

NO. 20

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

THURSDAY, FEBRUARY 9, 2017

Thursday, February 9, 2017
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Job 37:14

“Listen to this, Job, stop and consider God’s wonders.”

Gracious God, why is life so hard? It seems so hard to work long hours with so little pay. It seems so hard to love those who don’t seem lovable. It seems so hard to care for those whom we don’t even know. Even in this Chamber, it seems so hard to work on legislation that often generates more criticism than praise. Why is life so hard O God? It is hard because we don’t look around and count our blessings each day. If we focus on the negative, then we become negative and find it difficult to see the positive. If we focus on the positive, You will teach us to recognize our blessings.

We learn to be thankful for the beauty of life -- the beauty found in our family members, in our friends old and new, in our freedom to worship and work, in our compassion and service to others. We learn through Your grace, to look for the good in people, not the bad.

Gracious God help us to be thankful in all circumstances that we might glorify You. 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 11:03 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 LEATHERMAN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander
Campsen

Allen
Climer

Bennett
Cromer

[SJ]

THURSDAY, FEBRUARY 9, 2017

Davis	Fanning	Goldfinch
Grooms	Hembree	Johnson
Kimpson	Leatherman	Massey
McLeod	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Talley
Timmons	Turner	Young

A quorum being present, the Senate resumed.

Recorded Presence

Senator CORBIN recorded his presence subsequent to the Call of the Senate.

Doctor of the Day

Senators NICHOLSON and GAMBRELL introduced Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

Leave of Absence

At 11:07 A.M., Senator MASSEY requested a leave of absence for Senator PEELER for the day.

Leave of Absence

At 11:19 A.M., Senator MALLOY requested a leave of absence for Senator MARTIN for the day.

Leave of Absence

At 11:33 A.M., Senator TURNER requested a leave of absence for Senator VERDIN for the day.

CO-SPONSORS ADDED

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

S. 91	Sen. Shealy
S. 92	Sen. Shealy
S. 93	Sen. Shealy
S. 94	Sen. Shealy
S. 173	Sen. Turner
S. 199	Sen. Shealy
S. 219	Sens. Fanning, Reese
S. 301	Sen. Turner

THURSDAY, FEBRUARY 9, 2017

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 392 -- Senators Young, Setzler, Massey, Alexander, Allen, Bennett, Campbell, Campsen, Climer, Corbin, Courson, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Shealy, Sheheen, Talley, Timmons, Turner, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE MYRTIS ELIZABETH "LIZ" GODARD UPON THE OCCASION OF HER RETIREMENT AS AIKEN COUNTY CLERK OF COURT AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

l:\s-res\try\013liz .kmm.try.docx

The Senate Resolution was adopted.

S. 393 -- Senator Campsen: A BILL TO AMEND SECTION 12-6-5060(A) OF THE 1976 CODE, RELATING TO VOLUNTARY CONTRIBUTIONS TO CERTAIN FUNDS, TO PROVIDE THAT EACH TAXPAYER REQUIRED TO FILE A STATE INDIVIDUAL INCOME TAX RETURN MAY CONTRIBUTE TO THE SOUTH CAROLINA HISTORICAL SOCIETY BY DESIGNATING THE CONTRIBUTION ON THE RETURN, AND TO PROVIDE THAT CONTRIBUTIONS MADE TO THE SOUTH CAROLINA HISTORICAL SOCIETY AS PROVIDED IN THIS ACT MAY BE DESIGNATED ON AN INCOME TAX RETURN FOR YEARS BEGINNING AFTER 2016.

l:\s-res\gec\008schs.dmr.gec.docx

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

S. 394 -- Senators Sheheen, Jackson, Nicholson, Scott, Bennett and Gambrell: A BILL TO AMEND SECTION 9-1-1085, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION

THURSDAY, FEBRUARY 9, 2017

SCHEDULE; TO AMEND SECTION 9-11-225, RELATING TO THE POLICE OFFICERS RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION SCHEDULE; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED RATE OF RETURN, SO AS TO CHANGE THE ASSUMED RATE OF RETURN TO SEVEN PERCENT AND TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS; TO AMEND SECTION 9-4-10, RELATING TO THE TERM OF MEMBERS OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA), SO AS TO CHANGE THE TERM FROM TWO TO FIVE YEARS AND TO REQUIRE THE BOARD TO EMPLOY AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-4-40, RELATING TO THE AUDIT OF PEBA, SO AS TO REQUIRE PEBA TO BE AUDITED EVERY FOUR YEARS; TO AMEND SECTION 9-16-10, AS AMENDED, RELATING TO RETIREMENT SYSTEM FUNDS "FIDUCIARY" DEFINITION, SO AS TO ADD THE COMMISSION'S "CHIEF EXECUTIVE OFFICER" TO THE DEFINITION; TO AMEND SECTION 9-16-90, AS AMENDED, RELATING TO CERTAIN INVESTMENT REPORTS, SO AS TO PROVIDE THAT CERTAIN REPORTS MUST CONTAIN A SCHEDULE OF NET MANAGER FEES AND EXPENSES; TO AMEND SECTION 9-16-315, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO CHANGE CERTAIN MEMBERS OF THE COMMISSION, TO ADD QUALIFICATIONS, AND TO REQUIRE THE COMMISSION TO EMPLOY AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-330, AS AMENDED, RELATING TO CERTAIN STATEMENTS OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO ALLOW FOR CERTAIN DELEGATIONS TO THE CHIEF INVESTMENT OFFICER, AND TO REQUIRE THE INVESTMENT PLAN TO INCLUDE THE FINAL AUTHORITY TO INVEST MADE BY THE COMMISSION; TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION BE AUDITED EVERY FOUR YEARS; BY ADDING SECTION 9-16-

THURSDAY, FEBRUARY 9, 2017

100 SO AS TO PLACE CERTAIN RESTRICTIONS ON LOBBYISTS AND TO PROHIBIT THE COMMISSION FROM MAKING CERTAIN INVESTMENTS; TO AMEND SECTION 9-1-1310, AS AMENDED, RELATING TO THE TRUSTEE OF THE RETIREMENT SYSTEM, SO AS TO CHANGE A TRUSTEE FROM THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION; TO AMEND SECTION 9-1-1320, RELATING TO THE CUSTODY OF THE ASSETS OF THE RETIREMENT SYSTEM, SO AS TO CHANGE THE CUSTODIAN OF THE ASSETS FROM THE STATE TREASURER TO THE BOARD OF DIRECTORS OF PEBA; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE SOUTH CAROLINA RETIREMENT INVESTMENT COMMISSION MEMBERS AND THE SOUTH CAROLINA PUBLIC BENEFIT AUTHORITY MEMBERS; AND TO REPEAL SECTIONS 9-4-45, 9-8-170, 9-9-160, 9-10-80, AND 9-11-250 RELATING TO POLICY DETERMINATIONS AND THE CUSTODY OF FUNDS FOR THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE NATIONAL GUARD RETIREMENT SYSTEM, AND THE POLICE OFFICERS RETIREMENT SYSTEM.

l:\council\ills\dka\3062sa17.docx

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

S. 395 -- Senator Reese: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT THE FIRST TWENTY THOUSAND DOLLARS OF VALUE OF A PERSONAL MOTOR VEHICLE OWNED OR LEASED BY A PERSON WHO HAS BEEN A RESIDENT OF THIS STATE FOR AT LEAST ONE YEAR AND HAS REACHED THE AGE OF SIXTY-FIVE YEARS.

l:\council\ills\bbm\9543dg17.docx

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

S. 396 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-200 SO AS TO PROVIDE THAT ENTITIES AUTHORIZED TO CONDUCT REFERENDA, BALLOT MEASURES, OR

[SJ]

THURSDAY, FEBRUARY 9, 2017

NONPARTISAN ELECTIONS, SHALL CONDUCT THE ELECTION EVENT ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN EACH EVEN-NUMBERED YEAR.

l:\council\bill\ggs\22965zw17.docx

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

S. 397 -- Senator Davis: A BILL TO AMEND SECTION 38-71-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER TREATMENTS, SO AS TO REMOVE EXCLUSIONS FOR CERTAIN TYPES OF INSURANCE AND TO DELETE CERTAIN ELIGIBILITY REQUIREMENTS.

l:\council\bill\nbd\11100cz17.docx

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

S. 398 -- Senator Sabb: A SENATE RESOLUTION TO HONOR AND RECOGNIZE NOLE BOYS LOGGING, LLC, AN AFRICAN-AMERICAN, FAMILY OWNED AND OPERATED LOGGING BUSINESS.

l:\s-res\ras\002nole.kmm.ras.docx

The Senate Resolution was adopted.

H. 3694 -- Reps. Govan, Cobb-Hunter, Ott, Hosey, Clyburn, Anderson, Alexander, Allison, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, 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, 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

THURSDAY, FEBRUARY 9, 2017

RESOLUTION TO RECOGNIZE AND CONGRATULATE THE REVEREND DR. J. HERBERT NELSON II, NEWLY ELECTED STATED CLERK FOR THE PRESBYTERIAN CHURCH (U.S.A.), AND TO WISH HIM WELL AS HE TAKES UP HIS DUTIES AS HOLDER OF THE HIGHEST ECCLESIAL OFFICE IN HIS DENOMINATION.

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

H. 3695 -- Reps. Ridgeway, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, 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, 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 CONGRATULATE DESHAWN BLANDING OF MANNING ON BEING ELECTED 2016-17 NATIONAL FFA SOUTHERN REGION VICE PRESIDENT AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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

REPORTS OF STANDING COMMITTEE

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

S. 11 -- Senator Davis: A BILL TO AMEND SECTION 38-75-485, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION

THURSDAY, FEBRUARY 9, 2017

PROGRAM, SO AS TO EXPAND THE PROGRAM TO INCLUDE FLOOD DAMAGE.

Ordered for consideration tomorrow.

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

S. 254 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "OWN RISK AND SOLVENCY ASSESSMENT ACT" BY ADDING ARTICLE 8 TO CHAPTER 13, TITLE 38 SO AS TO EXPRESS THE PURPOSE OF THIS ACT, TO DEFINE NECESSARY TERMS, TO REQUIRE AN INSURER TO MAINTAIN A RISK MANAGEMENT FRAMEWORK FOR CERTAIN PURPOSES, TO REQUIRE AN INSURER OR INSURANCE GROUP OF WHICH AN INSURER IS A MEMBER TO CONDUCT AN OWN RISK AND SOLVENCY ASSESSMENT (ORSA) ON NO LESS THAN AN ANNUAL BASIS, TO REQUIRE AN INSURER OR INSURANCE GROUP TO SUBMIT AN ORSA REPORT TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE AND TO DESCRIBE WHAT THE REPORT MUST CONTAIN, TO PROVIDE EXEMPTIONS FROM THE REPORTING PROVISIONS IN CERTAIN CIRCUMSTANCES AND TO ALLOW AN INSURER TO APPLY FOR A WAIVER UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH THAT THE ORSA REPORT BE PREPARED IN A MANNER CONSISTENT WITH THE ORSA GUIDANCE MANUAL, TO PROVIDE THAT ALL DOCUMENTS, MATERIALS, AND INFORMATION CREATED UNDER THE OWN RISK AND SOLVENCY ASSESSMENT ACT ARE CONFIDENTIAL, TO PROHIBIT THE DIRECTOR OR ANYONE WHO RECEIVES ORSA-RELATED INFORMATION FROM TESTIFYING IN A PRIVATE CIVIL ACTION CONCERNING THE CONFIDENTIAL INFORMATION, TO PERMIT THE DIRECTOR TO TAKE CERTAIN ACTIONS CONCERNING HIS REGULATORY DUTIES, TO PROVIDE A PENALTY FOR AN INSURER WHO FAILS TO FILE THE ORSA SUMMARY REPORT, AND TO SET AN EFFECTIVE DATE FOR THE PROVISIONS OF THIS ACT; AND TO AMEND SECTION 38-21-10, AS AMENDED, RELATING TO DEFINED TERMS FOR THE INSURANCE HOLDING COMPANY REGULATORY ACT, SO AS TO DEFINE THE TERM "SUPERVISORY COLLEGE."

Ordered for consideration tomorrow.

THURSDAY, FEBRUARY 9, 2017

HOUSE CONCURRENCE

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.

Returned with concurrence.

Received as information.

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:

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.

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

THURSDAY, FEBRUARY 9, 2017

KILLED, AND MAY BE REQUIRED TO COMPLETE UP TO FIVE HUNDRED HOURS OF COMMUNITY SERVICE FOR AN ANIMAL-RELATED ORGANIZATION OR FOUNDATION.

RECALLED, AMENDED, READ THE SECOND TIME

S. 365 -- Senators Rankin, Hembree, Goldfinch and Sabb: 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 UNIVERSITY 2016 COLLEGE WORLD SERIES CHAMPIONS" SPECIAL LICENSE PLATES.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

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

Senator GROOMS asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN proposed the following amendment (365R001.DR.LAR), which was adopted:

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

/SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

"ARTICLE 141

'2016 Baseball National Champions' Special License Plates

Section 56-3-14110. (A) The Department of Motor Vehicles shall issue '2016 Baseball National Champions' special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names.

(B) Coastal Carolina University may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its

THURSDAY, FEBRUARY 9, 2017

respective special license plate, provided that the phrase '2016 Baseball National Champions' must be utilized on the plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside to defray costs of production and distribution must be distributed to the fund established for Coastal Carolina University pursuant to Section 56-3-3710(B), used for the purposes provided in that section.

(D) License number '1' for the '2016 Baseball National Champions' license plate is reserved for the Coastal Carolina University Head Baseball Coach."

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

The amendment was adopted.

The question then was the second reading of the Bill.

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

Ayes 39; Nays 0

AYES

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

Total--39

THURSDAY, FEBRUARY 9, 2017

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 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.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (WAB\181C002.AGM.AB17), which was adopted:

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

/ SECTION 1. Section 44-56-200(B) of the 1976 Code is amended by adding an item at the end to read:

"(3) For purposes of this chapter, the provisions of the Superfund Recycling Equity Act, 42 U.S.C. Section 9627, shall apply."

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL 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 36; Nays 0

AYES

Alexander
Campbell

Allen
Climer

Bennett
Corbin

[SJ]

12

THURSDAY, FEBRUARY 9, 2017

Courson	Cromer	Davis
Fanning	Gambrell	Goldfinch
Hembree	Johnson	Kimpson
Leatherman	Malloy	Massey
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Williams	Young

Total--36

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (S-234), which was adopted:

Amend the bill, as and if amended, page 2, after line 11 by adding:

/ "Section 44-61-340. (A) The identities of patients and emergency medical technicians mentioned, referenced, or otherwise appearing in information or data collected or prepared by the EMSC Program must be

THURSDAY, FEBRUARY 9, 2017

treated as confidential. The identities of these persons are not available to the public under the Freedom of Information Act ~~nor are they subject to subpoena in any administrative, civil, or criminal proceeding, and they are not otherwise available except pursuant to court order.~~ However, the identities of patients and emergency medical technicians and information and data collected or prepared by emergency medical services are subject to subpoena in any administrative, civil, or criminal proceeding and may be released by court order. An individual in attendance at a proceeding shall not be required to testify as to the identity of a patient except pursuant to court order. A person, medical facility, or other organization providing or releasing information in accordance with this article ~~shall~~ must not be held liable in a civil or criminal action for divulging confidential information unless the individual or organization acted in bad faith or with malicious purpose. However, the name of emergency medical technicians, and information and data collected or prepared by emergency medical services must be released to the patient or the patient's legal guardian upon request. In the event the patient is incapacitated or deceased, the name of emergency medical technicians, information, and data collected or prepared by emergency medical services must be released to the patient's immediate family, the patient's legal guardian, or the patient's legal representative upon their request.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL 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 36; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Courson	Cromer	Davis
Fanning	Gambrell	Goldfinch
Hembree	Johnson	Kimpson
Leatherman	Malloy	Massey
<i>Matthews, John</i>	McElveen	McLeod
Nicholson	Rankin	Reese

[SJ]

THURSDAY, FEBRUARY 9, 2017

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

Total--36

NAYS

Total--0

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

The question then was second reading of the Resolution.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen

THURSDAY, FEBRUARY 9, 2017

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

Total--39

NAYS

Total--0

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator DAVIS explained the Resolution.

The question then was second reading of the Resolution.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Hutto
Johnson	Kimpson	Leatherman

[SJ]

THURSDAY, FEBRUARY 9, 2017

Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Williams	Young	

Total--38

NAYS

Total--0

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator DAVIS explained the Resolution.

The question then was second reading of the Resolution.

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

Ayes 35; Nays 3

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Fanning	Gambrell

[SJ]

THURSDAY, FEBRUARY 9, 2017

Goldfinch	Grooms	Hutto
Johnson	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Rankin	Reese	Rice
Sabb	Scott	Shealy
Talley	Timmons	Turner
Williams	Young	

Total--35

NAYS

Nicholson	Setzler	Sheheen
-----------	---------	---------

Total--3

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator DAVIS explained the Resolution.

The question then was second reading of the Resolution.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer

[SJ]

THURSDAY, FEBRUARY 9, 2017

Davis	Fanning	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Rankin
Reese	Rice	Sabb
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Williams	Young

Total--39

NAYS

Total--0

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator DAVIS explained the Resolution.

The question then was second reading of the Resolution.

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

Ayes 38; Nays 0; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer

[SJ]

THURSDAY, FEBRUARY 9, 2017

Corbin	Courson	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
Williams	Young	

Total--38

NAYS

Total--0

ABSTAIN

Setzler

Total--1

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator DAVIS explained the Resolution.

[SJ]

THURSDAY, FEBRUARY 9, 2017

The question then was second reading of the Resolution.

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

Ayes 38; Nays 1; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Davis
Fanning	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Rice	Sabb	Scott
Senn	Shealy	Sheheen
Talley	Timmons	Turner
Williams	Young	

Total--38

NAYS

Setzler

Total--1

ABSTAIN

Cromer

Total--1

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

CARRIED OVER

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

THURSDAY, FEBRUARY 9, 2017

REGULATION DOCUMENT NUMBER 4711, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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.

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

S. 373 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SHELLFISH, DESIGNATED AS REGULATION DOCUMENT NUMBER 4736, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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.

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

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

MOTION ADOPTED

At 12:08 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

THURSDAY, FEBRUARY 9, 2017

Expression of Personal Interest

Senator SHEHEEN rose for an Expression of Personal Interest.

**THE MOTION PERIOD HAVING BEEN DISPENSED WITH
THE SENATE PROCEEDED TO THE CALL OF THE
CONTESTED CALENDAR.**

CARRIED OVER

S. 214 -- Senators Kimpson and Gregory: A BILL TO AMEND ARTICLE 1, CHAPTER 36, TITLE 12 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA SALES AND USE TAX ACT, BY ADDING SECTION 12-36-71, TO PROVIDE THAT A RETAILER IS PRESUMED TO BE LIABLE FOR THE SALES TAX OR RESPONSIBLE FOR COLLECTING AND REMITTING THE USE TAX IF THE RETAILER ENTERS INTO AN AGREEMENT WITH A RESIDENT OF THIS STATE UNDER WHICH THE RESIDENT, FOR A COMMISSION OR CONSIDERATION, REFERS POTENTIAL CUSTOMERS, WHETHER BY AN INTERNET LINK OR OTHERWISE, TO REQUIRE SUCH RETAILERS TO OBTAIN A RETAIL LICENSE AND REMIT SALES AND USE TAX ON ALL TAXABLE RETAIL SALES, AND TO PROVIDE EXCEPTIONS.

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

Motion Adopted

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

ADJOURNMENT

At 12:28 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

THURSDAY, FEBRUARY 9, 2017

SENATE JOURNAL INDEX

S. 6.....	9	S. 374.....	18
S. 11.....	7	S. 375.....	22
S. 18.....	9	S. 376.....	19
S. 181.....	12	S. 378.....	20
S. 214.....	23	S. 392.....	3
S. 234.....	13	S. 393.....	3
S. 244.....	9	S. 394.....	3
S. 254.....	8	S. 395.....	5
S. 326.....	21	S. 396.....	5
S. 327.....	22	S. 397.....	6
S. 338.....	15	S. 398.....	6
S. 365.....	10		
S. 371.....	16	H. 3694.....	6
S. 372.....	17	H. 3695.....	7
S. 373.....	22		