

NO. 19

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

WEDNESDAY, FEBRUARY 8, 2017

Wednesday, February 8, 2017
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, 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:

Philippians 2:13

“For God is working in you, giving you the desire and the power to do what pleases Him.”

Let us pray. Gracious and eternal God, You walk before us as a beacon of light that shows us the way even through the perils that darkness hides. O God, You walk beside us to share our joy and gently support us in our grief and disappointment. O God, You walk behind us to steady us when we begin to waiver from the path that You have set before us.

Great God, You are with us each day to inspire and empower us according to Your will for our lives. Help us to reach out to You in prayer on a daily basis with thankful hearts for Your unfailing love and constant care as we go about our life's journey. Help us to remember -- for two to walk together, they must agree to meet. In Your holy name we pray, Amen.

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

Point of Quorum

At 12:04 P.M., Senator LEATHERMAN 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:

Alexander	Bennett	Climer
Corbin	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hutto	Johnson	Leatherman
Martin	Massey	<i>Matthews, John</i>
Nicholson	Peeler	Reese

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Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Williams	Young

A quorum being present, the Senate resumed.

Privilege of the Chamber

On motion of Senator DAVIS, on behalf of Senator SCOTT, the Privilege of the Chamber, to that area behind the rail, was extended to Elizabeth Dinndorf to recognize her retirement from Columbia College.

Doctor of the Day

Senators McLEOD and MALLOY introduced Dr. Gerald Wilson of Columbia, S.C., Doctor of the Day.

CO-SPONSORS ADDED

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

S. 114 Sen. Senn
S. 350 Sen. Johnson
S. 370 Sen. Timmons

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 380 -- Senator Davis: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE COURAGEOUS AND SELFLESS ACTIONS OF FIRST RESPONDERS, UTILITY WORKERS, LOCAL OFFICIALS, RESIDENTS AND OTHERS IN BEAUFORT COUNTY WHO RISKED THEIR OWN SAFETY BEFORE, DURING AND AFTER HURRICANE MATTHEW IN ORDER TO KEEP THEIR NEIGHBORS SAFE.

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The Senate Resolution was adopted.

S. 381 -- Senator Alexander: A BILL TO AMEND SECTION 12-21-2870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIGARETTES FOUND NOT HAVING AFFIXED TO THE

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PACKAGE CERTAIN STAMPS, SO AS TO PROVIDE THAT CIGARETTES FOUND AT ANY POINT NOT HAVING AFFIXED TO THE PACKAGE CERTAIN STAMPS ARE CONSIDERED CONTRABAND.

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

S. 382 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 30-9-37 SO AS TO PROHIBIT RECORDS OF CERTAIN MINOR TRAFFIC VIOLATIONS FROM APPEARING IN PUBLIC INDEXES, AND TO DIRECT ALL COUNTY CLERKS OF COURT TO REMOVE SUCH RECORDS WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT.

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

S. 383 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE FEBRUARY 26 THROUGH MARCH 4, 2017, AS EATING DISORDERS AWARENESS WEEK IN SOUTH CAROLINA, IN CONJUNCTION WITH THE OBSERVANCE OF NATIONAL EATING DISORDERS AWARENESS WEEK.

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

S. 384 -- Senators Sheheen, Sabb, Reese, Allen, McElveen, Jackson, Hutto, Williams, McLeod, Scott, Johnson, M. B. Matthews, Setzler, J. Matthews, Nicholson, Fanning and Kimpson: A BILL TO AMEND SECTION 57-11-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FUNDS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO CREATE THE RURAL ROADS FUND FOR ROAD AND BRIDGE MAINTENANCE AND REPAIR IN THE RURAL COUNTIES OF THIS STATE; TO AMEND SECTION 12-28-310, RELATING TO THE MOTOR FUEL USER FEE, SO AS TO PHASE IN AN INCREASE OF EIGHT CENTS ON THE FEE OVER FOUR YEARS; TO AMEND SECTIONS 56-11-410 AND 56-11-450, BOTH RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE MOTOR FUEL USER FEE; TO AMEND SECTION 56-3-620, AS

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AMENDED, RELATING TO THE BIENNIAL REGISTRATION OF A MOTOR VEHICLE, SO AS TO INCREASE THE FEE FOR THE REGISTRATION; BY ADDING SECTION 56-3-645 SO AS TO IMPOSE A ROAD USE FEE ON CERTAIN MOTOR VEHICLES THAT OPERATE ON FUEL THAT IS NOT SUBJECT TO THE MOTOR FUEL USER FEE AND CERTAIN OTHER FUELS; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO INCREASE THE MAXIMUM TAX ON MOTOR VEHICLES WITH A VALUE OF GREATER THAN THIRTY THOUSAND DOLLARS; AND TO AMEND ARTICLE 23, CHAPTER 37, TITLE 12, RELATING TO MOTOR CARRIERS, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE ARTICLE DOES NOT APPLY TO A SMALL COMMERCIAL VEHICLE, TO PROVIDE THAT CERTAIN VEHICLES ARE ASSESSED AND APPORTIONED BASED ON A ROAD USE FEE INSTEAD OF PROPERTY TAXES, TO PROVIDE THAT THE ROAD USE FEE IS DUE AT THE SAME TIME AS REGISTRATION FEES, TO PROVIDE FOR THE DISTRIBUTION OF THE ROAD USE FEE, AND TO EXEMPT CERTAIN SEMITRAILERS, TRAILERS, LARGE COMMERCIAL MOTOR VEHICLES, AND BUSES FROM AD VALOREM TAXATION.

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

S. 385 -- Senator Corbin: A BILL TO AMEND SECTION 2-19-10(A) OF THE 1976 CODE, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, BY DELETING PROCEDURES TO REVIEW THE QUALIFICATIONS OF RETIRED JUDGES FOR CONTINUED JUDICIAL SERVICE; AND TO AMEND SECTION 2-19-100, RELATING TO THE ELIGIBILITY OF RETIRED JUDGES FOR APPOINTMENT, TO PROVIDE THAT A RETIRED JUSTICE OR JUDGE IS PROHIBITED FROM ENGAGING IN CONTINUED JUDICIAL SERVICE FOLLOWING HIS RETIREMENT.

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

S. 386 -- Senator Corbin: A JOINT RESOLUTION TO AMEND ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES ON THE

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COURT OF APPEALS, AND CIRCUIT COURT JUDGES SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE RATHER THAN BEING ELECTED BY THE GENERAL ASSEMBLY, AND TO REPEAL PROVISIONS REQUIRING THE GENERAL ASSEMBLY TO ESTABLISH A JUDICIAL MERIT SCREENING COMMISSION.

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

S. 387 -- Senator Corbin: A BILL TO AMEND SECTION 2-19-10 OF THE 1976 CODE, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, TO PROVIDE THAT THE JUDICIAL MERIT SELECTION COMMISSION SHALL CONSIST OF TWO MEMBERS FROM EACH OF THE SEVEN CONGRESSIONAL DISTRICTS WHO ARE RESIDENTS OF THEIR RESPECTIVE DISTRICTS AND ONE MEMBER FROM THE GENERAL PUBLIC, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, WHO SHALL SERVE AS THE CHAIRMAN OF THE COMMISSION; TO PROVIDE THAT NO MEMBER MAY SERVE FOR MORE THAN TWO TERMS; TO PROVIDE THAT NO CURRENT MEMBER OF THE GENERAL ASSEMBLY MAY SERVE ON THE COMMISSION; AND TO PROVIDE THAT A FORMER MEMBER OF THE GENERAL ASSEMBLY MAY NOT SERVE ON THE COMMISSION UNTIL FIVE YEARS AFTER LEAVING OFFICE.

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

S. 388 -- Senator Corbin: A BILL TO AMEND SECTION 56-3-1965 OF THE 1976 CODE, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, TO PROVIDE THAT A PERSON WHO IS HANDICAPPED MUST BE ALLOWED TO PARK IN METERED OR TIMED PARKING PLACES, INCLUDING THOSE METERED OR TIMED PARKING PLACES AT AN AIRPORT, WITHOUT BEING SUBJECT TO FEES OR FINES.

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

S. 389 -- Senators J. Matthews, Rankin, Setzler and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976,

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TO ENACT THE "TEACHERS OF TOMORROW CERTIFICATION ACT" BY ADDING ARTICLE 6 TO CHAPTER 25, TITLE 59 SO AS TO PROVIDE AN ALTERNATE ROUTE TO TEACHER CERTIFICATION FOR PERSONS CERTIFIED BY TEACHERS OF TOMORROW.

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

S. 390 -- Senator Kimpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-3-414 SO AS TO REQUIRE A CONSUMER LITIGATION FUNDING COMPANY TO MAKE CERTAIN DISCLOSURES ON A LITIGATION FINANCING CONTRACT, TO PROHIBIT A CONSUMER LITIGATION FUNDING COMPANY FROM TAKING CERTAIN ACTIONS, TO REQUIRE A CONSUMER LITIGATION FUNDING COMPANY TO PROVIDE NOTICE AND DOCUMENTS TO A CONSUMER'S ATTORNEY IF THE CONSUMER IS REPRESENTED BY COUNSEL, AND TO REQUIRE A CONSUMER LITIGATION FUNDING COMPANY TO SUBMIT AN ANNUAL REPORT CONTAINING CERTAIN INFORMATION RELATED TO THE COMPANY'S BUSINESS AND OPERATIONS.

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

S. 391 -- Senators Turner, Shealy, Peeler, Grooms and Bennett: A BILL TO AMEND ARTICLE 1, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO COLLEGES AND INSTITUTIONS OF HIGHER LEARNING, GENERALLY, BY ADDING SECTION 59-101-440, TO PROVIDE THAT COLLEGES AND UNIVERSITIES IN THIS STATE ARE PROHIBITED FROM SCHEDULING A HOME INTERCOLLEGIATE FOOTBALL GAME ON A FRIDAY.

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

H. 3458 -- Reps. Herbkersman, W. Newton and Bowers: A JOINT RESOLUTION TO DIRECT THE SOUTH CAROLINA MEMBERS OF THE JASPER OCEAN TERMINAL JOINT PROJECT OFFICE BOARD OF DIRECTORS TO NAME THE PROPOSED JASPER

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OCEAN TERMINAL TO BE LOCATED IN JASPER COUNTY THE "HENRY PARKS MOSS, JR. MEMORIAL PORT".

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

H. 3465 -- Reps. Delleney, Felder, Martin, B. Newton, Knight, Douglas, Putnam, Simrill, Pope, Norman, Thayer, Clary, Hamilton, Yow, Hixon, Elliott, Henderson, Bedingfield, V. S. Moss, Kirby, W. Newton, Ballentine, King, Henegan and West: A BILL TO AMEND SECTION 63-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONAL TERMS USED IN THE CHILDREN'S CODE, SO AS TO CHANGE THE DEFINITION OF A "PARTY IN INTEREST"; TO AMEND SECTION 63-7-1630, RELATING TO CHILD PROTECTION HEARING NOTICE REQUIREMENTS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE NOTICE IN ADDITIONAL CIRCUMSTANCES; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE NOTICE OF PERMANENCY PLANNING HEARINGS TO CERTAIN INDIVIDUALS, TO ALLOW CERTAIN INDIVIDUALS TO FILE A MOTION FOR REVIEW OF A CASE AT ANY TIME, AND TO GRANT CERTAIN INDIVIDUALS THE RIGHT TO INTERVENE IN A CHILD ABUSE OR NEGLECT ACTION; TO AMEND SECTION 63-7-1710, AS AMENDED, RELATING TO STANDARDS FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE CERTAIN EVIDENCE BEFORE SELECTING A PERMANENT PLAN OTHER THAN TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-7-2530, AS AMENDED, RELATING TO PETITIONS TO TERMINATE PARENTAL RIGHTS TO A CHILD, SO AS TO ALLOW A PARTY TO SEEK ADOPTION OF THE CHILD; TO AMEND SECTION 63-9-60, AS AMENDED, RELATING TO INDIVIDUALS WHO MAY ADOPT A CHILD, SO AS TO ADD CIRCUMSTANCES UNDER WHICH A NONRESIDENT MAY ADOPT AND TO PROVIDE FOR THE RIGHT TO FILE A PETITION FOR ADOPTION; TO AMEND SECTION 63-9-330, RELATING TO CONSENT AND RELINQUISHMENT, SO AS TO ALLOW A PERSON OR AGENCY TO SPECIFY A PERSON TO WHOM CONSENT AND RELINQUISHMENT IS DIRECTED; BY ADDING SECTION 63-9-370 SO AS TO ESTABLISH CERTAIN

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REQUIREMENTS PERTAINING TO THE ADOPTION OF A CHILD WHO IS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND SECTION 63-9-750, RELATING TO ADOPTION HEARINGS, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 63-11-720, AS AMENDED, RELATING TO THE SOUTH CAROLINA FOSTER CARE REVIEW BOARD, SO AS TO CLARIFY CERTAIN RIGHTS OF FOSTER PARENTS.

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

H. 3661 -- Rep. Ott: A BILL TO AMEND SECTION 7-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CALHOUN COUNTY, SO AS TO DESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

REPORTS OF STANDING COMMITTEE

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

S. 90 -- Senators Campsen, Johnson and Hembree: A BILL TO AMEND SECTION 22-2-5(A) OF THE 1976 CODE, RELATING TO THE ELIGIBILITY EXAMINATION FOR MAGISTRATES, TO EXTEND THE TIME PERIOD FOR THE VALIDITY OF THE EXAMINATION SCORES FROM SIX MONTHS BEFORE AND SIX MONTHS AFTER THE TIME THE APPOINTMENT IS TO BE MADE TO ONE YEAR BEFORE AND TWO YEARS AFTER THE TIME THE APPOINTMENT IS TO BE MADE.

Ordered for consideration tomorrow.

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

S. 107 -- Senators Campsen, Hutto, Massey and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-125, SO AS TO PROVIDE THAT BEGINNING WITH THE 2018 GENERAL ELECTION, IF THE LIEUTENANT GOVERNOR RESIGNS OR IS REMOVED FROM OFFICE, THE GOVERNOR SHALL APPOINT, WITH THE ADVICE

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AND CONSENT OF THE SENATE, A SUCCESSOR FOR THE UNEXPIRED TERM; BY ADDING SECTION 7-11-12, SO AS TO ESTABLISH THE PROCEDURE BY WHICH A PERSON NOMINATED AS GOVERNOR SELECTS A LIEUTENANT GOVERNOR AS A JOINT TICKET RUNNING MATE; BY ADDING SECTION 7-13-315, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO ENSURE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR ARE ELECTED JOINTLY; BY ADDING SECTION 8-13-1301, SO AS TO PROVIDE THAT JOINTLY ELECTED CANDIDATES MUST BE CONSIDERED A SINGLE CANDIDATE FOR CONTRIBUTIONS AND ESTABLISHING A COMMITTEE; TO AMEND SECTION 8-13-1314, RELATING TO CONTRIBUTION LIMITATIONS, SO AS TO PROVIDE THAT WITHIN AN ELECTION CYCLE, CONTRIBUTIONS FOR STATEWIDE CANDIDATES ARE INCREASED FROM THREE TO FIVE THOUSAND DOLLARS, CONTRIBUTIONS FOR JOINTLY ELECTED CANDIDATES ARE FIVE THOUSAND DOLLARS, AND CONTRIBUTIONS FOR CANDIDATES FOR OTHER OFFICES ARE INCREASED FROM ONE TO TWO THOUSAND DOLLARS AND THAT FUTURE LIMITATIONS ON CONTRIBUTIONS MUST BE INCREASED BY THE STATE ETHICS COMMISSION DEPENDENT UPON THE CONSUMER PRICE INDEX; TO AMEND SECTION 7-11-15(A), RELATING TO FILING AS A CANDIDATE FOR THE GENERAL ELECTION, SO AS TO PROVIDE IF MARCH 30, THE DEADLINE FOR FILING, IS ON A SATURDAY OR SUNDAY, THE TIME FOR FILING EXTENDS TO THE NEXT BUSINESS DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY; TO AMEND SECTION 7-13-45, RELATING TO ESTABLISHING HOURS FOR ACCEPTING CANDIDATE FILINGS, SO AS TO DELETE SPECIFIC REFERENCES TO THE NUMBER OF HOURS AND PROVIDE THAT FILINGS BE ACCEPTED DURING REGULAR BUSINESS HOURS ON REGULAR BUSINESS DAYS; TO AMEND SECTIONS 1-3-120, 1-3-130, 1-6-30(9), 1-9-30, 1-11-10(D), 1-11-425, 1-18-70, 1-23-280(B) AND (E), 1-23-290(D), 2-1-230(C), 2-1-250(B), 2-2-30(B)(1), 2-2-40(B), 2-3-20, 2-3-75(B)(3), 2-3-105(A)(4), 2-15-60(b), 2-17-90(A)(1), 2-17-90(A)(6)(c), 2-17-100(3), 2-19-10(B)(2), 2-41-70, 2-67-20(E)(1)(a), 2-69-20, 2-69-40, 2-75-10, 3-11-400(C)(3)(b)(iii), 5-1-26(B)(4), 5-1-26(F), 6-4-35(A)(2), 6-29-1330(D)(3), 6-29-1330(G), 8-13-540(3)(d), 8-13-715, 8-13-1373, 9-4-10(B)(1)(b), 9-4-40, 9-16-90, 9-

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16-380, 10-1-168(I), 11-9-890B.(2), 11-11-350, 11-43-140, 11-45-40(B)(1), 11-50-50, 11-57-340, 12-3-10(A)(1), 13-1-25(B), 23-1-230(G), 24-22-150, 37-29-110, 38-3-110(5)(c), 38-75-490(D), 40-47-10(A)(4), 44-128-50(B)(2), 46-3-260(A), 48-52-440(D)(2), 48-59-40(A)(4), 51-13-720, 51-13-2120(3), 51-18-115, 54-6-10(B)(3), 59-6-10, 59-40-230(A), 59-46-40(A)(4), 59-150-40(A), 59-150-40(C), 59-150-40(D), 59-150-320, 59-150-325(A), 60-11-150(B), 60-17-10, 63-1-50(A), 63-1-50(B), 63-11-1720(B), 63-11-1720(C), 63-11-1930(A)(11), AND 63-11-2110(B)(4), RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE PRESIDENT OF THE SENATE PRO TEMPORE, SO AS TO REVISE STATUTORY REFERENCES FROM THE PRESIDENT OF THE SENATE PRO TEMPORE TO THE PRESIDENT OF THE SENATE AND TO MAKE ADDITIONAL CLARIFYING CHANGES; TO AMEND SECTIONS 1-3-620, 1-11-720(A)(9), 1-23-125(B), 1-23-125(D), 2-3-30, 2-3-90, 7-11-30(A), 7-17-10, 9-1-10(11)(g), 9-1-10(14), 10-1-40, 14-27-20(10), 14-27-30, 14-27-40(2), 14-27-80, 43-21-20, 43-21-45, 43-21-60, 43-21-70, 43-21-100, 43-21-130(A)(1), 43-21-190(2), 44-36-310, 44-36-320(7), 44-36-330, 44-56-840(A), 54-7-100, 59-6-15(A)(3), RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR, SO AS TO REVISE STATUTORY REFERENCES TO CONFORM TO CONSTITUTIONAL AND STATUTORY CHANGES CONCERNING SELECTION AS PART OF A JOINT TICKET AND TO MAKE THE GOVERNOR RESPONSIBLE FOR THE EXISTING DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR SO THE GOVERNOR MAY DETERMINE HOW THOSE DUTIES AND RESPONSIBILITIES MAY BE ACCOMPLISHED; AND TO REQUIRE, ON OR BEFORE JANUARY 1, 2019, THE CODE COMMISSIONER TO PREPARE AND DELIVER A REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES RECOMMENDING ANY ADDITIONAL APPROPRIATE AND CONFORMING CHANGES TO THE 1976 CODE OF LAWS REFLECTING THE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

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

S. 118 -- Senators Campsen, Malloy and Hembree: A BILL TO AMEND SECTION 22-3-10, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO THE CIVIL JURISDICTION OF THE MAGISTRATES COURT, SO AS TO INCREASE THE CIVIL JURISDICTION FROM SEVEN THOUSAND FIVE HUNDRED DOLLARS TO TEN THOUSAND DOLLARS AND TO REQUIRE THAT, EXCEPT FOR LANDLORD AND TENANT CASES, ANY CASE WITH AN AMOUNT IN CONTROVERSY EQUALING OR EXCEEDING FIVE THOUSAND DOLLARS MUST BE ORDERED FOR MANDATORY MEDIATION IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE SOUTH CAROLINA SUPREME COURT.

Ordered for consideration tomorrow.

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

**READ THE THIRD TIME
SENT TO HOUSE**

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

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 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

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WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION
AND ELECTIONS AND TO SET A FILING DEADLINE.

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

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.

The Senate proceeded to a consideration of the Bill.

Senator TIMMONS proposed the following amendment (176R005.DR.WRT), which was adopted:

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

/SECTION 1. Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24-1-300. (A) A person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of two hundred fifty feet from any Department of Corrections facility without written consent from the Director of the Department of Corrections.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(C)(1) In addition to the penalty provided in this section, an unmanned aerial vehicle involved in the violation of this section may be confiscated by the Department of Corrections. An unmanned aerial vehicle must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Records must be kept of all confiscated unmanned aerial vehicles received by the Department of Corrections under the provisions of this section. Upon conviction, pursuant to a violation of this section, the relevant unmanned aerial vehicle shall be transferred to the State Law Enforcement Division to use

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within the agency for any lawful purpose or for destruction, unless otherwise provided in this section.

(2) Any unmanned aerial vehicle confiscated pursuant to this section shall be administratively released to an innocent owner. The unmanned aerial vehicle must not be released to the innocent owner until the results of any legal proceedings in which the unmanned aerial vehicle may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Before the unmanned aerial vehicle may be released, the innocent owner shall provide the Department of Corrections with proof of ownership; shall certify that the innocent owner neither was a consenting party to nor had knowledge of the use of the unmanned aerial vehicle that made it subject to confiscation; and shall certify that the innocent owner will not release the unmanned aerial vehicle to the person who was charged with the violation of this section that resulted in the confiscation of the unmanned aerial vehicle. The Department of Corrections shall notify the innocent owner when the unmanned aerial vehicle is available for release. If the innocent owner fails to recover the unmanned aerial vehicle within thirty days after notification of the release, the Department of Corrections may use the unmanned aerial vehicle within the agency for any lawful purpose or destroy it.”

SECTION 2. Article 1, Chapter 5, Title 24 of the 1976 Code is amended by adding:

“Section 24-5-175. (A) A person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of two hundred fifty feet from any local detention facility without written consent from the jail administrator.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(C)(1) In addition to the penalty provided in this section, an unmanned aerial vehicle involved in the violation of this section may be confiscated by the jail administrator of a local detention facility. An unmanned aerial vehicle must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Records must be kept of all confiscated unmanned aerial vehicles received by the jail administrator under the provisions of this section. Upon conviction, pursuant to a violation of this section, the relevant unmanned aerial vehicle shall be transferred to the South Carolina Law

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Enforcement Division to use within the agency for any lawful purpose or for destruction, unless otherwise provided in this section.

(2) Any unmanned aerial vehicle confiscated pursuant to this section shall be administratively released to an innocent owner. The unmanned aerial vehicle must not be released to the innocent owner until the results of any legal proceedings in which the unmanned aerial vehicle may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Before the unmanned aerial vehicle may be released, the innocent owner shall provide the jail administrator with proof of ownership; shall certify that the innocent owner neither was a consenting party to nor had knowledge of the use of the unmanned aerial vehicle that made it subject to the confiscation; and shall certify that the innocent owner will not release the unmanned aerial vehicle to the person who was charged with the violation of this section that resulted in the confiscation of the unmanned aerial vehicle. The jail administrator shall notify the innocent owner when the unmanned aerial vehicle is available for release. If the innocent owner fails to recover the unmanned aerial vehicle within thirty days after notification of the release, the local detention facility may use the unmanned aerial vehicle within the agency for any lawful purpose or destroy it."

SECTION 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator TIMMONS explained the amendment.

The amendment was adopted.

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

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	McElveen

[SJ]

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Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 18 -- Senators Campsen, Hembree and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-21-705 SO AS TO PROVIDE THAT, UPON RECEIPT OF THE NOTICE OF A PAROLE HEARING, THE VICTIM AND MEMBERS OF THE VICTIM'S IMMEDIATE FAMILY MAY SUBMIT WRITTEN STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE THAT THE STATEMENTS MUST BE CONSIDERED BY THE BOARD IN MAKING ITS DETERMINATION OF PAROLE, AND TO PROVIDE THAT THE STATEMENTS MUST BE RETAINED BY THE BOARD AND MUST BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS IF THE SUBMITTING PERSON DECLARES THAT THE STATEMENT STILL REPRESENTS THE PERSON'S PRESENT POSITION.

The Senate proceeded to a consideration of the Bill.

The Committee on Corrections and Penology proposed the following amendment (18R005.DR.SRM), which was adopted:

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

/ SECTION 1. Section 24-21-710 of the 1976 Code is amended to read:

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“Section 24-21-710. (A) Film, videotape, written, or other electronic information ~~that is both visual and aural~~, submitted pursuant to this section, must be considered by the Board of Probation, Parole, and Pardon Services in making its determination of parole.

(B) Upon receipt of the notice required by ~~law~~ this chapter, the following ~~people~~ may submit film, videotape, written, or other electronic information:

(1) the victim of the crime, as defined in Section 16-3-1510, for which the prisoner has been sentenced;

(2) the victim's immediate family;

~~(2)~~(3) the prosecuting solicitor's office; and

~~(3)~~(4) the person whose parole is being considered.

(C) ~~The~~ A person submitting ~~the~~ electronic information shall provide the Board of Probation, Parole, and Pardon Services with the following, if applicable:

(1) identification of each voice heard and each person seen;

(2) a visual or aural statement of the date the information was recorded; and

(3) the name of the person whose parole eligibility is being considered.

(D)(1) ~~If the film, videotape, written, or other electronic information submitted pursuant to (B)(1) and (2) of this section is~~ must be retained by the board, it may be and submitted at subsequent parole hearings, each time that unless the submitting person provides a written statement declaring that the information no longer represents the present position of the person who is submitting the information.

(2) Film, videotape, written, or other electronic information submitted pursuant to (B)(3) and (4) of this section may be submitted at subsequent parole hearings each time the submitting office or person provides a written statement declaring that the information represents the present position of the office or person.

(E) The Department of Corrections may install, maintain, and operate a two-way closed circuit television system in one or more correctional institutions of the department that confines persons eligible for parole. The Board of Probation, Parole and Pardon Services shall install, maintain, and operate closed circuit television systems at locations determined by the board and conduct parole hearings by means of a two-way closed circuit television system provided in this section. A victim of a crime must be allowed access to this system to appear before the board during a parole hearing.

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(F) Nothing in this section shall be construed to prohibit submission of information in other forms as provided by law.

(G) The Director of the Department of Probation, Parole, and Pardon Services may develop written policies and procedures for parole hearings to be held pursuant to this section.

(H) The Board of Probation, Parole, and Pardon Services is not required to install, maintain, or operate film, videotape, or other electronic equipment to record a victim's testimony to be presented to the board."

SECTION 2. Section 30-4-40(a) of the 1976 Code is amended by adding an appropriately numbered new section to read:

"() Film, videotape, written, or other electronic information submitted pursuant to Section 24-21-710 by the victim of a crime for which the prisoner has been sentenced or the victim's immediate family."

SECTION 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the committee amendment.

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin

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Williams

Young

Total--41

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

S. 6 -- Senators Bryant, Hembree, Campbell and Senn: A BILL TO AMEND SECTION 47-3-630 OF THE 1976 CODE, RELATING TO PENALTIES FOR TEASING, MALTREATING, AND INJURING POLICE DOGS AND HORSES, TO PROVIDE THAT A PERSON WHO TORTURES, MUTILATES, INJURES, DISABLES, POISONS, OR KILLS A POLICE DOG OR HORSE MAY BE FINED UP TO TEN THOUSAND DOLLARS, MAY BE IMPRISONED FOR UP TO TEN YEARS, MUST PAY RESTITUTION TO COVER THE COST OF RESTORING OR REPLACING THE DOG OR HORSE INJURED OR KILLED, AND MAY BE REQUIRED TO COMPLETE UP TO FIVE HUNDRED HOURS OF COMMUNITY SERVICE FOR AN ANIMAL-RELATED ORGANIZATION OR FOUNDATION.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (JUD0006.001), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 beginning on page 1, line 30 and inserting:

/ SECTION 2. Section 47-3-630 of the 1976 Code is amended to read:

“Section 47-3-630. (A) A person who violates ~~any of the provisions of this article, except for Section 47-3-620, Section 47-3-610~~ is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not ~~less than thirty days nor~~ more than six months, or both.

(B) A person who violates the provisions of Section 47-3-620 is guilty of a felony and, upon conviction,;

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(1) must be fined not less than two thousand dollars nor more than five thousand ten thousand dollars and or imprisoned not less than one year nor more than five ten years, or both;

(2) must pay restitution to the appropriate law enforcement agency to cover the full costs of restoring or replacing the dog or horse that was tortured, mutilated, injured, disabled, poisoned, or killed; and

(3) may be required to complete up to five hundred hours of community service for an animal-related organization or foundation.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator VERDIN spoke on the Bill

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
Matthews, Margie	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--41

NAYS

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Total--0

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

CARRIED OVER

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.

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

OBJECTION

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.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

Senator MASSEY objected to further consideration of the Resolution.

OBJECTION

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 Senate proceeded to a consideration of the Resolution.

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Senator MASSEY explained the Resolution.

Senator MASSEY objected to further consideration of the Resolution.

ADOPTED

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 PERVASIVE WOMEN'S HEALTH ISSUE.

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.

MOTION ADOPTED

At 1:08 P.M., on motion of Senator LEATHERMAN, 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. 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 third reading of the Bill.

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.

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Motion Adopted

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

ADJOURNMENT

At 1:15 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

WEDNESDAY, FEBRUARY 8, 2017

**Ceremony to Unveil a Portrait Honoring the Service of
the Honorable Hugh K. Leatherman, Sr., President *Pro Tempore***

Welcome

Senator Luke A. Rankin

Opening Prayer

The Reverend Dr. Francis M. Burriss
Senate Chaplain

Special Introductions

Speakers

Senator Nikki G. Setzler
Senator Thomas C. Alexander
The Honorable Jean Hoefer Toal
Former Chief Justice of the South Carolina Supreme Court
Judge J. Michael Luttig
Executive Vice President and General Counsel, the Boeing Company
Mr. E. Hood Temple
The Honorable Glenn F. McConnell
President of the College of Charleston

Introduction of Artist

Unveiling of the Portrait

Remarks by Artist

John Seibels Walker

Response

The Honorable Hugh K. Leatherman, Sr.
President *Pro Tempore*

Closing Remarks

Senator Luke A. Rankin

Benediction

Following the ceremony, a reception was held at the

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University of South Carolina Alumni Center

Senate Portrait Committee

Senator Harvey S. Peeler, Jr.

Senator Nikki G. Setzler

Senator John E. Courson

Senator John W. Matthews, Jr.

Senator Glenn G. Reese

Senator Luke A. Rankin

Senator Thomas C. Alexander

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