

NO. 35

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

WEDNESDAY, MARCH 8, 2017

Wednesday, March 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:

Psalm 90:12

“Teach us to number our days, that we may gain a heart of wisdom.”

Let us pray. Eternal God, we thank You for the gift of time. Knowing that our days are numbered is a powerful reality that shapes our lives. Help us O God to not take our finite time on this earth lightly. Help us to avoid letting the frustrations of our daily routine dominate our time, consume our spirit and distort our priorities.

Give us the peace that comes from knowing that You provide the time each day for us to accomplish Your will for our lives -- on Your timetable. May each person here have the courage to carve out time daily for listening to You in prayer. Today we take this time in prayer to remember our own Senator Scott Talley who just lost his father, Franklin James Talley, Jr. May Senator Talley and his family be comforted knowing that in life and death, we are always in Your loving care, and that nothing can separate us from 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 12:09 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	Allen	Bennett
Climer	Corbin	Courson
Cromer	Davis	Gambrell
Goldfinch	Gregory	Kimpson

WEDNESDAY, MARCH 8, 2017

Leatherman	Martin	<i>Matthews, John</i>
Nicholson	Peeler	Rankin
Rice	Sabb	Scott
Senn	Shealy	Talley
Timmons	Turner	Williams
Young		

A quorum being present, the Senate resumed.

RECESS

At 12:25 P.M., on motion of Senator LEATHERMAN, the Senate recessed from business for the purpose of attending the Joint Assembly.

Committee to Escort

The PRESIDENT appointed Senators COURSON, SHEALY, BENNETT, NICHOLSON and J. MATTHEWS and Representatives Henderson, McKnight, Whitmire and Yow to escort the Honorable Charles E. Schmidt, National Commander of the American Legion, and members of his party to the House of Representatives for the Joint Assembly.

Address by the National Commander of the American Legion

The PRESIDENT of the Senate announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses, H. 3540.

The Honorable Charles E. Schmidt and members of his party were escorted to the rostrum by Senators COURSON, SHEALY, BENNETT, NICHOLSON and J. MATTHEWS and Representatives Henderson, McKnight, Whitmire and Yow.

The PRESIDENT of the Senate introduced the Honorable Charles E. Schmidt, National Commander of the American Legion.

Commander Schmidt addressed the Joint Assembly.

Address by the National Commander of the American Legion

Lt. Governor Bryant, Mr. Speaker, Senators and Representatives, it is truly an honor to speak to such a distinguished Body in this historic State House.

Before I begin, please allow me to take a moment to introduce members of the American Legion family who are with me today.

We have with us the Commander of the South Carolina American Legion, Richard D. Scherer of Spartanburg.

WEDNESDAY, MARCH 8, 2017

It is also my pleasure to introduce the National Executive Committeeman for the Department of South Carolina, Bud Hennis, of Murrells Inlet.

The Department Adjutant, Nick Diener, of Columbia.

The American Legion Auxiliary Department of South Carolina President Brenda Holland, of Aiken.

Department Auxiliary Secretary, Tuajuana Boyd, Columbia.

Auxiliary NEC, Teresa Hayes, of Lugoff.

The Commander of the South Carolina Detachment of the Sons of The American Legion, Jason Yodice, of Little River.

Sons of The American Legion Detachment, Adjutant Robert Thompson, also of Little River.

Sons of The American Legion, NECman Jim Moore, from Longs.

The Director of the South Carolina American Legion Riders, Grady Richardson, of Hemmingway.

I'd also like to thank Howard Metcalf, the Director of the South Carolina Division of Veterans Affairs.

On behalf of the 2.2 million Legionnaires around the world and the nearly 200 Legion posts throughout the State of South Carolina, I want to express my appreciation to each of you for what you do for our men and women who serve in our military and our veterans from past wars.

In times of natural disaster or a community crisis, it is not unusual for The American Legion family to step up. From ham radio communications to emergency shelters and assistance, The American Legion believes in serving our communities -- just as we served our country when we proudly wore our military uniforms.

Yet, during Hurricane Matthew, South Carolinians offered their assistance to a Legion post in need. American Legion Post 40, which was along the Intracoastal Waterway near Myrtle Beach, was hit hard.

The area was compared to a combat zone by Post Adjutant Bill Shoe. The flag floating in flood waters, trees upended and ruined floors, walls and cabinets were just some of the obvious costly repairs that the Post was facing in order to have a place to meet.

But just like when we served in the military, we know that we do not have to fight obstacles alone. Chapin American Legion Post 193 donated money, Post 40 received a grant from our National Emergency Fund and Home Depot provided free labor and materials for flooring, cabinets and appliances.

It really was a community effort, as the local library offered up a temporary meeting space for the Legion, and the Socastee Station

WEDNESDAY, MARCH 8, 2017

restaurant did the same for our Auxiliary. Service-Pro treated the damaged post home for bacteria and mold at just a fraction of what the service would normally cost.

This is what families do for each other, and South Carolina has always been a welcoming place for active duty service members, veterans and military retirees.

A prime example of this occurred last Friday. Post 193, along with our friends in the Patriot Guard, Vietnam Veterans of American and Veterans of Foreign Wars, took the lead in ensuring that six “unclaimed” U.S. Army veterans received the dignified burials that they deserved at the Fort Jackson National Cemetery. The media mistakenly reported that these heroes were “unclaimed by family” -- not realizing that all of their brothers and sisters-in arms are “family” and we are very proud to claim them!

Additionally, there are many veterans in this distinguished Body. And even if you are not a veteran, I know that many of your support us. It says a lot that in a brand new legislative session, you already have 10 veterans and military-related Bills up for consideration.

You are one of the few states that offers tax deductions for military pensions and “in-state” tuition rates for veterans. You honor veterans by allowing them to designate their military service on their driver’s licenses. Most veterans do not carry around copies of their discharges or DD-214s, so this designation is a major convenience for those wishing to obtain a retail discount or other benefits that they have earned through their military service.

I also want to thank your local U.S. Congressman -- Representative Joe Wilson, for his plans to host a Veterans Fair in Aiken on April 11.

The top priority for most men and women leaving the military is finding a job. Many of today’s service members have families, and their spouses are often searching for employment due to frequent address changes incurred by military service. Hiring veterans and their spouses is not just the right thing to do, but it’s often great for the employer. Veterans are highly trained and disciplined, and their spouses have shown great adaptability and patriotism. Events such as hiring and benefits fairs are not only informative, but they allow communities to showcase their appreciation to those who have served.

But there are some other issues of concern. An 88-year-old veteran was recently turned away from a home in Columbia. This was particularly painful to us because it is the “E. Roy Stone Veterans Pavilion.”

WEDNESDAY, MARCH 8, 2017

Mr. Stone was a much beloved Past National Commander of The American Legion. He was so dedicated to our organization that he was often called "Mr. Legionnaire." A proud World War II veteran and native of Greenville, E. Roy Stone is the last person on earth who would turn away a fellow veteran. But this story has a happy ending, as a closed wing at the home was re-opened and the veteran was finally given a space.

But the high cost of private long term care too often wipes out the entire savings and assets of the families that love them. The American Legion wants to thank this legislature for funding three new state veterans' homes which will provide desperately needed space to those who have served and sacrificed for this great Nation.

In October, The American Legion sent a team to your Columbia VA Regional Office as part of our Regional Office Action Review program. The team commended Columbia on the quality of the Decision Review Officers, however, we did find an inconsistency among some of the decisions by the R.O. (regional office) and DROs. We were pleased that the director of the R.O. showed a willingness to provide necessary training to employees and further communication with the VA Medical Center to ensure deliver of quality care and fairly-decided claims.

And these two things are what The American Legion is asking of the VA everywhere. Quality and fairness.

In addition to influencing policy in Washington, The American Legion is pleased to be here in your communities. Sponsoring Boy Scout troops, conducting blood drives, teaching about our flag and, volunteering at VA hospitals are just a few examples of how we improve the quality of life for all South Carolinians.

And, by virtue of your membership in this great Legislature, I know that you share that same dedication to improving life for everybody living in the Palmetto State. The American Legion salutes you all for your service to your communities, State and Nation.

Now, if you would allow me for one moment to call to the dais two members of this distinguished Body who have been designated by The American Legion Department of South Carolina as the Outstanding Members of the Legislature for 2017. This is in recognition for their dedicated service. They are true friends of veterans and The American Legion.

Senator KATRINA SHEALY and Representative Gilda Cobb-Hunter would you please join me?

WEDNESDAY, MARCH 8, 2017

We appreciate all that you do on behalf of veterans. Thank you so much, South Carolina Legislature.

God Bless you and God Bless America.

The purposes of the Joint Assembly having been accomplished, the President declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 1:07 P.M., the Senate resumed.

Motion Adopted

On motion of Senator CROMER, with unanimous consent, Senators PEELER, REESE, NICHOLSON, SCOTT, GREGORY and CROMER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Motion Adopted

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

Motion Adopted

On motion of Senator SENN, with unanimous consent, the committee selection process in Rule 19 was waived and a vacancy was filled in the following manner:

Senator SENN fills a vacancy on the Labor, Commerce and Industry Committee and vacates a seat on the Fish, Game and Forestry Committee.

Doctor of the Day

Senators JOHNSON and COURSON introduced Dr. Victoria Ridgeway of Columbia, S.C., Doctor of the Day.

Leave of Absence

At 12:00 P.M., Senator YOUNG requested a leave of absence for Senator WILLIAMS for the balance of the day.

Leave of Absence

At 12:09 P.M., Senator MARTIN requested a leave of absence for Senator MALLOY for the balance of the day.

WEDNESDAY, MARCH 8, 2017

Leave of Absence

At 1:08 P.M., Senator GROOMS requested a leave of absence for Senator VERDIN until 2:30 P.M.

Leave of Absence

At 1:23 P.M., Senator McELVEEN requested a leave of absence for Senator M.B. MATTHEWS for the day.

Leave of Absence

At 1:23 P.M., Senator McELVEEN requested a leave of absence for Senator FANNING until 4:45 P.M.

Leave of Absence

At 4:25 P.M., Senator TIMMONS requested a leave of absence for Senator TALLEY for the balance of the day.

Leave of Absence

At 4:25 P.M., Senator BENNETT requested a leave of absence for Senator GREGORY until 5:40 P.M.

Leave of Absence

At 7:04 P.M., Senator BENNETT requested a leave of absence for Senator CROMER for the balance of the day.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 488 Sens. Johnson, Campbell

CO-SPONSOR REMOVED

The following co-sponsors were removed from the respective Bills:

S. 346 Sen. Campbell

S. 480 Sen. M.B. Matthews

RECALLED

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

WEDNESDAY, MARCH 8, 2017

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.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 516 -- Senators Gregory and Kimpson: A BILL TO AMEND SECTION 14-17-325 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATED TO CLERKS OF COURT, TO REQUIRE THAT EVERY CLERK OF COURT SHALL REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CASE IN GENERAL SESSIONS, AND TO REPORT WITHIN FORTY-EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; TO AMEND CHAPTER 1, TITLE 22 BY ADDING SECTION 22-1-200 TO REQUIRE MAGISTRATES TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE, AND TO REPORT WITHIN FORTY-EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; TO AMEND

WEDNESDAY, MARCH 8, 2017

ARTICLE 1, CHAPTER 25, TITLE 14 BY ADDING SECTION 14-25-250 TO REQUIRE MAGISTRATES TO REPORT TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION WITHIN TEN DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE, AND TO REPORT WITHIN FORTY-EIGHT HOURS THE ISSUANCE OF A RESTRAINING ORDER, ORDER OF PROTECTION, ORDER FOR THE PREVENTION OF POSSESSION OF A FIREARM, CONVICTIONS OR ORDERS RELATED TO DOMESTIC VIOLENCE, AND CONVICTIONS OR ORDERS RELATED TO STALKING, INTIMIDATION, OR HARASSMENT; TO AMEND CHAPTER 1, TITLE 23 BY ADDING SECTION 23-1-250 TO REQUIRE EACH LAW ENFORCEMENT AGENCY TO REPORT TO SLED WITHIN TWENTY-FOUR HOURS, THE FILING OF EACH INCIDENT REPORT, ORDER OF PROTECTION, RESTRAINING ORDER, ANY ORDER OR REPORT RELATING TO AN INCIDENT OF DOMESTIC VIOLENCE, OR ANY INCIDENT IN WHICH A PERSON MAY BE PROHIBITED FROM OBTAINING OR POSSESSING A FIREARM BY STATE OR FEDERAL LAW; TO AMEND TITLE 14 BY ADDING CHAPTER 32 TO CREATE THE JUDICIAL CRIMINAL INFORMATION TECHNOLOGY COMMITTEE, TO ESTABLISH MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE COMMITTEE TO INCLUDE THE STUDY OF, AND TO MAKE RECOMMENDATIONS FOR, THE IMPROVEMENT OF JUDICIAL AND LAW ENFORCEMENT INFORMATION TECHNOLOGY AND REPORTING; TO AMEND CHAPTER 23, TITLE 16 BY ADDING ARTICLE 9, TO REQUIRE THAT NO GUN TRANSFER PRECEDED BY A CRIMINAL BACKGROUND CHECK MAY PROCEED, UNLESS THE CRIMINAL BACKGROUND CHECK HAS CONCLUDED THAT THE SALE MAY PROCEED, OR UNTIL AT LEAST FIVE DAYS HAVE PASSED FROM THE INITIATION OF THE BACKGROUND CHECK AND THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM HAS NOT REPORTED THAT THE SALE WOULD VIOLATE STATE OR FEDERAL LAW, AND TO PROVIDE FOR CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ARTICLE; AND TO PROVIDE A SUNSET FOR THE FIVE-DAY BACKGROUND CHECK PROVISIONS UPON THE FULL IMPLEMENTATION OF THE REPORTING REQUIREMENTS OF

WEDNESDAY, MARCH 8, 2017

THIS ACT BUT NOT LATER THAN TWO YEARS FROM THE EFFECTIVE DATE OF THE ACT.

l:\s-jud\bill\gregory\jud0037.rem.docx

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

S. 517 -- Senator Senn: A BILL TO AMEND SECTION 16-17-600 OF THE 1976 CODE, RELATING TO THE DESTRUCTION OR DESECRATION OF HUMAN REMAINS OR REPOSITORIES, TO PROVIDE FOR ENHANCED PENALTIES FOR VIOLATIONS MOTIVATED IN WHOLE OR IN PART BY THE OFFENDER'S BIAS AGAINST A RACE, RELIGION, DISABILITY, ETHNICITY, OR GENDER.

l:\s-res\ss\007ceme.kmm.ss.docx

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

S. 518 -- Senator Senn: A BILL TO AMEND SECTION 23-23-80 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO APPOINT ATTORNEYS EMPLOYED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO SIT AS HEARING OFFICERS FOR CONTESTED CASE HEARINGS; AND TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-150, TO PROVIDE THAT NO PERSON WHO HAS A PENDING ALLEGATION OF MISCONDUCT MAY BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR AS A TELECOMMUNICATIONS OPERATOR, HAVE THE AUTHORITY OF A LAW ENFORCEMENT OFFICER, PERFORM ANY DUTIES OF A LAW ENFORCEMENT OFFICER, OR EXERCISE THE POWER OF ARREST UNTIL THE LAW ENFORCEMENT TRAINING COUNCIL OR AN APPELLATE COURT HAS ISSUED A DECISION AUTHORIZING THE PERSON TO BE EMPLOYED IN THOSE AREAS, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE NOTIFIED BY CERTIFIED MAIL OF THE ALLEGATION OF MISCONDUCT AND HIS RIGHT TO A CONTESTED CASE HEARING, TO PROVIDE THAT A PERSON

WEDNESDAY, MARCH 8, 2017

AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY MUST REQUEST A CONTESTED CASE HEARING WITHIN SIXTY DAYS AFTER RECEIPT OF THE ALLEGATION OF MISCONDUCT AND RIGHT TO A CONTESTED CASE HEARING, AND TO PROVIDE FOR THE PROCEDURES OF A CONTESTED CASE HEARING.

I:\s-res\ss\008\etc.dmr.ss.docx

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

S. 519 -- Senator Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-117-160 SO AS TO PROVIDE CERTAIN LEGISLATIVE FINDINGS CONCERNING THE PUBLIC INTERESTS SERVED BY SAFEGUARDING AND PROTECTING STUDENT ACTIVITIES, TO PROVIDE SCHOOL DISTRICTS MAY CONTRACT FOR ACCREDITED OR CERTIFIED LAW ENFORCEMENT SERVICES FROM LOCAL GOVERNMENTS, THE SOUTH CAROLINA HIGHWAY PATROL, THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES, INSTITUTIONS OF HIGHER LEARNING, AND COMMISSIONED STATE CONSTABLES TO PROTECT AND POLICE FACILITIES OWNED OR USED BY THE DISTRICT, AND TO PROVIDE QUALIFICATIONS AND SCOPE OF AUTHORITY FOR SUCH OFFICERS IN THEIR CONTRACT CAPACITY.

I:\council\ills\agm\19141wab17.docx

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

S. 520 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CAREER OR TECHNOLOGY CENTERS/COMPREHENSIVE HIGH SCHOOLS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4697, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

I:\council\ills\dbs\31402cz17.docx

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

WEDNESDAY, MARCH 8, 2017

S. 521 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM, GRADES 9-12 AND GRADUATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4700, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

l:\council\bills\dfs\31401cz17.docx

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

S. 522 -- Senator Cromer: A CONCURRENT RESOLUTION TO DECLARE AUGUST 14-21, 2017, AS "IMMUNIZATION WEEK" IN SOUTH CAROLINA AND TO SEEK TO INCREASE THE POPULATION'S AWARENESS OF THE IMPORTANCE OF RECEIVING VACCINATIONS.

l:\council\bills\rt\17051dg17.docx

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

S. 523 -- Senators Hutto, Jackson and Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO COMMEND THE IMPORTANT WORK BEING DONE TO COMBAT THIS SERIOUS PROBLEM, AND TO DECLARE TUESDAY, APRIL 4, 2017, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

l:\council\bills\rm\1126cz17.docx

The Concurrent Resolution was introduced and referred to the General Committee.

S. 524 -- Senators Jackson, Courson, McElveen, McLeod and Scott: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE JUNCTION OF INTERSTATE HIGHWAYS 126 AND 26 IN RICHLAND COUNTY "MILTON KIMPSON INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE CONTAINING THIS DESIGNATION.

l:\council\bills\gt\5283cm17.docx

WEDNESDAY, MARCH 8, 2017

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

S. 525 -- Senator Shealy: A SENATE RESOLUTION TO HONOR THE LEXINGTON COUNTY RECREATION AND AGING COMMISSION MEALS ON WHEELS PROGRAM AND THE DEDICATED VOLUNTEERS WHO SERVE THE PROGRAM'S SENIORS.

I:\council\bills\rm\1128cm17.docx

The Senate Resolution was adopted.

S. 526 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ADVANCED PLACEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4696, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

I:\council\bills\dbs\31403cz17.docx

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

H. 3247 -- Reps. Crosby, Collins, Daning, Knight and Clemmons: A BILL TO AMEND SECTION 56-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE ISSUANCE OF DRIVER'S LICENSES, SO AS TO REVISE THE DEFINITION OF CERTAIN TERMS AND TO ADD THE TERMS "MOPED", "DAYLIGHT HOURS", AND "VEHICLE" AND THEIR DEFINITIONS; TO AMEND SECTION 56-1-30, RELATING TO PERSONS EXEMPT FROM OBTAINING A DRIVER'S LICENSE, SO AS TO DELETE THE TERM "ARTICLE" AND REPLACE IT WITH THE TERM "CHAPTER"; TO AMEND SECTION 56-1-175, RELATING TO THE ISSUANCE OF A CONDITIONAL DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS", AND TO PROVIDE THAT THE HOLDER OF A CONDITIONAL DRIVER'S LICENSE MAY OPERATE A MOPED DURING DAYLIGHT HOURS; TO AMEND SECTION 56-1-180, RELATING TO THE ISSUANCE OF A SPECIAL

[SJ]

WEDNESDAY, MARCH 8, 2017

RESTRICTED DRIVER'S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE, TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, TO DELETE THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS", AND TO PROVIDE THAT THE HOLDER OF A SPECIAL RESTRICTED DRIVER'S LICENSE MAY OPERATE A MOPED DURING DAYLIGHT HOURS; TO AMEND SECTION 56-1-185, RELATING TO THE REMOVAL OF THE RESTRICTIONS PLACED ON A CONDITIONAL OR SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE THAT A PERSON YOUNGER THAN SEVENTEEN YEARS OF AGE WHILE OPERATING A MOTOR VEHICLE UNDER A MOPED OPERATOR'S LICENSE WHO OBTAINS SIX POINTS AGAINST HIS DRIVING RECORD SHALL HAVE HIS LICENSE SUSPENDED FOR SIX MONTHS, AND TO PROVIDE THAT A BEGINNER'S PERMIT, CONDITIONAL LICENSE, OR SPECIAL RESTRICTED DRIVER'S LICENSE MAY NOT BE ISSUED TO A PERSON CONVICTED OF CERTAIN VIOLATIONS OF OPERATING A MOPED WHILE UNDER AGE OR WITHOUT A LICENSE FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 56-1-1710, RELATING TO THE DEFINITION OF THE TERM MOPED, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-1-1720, RELATING TO THE OPERATION OF A MOPED, SO AS TO REVISE THE FORM OF LICENSURE A PERSON MUST POSSESS TO OPERATE A MOPED, AND TO DELETE THE PROVISION THAT PROHIBITS THE DEPARTMENT OF MOTOR VEHICLES FROM ISSUING A BEGINNER'S PERMIT OR A SPECIAL RESTRICTED LICENSE TO CERTAIN PERSONS CONVICTED OF A MOPED VIOLATION FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 56-1-1730, RELATING TO THE ELIGIBILITY TO OBTAIN, SUSPENSION OF, AND REVOCATION OF A MOPED OPERATOR'S LICENSE, SO AS TO PROVIDE A MAXIMUM SPEED FOR THE OPERATION OF A MOPED AND FINES AND PENALTIES FOR THE UNLAWFUL OPERATION OF A MOPED; TO AMEND SECTION 56-1-1740, RELATING TO THE ISSUANCE OF A MOPED OPERATOR'S LICENSE, SO AS TO REVISE THE FEE CHARGED FOR ADMINISTERING THE MOPED OPERATOR'S LICENSE EXAMINATION; TO AMEND SECTION 56-2-2740, RELATING TO MOTOR VEHICLE REGISTRATION AND PROPERTY TAXES, SO

WEDNESDAY, MARCH 8, 2017

AS TO PROVIDE THAT VALIDATION DECALS MUST NOT BE ISSUED TO VEHICLES THAT DO NOT REQUIRE THE PAYMENT OF PROPERTY TAXES; BY ADDING ARTICLE 3 TO CHAPTER 2, TITLE 56 SO AS TO PROVIDE FOR THE REGISTRATION, TITLING, AND LICENSING OF MOPEDS, TO PROVIDE PENALTIES FOR A VIOLATION OF THIS ARTICLE, TO REGULATE THE OPERATION OF A MOPED, AND TO REGULATE THE SALE OF A MOPED; BY ADDING ARTICLE 4 TO CHAPTER 2, TITLE 56 SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF CHAPTER 2, TITLE 56; TO AMEND SECTION 56-3-20, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, SO AS TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-3-200, RELATING TO THE REGISTRATION OF A VEHICLE, SO AS TO PROVIDE THAT A CERTIFICATE OF TITLE IS NOT REQUIRED TO REGISTER A MOPED; TO AMEND SECTION 56-3-250, RELATING TO THE REGISTRATION AND LICENSING OF A MOTOR VEHICLE ONCE ALL LOCAL PROPERTY TAXES ARE PAID, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO A MOPED, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS 56-3-630, AS AMENDED, AND 56-3-760, BOTH RELATING TO VEHICLES, CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES AND THE REGISTRATION FEE FOR CERTAIN VEHICLES, SO AS TO DELETE THE TERM "MOTOR-DRIVEN CYCLE" AND REPLACE IT WITH THE TERM "MOPED", AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS 56-5-120 AND 56-5-130, RELATING TO THE TERMS "VEHICLE" AND "MOTOR VEHICLE" AND THEIR DEFINITIONS, SO AS TO DELETE BOTH PROVISIONS; TO AMEND SECTION 56-5-140, RELATING TO THE TERM "MOTORCYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-150, RELATING TO THE TERM "MOTOR-DRIVEN CYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-155, RELATING TO THE TERM "MOTORCYCLE THREE-WHEEL VEHICLE" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-165, RELATING TO THE TERM "MOPED" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-361, RELATING TO THE TERM "PASSENGER

WEDNESDAY, MARCH 8, 2017

CAR" AND ITS DEFINITION, SO AS TO DELETE THE TERM "MOTOR-DRIVEN CYCLES" AND ADD THE TERM "MOPEDS"; TO AMEND SECTION 56-5-410, RELATING TO THE TERM "OWNER" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-1550, RELATING TO THE OPERATION OF A MOTOR-DRIVEN CYCLE, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-1555, RELATING TO THE OPERATION OF A MOPED, SO AS TO RAISE THE MAXIMUM SPEED AT WHICH A MOPED MAY BE OPERATED; TO AMEND SECTION 56-5-4450, RELATING TO DISPLAY OF LIGHTS BY A VEHICLE DURING CERTAIN TIMES OF DAY, SO AS TO DELETE AN OBSOLETE PROVISION AND MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-9-20, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO DELETE AND REVISE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-9-110, RELATING TO THE APPLICABILITY OF THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT TO CERTAIN ACCIDENTS OR JUDGMENTS, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-10-520, RELATING TO THE OFFENSE OF OPERATING AN UNINSURED MOTOR VEHICLE, SO AS TO MAKE A TECHNICAL CHANGE AND PROVIDE THAT THIS SECTION APPLIES TO AN OPERATOR OF AN UNINSURED MOPED WHO IS NOT THE REGISTERED OWNER OF THE MOPED, UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-10-535, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRING A PERSON TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY AFTER A CONVICTION OF CERTAIN TRAFFIC OFFENSES, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO A REGISTERED OWNER OF A MOPED; TO AMEND SECTION 56-15-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERM "MOTOR VEHICLE" TO EXCLUDE MOPEDS; TO AMEND SECTION 56-16-10, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND

WEDNESDAY, MARCH 8, 2017

WHOLESALERS, SO AS TO REVISE THE DEFINITION OF THE TERM "MOTORCYCLE" AND REVISE THE TYPE OF VEHICLES REGULATED BY THIS CHAPTER; TO AMEND SECTION 56-19-10, AS AMENDED, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES, SO AS TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-19-220, RELATING TO VEHICLES THAT ARE EXEMPTED FROM THE REQUIREMENT TO OBTAIN A CERTIFICATE OF TITLE, SO AS TO MAKE A TECHNICAL CHANGE AND TO ADD MOPEDS TO THE LIST OF EXEMPTED VEHICLES; TO AMEND SECTION 38-77-30, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING AUTOMOBILE INSURANCE, SO AS TO DELETE THE TERMS "MOTOR-DRIVEN CYCLES", "MOTOR SCOOTERS", AND "MOPEDS"; AND TO REPEAL ARTICLE 30, CHAPTER 5, TITLE 56 RELATING TO MOPED REGULATIONS.

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

H. 3513 -- Reps. Anthony and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-45 SO AS TO PROVIDE RETIRED EDUCATOR TEACHING CERTIFICATES FOR PEOPLE WHO MEET CERTAIN CRITERIA, TO PROVIDE INITIAL RETIRED EDUCATOR CERTIFICATES ARE VALID FOR THIRTY YEARS AND MAY BE RENEWED, AND TO PROVIDE RELATED REQUIREMENTS AND CONDITIONS.

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

H. 3587 -- Reps. Henderson, Knight and Felder: A JOINT RESOLUTION TO CREATE THE "SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE" TO EXAMINE ISSUES RELATED TO EPILEPSY AND SEIZURE SAFETY AWARENESS IN PUBLIC SCHOOLS, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, AND TO PROVIDE FOR THE STUDY COMMITTEE'S TERMINATION.

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

H. 3916 -- Reps. Erickson, Collins, Bernstein, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley,

WEDNESDAY, MARCH 8, 2017

Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, 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, B. Newton, W. Newton, 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 THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO COMMEND THE IMPORTANT WORK BEING DONE TO COMBAT THIS SERIOUS PROBLEM, AND TO DECLARE TUESDAY, APRIL 4, 2017, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the General Committee.

H. 3917 -- Reps. J. E. Smith, Bedingfield, Forrester, G. M. Smith, Williams, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, 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, 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, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE TUESDAY, MARCH 21, 2017, "NATIONAL GUARD

WEDNESDAY, MARCH 8, 2017

DAY" IN SOUTH CAROLINA AND TO RECOGNIZE AND HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THE SOUTH CAROLINA NATIONAL GUARD MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

The Concurrent Resolution was introduced and referred to the General Committee.

REPORTS OF STANDING COMMITTEES

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

S. 170 -- Senators Shealy and Hutto: A BILL TO AMEND ARTICLE 7, CHAPTER 5, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, BY ADDING SECTIONS 17-5-541 AND 17-5-542, SO AS TO PROVIDE THAT THE CORONER OF EACH COUNTY SHALL SCHEDULE A LOCAL CHILD FATALITY REVIEW TEAM TO PERFORM A REVIEW OF A CASE WHERE A CHILD UNDER THE AGE OF EIGHTEEN DIES IN THE COUNTY HE SERVES AND TO PROVIDE THE PURPOSE OF THE REVIEW TEAM; TO AMEND ARTICLE 3, CHAPTER 5, TITLE 17, RELATING TO CORONERS, BY ADDING SECTION 17-5-140, SO AS TO PROVIDE THAT FUNDS MUST BE DISBURSED TO THE COUNTIES EQUALLY TO PAY THE DULY ELECTED FULL-TIME CORONER OR OTHER RELATED PERSONNEL OR EQUIPMENT AND TO PROVIDE THAT EXCESS FUNDS MUST BE USED BY THE CORONERS TRAINING ADVISORY COMMITTEE TO PERFORM ITS DUTIES; AND TO AMEND SECTION 17-5-130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

Ordered for consideration tomorrow.

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

S. 173 -- Senators Sheheen and Turner: A BILL TO AMEND SECTION 23-23-10 OF THE 1976 CODE, RELATING TO THE PURPOSE OF THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE NEW DEFINITIONS; TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC

WEDNESDAY, MARCH 8, 2017

SAFETY, BY ADDING SECTION 23-23-55 TO PROVIDE THAT A CLASS 1-LE LAW ENFORCEMENT OFFICER MUST COMPLETE CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN MENTAL HEALTH OR ADDICTIVE DISORDERS; TO AMEND SECTION 23-23-80 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO ESTABLISH AND MAINTAIN A CRISIS INTERVENTION TRAINING CENTER AND TO GOVERN AND SUPERVISE CRISIS INTERVENTION TEAM TRAINING; TO AMEND TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING CHAPTER 52 TO CREATE A CRISIS INTERVENTION TRAINING COUNCIL, TO PROVIDE FOR THE COUNCIL'S DUTIES, AND TO PROVIDE THAT EVERY COUNTY SHALL ESTABLISH AT LEAST ONE CRISIS INTERVENTION TEAM.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance polled out H. 3726 favorable with amendment:

H. 3726 -- Reps. Herbkersman, Cobb-Hunter, Anthony, Whitmire, Stringer, Bradley, Lucas and White: 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 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 AND ONE QUARTER 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

WEDNESDAY, MARCH 8, 2017

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 9-16-100 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

WEDNESDAY, MARCH 8, 2017

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.

Poll of the Finance Committee

Polled 23; Ayes 23; Nays 0; Abstain 0; Not Voting 0

AYES

Leatherman	Setzler	Peeler
Courson	Matthews	Reese
Alexander	Grooms	Verdin
Cromer	Jackson	Williams
Campbell	Davis	Nicholson
Sheheen	Martin	Scott
Gregory	Allen	Bennett
Corbin	Hembree	

Total--23

NAYS

Total--0

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 509 -- Senator Hembree: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. JANELLE LEWIS FOR HER SIGNIFICANT PARTICIPATION IN THE HORRY ELECTRIC COOPERATIVE, INC., AND TO CONGRATULATE HER UPON BEING NAMED THE COOPERATIVE'S 2017 RURAL LADY OF THE YEAR.

WEDNESDAY, MARCH 8, 2017

Returned with concurrence.
Received as information.

S. 510 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VANESSA MARTIN AND SHANNON TAYLOR, FACULTY ADVISORS FOR THE FAIRFIELD CENTRAL HIGH SCHOOL BETA CLUB, AND TO CONGRATULATE THEM AND THE BETA CLUB MEMBERS FOR THEIR EXCEPTIONAL YEAR OF GROWTH AND SUCCESS.

Returned with concurrence.
Received as information.

S. 513 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LAMAR RICHARDS, A SOPHOMORE AT FAIRFIELD CENTRAL HIGH SCHOOL, AND TO CONGRATULATE HIM FOR BEING NAMED PRESIDENT OF THE SOUTH CAROLINA SENIOR BETA CLUB.

Returned with concurrence.
Received as information.

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

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

S. 78 -- Senators Alexander, Goldfinch, Williams, McElveen and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-3-220 SO AS TO PROVIDE THAT OFFICERS AND EMPLOYEES OF THE STATE OF SOUTH CAROLINA, OR ANY POLITICAL SUBDIVISIONS OR DEPARTMENTS OF THE STATE OF SOUTH CAROLINA, WHO ARE COMMISSIONED OR ENLISTED FOR SERVICE IN THE SOUTH CAROLINA STATE GUARD MUST BE ENTITLED TO MILITARY LEAVE WITHOUT LOSS OF PAY, SENIORITY, OR EFFICIENCY RATING, WHEN ATTENDING STATE GUARD ENCAMPMENT OR SCHOOLS FOR TRAINING, UNDER PROPER AUTHORITY, AND ON ALL OTHER OCCASIONS WHEN ORDERED TO ACTIVE DUTY IN THE SERVICE OF THE STATE OF SOUTH CAROLINA; TO AMEND SECTION 12-6-1140, AS AMENDED, RELATING TO DEDUCTIONS FROM INDIVIDUAL

WEDNESDAY, MARCH 8, 2017

TAXABLE INCOME, SO AS TO REQUIRE A MEMBER OF THE STATE GUARD TO COMPLETE A MINIMUM OF ONE HUNDRED NINETY-TWO HOURS OF TRAINING OR DRILL EACH YEAR IN ORDER TO QUALIFY FOR THE DEDUCTION; TO AMEND SECTION 25-1-635, AS AMENDED, RELATING TO LEGAL ASSISTANCE SERVICES FOR GUARD MEMBERS AND IMMEDIATE FAMILY MEMBERS, SO AS TO AUTHORIZE SOUTH CAROLINA STATE GUARD JUDGE ADVOCATES TO PROVIDE THESE SERVICES AND TO INCLUDE THEM WITHIN THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTIONS 25-3-20 AND 25-3-130, BOTH RELATING TO THE GOVERNOR'S AUTHORITY TO CALL THE STATE GUARD INTO DUTY, SO AS TO CLARIFY THE CIRCUMSTANCES AUTHORIZING THE GOVERNOR TO CALL THE STATE GUARD INTO DUTY AND TO PROVIDE THAT CIRCUMSTANCES INVOLVING A NATURAL OR MANMADE DISASTER, EMERGENCY, OR EMERGENCY PREPAREDNESS MAY WARRANT CALLING THE STATE GUARD INTO SERVICE; AND TO AMEND SECTION 25-3-140, RELATING TO PAY OF STATE GUARD MEMBERS ON ACTIVE DUTY, SO AS TO PROVIDE THAT STATE GUARD MEMBERS MAY RECEIVE A DAILY STIPEND OR PER DIEM PAY FOR REASONABLE EXPENSES, OR BOTH, IF APPROVED BY THE ADJUTANT GENERAL.

The Senate proceeded to a consideration of the Bill.

Senator GOLDFINCH proposed the following amendment (78R001.SP.SLG), which was adopted:

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

/ SECTION 1. Chapter 3, Title 25 of the 1976 Code is amended by adding:

“Section 25-3-220. Officers and employees of the State of South Carolina, any political subdivisions or departments of the State of South Carolina, or the Joint Services Detachment who are commissioned or enlisted for service in the South Carolina State Guard must be entitled to military leave without loss of pay, seniority, or efficiency rating, when attending state guard or Joint Services Detachment encampment or schools for training, under proper authority, and on all other occasions when ordered to active duty in the service of the State of South Carolina.”

WEDNESDAY, MARCH 8, 2017

SECTION 2. Section 12-6-1140(10)(c)(iv) of the 1976 Code is amended to read:

“(iv) In the case of a member of the state guard or the Joint Services Detachment, and in lieu of minimum points determining eligibility, this deduction is allowed only if the state guard member completes a minimum of ~~sixteen~~ one hundred ninety-two hours of training or drill ~~each month, equating to one hundred ninety-two hours~~ a year, and the member’s commanding officer certifies in writing to the member that the member met these requirements.”

SECTION 3. Section 25-1-635(A) of the 1976 Code is amended to read:

“Section 25-1-635. (A) For purposes of enhancing the readiness of national guard personnel for mobilization or call up for state or federal service, legal assistance attorneys, which may include South Carolina State Guard judge advocates or members of the Joint Services Detachment, and judge advocates of the South Carolina National Guard who provide premobilization legal assistance and counseling to national guard personnel may also provide legal assistance and counseling to the immediate family members and dependents of members of the South Carolina National Guard when, in the opinion of the legal assistance, attorney, or judge advocate, the legal assistance and counseling provided enhances the overall mobilization readiness of a member of the national guard who has an obligation to provide for his family and dependents in his absence in the event of his mobilization.”

SECTION 4. Section 25-1-635(I) of the 1976 Code, as last amended by Act 46 of 2011, is further amended to read:

“(I) Services provided in the legal assistance program are considered an official function of the national guard and must be provided at no cost to eligible personnel. Legal assistance attorneys, national guard personnel, South Carolina State Guard judge advocates or members of the Joint Services Detachment, and civilian employees acting within the scope of their official duties, are exempt from personal liability for alleged negligent or wrongful acts, omissions for service, or advice rendered pursuant to the legal assistance program, so long as the attorneys, personnel, or employees neither requested nor received a fee or compensation other than their regular compensation for legal services provided to persons eligible for assistance under this section.”

SECTION 5. Section 25-3-20 of the 1976 Code is amended to read:

“Section 25-3-20. Whenever ~~any~~ a part of the national guard of this State is ordered into federal service or is otherwise tasked with duties

WEDNESDAY, MARCH 8, 2017

that cause so as to cause the State to be, in the opinion of the Governor, without proper defense or sufficient military resources, the Governor may call the South Carolina State Guard or Joint Services Detachment into state duty.”

SECTION 6. Section 25-3-130 of the 1976 Code is amended to read:

“Section 25-3-130. The Governor may, in case of insurrection, invasion, tumult, riot, breach of the peace or imminent danger ~~thereof~~ of a breach, a natural or manmade disaster, or local emergency whenever the lives and property of the state’s citizens are threatened, emergency preparedness, or to enforce the laws of this State, order into service any part of the South Carolina State Guard or Joint Service Detachment that ~~he may deem~~ the Governor deems necessary. When the South Carolina State Guard or the Joint Services Detachment is on active service, the commanding officer and his subordinates ~~shall must be, and they are hereby,~~ invested with all the authority of, sheriffs and deputy sheriffs in enforcing the laws of this State.”

SECTION 7. Section 25-3-140 of the 1976 Code is amended to read:

“Section 25-3-140. When members of the South Carolina State Guard or Joint Services Detachment are ordered to active duty by the Governor or by ~~his~~ the Governor’s authority, they ~~shall may~~ receive ~~the pay as specified for officers and enlisted men of the national guard a daily stipend or a per diem for reasonable expenses, or both, if approved by the Adjutant General, when called out for such that~~ service.”

SECTION 8. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Motion Under Rule 26B Waived

Senator MARTIN asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

WEDNESDAY, MARCH 8, 2017

Ayes 37; Nays 0; Present 1

AYES

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

Total--37

NAYS

Total--0

PRESENT

Scott

Total--1

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

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

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

S. 402 -- Senator Massey: A BILL TO AMEND SECTION 50-9-525(A) OF THE 1976 CODE, RELATING TO DISABILITY LICENSES FOR HUNTING AND FISHING, TO ALLOW RESIDENTS RECEIVING BENEFITS FROM A STATE

WEDNESDAY, MARCH 8, 2017

RETIREMENT SYSTEM TO OBTAIN A THREE YEAR COMBINATION OR FISHING LICENSE AT NO COST.

S. 443 -- Senators Campsen, Young, McElveen, Williams and Corbin: A BILL TO AMEND ARTICLE 4, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO NIGHT HUNTING AND HARASSMENT OF WILDLIFE, TO RESTRUCTURE THE EXISTING PROVISIONS THAT REGULATE NIGHT HUNTING, BY ADDING SECTION 50-11-705, TO PROVIDE THAT NIGHT HUNTING ANY ANIMAL EXCEPT DEER, BEAR, TURKEY, OR ANY ANIMAL LISTED IN SECTIONS 50-11-710 OR 50-11-715 IS UNLAWFUL, TO PROVIDE APPROPRIATE PENALTIES, TO PROVIDE THAT NIGHT HUNTING DEER, BEAR, OR TURKEY ON PROPERTY NOT REGISTERED WITH THE DEPARTMENT FOR NIGHT HUNTING FERAL HOGS, COYOTES, OR ARMADILLOS IS UNLAWFUL AND TO PROVIDE APPROPRIATE PENALTIES, TO PROVIDE THAT HUNTING DEER, BEAR, OR TURKEY ON PROPERTY REGISTERED WITH THE DEPARTMENT IS UNLAWFUL AND TO PROVIDE APPROPRIATE PENALTIES, AND TO PROVIDE THAT THE DISPLAY OR USE OF ARTIFICIAL LIGHT AT NIGHT ON PROPERTY NOT REGISTERED WITH THE DEPARTMENT FOR NIGHT HUNTING FERAL HOGS, COYOTES, OR ARMADILLOS, IN A MANNER CAPABLE OF DISCLOSING THE PRESENCE OF DEER, BEAR, OR TURKEY, TOGETHER WITH THE POSSESSION OF OR ACCESS TO A CENTERFIRE RIFLE AND AMMUNITION LARGER THAN CERTAIN WEAPONS, SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF NIGHT HUNTING DEER, BEAR, OR TURKEY; TO AMEND ARTICLE 4, CHAPTER 11, TITLE 50 BY ADDING SECTION 50-11-715, TO PROVIDE THAT IT IS UNLAWFUL TO NIGHT HUNT FOR HOGS, COYOTES, OR ARMADILLOS, AND TO PROVIDE APPROPRIATE PENALTIES; TO AMEND ARTICLE 4, CHAPTER 11, TITLE 50, BY ADDING SECTION 50-11-717, TO PROVIDE THAT THE USE OF ARTIFICIAL LIGHTS FOR THE PURPOSE OF OBSERVING OR HARASSING WILDLIFE IS UNLAWFUL, EXCEPT THAT A PROPERTY OWNER MAY USE ARTIFICIAL LIGHTS TO OBSERVE WILDLIFE PRIOR TO 11:00 P.M., AND TO PROVIDE OTHER APPROPRIATE USES OF ARTIFICIAL LIGHT; TO AMEND SECTION 50-11-710, TO PROVIDE THAT IT IS

[SJ]

WEDNESDAY, MARCH 8, 2017

UNLAWFUL TO NIGHT HUNT FOR RACCOONS, OPOSSUMS, FOXES, MINKS, OR SKUNKS UNLESS OTHERWISE PROVIDED IN THIS SECTION AND TO PROVIDE APPROPRIATE PENALTIES; TO AMEND SECTIONS 50-11-740, 50-11-745(A), AND 50-9-1120(2)(b), TO ADD TURKEY TO THE LISTS THAT INCLUDE DEER OR BEAR; TO REPEAL SECTIONS 50-11-708 AND 50-11-720, AND TO DEFINE NECESSARY TERMS.

S. 279 -- Senator Alexander: A BILL TO ENACT THE "APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT" BY ADDING ARTICLE 3 TO CHAPTER 60, TITLE 40 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA REAL ESTATE APPRAISER LICENSE AND CERTIFICATION ACT, TO PROVIDE CERTAIN DEFINITIONS, TO REQUIRE REGISTRATION FOR AN ENTITY ACTING AS AN APPRAISAL MANAGEMENT COMPANY, TO SPECIFY REGISTRATION AND RENEWAL REQUIREMENTS, TO PROVIDE EXEMPTIONS FROM REGISTRATION, TO PROVIDE FOR THE CONDUCT OF APPRAISAL MANAGEMENT COMPANIES, AND TO PROVIDE REMEDIES FOR VIOLATIONS; TO AMEND SECTION 40-60-10(B), RELATING TO THE SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD, TO PROVIDE FOR EIGHT MEMBERS TO INCLUDE ONE MEMBER REPRESENTING AN APPRAISAL MANAGEMENT COMPANY; AND TO REDESIGNATE CHAPTER 60, TITLE 40 AS "REAL ESTATE APPRAISERS AND APPRAISAL MANAGEMENT COMPANIES."

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

S. 484 -- Finance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF REVENUE, RELATING TO CIGARETTE TAXES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4702, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

[SJ]

WEDNESDAY, MARCH 8, 2017

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 200 -- Senators Grooms, Bryant, Campbell and Alexander: A BILL TO AMEND SECTION 57-25-150(G) OF THE 1976 CODE, RELATING TO PERMITS FOR THE ERECTION AND MAINTENANCE OF SIGNS, TO PROVIDE THAT PERMITS FOR A NONCONFORMING SIGN THAT IS REMOVED OR DISMANTLED ARE VOID.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (200R001.DR.LKG), which was adopted:

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

/SECTION 1. Section 57-25-150(G) and (H) of the 1976 Code is amended to read:

“(G) Permits for the following signs are void:

(1) a conforming sign which ~~that~~ is removed voluntarily for more than thirty days; and

(2) ~~eonforming sign which is removed, dismantled, or destroyed by an act of God or vandalism for more than sixty days;~~

(3) a nonconforming sign which ~~that~~ is removed voluntarily ~~or removed, dismantled, or destroyed by an act of God or vandalism by the owner.~~

(H) Permits shall be maintained for nonconforming signs structurally damaged by vandalism, and:

(1) those signs may only be restored in kind;

(2) restoration may begin not earlier than ten business days after the department has received notice of the vandalism from the sign owner; and

(3) restoration shall not begin until a report of the vandalism incident has been made by the appropriate law enforcement authority and the report has been received by the department.

~~(H)~~(I)(1) National Historic Landmark Section 501(C)(3) properties located along South Carolina highways and properties listed on the National Register of Historic Places by the Department of the Interior which are located along South Carolina highways are allowed to erect small directional signs no more frequently than one a mile within six miles of such properties.

WEDNESDAY, MARCH 8, 2017

(2) The signs shall state the name of the historic property and mileage and comprise no more than twenty letters measuring no more than fifteen inches by thirty-six inches and painted using a single color or a neutral background.

(3) The South Carolina Department of Transportation shall issue a permit sticker for each sign for an annual fee of fifteen dollars a sign. The department is also authorized to issue regulations as are necessary to implement the permit process and the conditions and restrictions for the proper placement, height, and design as necessary to the efficient administration of this subsection. The department has no responsibility for erecting these permitted signs.”

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

Renumber sections to conform.

Amend title to conform.

Senator BENNETT 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 39; Nays 0

AYES

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

Total--39

NAYS

WEDNESDAY, MARCH 8, 2017

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. 321 -- Senator Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 14 TO TITLE 56 SO AS TO ESTABLISH PROCEDURES THAT REGULATE THE RELATIONSHIP BETWEEN RECREATIONAL VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS OF RECREATIONAL VEHICLES; TO AMEND SECTION 56-15-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERM "MOTOR VEHICLE" AND TO DELETE THE TERM "MOTOR HOME" AND ITS DEFINITION; TO REPEAL ARTICLE 5, CHAPTER 17, TITLE 31 RELATING TO THE SALE OF TRAVEL TRAILERS; AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY PROMULGATE REGULATIONS FOR ENFORCEMENT OF THE PROVISIONS OF CHAPTER 14, TITLE 56.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (321R001.DR.LKG), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 28-31 and inserting:

/ (12) 'Recreational vehicle' means a motorhome, travel trailer, fifth-wheel trailer, or folding camping trailer designed to provide temporary living quarters for recreational, camping, or travel use, as defined herein. /

Amend the bill further, as and if amended, page 4, by striking lines 22-31.

Amend the bill further, as and if amended, page 5, by striking lines 2-8 and inserting:

/ Section 56-14-20. Any person who engages directly or indirectly in purposeful contacts within this State in connection with the offering or advertising for sale or has business dealings with respect to a

WEDNESDAY, MARCH 8, 2017

recreational vehicle within this State shall be subject to the provisions of this chapter and shall be subject to the jurisdiction of the courts of this State upon service of process in accordance with the provisions of Chapter 9, Title 15.

Section 56-14-25. This chapter does not apply to park model trailers built to American National Standards Institute (ANSI) Standard A119.5./

Amend the bill further, as and if amended, by striking SECTION 8 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT 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 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

WEDNESDAY, MARCH 8, 2017

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. 344 -- Senator Corbin: A BILL TO AMEND SECTION 56-1-80(A) OF THE 1976 CODE, RELATING TO APPLICATION FOR A LICENSE OR PERMIT, TO PROVIDE THAT AN APPLICATION FOR A DRIVER'S LICENSE OR PERMIT MUST ALLOW AN APPLICANT WHO HAS BEEN MEDICALLY DIAGNOSED WITH AUTISM TO VOLUNTARILY DISCLOSE THAT HE IS AUTISTIC, WHICH MUST BE INDICATED BY A SYMBOL DESIGNATED BY THE DEPARTMENT ON THE DRIVER'S LICENSE AND CONTAINED IN THE DRIVER'S RECORD.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (344R001.DR.LKG), which was adopted:

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

/SECTION 1. Section 56-1-80(A) of the 1976 Code is amended to read:

“Section 56-1-80. (A) An application for a driver's license or permit must:

- (1) be made upon the form furnished by the department;
- (2) be accompanied by the proper fee and acceptable proof of date and place of birth;
- (3) contain the full name, date of birth, sex, race, and residence address of the applicant and briefly describe the applicant;
- (4) state whether the applicant has been licensed as an operator or chauffeur and, if so, when and by what state or country;
- (5) state whether a license or permit has been suspended or revoked or whether an application has been refused and, if so, the date of and reason for the suspension, revocation, or refusal;
- (6) allow an applicant voluntarily to disclose a permanent medical condition, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record;
~~and~~
- (7) allow an applicant voluntarily to disclose that he is an organ and tissue donor, which must be indicated by a symbol designated by the

WEDNESDAY, MARCH 8, 2017

department on the driver's license and contained in the driver's record; and

(8) allow an applicant voluntarily to disclose that he is autistic, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record. The applicant must provide documentation that he is autistic from a physician licensed in this State, as defined in Section 40-47-20(35)."

SECTION 2. Section 56-1-3350(A) of the 1976 Code is amended to read:

"Section 56-1-3350. (A) Upon application by a person five years of age or older, who is a resident of South Carolina, the department shall issue a special identification card as long as the:

(1) application is made on a form approved and furnished by the department; ~~and~~

(2) applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth; and

(3) applicant, who wishes to obtain a special identification card that indicates the applicant is autistic, complies with subsections (A)(1) and (2) and provides documentation that he is autistic from a physician licensed in this State, as defined in Section 40-47-20(35). The special identification requested must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record."

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE 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 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree

[SJ]

WEDNESDAY, MARCH 8, 2017

Hutto	Jackson	Johnson
Kimpson	Leatherman	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Young

Total--39

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. 456 -- Senators Grooms and Shealy: A BILL TO AMEND SECTION 56-1-50 OF THE 1976 CODE, RELATING TO BEGINNER'S PERMITS, TO PROVIDE THAT A PERSON WHO HOLDS A MOTORCYCLE BEGINNER'S PERMIT WHO HAS FAILED THE MOTORCYCLE DRIVER'S LICENSE TEST THREE OR MORE TIMES MUST SUCCESSFULLY COMPLETE A SOUTH CAROLINA TECHNICAL COLLEGE MOTORCYCLE SAFETY COURSE, OR ITS EQUIVALENT, IN LIEU OF PASSING THE MOTORCYCLE DRIVER'S LICENSE TEST, IN ORDER TO OBTAIN A MOTORCYCLE LICENSE; AND TO AMEND SECTION 56-1-770, RELATING TO POINTS REDUCED FOR COMPLETING A DEFENSIVE DRIVING COURSE, TO PROVIDE THAT ANY DRIVER WITH A CLASS M (MOTORCYCLE) ENDORSEMENT WHO HAS ACCUMULATED POINTS UNDER THE PROVISIONS OF THIS ARTICLE SHALL HAVE THE NUMBER OF HIS POINTS REDUCED BY FOUR UPON PROVING TO THE SATISFACTION OF THE DEPARTMENT OF MOTOR VEHICLES THAT HE HAS SUCCESSFULLY COMPLETED A SOUTH CAROLINA TECHNICAL COLLEGE MOTORCYCLE SAFETY COURSE OR ITS EQUIVALENT, TO PROVIDE FOR THE SPECIFICATIONS OF THE COURSE, AND TO PROVIDE THAT NO PERSON'S POINTS

[SJ]

WEDNESDAY, MARCH 8, 2017

MAY BE REDUCED MORE THAN ONE TIME IN ANY THREE-YEAR PERIOD.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE explained the Bill.

The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 465 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS

WEDNESDAY, MARCH 8, 2017

PERTAINING TO SALTWATERS, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "SHELLFISH MARICULTURE" AND "SHELLFISH SEED"; TO AMEND SECTION 50-5-360, RELATING TO WHOLESALE SEAFOOD DEALERS, PEELER CRAB, AND MOLLUSCAN SHELLFISH LICENSES, SO AS TO PROVIDE THAT A PERSON REQUIRED TO OBTAIN A WHOLESALE SEAFOOD DEALER LICENSE WHO RECEIVES MOLLUSCAN SHELLFISH MUST PROVIDE THE DEPARTMENT OF NATURAL RESOURCES CERTIFICATION OF COMPLETION OF CERTAIN SHELLFISH TRAINING; TO AMEND SECTION 50-5-945, RELATING TO A SHELLFISH CULTURE PERMITTEE ACQUIRING A PERMIT TO TAKE SHELLFISH FOR REPLANTING FROM STATE BOTTOMS DESIGNATED FOR THAT PURPOSE, SO AS TO PROVIDE FOR THE ISSUANCE OF PERMITS TO SHELLFISH MARICULTURE PERMITTEES TO HARVEST WILD SHELLFISH SEED FOR USE IN MARICULTURE; TO AMEND SECTION 50-5-965, RELATING TO THE TAKING OF SHELLFISH FROM BOTTOMS OR WATERS DESIGNATED FOR COMMERCIAL HARVEST, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PLACE CERTAIN CONDITIONS UPON HARVEST PERMITS FOR THESE AREAS, PROVIDE THAT THE DEPARTMENT MAY SUSPEND OR REVOKE THE PERMITS UNDER CERTAIN CIRCUMSTANCES, AND TO PLACE ADDITIONAL REQUIREMENTS UPON A PERSON SEEKING TO OBTAIN AN INDIVIDUAL HARVESTER PERMIT; TO AMEND SECTION 50-5-995, RELATING TO THE ISSUANCE OF SHELLFISH MARICULTURE OPERATION PERMITS BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO PROVIDE FOR THE ISSUANCE OF OUT-OF-SEASON HARVEST PERMITS TO SHELLFISH MARICULTURE PERMITTEES; TO AMEND SECTION 50-5-1005, RELATING TO THE ISSUANCE OF SHELLFISH IMPORTATION PERMITS, SO AS TO PROHIBIT THE PLACING OF GENETICALLY MODIFIED SHELLFISH IN THE WATERS IN THIS STATE EXCEPT UNDER THE PROVISIONS OF A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE ISSUANCE OF PERMITS TO PERSONS WHO POSSESS, PRODUCE, BARTER, TRADE, OR SELL GENETICALLY MODIFIED SHELLFISH, AND TO PROVIDE FOR THE ISSUANCE OF PERMITS WITH CONDITIONS RELATING TO TESTING,

WEDNESDAY, MARCH 8, 2017

TREATMENT OF EFFLUENT, AND BIOSECURITY; AND TO AMEND SECTION 50-5-2500, RELATING TO THE ASSIGNMENT OF POINT VALUES BY THE DEPARTMENT OF NATURAL RESOURCES UPON PERSONS WHO VIOLATE PROVISIONS RELATED TO THE MARINE RESOURCES ACT, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO VIOLATIONS RELATED TO HARVESTING AND HANDLING OF SHELLFISH.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (465R001.DR.GEC), which was adopted:

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

/SECTION 1. Section 50-5-15 of the 1976 Code is amended by adding appropriately numbered new items to read:

“() ‘Shellfish mariculture’ means the controlled cultivation of shellfish in confinement from seed size until harvest.

() ‘Shellfish seed’ means any shellfish that does not exceed one inch in height or maximum dimension.”

SECTION 2. Section 50-5-360(C) of the 1976 Code is amended to read:

“(C) A person or entity required to obtain a wholesale seafood dealer license who receives molluscan shellfish must first be licensed for molluscan shellfish. The fee for a resident to acquire a molluscan shellfish license is an additional ten dollars, and the fee for a nonresident is an additional fifty dollars. Prior to obtaining a molluscan shellfish license, a person or entity must complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section 44-1-140.”

SECTION 3. Section 50-5-945 of the 1976 Code is amended to read:

“Section 50-5-945. (A) Shellfish Culture permittees ~~may~~ must acquire a permit to take shellfish for replanting from state bottoms designated by the department for that purpose. The permittee must make application to the department ten days before removing shellfish.

(B) Shellfish Mariculture permittees must acquire a permit from the department to take wild shellfish seed for use in mariculture.

(C) Permits issued pursuant to this section may include conditions related to:

(1) harvest dates and harvest areas;

WEDNESDAY, MARCH 8, 2017

- (2) shellfish size and quantity limits;
- (3) cull requirements; and
- (4) protection of the natural resources of this State.”

SECTION 4. Section 50-5-965 of the 1976 Code is amended to read:

“Section 50-5-965. (A) A person who takes shellfish from bottoms or waters designated for commercial harvest must possess an individual harvesting permit granted by the department if the person:

(1) harvests or possesses quantities greater than those provided in this article for personal use; or

(2) harvests for commercial purposes.

(B) In order to obtain an individual harvesting permit, a person must be a licensed commercial saltwater fisherman, hold all other appropriate valid commercial licenses, and complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section 44-1-140.

(C) Permits issued pursuant to this section may include conditions related to:

- (1) harvest dates and harvest areas;
- (2) shellfish size and quantity limits;
- (3) cull requirements; and
- (4) protection of the natural resources of this State.

~~(B)~~(D) The department may limit the number of areas not under Shellfish Culture Permit or Shellfish Mariculture Permit on which an individual may be permitted to harvest.

~~(C)~~(E) When bottoms or waters are under permit for shellfish culture or mariculture, permittees may allow persons to harvest shellfish from bottoms and waters permitted to him. In addition to the permit required in subsection (A), harvesters must possess written approval from the Shellfish Culture permittee or Shellfish Mariculture permittee in a form approved by the department. Culture and Mariculture permittees must provide approved harvesters with the written permission and must maintain accurate record of harvesters’ names, addresses, and, if available, telephone numbers.

~~(D)~~(F) It is unlawful for a person to take or attempt to take shellfish in quantities greater than those for personal use provided in this article from any state-owned bottoms or waters without having in his possession a valid individual commercial harvesting permit granted to him.

~~(E)~~(G) It is unlawful for any person to take or attempt to take shellfish from state-owned bottoms or waters under permit for shellfish culture or

WEDNESDAY, MARCH 8, 2017

mariculture without a valid individual harvester permit granted to him by the department.

~~(F)~~(H) A person who violates this section, or a condition of a permit issued pursuant to this section, is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days.

~~(G) In order to obtain an individual harvester permit a person must be a licensed commercial saltwater fisherman, and hold all other appropriate valid commercial licenses."~~

SECTION 5. Article 9, Chapter 5, Title 50 of the 1976 Code is amended by adding:

"Section 50-5-997. (A) The department may issue an out-of-season harvest permit to a Shellfish Mariculture permittee for the privilege of harvesting or selling maricultured shellfish out of season. The department may consider a permittee's past compliance with the provisions of this chapter in making its determination to issue an out-of-season harvest permit.

(B) In order to obtain an out-of-season harvest permit, a mariculture permittee must provide the following to the department:

(1) a shellfish operations plan that meets requirements established by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section 44-1-140; and

(2) a list of authorized harvesters and wholesale dealers that will possess the permittee's out-of-season shellfish.

(C) Out-of-season harvest permits issued pursuant to this section may include conditions related to:

- (1) harvest times and harvest areas;
- (2) species;
- (3) testing;
- (4) reporting, record keeping, and inspection requirements;
- (5) genetic strains including ploidy;
- (6) tagging;
- (7) authorized harvesters; and
- (8) protection of the natural resources of this State.

(D) An authorized harvester acting under the provisions of a permittee's out-of-season harvest permit must first complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section 44-1-140. A Mariculture permittee must ensure that an authorized harvester acting under the permittee's out-of-season harvest

WEDNESDAY, MARCH 8, 2017

permit abides by the conditions of the permit, receives proper training, and holds all required permits and licenses.

(E) The department may suspend or revoke a mariculture permittee's out-of-season harvest permit for a violation of a permit condition by the permittee or by an authorized harvester of the permittee. The filing of a judicial appeal does not act as an automatic stay of enforcement of the out-of-season permit suspension or revocation."

SECTION 6. Section 50-5-1005 of the 1976 Code is amended to read:

"Section 50-5-1005. (A)(1) The department may grant permits to persons to import molluscan shellfish, shellfish tissues, or shells into this State.

(2) No molluscan shellfish, shellfish tissues, or shells may be imported into this State and placed in waters in this State except under the provisions of a shellfish importation permit.

(B)(1) The department may grant permits to persons to import molluscan shellfish, shellfish tissues, or shells into this State possess, produce, purchase, or sell genetically modified shellfish, including polyploid shellfish.

(2) No genetically modified shellfish, including polyploid shellfish, may be placed in the waters of this State or waters connected to the waters of this State, except under the provisions of a permit issued by the department.

(C) Permits issued pursuant to this section may include conditions related to:

(1) the type or species of mollusks to be imported;

(2) testing;

(3) ancillary species attached to or associated with the species to be imported;

(4) structure and placement of holding or storage facilities;

(5) placement of the product in natural waters of this State;

(6) disposal of shellfish, shellfish parts, and associated biota;

(7) treatment of effluent;

(8) biosecurity;

(9) reporting requirements; and

(10) other matters which are considered important by the department to the protection of the natural resources of this State.

A person who imports molluscan shellfish, shellfish tissues, or shells into this State for placement into state waters or waters connected to state waters must first acquire a permit from the department.

WEDNESDAY, MARCH 8, 2017

~~(C)~~(D) A person who violates this section, or a condition of a permit issued pursuant to this section, is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars and not more than two thousand dollars or imprisoned for not more than thirty days.”

SECTION 7. Section 50-5-2500 of the 1976 Code is amended to read:

“Section 50-5-2500. (A) There are established the following point values to be assigned by the department in suspending the saltwater privileges of persons or entities found to be in violation of ~~this chapter~~ one or more of the items listed below. Point assignments shall be:

(1) failing to keep records or make reports required by law, permit, or regulation: 4;

(2) violating law pertaining to crab size limit or sponge crabs: 4;

(3) violations of a section of Title 50 pertaining to saltwater privileges not mentioned specifically in this section: 6;

(4) taking, attempting to take, or possessing fish, shellfish, or crustaceans in an unlawful manner, in unlawful or closed areas including areas closed by the Department of Health and Environmental Control, during unlawful hours, or during the closed season for the activity, except trawling violations: 8;

(5)(a) taking, attempting to take, or possessing shellfish for a commercial purpose in an unlawful manner; in unlawful or closed areas, including areas closed by the Department of Health and Environmental Control; during unlawful hours; or during the closed season for the activity; or

(b) violating Department of Health and Environmental Control regulations promulgated pursuant to Section 44-1-140 related to the harvesting and handling of shellfish resulting in adulterated product as defined in Regulation 61-47: 10;

(6) selling or offering for sale fish, shellfish, crustaceans, or other seafood or marine products without a proper license: 8;

~~(6)~~(7) unlawfully buying fish, shellfish, crustaceans, or other seafood or marine products: 8;

~~(7)~~(8) trawling inside the General Trawling Zone other than in restricted areas:

(a) more than one-quarter nautical mile during the closed season: 10;

(b) more than one-quarter nautical mile at a time more than ten minutes before daily opening or ten minutes after daily closing times during the open season: 10;

WEDNESDAY, MARCH 8, 2017

~~(8)~~(9) trawling in a restricted area during closed season: 10;

~~(9)~~(10) trawling outside the General Trawling Zone:

(a) one hundred yards or less distance from the nearest point of the General Trawling Zone during the open season: 10;

(b) more than one hundred yards distance from the nearest point of the General Trawling Zone during the open season: 18;

(c) during the closed season: 18;

~~(10)~~(11) taking or attempting to take fish, shellfish, or crustaceans for a commercial purpose without a proper license, permit, or stamp: 10;

~~(11)~~(12) captain or crew of a boat failing to cooperate with an enforcement officer: 18;

~~(12)~~(13) channel netting in an area closed to channel netting or during closed season for channel netting: 18; and

~~(13)~~(14) applying for or obtaining any resident license as provided in this chapter using a falsified application or supporting documentation, or simultaneously possessing any currently valid South Carolina resident license as provided in this chapter while possessing any resident license from another state: 18.

(B) The points and penalties assessed under this article are in addition to criminal penalties which may be assessed. Statutory suspension of saltwater privileges provided in other articles of this chapter take precedence over assessment of points under this article.”

SECTION 8. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the committee amendment.

Senator CAMPSSEN explained the Bill.

The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree

[SJ]

WEDNESDAY, MARCH 8, 2017

Hutto	Jackson	Johnson
Kimpson	Leatherman	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Young

Total--39

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. 496 -- 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.

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
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree

[SJ]

WEDNESDAY, MARCH 8, 2017

Hutto	Jackson	Johnson
Kimpson	Leatherman	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Young

Total--39

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

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

[SJ]

WEDNESDAY, MARCH 8, 2017

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.

Senator SHEHEEN proposed the following amendment (254R001.SP.VAS), which was adopted:

Amend the bill, as and if amended, page 2, line 41 by inserting:

/ (D) Nothing in this section prohibits an order from a court of competent jurisdiction requiring an insurance company to produce an ORSA Summary Report. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The question then was second reading of the Bill.

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

Ayes 37; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Leatherman	Martin	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese

[SJ]

WEDNESDAY, MARCH 8, 2017

Rice	Sabb	Scott
Senn	Shealy	Talley
Timmons	Turner	Verdin
Young		

Total--37

NAYS

Kimpson

Total--1

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

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

S. 199 -- Senators Bryant, Alexander, Shealy and Grooms: A BILL TO AMEND ARTICLE 21, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO REQUIRED STOPS FOR VEHICLES, BY ADDING A NEW SECTION, TO ALLOW THE DEPARTMENT OF PUBLIC SAFETY TO OBTAIN A CIVIL PENALTY CITATION AGAINST THE REGISTERED OWNER OF A VEHICLE VIOLATING SECTION 56-5-2770 AND TO PROVIDE A METHOD TO APPEAL THE CITATION.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (199R001.DR.LKG), which was adopted:

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

/SECTION 1. Article 21, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-2774. (A) The Department of Public Safety may issue a civil penalty citation to the registered owner of a vehicle found in violation of Section 56-5-2770(A) or (C) subject to the exclusions contained in subsection (B) of this section based upon an inspection of photographs, microphotographs, videotape, or other digitally recorded images produced by a digital recording system mounted on a school bus. The department may issue a civil penalty citation:

[SJ]

WEDNESDAY, MARCH 8, 2017

(1) for a first offense, in an amount not to exceed two hundred fifty dollars; and

(2) for a second or subsequent offense, in an amount not to exceed five hundred dollars.

(B) The registered owner of the vehicle shall not be responsible for the civil penalty citation if, within thirty days after receiving notification of the civil penalty citation, he provides the Department of Public Safety the following information:

(1) an affidavit containing the name and address of the person or company who had care, custody, and control of the vehicle at the time of the violation; or

(2) an affidavit that states that the vehicle was stolen at the time of the violation. This affidavit must be supported by evidence that the vehicle was insured at the time of the violation and must be accompanied by a police report that confirms that the vehicle was stolen.

(C) No points contained in Section 56-1-720 shall be imposed against the driving record of the registered owner of the vehicle.

(D) A citation issued pursuant to this section shall state clearly the manner in which the citation may be challenged. The citation must be sent by first-class mail to the registered owner of the vehicle at the address provided by the Department of Motor Vehicles.”

SECTION 2. This act is repealed effective July 1, 2020.

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the Bill.

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

CARRIED OVER

S. 262 -- Senator Setzler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 31, TITLE 59 SO AS TO PROVIDE A TEXTBOOK POLICY FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT IS INTENDED TO HELP MINIMIZE COLLEGE TEXTBOOK COSTS, TO DEFINE NECESSARY TERMINOLOGY, AND TO PROVIDE RELATED OBLIGATIONS OF THE COMMISSION ON HIGHER EDUCATION AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION REGARDING THE DEVELOPMENT AND

WEDNESDAY, MARCH 8, 2017

IMPLEMENTATION OF TEXTBOOK POLICIES, AMONG OTHER THINGS.

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

S. 485 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4730, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 486 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO FREE TUITION FOR RESIDENTS SIXTY YEARS OF AGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4728, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

OBJECTION

S. 245 -- Senators Hutto and Hembree: A BILL TO AMEND SECTION 44-53-370, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRUG OFFENSES, SO AS TO CONFORM THE LANGUAGE OF TRAFFICKING IN ILLEGAL DRUGS PROVISIONS, INCLUDING OPIATES AND HEROIN, TO THE LANGUAGE OF THE PROVISIONS CONCERNING POSSESSION AND DISTRIBUTION OF CERTAIN ILLEGAL DRUGS WHICH WOULD INCLUDE SYNTHETIC OPIATES, AMONG OTHER DRUGS.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 114 -- Senators Bennett and Senn: A BILL TO AMEND CHAPTERS 4 AND 6, TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-555 AND SECTION 61-6-2001, RELATING TO SPECIAL AND TEMPORARY PERMITS TO SELL ALCOHOLIC BEVERAGES AT CERTAIN EVENTS, SO AS TO ALLOW MANUFACTURERS OR PRODUCERS OF BEER,

WEDNESDAY, MARCH 8, 2017

ALE, PORTER, WINE, OR ALCOHOLIC LIQUORS TO DONATE THEIR PRODUCTS AND FURNISH EQUIPMENT AND REPRESENTATIVES TO DISPENSE AND PROMOTE THEIR BEVERAGES TO QUALIFIED NONPROFIT ORGANIZATIONS THAT INTEND TO SELL THESE PRODUCTS AT PERMITTED EVENTS ORGANIZED TO RAISE FUNDS FOR THE NONPROFIT ORGANIZATION OR OTHER CHARITABLE PURPOSE.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 275 -- Senator Bennett: A BILL TO AMEND SECTION 61-4-1515, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BREWERIES, SAMPLES AND SALES FOR ON- AND OFF-PREMISES CONSUMPTION, SO AS TO PROVIDE THAT A BREWERY BREWING AND SELLING BEER ON ITS LICENSED PREMISES IN THIS STATE MAY APPLY FOR A PERMIT TO SELL ALCOHOLIC LIQUOR BY THE DRINK FOR CONSUMPTION WITHIN A SPECIFIED AREA UNDER CERTAIN CONDITIONS, AND TO PROVIDE THAT A BREWPUB MAY APPLY FOR A BREWERY PERMIT PROVIDED THAT IT SURRENDERS ITS BREWPUB PERMIT AT THE TIME THE BREWERY PERMIT IS ISSUED.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 115 -- Senators Rankin and Hutto: A BILL TO AMEND TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, SO AS TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM; TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES; TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS; TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES; TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM

WEDNESDAY, MARCH 8, 2017

APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT; TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS; TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; AND TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS NECESSARY TO ESTABLISH, IMPLEMENT, AND ENFORCE THESE PROVISIONS.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 116 -- Senators Rankin and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-145, SO AS TO REQUIRE THAT A PERSON PERMITTED OR LICENSED TO SELL BEER, WINE, OR ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION SHALL MAINTAIN LIABILITY INSURANCE WITH COVERAGE OF AT LEAST ONE MILLION DOLLARS DURING THE PERIOD OF THE PERMIT OR LICENSE.

Senator MALLOY objected to consideration of the Bill.

ADOPTED

S. 508 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE MARCH 14, 2017, AS "4-H DAY" IN SOUTH CAROLINA AND TO COMMEND MS. CAREY HERNDON, STATE 4-H TEEN COUNCIL PRESIDENT; DR. PAM ARDERN, STATE 4-H PROGRAM LEADER; AND THE 2016-2017 4-H LEADERSHIP TEAM FOR THEIR NUMEROUS ACCOMPLISHMENTS AND FOR THE LEADERSHIP THAT THEY HAVE DEMONSTRATED.

The Resolution was adopted.

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

WEDNESDAY, MARCH 8, 2017

MOTION ADOPTED

At 2:15 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

CARRIED OVER

(R2, S310) -- Senator Sheheen: AN ACT TO PERMIT THE TOWN OF CAMDEN TO ANNEX CERTAIN REAL PROPERTY BY ORDINANCE UPON FINDING THAT THE PROPERTY IS BLIGHTED.

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

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT ADOPTED
AMENDED. READ THE SECOND TIME**

S. 105 -- Senators Rankin, Goldfinch and Verdin: A BILL TO AMEND SECTION 1-23-600 OF THE 1976 CODE, RELATING TO HEARINGS AND PROCEEDINGS IN CONTESTED CASES IN THE ADMINISTRATIVE LAW COURT, TO PROVIDE THAT A STAY OF AN AGENCY ORDER REMAINS IN EFFECT FOR THIRTY DAYS, RATHER THAN FOR AN UNDETERMINED TERM, OR UNTIL AN ORDER HAS BEEN ISSUED REGARDING A PRELIMINARY INJUNCTION; TO REVISE THE PROCEDURE FOR STAYS CONCERNING THE REVOCATION, SUSPENSION, OR RENEWAL OF A LICENSE AND PAYMENT OF FINES; TO DELETE THE PROVISION THAT THE COURT SHALL LIFT THE STAY FOR GOOD CAUSE SHOWN OR IF NO IRREPARABLE HARM WILL OCCUR AND ALSO DELETE THE REQUIREMENT THAT A HEARING MUST BE HELD WITHIN THIRTY DAYS TO LIFT THE AUTOMATIC STAY OR FOR A DETERMINATION OF THE APPLICABILITY OF THE AUTOMATIC STAY; TO PROVIDE THAT ANY PRELIMINARY INJUNCTION ORDERED BY THE ADMINISTRATIVE LAW COURT MAY REQUIRE THE POSTING OF A BOND OR OTHER SUFFICIENT SECURITY; AND TO EXEMPT STATE AGENCIES FROM THE REQUIREMENT TO POST A BOND UNDER THIS SECTION.

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

WEDNESDAY, MARCH 8, 2017

Senator RANKIN spoke on the Bill.

Amendment No. P1A

Senator HUTTO proposed the following amendment (105CBH4), which was withdrawn:

Amend the committee amendment, as and if amended, page [105-2], by striking lines 28-30 and inserting the following:

/ ~~parties. Upon motion by any party, the~~ The court shall lift the stay ~~for good cause shown or if no irreparable harm will occur, then the stay shall be lifted unless the party that requested a contested case hearing shows either good cause for maintaining the stay or that irreparable harm will occur if the stay is lifted. A hearing must be held within thirty days after the motion is filed with the court and served upon the parties to lift the automatic stay or for a determination of the applicability of the automatic stay.~~ The judge must issue an order no later than fifteen business days after the hearing is concluded. /

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Amendment No. P1A was withdrawn.

Motion Adopted

On motion of Senator McELVEEN, with unanimous consent, Amendment Nos. P2, P3 and P4A were withdrawn.

The Committee on Judiciary proposed the following amendment (JUD0105.009), which was adopted:

Amend the bill, as and if amended, page 1, beginning on line 37, by striking SECTION 1 in its entirety and inserting therein the following:

/ SECTION 1. Section 1-23-600(H) of the 1976 Code is amended to read:

“(H)(1) This subsection applies to timely requests for a contested case hearing pursuant to this section of decisions by departments governed by a board or commission authorized to exercise the sovereignty of the State.

(2) A request for a contested case hearing for an agency order stays the order. A request for a contested case hearing for an order to revoke or suspend a license stays the revocation or suspension. A request for a contested case hearing for a decision to renew a license for an ongoing

WEDNESDAY, MARCH 8, 2017

activity stays the renewed license, the previous license remaining in effect pending completion of administrative review. A request for a contested case hearing for a decision to issue a new license stays all actions for which the license is a prerequisite; however, matters not affected by the request may not be stayed by the filing of the request. If the request is filed for a subsequent license related to issues substantially similar to those considered in a previously licensed matter, the license may not be automatically stayed by the filing of the request. If the requesting party asserts in the request that the issues are not substantially similar to those considered in a previously licensed matter, then the license must be stayed until further order of the Administrative Law Court. Requests for contested case hearings challenging only the amount of fines or penalties must be ~~deemed~~ considered not to affect those portions of such orders imposing substantive requirements.

(3) The general rule of subsection (H)(2) does not stay emergency actions taken by an agency pursuant to an applicable statute or regulation.

(4)(a) ~~After Forty-five days after~~ after a contested case is initiated before the Administrative Law Court, a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A hearing must be held within thirty days after any party files a motion with the court and serves the motion upon the parties. Upon motion by any party, the The court shall lift the stay ~~for good cause shown or if no irreparable harm will occur, then the stay shall be lifted unless the party that requested a contested case hearing proves: (i) the likelihood of irreparable harm if the stay is lifted, (ii) the substantial likelihood that the party requesting the contested case and stay will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the stay, and (iv) continuing the stay serves the public interest. A hearing must be held within thirty days after the motion is filed with the court and served upon the parties to lift the automatic stay or for a determination of the applicability of the automatic stay.~~ The judge must issue an order no later than fifteen business days after the hearing is concluded.

(b) Notwithstanding any other provision of law, in a contested case arising under this subsection, the Administrative Law Court shall file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the Administrative Law

WEDNESDAY, MARCH 8, 2017

Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.

(5) A final decision issued by the Administrative Law Court in a contested case may not be stayed except by order of the Administrative Law Court or the court of appeals.

(6) Nothing contained in this subsection constitutes a limitation on the authority of the Administrative Law Court to impose a stay as otherwise provided by statute or by rule of court.” /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN spoke on the committee amendment.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

PRESIDENT PRESIDES

At 4:12 P.M., the PRESIDENT assumed the Chair.

Motion Failed

Senator McELVEEN moved that the Senate stand adjourned.

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

Ayes 10; Nays 22

AYES

Allen	Kimpson	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Sheheen		

Total--10

NAYS

Bennett	Campbell	Campsen
Climer	Corbin	Courson
Cromer	Gambrell	Goldfinch
Grooms	Hembree	Leatherman
Martin	Massey	Peeler
Rankin	Rice	Senn

[SJ]

WEDNESDAY, MARCH 8, 2017

Shealy
Young

Timmons

Turner

Total--22

Having failed to receive the necessary votes, the Senate refused to adjourn.

Senator KIMPSON spoke on the committee amendment.

Motion Adopted

Senator MARTIN asked unanimous consent, with Senator KIMPSON retaining the floor, to recede for 2 minutes.

RECESS

At 6:03 P.M., on motion of Senator MARTIN, the Senate recessed from business until 6:05 P.M.

At 6:06 P.M., the Senate resumed.

Motion Adopted

On motion of Senator PEELER, with unanimous consent, Senators VERDIN, HUTTO, ALEXANDER, DAVIS and JOHNSON were granted leave to attend a subcommittee meeting.

Senator KIMPSON resumed speaking on the committee amendment.

The committee amendment was adopted.

Amendment No. 1

Senator HUTTO proposed the following amendment (105R001.SP.CBH), which was adopted, reconsidered and withdrawn:

Amend the bill, as and if amended, by striking section 1-23-600(H)(4)(a) and inserting:

/ (4)(a) After Forty-five days after a contested case is initiated before the Administrative Law Court, a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A hearing must be held within thirty days after any party files a motion with the court and serves the motion upon the parties. Upon ~~motion by any party, the~~ The court shall lift the stay ~~for good cause~~

[SJ]

WEDNESDAY, MARCH 8, 2017

~~shown or if no irreparable harm will occur, then the stay shall be lifted unless the party that requested a contested case hearing shows either good cause for maintaining the stay or that irreparable harm will occur if the stay is lifted. A hearing must be held within thirty days after the motion is filed with the court and served upon the parties to lift the automatic stay or for a determination of the applicability of the automatic stay.~~ The judge must issue an order no later than fifteen business days after the hearing is concluded. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 2A

Senator McELVEEN proposed the following amendment (105R007.SP.JTM), which was withdrawn:

Amend the bill, as and if amended, by striking section 1-23-600(H)(4) and inserting:

/ (4)(a) ~~After~~ Except as provided in item (b) for matters involving the issuance, renewal, revocation, or suspension of a license, forty-five days after a contested case is initiated before the Administrative Law Court, a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A hearing must be held within thirty days after any party files a motion with the court and serves the motion upon the parties. Upon motion by any party, the ~~The~~ court shall lift the stay ~~for good cause shown or if no irreparable harm will occur, then the stay shall be lifted unless the party that requested a contested case proves: (i) the likelihood of irreparable harm if the stay is lifted, (ii) the substantial likelihood that the party requesting the contested case and stay will succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the stay, and (iv) continuing the stay serves the public interest. A hearing must be held within thirty days after the motion is filed with the court and served upon the parties to lift the automatic stay or for a determination of the applicability of the automatic stay.~~ The judge must issue an order no later than fifteen business days after the hearing is concluded.

WEDNESDAY, MARCH 8, 2017

(b) After a contested case hearing is requested in a matter involving the issuance, renewal, revocation, or suspension of a license, the automatic stay provided for in subsection (H)(2) may be lifted upon the completion of the legal discovery period.

(c) Notwithstanding any other provision of law, in a contested case arising under this subsection, the Administrative Law Court shall file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise. /

Renumber sections to conform.

Amend title to conform.

On motion of Senator McELVEEN, with unanimous consent, the amendment was withdrawn.

Amendment No. 3

Senator HUTTO proposed the following amendment (105R002.SP.CBH), which was withdrawn:

Amend the bill, as and if amended, in Section 1-23-600(H)(4)(a), by adding at the end:

/ If the stay is lifted, action undertaken by the permittee or licensee will not moot or be otherwise considered in adjudication of the issues raised by the request for a contested case hearing. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

On motion of Senator SHEHEEN, with unanimous consent, the amendment was withdrawn.

Motion Adopted

On motion of Senator RANKIN, with unanimous consent, Amendment No. 1 was reconsidered and withdrawn.

Amendment No. 6

Senators McELVEEN and SENN proposed the following amendment (JUD0105.012), which was adopted:

WEDNESDAY, MARCH 8, 2017

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

/ SECTION 1. Section 1-23-600(H) of the 1976 Code is amended to read:

“(H)(1) This subsection applies to timely requests for a contested case hearing pursuant to this section of decisions by departments governed by a board or commission authorized to exercise the sovereignty of the State.

(2) A request for a contested case hearing for an agency order stays the order. A request for a contested case hearing for an order to revoke or suspend a license stays the revocation or suspension. A request for a contested case hearing for a decision to renew a license for an ongoing activity stays the renewed license, the previous license remaining in effect pending completion of administrative review. A request for a contested case hearing for a decision to issue a new license stays all actions for which the license is a prerequisite; however, matters not affected by the request may not be stayed by the filing of the request. If the request is filed for a subsequent license related to issues substantially similar to those considered in a previously licensed matter, the license may not be automatically stayed by the filing of the request. If the requesting party asserts in the request that the issues are not substantially similar to those considered in a previously licensed matter, then the license must be stayed until further order of the Administrative Law Court. Requests for contested case hearings challenging only the amount of fines or penalties must be ~~deemed~~ considered not to affect those portions of such orders imposing substantive requirements.

(3) The general rule of subsection (H)(2) does not stay emergency actions taken by an agency pursuant to an applicable statute or regulation.

(4)(a) ~~After Ninety days after~~ a contested case is initiated before the Administrative Law Court, a party may move before the presiding administrative law judge to lift the stay imposed pursuant to this subsection or for a determination of the applicability of the automatic stay. A hearing must be held within thirty days after any party files a motion with the court and serves the motion upon the parties. Upon motion by any party, the The court shall lift the stay ~~for good cause shown or if no irreparable harm will occur, then the stay shall be lifted unless the party that requested a contested case hearing proves: (i) the likelihood of irreparable harm if the stay is lifted, (ii) the substantial likelihood that the party requesting the contested case and stay will~~

WEDNESDAY, MARCH 8, 2017

succeed on the merits of the case, (iii) the balance of equities weigh in favor of continuing the stay, and (iv) continuing the stay serves the public interest. A hearing must be held within thirty days after the motion is filed with the court and served upon the parties to lift the automatic stay or for a determination of the applicability of the automatic stay. The judge must issue an order no later than fifteen business days after the hearing is concluded. If the stay is lifted, action undertaken by the permittee or licensee does not moot and is not otherwise considered an adjudication of the issues raised by the request for a contested case hearing. Notwithstanding the provisions of this item, the process to lift a stay as provided in this item does not apply to a contested case concerning a permit or license involving hazardous waste as defined in Section 44-56-20(6), and a stay in such a contested case must not be lifted until the contested case is concluded and the Administrative Law Court has filed its final order in the matter.

(b) Notwithstanding any other provision of law, in a contested case arising under this subsection, the Administrative Law Court shall file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.

(5) A final decision issued by the Administrative Law Court in a contested case may not be stayed except by order of the Administrative Law Court or the court of appeals.

(6) Nothing contained in this subsection constitutes a limitation on the authority of the Administrative Law Court to impose a stay as otherwise provided by statute or by rule of court.”

SECTION 2. Section 1-23-670 of the 1976 Code is amended to read:

“Section 1-23-670. Each request for a contested case hearing, notice of appeal, or request for injunctive relief before the Administrative Law Court must be accompanied by a filing fee equal to that charged in circuit court for filing a summons and complaint, unless another filing fee schedule is established by rules promulgated by the Administrative Law Court, subject to review as in the manner of rules of procedure promulgated by the Supreme Court pursuant to Article V of the Constitution of this State. This fee must be retained by the Administrative Law Court in order to help defray the costs of the proceedings. No filing fee is required in administrative appeals by inmates from final decisions of the Department of Corrections or the Department of Probation, Parole and Pardon Services. However, if an

WEDNESDAY, MARCH 8, 2017

inmate files three administrative appeals during a calendar year, then each subsequent filing during that year must be accompanied by a twenty-five dollar filing fee. If the presiding administrative law judge determines at the conclusion of the proceeding that the case was frivolous or taken solely for the purpose of delay, the judge may impose such sanctions as the circumstances of the case and discouragement of like conduct in the future may require, including the sanctions authorized in the Frivolous Civil Proceedings Sanctions Act, Title 15, Chapter 36, and as otherwise provided by law.”

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

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 26; Nays 6

AYES

Bennett	Campbell	Campsen
Climer	Corbin	Courson
Gambrell	Goldfinch	Grooms
Hembree	Leatherman	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Rice	Sabb
Senn	Shealy	Timmons
Turner	Young	

Total--26

NAYS

Allen	Fanning	Kimpson
McElveen	Scott	Sheheen

Total--6

WEDNESDAY, MARCH 8, 2017

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

Motion Adopted

Senator COURSON asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

Motion Adopted

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

EXECUTIVE SESSION

On motion of Senator LEATHERMAN, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Finance Committee, the following appointment was taken up for immediate consideration:

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

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

On motion of Senator LEATHERMAN, the question was confirmation of W. Hartley Powell.

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

Ayes 36; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Courson	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Johnson

WEDNESDAY, MARCH 8, 2017

Kimpson	Leatherman	Martin
Massey	<i>Matthews, John</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Shealy	Sheheen	Talley
Timmons	Turner	Young

Total--36

NAYS

Total--0

The appointment of W. Hartley Powell was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was taken up for immediate consideration:

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

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

On motion of Senator ALEXANDER, the question was confirmation of Emily H. Farr.

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

Ayes 36; Nays 0; Abstain 1

AYES

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

WEDNESDAY, MARCH 8, 2017

Rice	Sabb	Scott
Senn	Shealy	Talley
Timmons	Turner	Young

Total--36

NAYS

Total--0

ABSTAIN

Sheheen

Total--1

The appointment of Emily H. Farr was confirmed.

ADJOURNMENT

At 7:10 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

WEDNESDAY, MARCH 8, 2017

SENATE JOURNAL INDEX

S. 78.....	23	S. 496.....	45
S. 105.....	53	S. 508.....	52
S. 114.....	50	S. 509.....	23
S. 115.....	51	S. 510.....	23
S. 116.....	52	S. 513.....	23
S. 170.....	19	S. 516.....	8
S. 173.....	19	S. 517.....	10
S. 199.....	48	S. 518.....	10
S. 200.....	30	S. 519.....	11
S. 245.....	50	S. 520.....	11
S. 254.....	46	S. 521.....	12
S. 262.....	49	S. 522.....	12
S. 275.....	50	S. 523.....	12
S. 279.....	29	S. 524.....	12
S. 310.....	52	S. 525.....	13
S. 321.....	32	S. 526.....	13
S. 344.....	34		
S. 351.....	29	H. 3247.....	13
S. 402.....	28	H. 3359.....	8
S. 443.....	28	H. 3513.....	17
S. 456.....	36	H. 3587.....	17
S. 465.....	37	H. 3726.....	20
S. 484.....	29	H. 3916.....	18
S. 485.....	49	H. 3917.....	18
S. 486.....	49		