

NO. 39

JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

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WEDNESDAY, MARCH 15, 2017

**Wednesday, March 15, 2017**  
**(Statewide Session)**

Indicates Matter Stricken

Indicates New Matter

The Senate assembled at 12:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Colossians 3:12

“Therefore, as God’s chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience.”

Let us pray. Gracious God, these are powerful and compelling words that can define us as Your people. The virtues of compassion, kindness, gentleness, humility and patience are all outward signs of Your spirit in our lives. The key virtue we pray for this day is humility. Without true humility, our hearts cannot be completely open to Your gifts of compassion, kindness, gentleness and patience. It is no wonder we spend a lifetime struggling to exhibit these virtues.

Grant to us O God, the wisdom to see that it is only our pride that prevents us from seeing others through Your lens. Help us to set aside this pride, replace it with humility, so our eyes will be open to seeing other people with a humble and compassionate heart.

In Your holy name we pray, Amen.

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

**CORRECTION TO THE JOURNAL**

The following Communication was inadvertently omitted from the Journal of Wednesday, March 1, 2017:

**MESSAGE FROM THE GOVERNOR**  
**STATE OF SOUTH CAROLINA**  
**OFFICE OF THE GOVERNOR**

Columbia, S.C., March 1 2017

Mr. President and Senators:

I am vetoing and returning without my approval R.2, S. 310:

**WEDNESDAY, MARCH 15, 2017**

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

Respectfully submitted,  
Henry McMaster

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

**Point of Quorum**

At 12:05 P.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Courson	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Leatherman	Malloy
Martin	Massey	McLeod
Nicholson	Peeler	Rankin
Rice	Senn	Setzler
Shealy	Talley	Timmons
Turner	Young	

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

**WEDNESDAY, MARCH 15, 2017**

**Statewide Appointments**

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2022

At-Large - Governor's Political Party:

Christopher H. Brownlee, 658 Tailwater Bend, Lexington, SC 29072

*VICE* None, Commission has been reconstituted

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire April 1, 2022

At-Large - Governor's Political Party:

Brian M. Barnwell, 1992 Congaree Rd., Eastover, SC 29044 *VICE*

None, Commission has been reconstituted

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2016, and to expire February 13, 2021

At-Large:

Kenneth R. Jackson, 218 Winding Oak Way, Blythewood, SC 29016

*VICE* Patrick W. McKinney

Referred to the Committee on Transportation.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2017, and to expire February 13, 2022

At-Large:

William W. Jones, Jr., 910 May River Road, Bluffton, SC 29910 *VICE*

Robert Michael Sisk

Referred to the Committee on Transportation.

**Local Appointment**

Initial Appointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Michael Scurlock, 6053 Daphne Circle, Fort Mill, SC 29708 *VICE*

Mandrile H. Young

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**Doctor of the Day**

Senator NICHOLSON introduced Dr. William Gilchrist of Greenwood, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

**Remarks to be Printed**

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

**CO-SPONSORS ADDED**

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

S. 86 Sen. Massey  
S. 301 Sen. Martin  
S. 323 Sen. Jackson  
S. 350 Sen. Sheheen  
S. 404 Sen. Climer  
S. 488 Sens. Campsen, Campbell, Peeler  
S. 545 Sen. Davis

**RECALLED AND ADOPTED**

H. 3787 -- Reps. Felder, Delleney, King, D.C. Moss, V.S. Moss, B. Newton, Norman, Pope and Simrill: A CONCURRENT RESOLUTION TO DECLARE APRIL 2017 AS "LOVE THE ANNE SPRINGS CLOSE GREENWAY MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THE PALMETTO STATE TO VISIT AND ENJOY THIS BEAUTIFUL NATURE PRESERVE AND RECREATIONAL PARK IN FORT MILL.

Senator CLIMER asked unanimous consent to make a motion to recall the Resolution from the Committee on Agriculture and Natural Resources.

The Resolution was recalled from the Committee on Agriculture and Natural Resources.

Senator CLIMER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

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The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator CLIMER, the Resolution was adopted and ordered sent to the House.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 554 -- Senators M. B. Matthews and Kimpson: A SENATE RESOLUTION TO RECOGNIZE THE PROCLAMATION OF THE RECONSTRUCTION ERA MONUMENT ENCOMPASSING THE HISTORIC SITES OF BRICK BAPTIST CHURCH, DARRAH HALL, THE PENN CENTER, CAMP SAXTON, AND THE OLD BEAUFORT FIREHOUSE IN BEAUFORT COUNTY.

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The Senate Resolution was adopted.

S. 555 -- Senator Campsen: A BILL TO AMEND SECTION 7-7-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CHARLESTON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THE CHARLESTON COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO STRIKE OBSOLETE REFERENCES TO THE OFFICE OF RESEARCH AND STATISTICS.

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

S. 556 -- Senators J. Matthews and Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RUBY SANDERS UPON THE OCCASION OF HER RETIREMENT AFTER MORE THAN TWENTY-ONE YEARS OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

**WEDNESDAY, MARCH 15, 2017**

H. 3720 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

H. 3721 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2016-2017, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

H. 3998 -- Reps. Gagnon, Norrell, West, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, 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, 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, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO MEMORIALIZE HIS EXCELLENCY RECEP TAYYIP ERDOGAN OF TURKEY, TO RECOGNIZE THE CLOSE PARTNERSHIP BETWEEN TURKEY AND THE UNITED STATES, AND TO CALL UPON PRESIDENT ERDOGAN TO RELEASE PASTOR ANDREW BRUNSON.

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

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 404 -- Senators Campbell, Gregory, Reese, Williams and Climer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976, BY ADDING SECTION 12-6-3378 SO AS TO ALLOW A TAX CREDIT TO AN AGRIBUSINESS OPERATION OR AN AGRICULTURAL PACKAGING OPERATION THAT INCREASES ITS PURCHASES OF AGRICULTURAL PRODUCTS WHICH HAVE BEEN CERTIFIED AS SOUTH CAROLINA GROWN, AND TO SPECIFY THE MANNER IN WHICH THE CREDIT IS ADMINISTERED; AND TO AMEND SECTION 12-10-80, RELATING TO THE JOBS DEVELOPMENT CREDIT, SO AS TO MAKE CERTAIN QUALIFYING SERVICE-RELATED FACILITIES ELIGIBLE FOR THE CREDIT.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 428 -- Senator Reese: A BILL TO AMEND SECTION 12-6-2295(A) OF THE 1976 CODE, RELATING TO ITEMS INCLUDED AND EXCLUDED FROM TERMS "SALES" AND "GROSS RECEIPTS", TO PROVIDE THAT RECEIPTS FROM THE PROVISION OF DIRECT BROADCAST SATELLITE SERVICE ARE ATTRIBUTABLE TO THIS STATE IN PRO RATA PROPORTION OF THE COSTS OF PERFORMING THE SERVICE.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 483 -- Senators Williams, Malloy, Setzler, Sheheen, Hembree and Rankin: A JOINT RESOLUTION TO DIRECT THE TREASURER TO DISBURSE CERTAIN FUNDS TO THE TOWN OF NICHOLS FOR RECOVERY EXPENSES ASSOCIATED WITH THE AFTERMATH OF HURRICANE MATTHEW.

Ordered for consideration tomorrow.

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Senator DAVIS from the Committee on Invitations polled out S. 532 favorable:

S. 532 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 5, 2017, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING AN AT-LARGE MEMBER OF THE BOARD OF VISITORS OF THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2023; FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF COASTAL CAROLINA UNIVERSITY FROM THE SECOND CONGRESSIONAL DISTRICT, SEAT 2, FOR A TERM TO EXPIRE JUNE 30, 2021; A MEMBER FROM THE FOURTH CONGRESSIONAL DISTRICT, SEAT 4, FOR A TERM TO EXPIRE JUNE 30, 2021; FROM THE SIXTH CONGRESSIONAL DISTRICT, SEAT 6, FOR A TERM TO EXPIRE JUNE 30, 2021, AND AT-LARGE MEMBERS FROM SEATS 8, 10, 12, 14, AND 15, RESPECTIVELY, ALL FOR TERMS TO EXPIRE JUNE 30, 2021; FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON TO FILL THE TERM OF THE MEMBER FROM THE THIRD CONGRESSIONAL DISTRICT, SEAT 6, FOR A TERM TO EXPIRE JUNE 30, 2020; FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FROM AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2018; FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERMS OF THE HEALTH PROFESSION MEMBERS FROM THE THIRD AND SIXTH CONGRESSIONAL DISTRICTS WHOSE TERMS WILL EXPIRE JUNE 30, 2018; FOR THE PURPOSE OF ELECTING AN AT-LARGE MEMBER FROM SEAT 8 FROM WINTHROP UNIVERSITY FOR A TERM TO EXPIRE JUNE 30, 2023; AND FOR THE PURPOSE OF ELECTING FOUR AT-LARGE MEMBERS OF THE BOARD OF TRUSTEES OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, ALL FOR TERMS TO EXPIRE JUNE 30, 2021; AND FOR THE PURPOSE OF ELECTING AN AT-LARGE MEMBER OF THE LEGISLATIVE AUDIT COUNCIL PURSUANT TO SECTION 2-15-10 FROM AMONG THE CANDIDATES

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NOMINATED BY THE LEGISLATIVE AUDIT COUNCIL  
NOMINATING COMMITTEE PURSUANT TO SECTION 2-15-20,  
FOR A TERM TO EXPIRE ON JUNE 30, 2023.

**Poll of the Invitations Committee**  
**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Johnson	Nicholson	Hembree
Young	Goldfinch	

**Total--11**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 3358 -- Reps. Willis, Allison, Collins, Knight, West, Felder and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-87 SO AS TO PROVIDE THAT A PERSON MAY HOLD ONLY ONE DEPARTMENT OF MOTOR VEHICLES-ISSUED CREDENTIAL AT A TIME, TO PROVIDE THAT A REAL ID CARD MAY BE A DRIVER'S LICENSE OR IDENTIFICATION CARD, AND TO PROVIDE THAT THE DEPARTMENT MAY ISSUE A COMPLIANT OR NON-COMPLIANT CREDENTIAL TO A PERSON WHO PRESENTS CERTAIN DOCUMENTS TO THE DEPARTMENT; TO AMEND SECTION 56-1-85, RELATING TO THE STATE'S NON-PARTICIPATION IN THE FEDERAL REAL ID ACT, SO AS TO PROVIDE THAT THE STATE SHALL MEET ALL THE REQUIREMENTS OF THE FEDERAL REAL ID ACT; TO AMEND SECTION 56-1-90, RELATING TO IDENTIFICATION NECESSARY TO OBTAIN A DRIVER'S LICENSE, SO AS TO REVISE THE CRITERIA THAT MUST BE MET TO PROVE THE EXISTENCE AND VALIDITY OF A PERSON'S SOCIAL SECURITY NUMBER;

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TO AMEND SECTION 56-1-140, AS AMENDED, RELATING TO THE ISSUANCE OF A DRIVER'S LICENSE, SO AS TO REVISE THE COST AND FREQUENCY OF THE RENEWAL PERIOD FOR A DRIVER'S LICENSE, TO REVISE THE CONTENT OF A DRIVER'S LICENSE, AND TO ELIMINATE THE FEE ASSOCIATED WITH THE PLACEMENT OF A VETERAN DESIGNATION ON A DRIVER'S LICENSE; TO AMEND SECTION 56-1-210, RELATING TO THE EXPIRATION OF A DRIVER'S LICENSE, SO AS TO REVISE THE EXPIRATION DATE OF A LICENSE ISSUED AFTER OCTOBER 1, 2017, AND TO REVISE THE CRITERIA THAT MUST BE MET BY A PERSON WHO SEEKS TO HAVE HIS LICENSE RENEWED; AND TO AMEND SECTION 56-1-220, AS AMENDED, RELATING TO VISION SCREENINGS REQUIRED FOR RENEWAL OF A DRIVER'S LICENSE, SO AS TO REVISE THE CRITERIA THAT MUST BE MET BY A PERSON WHO SEEKS TO RENEW HIS DRIVER'S LICENSE.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3516 -- Reps. Simrill, Lucas, White, G.M. Smith, Pope, Stringer, W. Newton, Bales, Clary, Cole, Delleney, Herbkersman, Hixon, Sandifer, Douglas, Knight, Erickson, Henegan, Ridgeway, Williams, Jefferson, Ott, Govan, Henderson, V.S. Moss, Martin, Spires, Funderburk, D.C. Moss, Brown, Whipper, Cobb-Hunter, Felder, Bernstein, J.E. Smith, Clemons, Clyburn, Daning, Cogswell, Davis, B. Newton, Anthony, Crosby, S. Rivers, Thigpen, Hosey, Murphy, Hardee, Weeks, King, Sottile and Anderson: A BILL TO AMEND SECTION 12-28-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MOTOR FUEL USER FEE, SO AS TO PHASE IN AN INCREASE OF TEN CENTS ON THE FEE OVER FIVE YEARS; TO AMEND SECTIONS 56-11-410 AND 56-11-450, BOTH RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE MOTOR FUEL USER FEE; TO AMEND SECTION 56-3-620, AS AMENDED, RELATING TO THE BIENNIAL REGISTRATION OF A MOTOR VEHICLE, SO AS TO INCREASE THE FEE FOR THE REGISTRATION; BY ADDING SECTION 56-3-627 SO AS TO REQUIRE EACH RESIDENT TO PAY AN INFRASTRUCTURE MAINTENANCE FEE UPON FIRST REGISTERING ANY VEHICLE AND CERTAIN

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OTHER ITEMS IN THIS STATE AND TO SPECIFY THE MANNER IN WHICH THE FEE IS CALCULATED, CREDITED, AND ADMINISTERED; BY ADDING SECTION 56-3-645 SO AS TO IMPOSE A ROAD USE FEE ON CERTAIN MOTOR VEHICLES THAT OPERATE ON FUEL THAT IS NOT SUBJECT TO THE MOTOR FUEL USER FEE; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO INCREASE THE MAXIMUM TAX ON CERTAIN ITEMS; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT ANY ITEM SUBJECT TO THE INFRASTRUCTURE MAINTENANCE FEE; TO AMEND SECTION 12-36-1710, RELATING TO THE CASUAL EXCISE TAX, SO AS TO PROVIDE THAT MOTOR VEHICLES AND MOTORCYCLES ARE NOT SUBJECT TO THE TAX; AND TO AMEND ARTICLE 23, CHAPTER 37, TITLE 12, RELATING TO MOTOR CARRIERS, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE ARTICLE DOES NOT APPLY TO A SMALL COMMERCIAL VEHICLE, TO PROVIDE THAT CERTAIN VEHICLES ARE ASSESSED AND APPORTIONED BASED ON A ROAD USE FEE INSTEAD OF PROPERTY TAXES, TO PROVIDE THAT THE ROAD USE FEE IS DUE AT THE SAME TIME AS REGISTRATION FEES, TO PROVIDE FOR THE DISTRIBUTION OF THE ROAD USE FEE, AND TO EXEMPT CERTAIN SEMITRAILERS, TRAILERS, LARGE COMMERCIAL MOTOR VEHICLES, AND BUSES FROM AD VALOREM TAXATION.

Ordered for consideration tomorrow.

**Appointment Reported**

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

**Statewide Appointment**

Reappointment, South Carolina Forestry Commission, with the term to commence June 30, 2016, and to expire June 30, 2022

At-Large, Public, Senate:

Harry S. Morrison III, 25 Coffin Bluff, St. Helena Island, SC 29920

Received as information.

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**HOUSE CONCURRENCES**

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

Returned with concurrence.

Received as information.

S. 550 -- Senators Shealy, Courson, Cromer, Massey and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LEXINGTON SCHOOL DISTRICT ONE FOR ITS SUPPORT OF SPECIAL OLYMPICS ATHLETES AND TO APPLAUD LEXINGTON HIGH SCHOOL ON BEING SELECTED AS A NATIONAL BANNER UNIFIED CHAMPION SCHOOL.

Returned with concurrence.

Received as information.

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

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

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

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.

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.

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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.

**REMOVED FROM CONSENT CALENDAR**

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

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

**CONSENT CALENDAR**

S. 543 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4624, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

S. 544 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO MOTOR CLUB CERTIFICATE OF AUTHORITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4708, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 185 -- Senator Shealy: A BILL TO AMEND SECTION 40-19-20(1) OF THE 1976 CODE, RELATING TO THE DEFINITION OF "ADVERTISEMENT" AS USED IN REGARD TO EMBALMERS

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AND FUNERAL DIRECTORS, BY ADDING THE TERM "INTERNET" TO THE DEFINITION OF ADVERTISEMENT; TO AMEND SECTION 40-19-20 OF THE 1976 CODE BY ADDING A DEFINITION FOR THE TERM "THIRD PARTY FUNERAL SERVICE PROVIDER"; AND TO AMEND CHAPTER 19, TITLE 40 OF THE 1976 CODE, BY ADDING SECTION 40-19-40, TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST BE LICENSED BY THE STATE BOARD OF FUNERAL SERVICE, TO PROVIDE NOTICE AND DISCLOSURE REQUIREMENTS FOR THIRD PARTY FUNERAL SERVICE PROVIDER ADVERTISEMENTS, TO PROVIDE FOR LICENSE REVOCATION FOR VIOLATIONS OF THE ADVERTISING REQUIREMENTS, TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE SHALL PRESCRIBE THE FORMAT OF ADVERTISEMENT DISCLOSURE BY REGULATION, AND TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST DISCLOSE TO CUSTOMERS THE NAME AND CONTACT INFORMATION OF THE FUNERAL ESTABLISHMENT THAT WILL BE IN CHARGE OF HANDLING ALL FUNERAL ARRANGEMENTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (185R001.DR.KS), which was adopted:

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

/ SECTION 1. Section 40-19-20 of the 1976 Code is amended to read:

"Section 40-19-20. As used in this chapter:

(1) 'Advertisement' means the publication, dissemination, circulation, or placing before the public an announcement or statement in a newspaper, magazine, or other publication in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag, or over radio, ~~or~~ television, or internet. The term does not include funeral or death notices and obituaries.

(2) 'Aiding and abetting' means allowing or permitting an internet service provider, unlicensed person, establishment, or entity to engage in the practice of funeral service, embalming, cremation, or conducting business as a funeral home, funeral establishment, crematory, or mortuary.

~~(2)(3)~~ ‘Apprentice’ means a person who is preparing to become licensed for the practice of embalming and funeral directing under the supervision and instruction of a person licensed for the practice in this State and who is registered with the board pursuant to Section 40-19-120.

~~(3)(4)~~ ‘Board’ means the South Carolina State Board of Funeral Service.

~~(4)(5)~~ ‘Branch funeral home’ means an establishment separate and apart from the licensed parent funeral home that has embalming facilities, a chapel, a lay-out room, or a sales room, or any combination of these.

~~(5)(6)~~ ‘Cremation’ means the reduction of the dead body by intense heat to residue.

~~(6)(7)~~ ‘Crematory’ means an establishment in which the dead body is reduced to residue by intense heat.

~~(7)(8)~~ ‘Disposition’ means the final disposal of the body whether by earth interment, aboveground burial, cremation, burial at sea, or delivery to a medical institution for lawful dissection and experimentation or removal from the State pursuant to obtaining a burial transit permit.

~~(8)(9)~~ ‘Embalmer’ means a person licensed by the board to disinfect and preserve or attempt to disinfect and preserve the dead human body, entirely or in part, by the use of application of chemicals, fluids, or gases, externally or internally, or both, by their introduction into the body by vascular or hypodermic injections, by direct application into the organs or cavities, or by other method and includes the restoration or attempted restoration of the appearance of the dead human body.

~~(9)(10)~~ ‘Embalming’ means the disinfection of the dead human body by replacing certain body fluids with preserving and disinfecting chemicals.

~~(10)(11)~~ ‘Funeral director’ means a person licensed by the board to engage for hire or profit in the profession of arranging, directing, or supervising funerals.

~~(11)(12)~~ ‘Funeral home’, ‘funeral establishment’, or ‘mortuary’ means an establishment where the practice of funeral service and embalming is practiced. All of these establishments must include the following facilities:

(a) a chapel or parlor in which funeral services may be conducted;

(b) a preparation room equipped with a sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water, and a sink separate from table drainage, instruments, and supplies for the preparation and embalming of dead human bodies;

(c) a room containing a displayed stock of at least six adult caskets and other necessary funeral supplies;

(d) at least one motor hearse for transporting casketed human remains.

(12)(13) 'Funeral merchandise' means that personal property used in connection with the conduct of funerals or with the transportation and final disposition of a dead human body including, but not limited to, caskets, cremation caskets, urns, and burial clothing. The term does not mean mausoleum crypts, interment receptacles preset in a cemetery, and columbarium niches.

(13)(14) 'Funeral service' or 'funeral' means a period following death in which there are religious services or other rites or ceremonies with the body of the deceased present.

(14)(15) 'Graveside service' means a rite or ceremony held only at graveside, which is not generally construed as the committal service which follows a funeral.

(15)(16) 'Inspector' means an inspector employed by the Department of Labor, Licensing and Regulation.

(16)(17) 'Manager' means a licensed funeral director who has been licensed in this State for at least one year, who is a full-time regular employee, and who is responsible for and has the binding authority from the owner for the day-to-day management of funeral establishments or crematories including compliance with all applicable laws governed by this chapter and Chapters 7 and 8, of Title 32.

(17)(18) 'Memorial service' means a gathering of persons for a program in recognition of a death without the presence of the body of the deceased.

(18)(19) 'Practice of funeral service' means:

(a) engaging in providing shelter, care, and custody of the human dead;

(b) the practice of preparing the human dead by embalming or other methods for burial or other disposition;

(c) arranging for the transportation of the human dead;

(d) making arrangements at or before the time of death, financial or otherwise, including arrangements for cremation, for providing these services, or the sale of funeral merchandise, whether for present or future use; provided, that no funeral director, embalmer, funeral company, cemetery, or related entity shall charge a fee for the assignment to the funeral director, embalmer, funeral company, cemetery, or related entity

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of an insurance policy providing burial expenses, excluding preneed contracts as provided in Section 32-7-35; and

(e) engaging in the practice or performing any functions of funeral directing or embalming as presently recognized by persons engaged in these functions.

~~(19)~~<sup>(20)</sup> 'Retail sales outlet' means an establishment wherein funeral merchandise is sold or provided, or both, to the general public. A retail sales outlet may not contain lay-out or chapel facilities and is restricted solely to the sale of funeral merchandise and may not handle or arrange for the handling or disposition, or both, of dead human remains and may not offer or execute preneed funeral contracts, except as authorized by Chapter 7, Title 32.

~~(20)~~<sup>(21)</sup> 'Owner' means a sole proprietor, partnership, limited partnership, corporation, limited liability corporation, or any business entity possessing authority and control over a funeral establishment."

SECTION 2. Section 40-19-110(2) of the 1976 Code is amended to read:

"(2) using false or misleading advertising or using the name of an unlicensed person in connection with that of a funeral establishment; An advertisement must include the physical address of the funeral home, funeral establishment, mortuary, or crematory where the advertised services will be provided. The board shall promulgate regulations establishing additional requirements for advertisements relating to providing funeral services, including internet advertisements;"

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee 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 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Climer

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Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 342 -- Senators Williams, Davis, Hembree, Campbell, J. Matthews, Setzler, Grooms, Hutto, Allen, Johnson, Nicholson, Scott, M.B. Matthews, Rankin, Sabb, Goldfinch, Alexander, Climer and Senn: A BILL TO AMEND SECTION 40-22-295 OF THE 1976 CODE, RELATING TO ENGINEER IMMUNITY, TO PROVIDE SPECIFIED IMMUNITY FOR CERTAIN VOLUNTARY SURVEYING SERVICES AT THE SCENE OF A DECLARED STATE OR NATIONAL EMERGENCY AT THE REQUEST OF THE GOVERNOR, TO PROVIDE EXCEPTIONS TO THIS IMMUNITY, AND TO PROVIDE THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH THIS GRANT OF IMMUNITY IS APPLICABLE.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (342R001.DR.TCA), which was adopted:

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Amend the bill, as and if amended, page 2, after line 10, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_\_\_. Section 40-22-280(A)(6) of the 1976 Code is amended to read:

“(6) the work or practice of a ~~full time, non temporary regular~~ employee of an electric cooperative, when rendering to the employing cooperative engineering service in connection with its facilities which are subject to regulations and inspections of the ~~Rural Electric Administration~~ Rural Utilities Service, if the person is actually and exclusively employed. Engineering work not related to the exemption in this item where the safety of the public is directly involved must be accomplished by or under the responsible charge of a professional engineer,” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee 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 41; Nays 0**

**AYES**

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

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**Total--41**

**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. 463 -- Senators Cromer and Gambrell: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38, SO AS TO INCLUDE CERTAIN FORMS OF DISABILITY INSURANCE IN THE DEFINITION FOR THE TERM "SURPLUS LINES INSURANCE".

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

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

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Williams

Young

**Total--41**

**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. 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 IMPLEMENTATION OF TEXTBOOK POLICIES, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\262C002.AGM.WAB17), which was adopted:

Amend the bill, as and if amended, Section 59-31-860(C), as contained in SECTION 1, page 4, by deleting the subsection in its entirety and inserting:

/ (C) The institution's chief academic officer is responsible for the implementation and administration of policies and procedures adopted pursuant to this article before July 1, 2019. The chief academic officer also shall submit assessment information required by the assessment plan as an annual assessment report to the Commission on Higher Education. Each public institution of higher education shall make its annual assessment report available on its website, and the commission shall make all annual assessment reports available on its website." /

Renumber sections to conform.

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Amend title to conform.

Senator SETZLER 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 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

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

**CARRIED OVER**

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

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THE LANGUAGE OF THE PROVISIONS CONCERNING POSSESSION AND DISTRIBUTION OF CERTAIN ILLEGAL DRUGS WHICH WOULD INCLUDE SYNTHETIC OPIATES, AMONG OTHER DRUGS.

Senator MALLOY spoke on the Bill.

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

S. 323 -- Senators Campbell, Turner, Talley, Bennett, Climer, Nicholson, Cromer, Reese, Grooms, Hembree, Verdin, Massey, Alexander, Williams, Johnson, Gambrell, Sabb, Young, Shealy, Scott, Corbin and Jackson: A BILL TO AMEND TITLE 31 OF THE 1976 CODE, RELATING TO HOUSING AND REDEVELOPMENT, BY ADDING CHAPTER 24, TO PROVIDE THAT MANUFACTURING AND INDUSTRIAL FACILITIES SHALL NOT BE ELIGIBLE FOR NUISANCE SUITS.

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

### **OBJECTION**

S. 179 -- Senators Hutto and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES COMMITTED BY A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR BY A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE, TO ALLOW THE COURT TO CONSIDER AS A MITIGATING FACTOR IN PROCEEDINGS RELATED TO OTHER CRIMINAL OFFENSES WHETHER THE PERSON SOUGHT MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN OVERDOSE, TO LIMIT THE IMMUNITY TO ALLOW PROSECUTION OF A PERSON FOR OTHER CRIMES ARISING OUT OF THE DRUG OR ALCOHOL-RELATED OVERDOSE, TO ALLOW FOR ADMISSIBILITY OF CERTAIN EVIDENCE, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO THE ARREST OF A PERSON LATER DETERMINED TO QUALIFY FOR LIMITED IMMUNITY, AND FOR OTHER PURPOSES.

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Senator M.B. MATTHEWS objected to consideration of the Bill.

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, 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.

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.

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 MARTIN objected to consideration of the Bill.

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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.

Senator SHEALY objected to consideration of the Bill.

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 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

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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.

Senator SHEALY objected to consideration of the Bill.

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.

Senator GROOMS explained the bill.

Senator JACKSON objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED  
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 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

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0115.005), which was adopted:

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

/ SECTION 1. It is determined and declared as a matter of legislative findings that:

(1) Service and consumption of alcoholic beverages in an irresponsible manner has a significant adverse impact on highway safety, personal health, and individual welfare, and is not in the best interests of the citizens of South Carolina;

(2) Responsible alcohol server training programs have proven to be an effective means of addressing, in a positive and constructive manner, inappropriate service of alcoholic beverages by permitted and licensed establishments;

(3) Any responsible alcohol server training program should be provided to licensees and permittees and their employees at a reasonable cost so as to encourage their full support and participation while creating an incentive for the program to be taken seriously; and

(4) The establishment of a responsible alcohol server training program will promote highway safety and the public health and welfare of the citizens of South Carolina.

Therefore, it is declared to be the policy of this State to promote the safety, health, and welfare of its citizens by the establishment and operation of a responsible alcohol server training program pursuant to the provisions of this chapter.

SECTION 2. Title 61 of the 1976 Code is amended by adding:

“Chapter 3

Responsible Alcohol Server Training Act

Section 61-3-100. This chapter shall be referred to as ‘Alli’s Law’ or the Responsible Alcohol Server Training Act.

Section 61-3-110. For purposes of this chapter, the following definitions apply:

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(1) ‘Alcohol’ means beer, wine, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

(2) ‘Alcohol server’ means an individual who sells, serves, transfers, or dispenses alcohol for on-premises consumption at permitted or licensed premises, and may include a permittee, licensee, manager, or other employee of a permittee or licensee. ‘Alcohol server’ shall not include an individual employed or volunteering on a temporary basis for a one-time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink.

(3) ‘Alcohol Server Certificate’ means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on-premises consumption.

(4) ‘DAODAS’ means the South Carolina Department of Alcohol and Other Drug Abuse Services.

(5) ‘Department’ means the South Carolina Department of Revenue.

(6) ‘Division’ means the South Carolina Law Enforcement Division.

(7) ‘Employee’ means a person who is employed for at least ten hours a week by the holder of a permit or license to sell alcohol for on-premises consumption.

(8) ‘Licensee’ means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption.

(9) ‘Manager’ means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on-premises consumption at the permitted or licensed premises.

(10) ‘Permittee’ means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption.

(11) ‘Program’ means an alcohol server training and education course and examination approved by the department with input from DAODAS and the division that is administered by authorized providers.

(11) ‘Provider’ means an individual, partnership, corporation, or other legal entity authorized by the department that offers and administers a program.

Section 61-3-120. (A) An individual shall not be employed as an alcohol server or a manager on permitted or licensed premises unless and until that individual obtains, within sixty calendar days of employment, an alcohol server certificate pursuant to the provisions of this chapter. If

a permittee or licensee functions or is employed as an alcohol server or manager on the permitted or licensed premises, then the permittee or licensee must also complete training on responsible alcohol server training and obtain an alcohol server certificate pursuant to the provisions of this chapter. An alcohol server shall not consume alcohol while serving alcohol.

(B) Each permittee or licensee shall maintain at all times on its permitted or licensed premises copies of the alcohol server certificates of the permittee or licensee, if applicable, and the alcohol server certificates of each manager and each alcohol server then employed by the permittee or licensee. Copies of the alcohol server certificate must be made available, upon request, to the department or the division, or to the agents and employees of each. For purposes of enforcement of the provisions of this chapter, a permittee or licensee shall also make available to the department or the division, when requested, the hire date of an alcohol server.

(C) Failure to produce a copy of an alcohol server certificate when an alcohol server has been employed for sixty calendar days, is *prima facie* evidence that an alcohol server certificate has not been issued and shall subject the permittee or licensee to fines and penalties in accordance with this chapter.

Section 61-3-130. (A)(1) The department, in collaboration with DAODAS and the division, is authorized to approve alcohol server training programs, based on best evidence practice standards, offered by providers. A program that has not received approval within ninety days from submission shall be considered denied. A provider may appeal the denial pursuant to Section 61-2-260 and the South Carolina Administrative Procedures Act.

(2) A provider shall not charge an individual more than fifty dollars for a training program.

(B) The curricula of each program must include the following subjects:

- (1) state laws and regulations pertaining to:
  - (a) the sale and service of alcoholic beverages,
  - (b) the permitting and licensing of sellers of alcoholic beverages,
  - (c) impaired driving or driving under the influence of alcohol or drugs,
  - (d) liquor liability issues,

(e) carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages; and

(f) life consequences, such as the loss of education scholarships, to minors relating to the unlawful use, transfer, or sale of alcoholic beverages,

(2) the effect that alcohol has on the body and human behavior, including, but not limited to, the effect on an individual's ability to operate a motor vehicle when intoxicated;

(3) information on blood alcohol concentration and factors that change or alter blood alcohol concentration;

(4) the effect that alcohol has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;

(5) information on recognizing signs of intoxication and methods for preventing intoxication;

(6) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;

(7) methods of identifying and refusing to serve or sell alcoholic beverages to individuals under twenty-one years of age and intoxicated individuals;

(8) methods for properly and effectively checking the identification of an individual, for identifying an illegal identification of an individual, and for handling situations involving individuals who have provided illegal identification; and

(9) other topics related to alcohol server education and training designated by the department, in collaboration with DAODAS and the division, to be included.

(C) The department shall approve only online or classroom designed training programs that meet each of the following criteria:

(1) A program must cover the content specified in subsection (B). If a program does not include law enforcement information in its general course material, specific South Carolina law enforcement information must be provided in a South Carolina training supplement document.

(2) The content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and is developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible.

(3) A program may be offered online or through classroom instruction.

(4) Classroom training must be at least four hours, be available in English and Spanish, and include a test.

(5) Online or computer based training programs shall be forced linear, with no content omitted, be interactive, have audio for content, and include a test.

(6) Training and testing is conducted by any means available, including, but not limited to, online, computer, classroom, and live trainers. All tests must be monitored by a manager or proctor. A passing grade of a test, as provided by the program, is required.

(7) Training certificates are issued by the provider only after training is complete and the test has been passed successfully.

(8) Each provider must give to the department a report of all individuals who have successfully completed training and testing within ten business days after the training is completed. The provider must also maintain these records for at least three years following the end of the training program for purposes of verifying certification validity by the department or the division.

(D) The department, in collaboration with DAODAS and the division, may suspend or revoke the authorization of a program provider that the department determines has violated the provisions of this chapter. If a provider's authorization is suspended or revoked, that provider must cease operations in this State immediately and refund any money paid to it by individuals who are enrolled in that provider's program at the time of the suspension or revocation.

Section 61-3-140. (A) A provider of a program that is authorized by the department shall pay a fee, in an amount to be determined by the department, not to exceed five hundred dollars per year, renewable each year. State agency providers are exempt from payment. Each fee shall be deposited into the Responsible Alcohol Server Training Fund to assist in the costs associated with implementation and enforcement of the provisions of this chapter.

(B) The fund is a revolving fund and no funds deposited therein shall revert to the general fund of the state treasury.

(C) The department, with the assistance of the division, shall, on or before the second Tuesday of each year, make a report of all income and expenditures made from the Responsible Alcohol Server Training Fund as of December thirty-one of the previous year. A copy of the report shall be given to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, placed on the websites of the department and the division, and recorded in the

journals of each body of the General Assembly at the beginning of each legislative year.

Section 61-3-150. (A)(1) The department shall issue an alcohol server certificate to each applicant that completes an approved responsible alcohol server training program or a recertification program and who provides other information as may be required by the department, in an application form that is available on the department's website. A person must apply for an alcohol server certificate within six months of completing a program. The department, if circumstances warrant the issuance of a temporary server certificate, may issue a temporary server certificate that is valid for a period of not more than thirty calendar days.

(2) The department, in collaboration with DAODAS and the division, may issue an alcohol server certificate to an individual from out-of-state, who applies for an alcohol server certificate, if the individual has an alcohol server certificate from a nationally recognized or comparable state recognized alcohol server certification program that the department, DAODAS, and the division find meets or exceeds the programs offered in this State.

(B) Alcohol server certificates shall not be issued to graduates of programs that are not approved by the department.

(C) An alcohol server certificate is the property of the individual to whom it is issued, and is transferrable among employers.

(D) Alcohol server certificates are valid for a period of three years from the date that the alcohol server certificate was issued. After the three-year period, a new or recertified alcohol server certificate must be obtained pursuant to the provisions of this chapter in order for the holder to be employed as a server.

(E) Upon expiration of an alcohol server certificate, the individual to whom the alcohol server certificate was issued may obtain recertification in accordance with regulations promulgated by the department and approved by the General Assembly.

(F) The department shall charge a fee, not to exceed fifteen dollars, for the issuance and renewal of an alcohol server certificate. These fees shall be deposited in the Responsible Alcohol Server Training Fund.

Section 61-3-160. (A) In addition to civil and criminal penalties available for violations of provisions of Title 61, the following fines and penalties may be imposed upon an alcohol server who violates the provisions of this chapter:

(1) for a first offense, upon a final administrative determination, a fine of not more than fifty dollars, or the suspension of the certificate of the alcohol server certificate for a period not to exceed thirty days, or both;

(2) for a second offense not related to the first offense, upon a final administrative determination, a fine of not more than two hundred dollars, or the suspension of the certificate of the alcohol server for a period not to exceed six months, or both; and

(3) for a third or subsequent offense, not related to earlier offenses, upon a final administrative determination, a fine of not more than three hundred fifty dollars, or a suspension of not more than one calendar year, or both.

(B) Fines collected pursuant to this chapter shall be deposited in the Responsible Alcohol Server Training Fund.

(C) The department may issue an administrative order to suspend or revoke the certificate of an alcohol server who repeatedly violates the provisions of this chapter within a three-year period of time. In lieu of suspension or revocation of an alcohol server certificate, the department may require that the individual who has violated the provisions of this chapter attend and successfully complete either the full program or a recertification program.

(D) An individual whose alcohol server certificate is suspended or revoked is prohibited from serving in a South Carolina business permitted or licensed pursuant to Title 61 for such period as stated in the suspension or revocation order, and until the individual obtains a new alcohol server certificate pursuant to the provisions of this chapter. The department shall make the information on suspended or revoked alcohol server certificates accessible for licensees and permittees to verify when necessary.

(E) The provisions of this chapter shall not be interpreted to waive the liability of a permittee or licensee that may arise pursuant to the provisions of Title 61.

Section 61-3-170. As a requirement for application or renewal of a permit or license for on-premises consumption under Chapter 4, Title 61 or Chapter 6, Title 61, a permittee or licensee for on-premises consumption must submit to the department proof that the permittee or licensee, if applicable, and each manager and alcohol server employed by the permittee or licensee during the upcoming or prior permit or license period have or have held valid alcohol server certificates at all times that alcoholic beverages were sold, served, or dispensed.

Section 61-3-180. The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61-2-260 and the South Carolina Administrative Procedures Act.”

SECTION 3. Section 61-2-60 of the 1976 Code is amended to read:

“Section 61-2-60. The department and the division are authorized to promulgate regulations necessary to carry out the duties imposed upon them by law for the proper administration and enforcement of, and consistent with this title including, but not limited to:

(1) regulations for the application and issuance of alcoholic liquor licenses, permits, and certificates;

(2) regulations to prevent the unlawful manufacture, bottling, sale, distribution, transportation, and importation of alcoholic liquors;

(3) regulations necessary to effect an equitable distribution of alcoholic liquors in this State;

(4) regulations for the analysis of alcoholic liquors sold in this State and for a procedure for obtaining the samples for this purpose;

(5) regulations governing the administration and enforcement of provisions relating to producers and wholesalers of beer and wine;

(6) regulations for application for and issuance of beer licenses, permits, or brewers' certificates of approval and the sale, distribution, promotion, and shipment of beer into and within the State;

(7) regulations for the operation of breweries and commercial wineries; and

(8) regulations governing the enforcement of provisions relating to brewpubs; and

(9) regulations governing the development, implementation, education, and enforcement of responsible alcohol server training provisions.”

SECTION 4. Section 61-4-50 of the 1976 Code is amended to read:

“Section 61-4-50. (A) It is unlawful for a person to sell beer, ale, porter, wine, or other similar malt or fermented beverage to a person under twenty-one years of age. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server

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certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.

(B) Failure of a person to require identification to verify a person's age is *prima facie* evidence of the violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate also is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed fifty dollars. A person who violates the provisions of this section and who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61, and to obtain a new alcohol server certificate.

SECTION 5. Section 61-4-90(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of beer or wine in the State, unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer and wine to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.”

SECTION 6. Section 61-4-580 of the 1976 Code is amended to read:

“Section 61-4-580. (A) No holder of a permit authorizing the sale of beer or wine or a servant, agent, or employee of the permittee may knowingly commit any of the following acts upon the licensed premises covered by the holder’s permit:

- (1) sell beer or wine to a person under twenty-one years of age;
- (2) sell beer or wine to an intoxicated person;
- (3) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with the following:
  - (a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;
  - (b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize;
  - (c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation; and
  - (d) this subsection is not an exception or limitation to Section 12-21-2710 or other provisions of the South Carolina Code of Laws in which gambling or games of chance are unlawful and prohibited;
- (4) permit lewd, immoral, or improper entertainment, conduct, or practices. This includes, but is not limited to, entertainment, conduct, or practices where a person is in a state of undress so as to expose the human male or female genitals, pubic area, or buttocks cavity with less than a full opaque covering;
- (5) permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under the laws of this State;
- (6) sell, offer for sale, or possess any beverage or alcoholic liquors the sale or possession of which is prohibited on the licensed premises under the law of this State;
- (7) conduct, operate, organize, promote, advertise, run, or participate in a ‘drinking contest’ or ‘drinking game’. For purposes of this item, ‘drinking contest’ or ‘drinking game’ includes, but is not limited to, a contest, game, event, or other endeavor which encourages or promotes the consumption of beer or wine by participants at extraordinary speed or in increased quantities or in more potent form. “Drinking contest” or “drinking game” does not include a contest, game,

event, or endeavor in which beer or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize. ~~Selling beer or wine in the regular course of business is not considered a violation of this section; or~~

(B) ~~Selling beer or wine in the regular course of business is not considered a violation of this section.~~ ~~or~~ A violation of any provision of this section is a ground for the revocation or suspension of the holder's permit to sell beer or wine.

(C) If the permittee, servant, agent, or employee of the permittee holds an alcohol server permit, and violates the provisions of items (A)(1) or (A)(2), upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.”

SECTION 7. Section 61-6-2220 of the 1976 Code is amended to read:

“Section 61-6-2220. A person or establishment licensed to sell alcoholic liquors or liquor by the drink pursuant to this article ~~may shall~~ not sell these beverages to persons in an intoxicated condition; these sales are considered violations of the provisions ~~thereof of Chapter 6, Title 61 and subject to the penalties contained herein. A person who makes a sale in violation of this section, upon conviction:~~

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension

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of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.”

SECTION 8. Section 61-6-4070(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of alcoholic liquors in the State unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person’s compliance with laws relating to the unlawful transfer or sale of alcoholic liquors to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.”

SECTION 9. Section 61-6-4080 of the 1976 Code is amended to read:

“Section 61-6-4080. (A) A person engaged in the sale of alcoholic liquors who knowingly sells the alcoholic liquors to a person under the age of twenty-one is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the alcohol server certificate for not more than thirty days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both; and if the person so convicted holds an alcohol server certificate pursuant to Chapter 3, Title 61, a suspension of the certificate of the alcohol server for not less than six months and not more than one calendar year from the date of conviction.

(B) Failure of a person to require identification to verify a person’s age is *prima facie* evidence of a violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate ~~also~~ is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed fifty dollars. A person who violates the provisions of this section and who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61, and to obtain a new alcohol server certificate."

SECTION 10. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of Chapter 3, Title 61 of the 1976 Code as added by this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the chapter, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 12. The provisions of Chapter 3, Title 61 and SECTION 3 take effect upon signature of the Governor, but the implementation and enforcement of the provisions of Chapter 3, Title 61 and the provisions in SECTIONS 4, 5, 6, 7, 8, and 9 become effective one year after the signature of the Governor. A person applying for a new permit or license under Title 61 one year after the signature of the Governor must comply with all provisions of this act at the time of the application. A person renewing a permit or license under Title 61 one year after the signature

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of the Governor must comply with the provisions of this act at the time of the renewal. /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY explained the committee amendment.

Senator MARTIN objected to further consideration of the Bill.

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

**MOTION ADOPTED**

At 1:33 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Michael Scurlock, 6053 Daphne Circle, Fort Mill, SC 29708 *VICE*  
Mandrile H. Young

**Motion Adopted**

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

**ADJOURNMENT**

At 1:34 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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