

NO. 23

JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

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WEDNESDAY, FEBRUARY 15, 2017

**Wednesday, February 15, 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:

Psalm 90:12

“Teach us to realize the brevity of life, so that we may grow in wisdom.”

Let us pray. Gracious and loving God, we pause at this time to remember Senator CROMER in the loss of his mother Mable Cromer this week. Though she lived a long and fruitful life, she will be sorely missed by all those who knew her. May Your Spirit and the promises of scripture encourage and sustain those who mourn this day.

May we all be reminded of just how fragile life is and the importance of valuing every minute we have with our loved ones and friends. Empower us, O God to balance the demands of our busy schedules with the importance of spending time with those for whom we care deeply.

In Your name we pray, Amen.

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

**Point of Quorum**

At 12:03 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	Bennett	Campsen
Corbin	Fanning	Gambrell
Goldfinch	Johnson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Peeler	Rice	Sabb
Scott	Senn	Setzler

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Shealy	Talley	Timmons
Turner	Verdin	Young

A quorum being present, the Senate resumed.

**Doctor of the Day**

Senator SCOTT introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 12:41 P.M., Senator GROOMS requested a leave of absence for Senator CAMPBELL for the day.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Remarks to be Printed**

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

**CO-SPONSORS ADDED**

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

S. 339 Sen. Jackson

S. 412 Sens. Allen, Talley

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 417 -- Senator Courson: A SENATE RESOLUTION TO SALUTE THE DUTCH FORK HIGH SCHOOL FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR A TREMENDOUS SEASON AND TO CONGRATULATE THEM ON CAPTURING THE 2016 CLASS AAAAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 418 -- Senator Courson: A SENATE RESOLUTION TO CONGRATULATE THE DUTCH FORK HIGH SCHOOL CHEERLEADING TEAM, COACHES, AND SCHOOL OFFICIALS

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FOR A STELLAR SEASON AND TO HONOR THEM FOR WINNING THE 2016 CLASS AAAAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 419 -- Senator Turner: A BILL TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, TO ENACT THE "TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT", BY ADDING ARTICLE 2, TO PROVIDE DEFINITIONS; TO PROVIDE THAT THE STATE MAY NOT ENTER INTO CONTINGENCY FEE CONTRACTS WITHOUT A WRITTEN DETERMINATION BY THE ATTORNEY GENERAL; TO SET THE MAXIMUM FOR CONTINGENCY FEE CONTRACTS; TO PROVIDE FOR CERTAIN REQUIREMENTS THAT MUST BE MET DURING THE TERM OF THE CONTRACT; TO PROVIDE THAT, BY FEBRUARY FIRST OF EACH YEAR, THE ATTORNEY GENERAL SHALL SUBMIT A REPORT TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR DESCRIBING THE USE OF CONTINGENCY FEE CONTRACTS WITH PRIVATE ATTORNEYS IN THE PRECEDING CALENDAR YEAR; AND TO PROVIDE FOR THE CONTENTS OF THAT REPORT.

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

S. 420 -- Senators Corbin, Gambrell, Massey, Verdin and Grooms: A BILL TO AMEND SECTION 12-43-220(d)(3) THROUGH (6), RELATING TO ROLL-BACK TAXES, TO ELIMINATE THE ROLL-BACK PROVISION; AND TO REPEAL SECTION 12-43-222, RELATING TO THE ROLL-BACK TAX FOR OPEN SPACE.

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

S. 421 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO GENERAL REGULATIONS; AND ADDITIONAL REGULATIONS APPLICABLE TO SPECIFIC PROPERTIES, DESIGNATED AS

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REGULATION DOCUMENT NUMBER 4686, 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. 422 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4741, 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. 423 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF REGISTRATION FOR FORESTERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4721, 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.

#### **HOUSE CONCURRENCE**

S. 406 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR GEORGIA S. GOOD, EXECUTIVE DIRECTOR OF THE RURAL ADVANCEMENT FUND, AND TO EXPRESS PROFOUND APPRECIATION FOR HER SIGNIFICANT ASSISTANCE IN RURAL AND FARMING COMMUNITIES FOR MORE THAN FORTY YEARS.

Returned with concurrence.

Received as information.

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

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

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

S. 90 -- Senators Campsen, Johnson, Hembree and Davis: 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.

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.

**REMOVED FROM CONSENT CALENDAR**

S. 11 -- Senators Davis and Campsen: A BILL TO AMEND SECTION 38-75-485, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO EXPAND THE PROGRAM TO INCLUDE FLOOD DAMAGE.

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

Senator DAVIS explained the Bill.

On motion of Senator LEATHERMAN, the Bill was moved to the Statewide Second Reading Calendar.

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**COMMITTEE AMENDMENT ADOPTED  
REMOVED FROM CONSENT CALENDAR**

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".

The Senate proceeded to a consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (CZ\254C001.NBD.CZ17), which was adopted:

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Amend the bill, as and if amended, by striking Section 38-13-850(A), as contained in SECTION 1, and inserting:

/ (A) Upon the director's request, and no more than once each year, an insurer shall submit to the director an ORSA Summary Report or a combination of reports that contain the information described in the ORSA Guidance Manual, applicable to the insurer and/or the insurance group of which it is a member. Notwithstanding a request from the director, if the insurer is a member of an insurance group, the insurer shall submit the reports required by this subsection if the director is the lead state director of the insurance group as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

Senator BENNETT explained the Bill.

On motion of Senator MALLOY, the Bill was moved to the Statewide Second Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED  
CARRIED OVER**

S. 168 -- Senator Shealy: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100 OF THE 1976 CODE, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION; TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING; AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION WHEN THE PROSTITUTE HAS A MENTAL DISABILITY.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0168.001), which was adopted:

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Amend the bill, as and if amended, page 2, by striking lines 25-28 and inserting:

/ (C) It is an affirmative defense to a prosecution for a violation of this section subject to the requirements of Section 16-3-2020(J), that, during the commission of the offense, the defendant was a victim of trafficking in persons as defined by Section 16-3-2010(10).” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The committee amendment was adopted.

Senator MALLOY proposed the following amendment (JUD0168.002), which was tabled:

Amend the bill, as and if amended, by striking subsection (B)(2) beginning on page 3, line 42 and ending on page 4, line 3.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MASSEY moved to table the amendment.

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

**Ayes 26; Nays 15**

**AYES**

Alexander	Bennett	Campsen
Climer	Corbin	Courson
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Leatherman	Martin
Massey	<i>Matthews, John</i>	Peeler
Rice	Senn	Shealy
Talley	Timmons	Turner
Verdin	Young	

**Total--26**

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**NAYS**

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

**Total--15**

The amendment was tabled.

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Hugh Humphries, Jr. of Sumter, S.C. Hugh attended Clemson University and earned a degree in mechanical engineering and served in the United States Army. He was a lifelong member of Trinity United Methodist Church where he served in many capacities. Hugh was active in the Sumter Kiwanis Club, was a volunteer reader at Kingsbury Elementary School and served on the Salvation Army Board. Hugh was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senators SETZLER, LEATHERMAN, ALEXANDER, ALLEN, BENNETT, CAMPBELL, CAMPSEN, CLIMER, CORBIN, COURSON, DAVIS, FANNING, GAMBRELL, GOLDFINCH, GREGORY, GROOMS, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, MALLOY, MARTIN, MASSEY, JOHN MATTHEWS, MARGIE BRIGHT MATTHEWS, McELVEEN, McLEOD, NICHOLSON, PEELER, RANKIN, REESE, RICE, SABB, SCOTT, SENN, SHEALY, SHEHEEN, TALLEY, TIMMONS, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Mable Shealy Cromer of Pomaria, S.C. Ms. Cromer was the mother of our beloved Senator Ronnie Cromer. Ms. Cromer worked for many years and retired from Mepco in Irmo, S.C. She was a great seamstress who shared her talents with her family, friends and community. Ms. Cromer was a member of Pomaria Lutheran Church. Ms. Cromer was a loving mother and doting grandmother who will be dearly missed.

**ADJOURNMENT**

At 12:51 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senator MASSEY desired to be recorded as voting against the motion to adjourn.

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