. S. Moss, Wheeler, Ballentine, King, Henegan and West: A BILL TO AMEND SECTION 63-9-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDIVIDUALS WHO MAY ADOPT A CHILD, SO AS TO ADD CIRCUMSTANCES UNDER WHICH A NONRESIDENT MAY ADOPT AND TO

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PROVIDE FOR THE RIGHT TO FILE A PETITION FOR ADOPTION; AND TO AMEND SECTION 63-9-750, RELATING TO ADOPTION HEARINGS, SO AS TO MAKE TECHNICAL CORRECTIONS.

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

H. 3531 -- Reps. Crawford, Clemons, Fry, Duckworth, Hixon, Hardee, V. S. Moss, Forrest and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 47 SO AS TO DEFINE CERTAIN TERMS, TO PROHIBIT CERTAIN PERSONS FROM OWNING, POSSESSING, IMPORTING, PURCHASING, OR SELLING A LARGE WILD CAT, NON-NATIVE BEAR, OR GREAT APE, TO AUTHORIZE CONFISCATION OF THESE ANIMALS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT LOCAL GOVERNMENTAL BODIES MAY ADOPT ORDINANCES THAT REGULATE THE POSSESSION OF THESE ANIMALS, TO REGULATE THE TREATMENT OF THESE ANIMALS, AND TO PROVIDE A PENALTY; AND TO AMEND SECTION 47-5-50, RELATING TO THE PROHIBITION OF THE SALE OF WILD CARNIVORES AS PETS AND THE SALE OF DOMESTICATED FERRETS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE PUBLIC DISPLAY, SHOWING, OR EXHIBITION OF CERTAIN WILD CARNIVORES, PRIMATES, OR OTHER ANIMALS.

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

H. 3544 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF OLD RIVER ROAD IN THE TOWN OF FORK FROM ITS INTERSECTION WITH FIRST LOOP ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 41 "THOMAS NEAL ROGERS HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS CONTAINING THIS DESIGNATION.

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

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H. 3657 -- Reps. Stavrinakis, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME RACE STREET IN THE CITY OF CHARLESTON "FATHER NICHOLAS C. TRIVELAS MEMORIAL BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS STREET CONTAINING THIS DESIGNATION.

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

H. 3671 -- Reps. Bernstein, Allison, Arrington, Bennett, Cobb-Hunter, Crawford, Davis, Dillard, Douglas, Erickson, Felder, Funderburk, Henderson, Henegan, Knight, Norrell, Parks, Robinson-Simpson, Thayer, Alexander, Anderson, Anthony, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemons, Clyburn, Cogswell, Cole, Collins, Crosby, Daning, Delleney, Duckworth, Elliott, Finlay, Forrest, Forrester, Fry, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Ott, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer,

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Tallon, Taylor, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 26 THROUGH MARCH 4, 2017, AS "EATING DISORDERS AWARENESS WEEK" IN THE STATE OF SOUTH CAROLINA TO COINCIDE WITH NATIONAL EATING DISORDERS AWARENESS WEEK AND TO DECLARE THURSDAY, MARCH 2, 2017, AS "EATING DISORDERS AWARENESS DAY" IN SOUTH CAROLINA.

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

H. 3672 -- Reps. Bernstein, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF LIEUTENANT COLONEL ANTHONY WAYNE FREDERICK OF RICHLAND COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LOVING FAMILY AND FRIENDS.

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

H. 3673 -- Reps. Hiott, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown,

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Burns, Caskey, Chumley, Clary, Clemons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS (FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA) AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN THE OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 18-25, 2017.

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

H. 3674 -- Reps. Davis, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White,

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Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE THE COLLEGE OF CHARLESTON ON ITS OUTSTANDING ACHIEVEMENTS, TO CELEBRATE THE COLLEGE'S HIGH-QUALITY ACADEMICS AND ATHLETICS, TO HONOR THE LONG-LASTING IMPRESSION THE COLLEGE HAS HAD ON CHARLESTON AND BEYOND, AND TO RECOGNIZE FEBRUARY 8, 2017, AS "COLLEGE OF CHARLESTON DAY" AT THE STATE HOUSE.

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

H. 3678 -- Reps. Jefferson, Williams, Cobb-Hunter, Wheeler, Parks, Clyburn, King, Douglas, McKnight, Whipper, McEachern, Hosey, Brown, Ott, Allison, Norrell and Ridgeway: A CONCURRENT RESOLUTION TO CONGRATULATE THE HONORABLE HENRY DARGAN MCMASTER ON ASSUMING THE OFFICE OF GOVERNOR OF THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE GOVERNOR MCMASTER TO EXPAND MEDICAID TO PROVIDE HEALTH INSURANCE TO HUNDREDS OF THOUSANDS OF OTHERWISE UNINSURED LOW-INCOME SOUTH CAROLINIANS AND TO PROMOTE THE HEALTH OF THE STATE'S ECONOMY AND JOB SECURITY FOR RESIDENTS OF THE PALMETTO STATE.

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

**REPORTS OF STANDING COMMITTEE**

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

S. 181 -- Senator Shealy: A BILL TO AMEND SECTION 44-56-200(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA HAZARDOUS WASTE MANAGEMENT ACT, TO PROVIDE THAT, FOR THE PURPOSES OF THIS CHAPTER, "RESPONSIBLE PARTY" DOES NOT INCLUDE A PERSON WHO IS EXCLUDED FROM LIABILITY UNDER THE SUPERFUND RECYCLING EQUITY ACT, 42 U.S.C. SECTION 9627.

Ordered for consideration tomorrow.

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

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S. 234 -- Senator Massey: A BILL TO AMEND SECTION 44-61-160(A) OF THE 1976 CODE, RELATING TO THE CONFIDENTIALITY OF THE DATA COLLECTED OR PREPARED BY EMERGENCY MEDICAL SERVICES, TO PROVIDE THAT THE IDENTITIES OF PATIENTS AND EMERGENCY MEDICAL TECHNICIANS MENTIONED, REFERENCED, OR OTHERWISE APPEARING IN INFORMATION AND DATA COLLECTED OR PREPARED BY EMERGENCY MEDICAL SERVICES ARE SUBJECT TO SUBPOENA IN ANY ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDING.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

S. 244 -- Senator Jackson: A CONCURRENT RESOLUTION TO DECLARE JULY 2017 AS "FIBROID AWARENESS MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THE PALMETTO STATE TO BECOME INFORMED ABOUT THIS PERVERSIVE WOMEN'S HEALTH ISSUE.

Ordered for consideration tomorrow.

**Expression of Personal Interest**

Senators MALLOY and CAMPSEN rose for an Expression of Personal Interest to give a report on the work of the Sentencing Reform and Oversight Committee.

**HOUSE CONCURRENCE**

S. 336 -- Senator Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIAM HENRY "BILL" JOHNSON, JR., OF MARION FOR HIS DEDICATED SERVICE TO THE CITIZENS OF MARION COUNTY AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS UPON HIS RECENT RETIREMENT AS PRESIDENT AND CEO OF THE PEE DEE FEDERAL SAVINGS BANK.

Returned with concurrence.

Received as information.

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**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**READ THE SECOND TIME**

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.

**Amendment No.1**

Senator HUTTO proposed the following amendment (AHB\218C003.AGM.AHB17), which was tabled:

Amend the bill, as and if amended, Section 41-1-25, as contained in SECTION 1, by deleting subsection (C) in its entirety and inserting:

/ (C) This section does not limit the authority of political subdivisions to establish employee benefits in employment relationships to which they are a party. In addition, nothing contained in this section prohibits the adoption, enforcement, or administration of a local ordinance approved by a majority of the electors voting on the ordinance by referendum." /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 28; Nays 15**

**AYES**

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Courson	Cromer	Davis

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Goldfinch	Gregory	Grooms
Hembree	Leatherman	Malloy
Martin	Massey	Peeler
Rankin	Rice	Senn
Shealy	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--28**

**NAYS**

Allen	Fanning	Hutto
Johnson	Kimpson	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Setzler	Sheheen

**Total--15**

The amendment was laid on the table.

**Amendment No. 2**

Senator HUTTO proposed the following amendment (AHB\218C002.AGM.AHB17), which was tabled:

Amend the bill, as and if amended, Section 41-1-25, as contained in SECTION 1, by adding an appropriately lettered subsection to read:

/ ( ) Nothing contained in this section prohibits the authority of political subdivisions to establish employee benefits in an agreement with a business owner, developer, contractor, or subcontractor receiving a grant, tax abatement, tax credit, or other remuneration from or through the local governmental body." /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

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**Ayes 30; Nays 14**

**AYES**

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Courson	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	Peeler	Rankin
Rice	Senn	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--30**

**NAYS**

Allen	Fanning	Hutto
Johnson	Kimpson	<i>Matthews, John</i>
McElveen	McLeod	Nicholson
Reese	Sabb	Scott
Setzler	Sheheen	

**Total--14**

The amendment was laid on the table.

**Amendment No. 4**

Senator HUTTO proposed the following amendment (218R001.SP.CBH), which was tabled:

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

/SECTION 1. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41-1-25. It is the policy of the State of South Carolina for employers to provide earned sick leave to employees.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 5**

Senator KIMPSON proposed the following amendment (WAB\218C003.AGM.WAB17), which was tabled:

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

/ SECTION \_\_\_\_\_. Title 41 of the 1976 Code is amended by adding:

“Chapter 47

Earned Paid Sick Leave

Section 41-47-10. For the purposes of this chapter:

(1) ‘Agricultural labor’ shall have the same meaning as in Section 41-27-120.

(2) ‘Child’ means a person under the age of eighteen.

(3) ‘Earned paid sick time’ means the time that is provided by an employer to an employee as computed under Section 41-47-20 and is compensated at the same hourly rate as the employee earns from the employee’s employment at the time the employee uses the paid sick leave; provided, however, that this hourly rate shall not be less than the federal minimum wage.

(4) ‘Earned sick leave’ means the time that is provided by an employer to an employee as computed in Section 41-47-40 that can be used for the purposes provided in Section 41-47-30.

(5) ‘Earned unpaid sick leave’ means the time that is provided by an employer to an employee as computed in Section 41-47-40 that can be used for the purposes provided in Section 41-47-40.

(6) ‘Employee’ shall have the same meaning as in Section 41-1-65(2).

(7) ‘Employer’ shall have the same meaning as in Section 41-1-65(1).

(8) ‘Federal act’ means the Family and Medical Leave Act of 1993, 29 U.S.C. sections 2601 to 2654, inclusive, as may be amended.

(9) ‘Health care provider’ has the same meaning as provided in regulations promulgated pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. sections 2601 to 2654, inclusive, as may be amended.

(10) 'Parent' means a biological, adoptive, foster parent, or step parent of an employee or an employee's spouse; or other person who stood in loco parentis during the childhood of an employee or employee's spouse.

(11) 'Seasonal employer' means an employer that, because of climatic conditions or the nature of the product or service, customarily operates all or a functionally distinct occupation within its business only during a regularly recurring period of less than sixteen weeks for all seasonal periods during a calendar year.

(12) 'Seasonal employment' means services performed for wages for a seasonal employer during the seasonal period in the employers seasonal operations.

(13) 'Seasonal employee' means any employee who is employed by a seasonal employer in seasonal employment.

(14) 'Spouse' shall have the same meaning as provided by the marriage laws of this State.

Section 41-47-20. All employees who work in this State who must be absent from work for the reasons provided in Section 41-47-30 shall be entitled to not less than the hours of earned paid sick leave and earned unpaid sick leave provided in Section 41-47-40 during a calendar year, except for seasonal employees and individuals engaged in agricultural labor who shall be entitled to earned paid sick leave pursuant to this section at the discretion of the employer.

Section 41-47-30. Earned paid sick leave and unearned paid sick leave shall be provided to an employee by an employer for:

(1) the care for the employee's child or spouse who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care, or who is suffering from a condition covered under the federal act;

(2) the care for the employee's own physical or mental illness, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care, or that is a condition covered under the federal act;

(3) an employee to attend the employee's routine medical appointment or a routine medical appointment of the employee's child or spouse;

(4) matters related to a public health emergency; and

(5) an employee to address the psychological or physical effects of criminal domestic violence arising under Chapter 25, Title 16.

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Section 41-47-40. (A) Earned sick leave shall accrue at a rate of one hour for every forty hours worked beginning with the date of hire.

(B) Employees who are exempt from overtime requirements under 29 U.S.C. 213(a)(1) of the Federal Fair Labor Standards Act will be deemed to work forty hours each work week for the purposes of earned paid sick leave accrual unless their normal work week is less than forty hours, in which case earned paid sick leave accrues based on that normal work week.

(C) Employees shall not accrue more than fifty-six hours of earned sick leave in a calendar year, unless the employer allows a higher limit.

(D) During a calendar year, employers with:

(1) more than ten employees are not required to provide more than fifty-six hours of earned paid sick leave;

(2) six to ten employees shall not be required to provide more than forty hours of earned paid sick time to their employees; and

(3) fewer than six employees shall be required to provide a minimum of forty hours of earned unpaid sick leave to their employees.

(E)(1) Earned sick leave may be used as accrued, or be loaned by the employer, at its discretion, to the employee in advance of actual accrual, provided that an employer shall not require an employee to reimburse the employer for any unearned sick leave loaned by the employer.

(2) Accrued earned sick leave shall be used in the smaller of hourly increments of the smallest increment that the employer's payroll system uses to account for absences or use of other time.

(3) Earned paid sick leave and earned unpaid sick leave shall carry over annually to the extent not used by the employee, however an employer shall not be required to allow use of earned paid sick leave and earned unpaid sick leave in a single calendar year that exceeds the maximum benefit they are required to provide pursuant to this section.

(4) Employers shall not be required to pay-out unused earned paid sick leave upon the separation of the employee from the employer.

Section 41-47-50. If an employee is absent from work for any reason listed in Section 41-47-30, and by mutual consent of the employer and employee, the employee works an equivalent number of additional hours or shifts during the same or the next pay period as the hours or shifts not worked due to reasons listed in Section 41-47-30, the employee shall not be required to use earned paid sick leave accrued or earned unpaid sick leave for the employee's absence during that time period and the employer shall not be required to pay for sick leave taken during that time period. However, the employer cannot require the employee to

work additional shifts or hours, or require, as a condition of an employee's taking earned paid sick leave or earned unpaid sick leave, that the employee find, or attempt to find, a replacement employee to cover the hours during which the employee is utilizing earned or unearned sick leave.

Section 41-47-60. (A) Subject to the provisions contained in Section 41-47-140, an employer may require certification of the qualifying illness, injury or health condition. Any reasonable documentation signed by a health care provider involved in following or treating the illness, injury or health condition, and indicating the need for the amount of sick time taken, shall be deemed acceptable certification.

(B) Nothing in this section requires an employee to provide as certification any information from a health care provider that would be in violation of Section 1177 of the Social Security Act, 42 U.S.C. 1320d-6, or the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d-2.

Section 41-47-70. When the use of earned sick leave is foreseeable, the employee shall make a good faith effort to provide notice of this need to the employer in advance of the use of the sick leave.

Section 41-47-80. It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or attempt to exercise, any right provided under, or in connection with this chapter, including, but not limited to, using the taking of earned sick leave as a negative factor in an employment action such as hiring, evaluation, promotion, disciplinary action, termination, or counting earned sick time under a no-fault attendance policy.

Section 41-47-90. It shall be unlawful for any employer to take any adverse action against an employee because the employee opposes practices which the employee reasonably believes to be in violation of this chapter, or supports the exercise of right of another under this chapter.

Section 41-47-100. Nothing in this chapter shall be construed to discourage employers from adopting or retaining paid sick leave policies more generous than policies that comply with the requirements of this chapter and nothing in this chapter shall be construed to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit plan or plan that provides to employees greater paid sick leave rights than the rights established under this chapter.

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Section 41-47-110. Employers who provide their employees with paid time off, vacation, or other paid leave policies who make available an amount of paid time off sufficient to meet the accrual requirements of this section that may be used for the same purposes and under the same conditions as paid sick leave under this section are not required to provide additional paid sick leave.

Section 41-47-120. The Department of Employment and Workforce may promulgate regulations necessary to carry out the provisions of this chapter.

Section 41-47-130. The Department of Employment and Workforce shall produce notice of the provisions of this chapter for each employer in the State. The notice must be posted in a conspicuous place accessible to employees in every establishment where employees with rights under this chapter work. Employers shall also provide each employee with a copy of the notice that is to be posted. The notice shall contain:

- (1) information describing the rights to earned paid sick leave and earned unpaid sick leave under this chapter;
- (2) information about the notices, documentation, and any other requirements placed on employees in order to exercise their rights to earned paid sick leave and earned unpaid sick leave;
- (3) information that describes the protections that an employee has in exercising his rights under this chapter;
- (4) the name, address, and phone number of the Department of Employment and Workforce's office where questions about the rights and responsibilities under this chapter can be answered; and
- (5) information about filing a complaint with the Department of Employment and Workforce.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

Senator MASSEY moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 3**

Senator KIMPSON proposed the following amendment (WAB\218C002.AGM.WAB17), which was withdrawn:

**TUESDAY, FEBRUARY 7, 2017**

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

/ SECTION 1. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41-1-25. (A) For purposes of this section:

(1) ‘Employee benefit’ means anything of value that an employee may receive from an employer in addition to wages. This term includes, but is not limited to, any health benefits, disability benefits, death benefits, group accidental death and dismemberment benefits, paid days off for holidays, paid sick leave, paid vacation leave, paid personal necessity leave, retirement benefits, and profit-sharing benefits.

(2) ‘Employment relationship’ means an agreement:

(a) in which a person consents to provide labor or expertise for an ongoing enterprise in exchange for compensation; or

(b) between a political subdivision and an enterprise in which the enterprise receives a grant, tax abatement, tax credit, or other economic incentive from the political subdivision in exchange for which the enterprise agrees to create or maintain existing full-time employment opportunities. For purposes of this subitem, ‘enterprise’ means a business or industry, developer, contractor, or subcontractor.

(3) ‘Political subdivision’ includes, but is not limited to, a municipality, county, school district, special purpose district, or public service district.

(B) A political subdivision of this State may not establish, mandate, or otherwise require an employee benefit except for employers who receive subsidies

(C) This section does not limit the authority of political subdivisions to establish employee benefits in employment relationships to which they are a party.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

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

The question then was second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:  
**Ayes 32; Nays 8**

**AYES**

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Courson	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Leatherman
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--32**

**NAYS**

Allen	Fanning	Johnson
Kimpson	<i>Matthews, John</i>	<i>Matthews, Margie</i>
Sabb	Scott	

**Total--8**

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

**Recorded Vote**

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

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

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

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

**TUESDAY, FEBRUARY 7, 2017**

S. 46 -- Senators Campsen, Bennett, Young and Alexander: 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 OVERALL FOUR PERCENT LIMIT ON THE TOTAL INFLATION ADJUSTMENT, AND TO DELETE REDUNDANT LANGUAGE.

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.

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.

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

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-

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NUMBERED YEAR; AND TO AMEND ACT 1006 OF 1958, 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 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.

**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 SETZLER, the Bill was carried over.

**Motion Adopted**

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

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**MOTION ADOPTED**

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Robert Holland “Bob” Edwards of Walhalla, S.C. Bob was the owner and operator of Edwards Auto Sales Company. He was a member of the Blue Ridge Masonic Lodge #92, the Hejaz Shrine and the Oconee Hillbilly Clan #2. Bob was a former chairman of the board at Memorial Hospital and a founding board member of Community First Bank, a past member of the Walhalla Rotary Club and a member and deacon of Pleasant Ridge Baptist Church. Bob was a loving husband and devoted father who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator M.B. MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Keith Kinard of Walterboro, S.C. Keith received his undergraduate and law degree from the University of South Carolina. He was a practicing attorney for many years and in 1963, he founded 1<sup>st</sup> Federal of South Carolina in Walterboro and served as Chairman of the Board, President and CEO until his passing. Keith was a member of the University of South Carolina Gamecock Club for 51 years and enjoyed attending all USC sporting events. Keith was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 4:41 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 12:00 Noon.

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