

NO. 40

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

THURSDAY, MARCH 16, 2017

Thursday, March 16, 2017
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Romans 8:27

“And he who searches hearts knows what is the mind of the Spirit, because the Spirit intercedes for the saints according to the will of God.”

Let us pray. Almighty and eternal God, We pray for Your presence in our lives as we seek to navigate the responsibilities of this day. We look forward to the weekend when we can set aside the burdens of a full weeks’ agenda and relax.

Many in our State will be celebrating the legacy of St. Patrick who is considered by many to be the founder of Christianity in Ireland. Although Patrick was brought to Ireland as a slave, God was able to use him mightily in the fifth century.

May we all be inspired and reassured by his example that God can work mightily in this century through any and all of us to preserve and improve the great State of South Carolina.

In His holy name we pray, Amen.

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

Point of Quorum

At 11:03 A.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
Corbin	Cromer	Davis
Gambrell	Goldfinch	Grooms

[SJ]

THURSDAY, MARCH 16, 2017

Hutto	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rice	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	

A quorum being present, the Senate resumed.

Statement by Senator McLEOD

I voted in favor of the amendment to S.105 and the Bill on second reading. Since then, concerned constituents have advised that while the amendment makes the Bill more palatable, it still does not adequately address their issues and concerns. For that reason, I would have voted against S.105 on 3rd reading.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

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

William S. Harris, Jr., 3224 Hydrangea Trail, Johns Island, SC 29455
VICE Brian M. Rawl

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4695

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-59-10 et seq., and Pub.L. 114-95

SUBJECT: Administrative and Professional Personnel Qualifications, Duties and Workloads

Received by Lieutenant Governor January 11, 2017

Referred to Education Committee

Legislative Review Expiration May 11, 2017

Withdrawn and Resubmitted March 15, 2017

THURSDAY, MARCH 16, 2017

Document No. 4698

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

SUBJECT: Certification Requirements

Received by Lieutenant Governor January 10, 2017

Referred to Education Committee

Legislative Review Expiration May 10, 2017

Withdrawn and Resubmitted March 15, 2017

Document No. 4699

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-25-110, 59-26-10 et seq., and Pub.L. 114-95

SUBJECT: Credential Classification

Received by Lieutenant Governor January 10, 2017

Referred to Education Committee

Legislative Review Expiration May 10, 2017

Withdrawn and Resubmitted March 15, 2017

Document No. 4701

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-25-110, 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

SUBJECT: Requirements for Additional Areas of Certification

Received by Lieutenant Governor January 10, 2017

Referred to Education Committee

Legislative Review Expiration May 10, 2017

Withdrawn and Resubmitted March 15, 2017

Doctor of the Day

Senator RICE introduced Dr. Larry Winn of Easley, S.C., Doctor of the Day.

Leave of Absence

At 11:20 A.M., Senator McELVEEN requested a leave of absence for Senator KIMPSON for the day.

THURSDAY, MARCH 16, 2017

Leave of Absence

At 12:58 P.M., Senator BENNETT requested a leave of absence for Senator GREGORY for balance of the day.

Leave of Absence

At 12:58 P.M., Senator SHEALY requested a leave of absence for Senator TURNER for balance of the day.

Leave of Absence

At 12:59 P.M., Senator TALLEY requested a leave of absence for Senator FANNING for balance of the day.

CO-SPONSORS ADDED

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

S. 7 Sen. Kimpson
S. 173 Sen. Timmons
S. 217 Sen. Williams
S. 483 Sens. Scott, Johnson

RECALLED AND ADOPTED

H. 3575 -- Reps. Hiott, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D.C. Moss, V.S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, 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 THE VITAL ROLE OF FIRST RESPONDERS THROUGHOUT OUR STATE AND TO PROCLAIM THURSDAY, AUGUST 3, 2017, AS "SOUTH CAROLINA FIRST

THURSDAY, MARCH 16, 2017

RESPONDER PRAYER AND APPRECIATION DAY” AND THE FIRST WEEK IN AUGUST 2017 AS “SOUTH CAROLINA FIRST RESPONDER PRAYER AND APPRECIATION WEEK” IN SOUTH CAROLINA, BRINGING AWARENESS, PRAYER, AND APPRECIATION FOR THE MEN AND WOMEN AND THEIR FAMILIES WHO STAND IN THE GAP EVERY DAY PROVIDING CIVILITY AND SAFETY TO OUR COMMUNITIES.

Senator GAMBRELL asked unanimous consent to make a motion to recall the Resolution from the Committee on Judiciary.

The Resolution was recalled from the Committee on Judiciary.

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

There was no objection.

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

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

Ayes 45; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	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	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

Total--45

THURSDAY, MARCH 16, 2017

NAYS

Total--0

The Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 557 -- Senator Kimpson: A SENATE RESOLUTION TO CONGRATULATE THE BURKE HIGH SCHOOL BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2017 CLASS AA STATE CHAMPIONSHIP TITLE.

l:\s-res\mek\027burk.kmm.mek.docx

The Senate Resolution was adopted.

S. 558 -- Senator M. B. Matthews: A BILL TO AMEND SECTION 16-17-710 OF THE 1976 CODE, RELATING TO THE RESALE OF TICKETS TO AN EVENT, TO PROVIDE THAT A PERSON OR ENTITY WHO OFFERS FOR RESALE OR RESELLS A TICKET FOR ADMISSION TO AN EVENT MUST REQUEST OR RECEIVE NO MORE THAN ONE DOLLAR ABOVE THE PRICE CHARGED BY THE ORIGINAL TICKET SELLER AND TO PROVIDE THAT THIS SECTION APPLIES TO ALL EVENT TICKETS, INCLUDING TICKETS OFFERED FOR RESALE THROUGH AN INTERNET WEBSITE.

l:\s-res\mbm\001resa.dmr.mbm.docx

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

S. 559 -- Senator Cromer: A BILL TO AMEND SECTION 1-1-660, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PALMETTO TREE'S DESIGNATION AS THE OFFICIAL TREE OF THIS STATE, SO AS TO ESTABLISH A PROCEDURE FOR A DESIGN OF THE PALMETTO TREE TO BE PREPARED WHICH, WHEN APPROVED BY THE GENERAL ASSEMBLY, SHALL BE THE APPROVED DESIGN OF THE PALMETTO TREE FOR OFFICIAL PURPOSES AND FOR INCLUSION ON THE STATE FLAG.

l:\council\bills\nl\13671sd17.docx

THURSDAY, MARCH 16, 2017

Read the first time and referred to the General Committee.

S. 560 -- Senators Hutto, Jackson and Shealy: A BILL TO AMEND SECTION 23-3-430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO GIVE FAMILY COURTS THE DISCRETION WHETHER TO REQUIRE A CHILD FOURTEEN YEARS OR OLDER TO BE PLACED ON THE REGISTRY, TO PROHIBIT FAMILY COURTS FROM PLACING A CHILD UNDER FOURTEEN YEARS ON THE REGISTRY, AND TO ALLOW PERSONS REQUIRED TO BE PLACED ON THE REGISTRY TO PETITION THE COURT FOR REMOVAL UPON REACHING TWENTY-ONE YEARS OF AGE; TO AMEND SECTION 23-3-490, AS AMENDED, RELATING TO PUBLIC INSPECTION OF SEX OFFENDER REGISTRY RECORDS, SO AS TO LIMIT PUBLIC ACCESS TO VICTIMS, WITNESSES, SCHOOLS, CHILDCARE FACILITIES, AND OTHER BUSINESSES THAT PRIMARILY SERVE CHILDREN, WOMEN, OR VULNERABLE ADULTS; AND TO AMEND SECTION 63-3-510, AS AMENDED, RELATING TO FAMILY COURT JURISDICTION OVER CHILDREN, SO AS TO RETAIN JURISDICTION TO REVIEW PETITIONS FOR REMOVAL FROM THE SEX OFFENDER REGISTRY.

l:\council\bill\cc\15119vr17.docx

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

S. 561 -- Senator Cromer: A BILL TO AMEND SECTION 40-43-82(C) OF THE 1976 CODE, RELATING TO THOSE ACTIVITIES THAT A SUPERVISING PHARMACIST MAY AUTHORIZE A PHARMACY TECHNICIAN TO PERFORM, TO PROVIDE THAT CERTAIN ACTIVITIES MAY NOT BE PERFORMED IN AN OUTPATIENT SETTING; TO AMEND SECTION 40-43-82, BY ADDING A NEW SUBSECTION, TO PROVIDE THAT PHARMACY TECHNICIANS ARE EXEMPT FROM CONTINUING EDUCATION CREDITS DURING THE FIRST RENEWAL PERIOD FOLLOWING INITIAL REGISTRATION; TO AMEND SECTION 40-43-86(B)(4)(b), TO PROVIDE THAT A PHARMACIST MAY NOT SUPERVISE MORE THAN FOUR PHARMACY TECHNICIANS AT A TIME AND MAY SUPERVISE NO MORE THAN TWO NON-STATE CERTIFIED TECHNICIANS AT A TIME; AND TO AMEND SECTION 40-43-130(G), TO PROVIDE THAT PHARMACY

THURSDAY, MARCH 16, 2017

TECHNICIANS ENROLLED IN A FORMAL PHARMACY TECHNICIAN PROGRAM ARE EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS DURING THE PROGRAM AND FOR THE FIRST RENEWAL PERIOD FOLLOWING COMPLETION OF THE PROGRAM.

I:\s-res\rwc\004phar.kmm.rwc.docx

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

S. 562 -- Senators McElveen and Johnson: A BILL TO AMEND SECTION 2(A) OF ACT 321 OF 2010, RELATING TO THE CONSOLIDATION OF THE SUMTER COUNTY SCHOOL DISTRICT, TO PROVIDE FOR TWO AT-LARGE MEMBERS OF THE SUMTER COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES; TO PROVIDE FOR THE INITIAL APPOINTMENT AND SUBSEQUENT ELECTION OF AT-LARGE SCHOOL BOARD MEMBERS; AND TO STAGGER THE TERMS OF THE AT-LARGE SCHOOL BOARD MEMBERS.

I:\s-res\jtm\008sumt.kmm.jtm.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 3997 -- Reps. Bernstein, Rutherford, J. E. Smith, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2017 "AMERICAN JEWISH HERITAGE MONTH" IN SOUTH CAROLINA AND TO

[SJ]

THURSDAY, MARCH 16, 2017

RECOGNIZE AND HONOR THE HISTORY OF JEWISH CONTRIBUTIONS TO OUR GREAT STATE.

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

H. 4000 -- Reps. J. E. Smith, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, 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, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE ESSENTIAL VALUE AND IMPORTANCE OF SOUTH CAROLINA NATIVE PLANTS TO THE STATE'S HISTORY, ECONOMY, LANDSCAPE, AND ENVIRONMENT AND TO DESIGNATE OCTOBER 16-20, 2017, THE THIRD WEEK OF OCTOBER, AS "SOUTH CAROLINA NATIVE PLANT WEEK."

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

REPORTS OF STANDING COMMITTEES

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 261 -- Senator Alexander: A BILL TO AMEND TITLE 6 OF THE 1976 CODE, RELATING TO LOCAL GOVERNMENTS, BY ADDING CHAPTER 39, TO ENACT THE SOUTH CAROLINA COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY ACT (C-PACE), TO PROVIDE THAT GOVERNING BODIES MAY ESTABLISH A DISTRICT BY ADOPTION OF AN ORDINANCE FOR THE PURPOSE OF PROMOTING, ENCOURAGING, AND

THURSDAY, MARCH 16, 2017

FACILITATING CLEAN ENERGY IMPROVEMENTS WITHIN ITS GEOGRAPHIC AREA; TO PROVIDE REQUIREMENTS TO BE INCLUDED IN THE ORDINANCE; TO PROVIDE THAT MEMBERS OF THE DISTRICT AND OWNERS OF QUALIFYING REAL PROPERTY MAY VOLUNTARILY EXECUTE A WRITTEN AGREEMENT TO PARTICIPATE IN THE COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY PROGRAM; TO PROVIDE THAT THE GOVERNING BODY HAS THE AUTHORITY TO IMPOSE AN ASSESSMENT ON THE QUALIFYING REAL PROPERTY; TO PROVIDE THAT THE ASSESSMENT SHALL CONSTITUTE A C-PACE LIEN AGAINST THE QUALIFYING REAL PROPERTY UNTIL PAID, SUBJECT TO THE CONSENT OF EXISTING MORTGAGEES; TO PROVIDE HOW CLEAN ENERGY IMPROVEMENTS MAY BE FINANCED; TO PROVIDE THAT CLEAN ENERGY IMPROVEMENTS MUST MEET ALL APPLICABLE SAFETY, PERFORMANCE, INTERCONNECTION, AND RELIABILITY STANDARDS; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable with amendment report on:

S. 271 -- Senator Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-220 SO AS TO ESTABLISH A PROCEDURE TO ALLOW AN INMATE WHO THE DEPARTMENT HAS DETERMINED IS NOT A SECURITY RISK AND CONFINED IN A DEPARTMENT OF CORRECTIONS' FACILITY TO ATTEND THE FUNERAL SERVICE OF CERTAIN INDIVIDUALS AND VISIT CERTAIN INDIVIDUALS WHILE THEY ARE HOSPITALIZED, AND TO PROVIDE FOR THE TRANSPORTATION OF THE INMATE; AND TO AMEND SECTION 24-3-210, RELATING TO FURLOUGHS FOR QUALIFIED INMATES, SO AS TO DELETE THE PROVISION THAT ALLOWS AN INMATE TO ATTEND THE FUNERAL OF CERTAIN PERSONS.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

THURSDAY, MARCH 16, 2017

S. 325 -- Senator Sheheen: A BILL TO AMEND SECTION 43-33-350 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA PROTECTION AND ADVOCACY SYSTEM FOR THE HANDICAPPED, TO PROVIDE THAT PROTECTION AND ADVOCACY FOR PEOPLE WITH DISABILITIES, INC., FORMERLY KNOWN AS THE SOUTH CAROLINA PROTECTION AND ADVOCACY SYSTEM FOR THE HANDICAPPED, SHALL ADMINISTER THE CLIENT ASSISTANCE PROGRAM; TO REPEAL SECTION 1-11-10(A)(9); AND TO PROVIDE FOR THE TRANSITION OF THE PROGRAM'S ADMINISTRATION FROM THE DEPARTMENT OF ADMINISTRATION.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 354 -- Senators Alexander and Verdin: A BILL TO AMEND SECTION 44-7-130 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE STATE CERTIFICATION OF NEED AND HEALTH FACILITIES LICENSURE ACT, TO DEFINE CRISIS STABILIZATION UNIT FACILITY; TO AMEND SECTION 44-7-170(B), RELATING TO THE APPLICABILITY OF THE CERTIFICATE OF NEED PROCESS TO CERTAIN PROJECTS, TO MAKE THE CERTIFICATE OF NEED PROCESS INAPPLICABLE TO CRISIS STABILIZATION UNIT FACILITIES; AND TO AMEND SECTION 44-7-260(A), RELATING TO REQUIREMENTS FOR LICENSURE FOR HEALTH FACILITIES, TO REQUIRE CRISIS STABILIZATION UNIT FACILITIES OBTAIN A LICENSE FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3438 -- Reps. Henderson, G.M. Smith, Sandifer, Hiott, Loftis and Robinson-Simpson: A BILL TO AMEND SECTION 39-24-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE DRUG PRODUCT SELECTION ACT, SO AS TO CHANGE THE DEFINITION OF "SUBSTITUTE" TO INCLUDE INTERCHANGEABLE BIOLOGICAL PRODUCTS; TO AMEND

THURSDAY, MARCH 16, 2017

SECTION 39-24-30, RELATING TO THE SUBSTITUTION OF EQUIVALENT DRUGS, SO AS TO ALLOW A PHARMACIST TO SUBSTITUTE AN INTERCHANGEABLE BIOLOGICAL PRODUCT FOR A SPECIFIC BIOLOGICAL PRODUCT; TO AMEND SECTION 39-24-40, AS AMENDED, RELATING TO THE SUBSTITUTION OF PRESCRIPTIONS BY PHARMACISTS, SO AS TO ALLOW PHARMACISTS TO SUBSTITUTE INTERCHANGEABLE BIOLOGICAL PRODUCTS WHEN APPROPRIATE; TO AMEND SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO ADD DEFINITIONS FOR "BIOLOGICAL PRODUCT" AND "INTERCHANGEABLE"; AND TO AMEND SECTION 40-43-86, RELATING IN PART TO LABEL REQUIREMENTS FOR PRESCRIPTIONS, SO AS TO INCLUDE INTERCHANGEABLE BIOLOGICAL PRODUCTS AND LIMIT USE OF INTERCHANGEABLE BIOLOGICAL PRODUCTS NOT APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, TO REQUIRE PHARMACIES TO KEEP RECORDS OF DISPENSED BIOLOGICAL PRODUCTS, TO REQUIRE THE BOARD OF PHARMACY TO HAVE A DATABASE OF ALL APPROVED BIOLOGICAL PRODUCTS, AND TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Appointments Reported

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2017, and to expire June 30, 2021

Speech-Language Pathologist:

Beth F. Montgomery, 14 Hillstone Court, Columbia, SC 29212

Received as information.

THURSDAY, MARCH 16, 2017

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2017, and to expire September 30, 2020

Occupational Therapy Assistant:

Melissa H. Hevia, 324 Old Shealy Road, Chapin, SC 29036

Received as information.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2017, and to expire September 30, 2020

Occupational Therapist:

Todd A. Laliberte, 510 Juanita Drive, Florence, SC 29501

Received as information.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2016, and to expire April 1, 2020

At-Large:

Richard M. "Marc" Jordon, Sr., 404 14th Ave. South, North Myrtle Beach, SC 29582 *VICE* Pamela J. Farley

Received as information.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2017, and to expire September 30, 2020

Occupational Therapist:

Mary Rebecca Terry Coleman, 605 Wando Street, Columbia, SC 29205

Received as information.

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

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

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

[SJ]

THURSDAY, MARCH 16, 2017

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 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.

Senator DAVIS explained the Bill.

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.

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

THURSDAY, MARCH 16, 2017

38, SO AS TO INCLUDE CERTAIN FORMS OF DISABILITY INSURANCE IN THE DEFINITION FOR THE TERM "SURPLUS LINES INSURANCE".

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.

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

The question being the second reading of the Resolution.

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
Grooms	Hembree	Hutto
Jackson	Johnson	Leatherman

[SJ]

THURSDAY, MARCH 16, 2017

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

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

The question being the second reading of the Resolution.

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

THURSDAY, MARCH 16, 2017

Grooms	Hembree	Hutto
Jackson	Johnson	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

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0114.004), which was adopted:

THURSDAY, MARCH 16, 2017

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

/ SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding the following:

“Section 61-2-185. (A) A nonprofit organization may apply for a special nonprofit license. A special nonprofit event is an event for which a nonprofit organization solicits and accepts donations of alcohol to be sold for on-premises consumption. A nonprofit organization applying for a special nonprofit event license must meet the following requirements:

(1) The organization must be a nonprofit organization registered and in good standing with the South Carolina Secretary of State as a domestic nonprofit organization.

(2) The nonprofit organization must not hold a biennial permit or license issued pursuant to Title 61 for on-premises or off-premises consumption.

(3) A special nonprofit event must last no longer than seventy-two consecutive hours. For the purpose of this section, an event may take place at more than one location where the nonprofit organization has control of the premises for the special nonprofit event. For multiple locations to constitute one event, the location must be in the same county.

(4) The nonprofit organization must have a reputation for peace and good order in its community, and the principals must be of good character.

(5) The nonprofit organization must obtain a special nonprofit event license from the department. A nonprofit organization shall not be licensed to hold more than four special nonprofits in one calendar year.

(B)(1) A nonprofit organization seeking a special nonprofit event license application must submit an application, as promulgated by the department, that satisfies the requirements set forth in Section 61-2-90, and that includes notice to local law enforcement, and may require criminal background checks, together with a nonrefundable license fee of forty dollars.

(2) The department must deny an application that does not contain the information required on the application and the license fee.

(C) For purposes of this section only:

(1) ‘Alcohol’ means beer, ale, porter, and other similar malt or fermented beverages, wine not in excess of twenty-one percent alcohol, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

THURSDAY, MARCH 16, 2017

It does not include alcohol that is not registered as a brand in this State and it does not include alcohol that is made at home for home consumption.

(2) 'Supplier' means a manufacturer, producer, vintner, brewer, micro-brewer, importer, distiller, or micro-distiller of alcohol, authorized to do business in this State.

(D) For a special nonprofit event only, a supplier or wholesaler of alcohol may donate alcohol to a nonprofit organization for sale and on-premises consumption at a special nonprofit event, without violation of Section 61-4-735, Section 61-4-940, or Chapter 6, Title 61 subject to the following requirements:

(1)(a) All alcohol provided to the nonprofit organization from a supplier or a wholesaler for the special nonprofit event must be transferred through a wholesaler licensed in this State that is authorized by an applicable supplier to sell alcohol to retailers.

(b) Up to three calendar days prior to the event, the alcohol may be picked up by the nonprofit organization from the applicable wholesaler's warehouse, upon presentation of the special nonprofit event license, or the alcohol may be delivered to the event premises by the applicable wholesaler, if the nonprofit organization is in control of the event premises at the time of delivery, and upon presentment of the special nonprofit event license.

(c) Except as provided in subitem (E)(1), where applicable, the provisions of Article 13, Chapter 4, Title 61 concerning territorial agreements, operate.

(2) The wholesaler shall pay the appropriate state excise taxes to the department on the donated alcohol.

(3) A wholesaler that chooses to donate alcohol to the special nonprofit event may:

(a) provide alcohol previously purchased from the supplier and invoice the appropriate supplier for the cost of the alcohol, together with the excise taxes paid or to be paid by the wholesaler; or

(b) receive delivery of the donated alcohol from the supplier and bill the supplier for the excise tax paid or to be paid by the wholesaler.

(4) the wholesaler that is providing the alcohol must present an invoice to the nonprofit organization that includes:

(a) a listing of the types of alcohol and the alcohol brands that have been donated to the event;

(b) the wholesaler's regular price to retailers for the alcohol so donated; and

THURSDAY, MARCH 16, 2017

(c) the name and address of the supplier or wholesaler that has donated the alcohol.

(5) The wholesaler shall transfer the donated alcohol to the nonprofit organization only after presentation of the original special nonprofit event license, as issued by the department, and the delivery of the wholesaler's invoice to the nonprofit organization.

(6) For sales of non-donated alcohol from a wholesaler to the nonprofit organization for use and on-premises consumption at the special nonprofit event, the provisions of Section 61-4-30 and Section 61-6-1300 apply.

(7) The nonprofit organization licensed to hold the special nonprofit event is responsible for maintaining any and all invoices for alcohol donated or purchased for the event. The invoices must be available at the event upon request of the division.

(E)(1) In addition to the donations of alcohol, a nonprofit organization may solicit from and a supplier may provide, without violation of Section 61-4-735, Section 61-4-940, or Chapter 6, Title 61, the following, with or without charge, for use at a special nonprofit event:

(a) individual employees, agents, owners, or members of a supplier to pour and serve alcohol, if each of these individuals have received training from an alcohol education training program recognized by the department and posted on the department's website;

(b) point of sale advertising specialties, as defined by federal law and regulations; and

(c) equipment used to dispense alcohol for sale for on-premises consumption.

(2) A wholesaler of alcohol shall not provide individual employees, owners, or members of a wholesaler to pour or serve alcohol at a special nonprofit event. A wholesaler of alcohol is prohibited from providing any services not authorized by Section 61-4-735, Section 61-4-940, or Section 61-6-1300.

(F)(1) For brands of beer that are registered in the State, but have not yet been assigned to a wholesaler for the territory where the special nonprofit event is to be held, a producer or importer may deliver the beer to a willing wholesaler who operates in the territory where the event is to be held, along with the appropriate excise tax and proof that the brand has been registered in the State, and the wholesaler may provide such delivered beer for the event.

(2) Brewpubs may donate beer that is brewed at the brewpub to a nonprofit organization holding a special nonprofit event pursuant to the

THURSDAY, MARCH 16, 2017

requirements of this section. The brewpub must deliver the donated beer, together with the appropriate state excise tax, to a willing wholesaler that operates in the territory where the special nonprofit event is to be held and the wholesaler shall transfer the donated beer to the nonprofit organization in accordance with the provisions of this section.

(3) Donations pursuant to this subsection and delivery by the producer, importer, or brewpub shall not operate as an assignment of territory to the wholesaler and shall not be considered violations of Article 13 or Article 17, Chapter 4, Title 61.”

SECTION 2. This act becomes effective six months after the approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY explained the committee amendment.

The question then was second reading of the Bill.

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

Ayes 41; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Courson	Cromer	Davis
Gambrell	Goldfinch	Grooms
Hembree	Hutto	Jackson
Johnson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<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

[SJ]

THURSDAY, MARCH 16, 2017

Corbin

Total--1

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

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

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0116.002), which was adopted:

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

/ SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars during the period of the biennial permit or license. Failure to maintain this coverage constitutes grounds for suspension or revocation of the permit or license.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, and each applicant or person renewing its license or permit shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person

THURSDAY, MARCH 16, 2017

licensed or permitted to sell alcoholic beverages for on-premises consumption must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement.

(D) For the purposes of this section, the term ‘alcoholic beverages’ means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.”

SECTION 2. This act takes effect on July 1, 2017, and any person applying for a new biennial permit or license for on-premises consumption under Title 61 after this date must comply with the provisions of this act at the time of the application. A person renewing a biennial permit or license under Title 61 after this date 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.

The committee amendment was adopted.

Senator TIMMONS proposed the following amendment (JUD0116.004), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1, Section 61-2-145 in its entirety, and inserting the following:

/ “Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars during the period of the biennial permit or license. Failure to maintain this coverage constitutes grounds for suspension or revocation of the permit or license.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on-premises consumption after five o’clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with

THURSDAY, MARCH 16, 2017

documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on-premises consumption after five o'clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement.

(D) For the purposes of this section, the term 'alcoholic beverages' means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61." /

Renumber sections to conform.

Amend title to conform.

Senator TIMMONS explained the amendment.

Senator RANKIN explained the Bill.

The question then was second reading of the Bill.

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

Ayes 40; Nays 2

AYES

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

THURSDAY, MARCH 16, 2017

Turner
Young

Verdin

Williams

Total--40

NAYS

Climer

Timmons

Total--2

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. 173 -- Senators Sheheen, Turner and Timmons: 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 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.

The Senate proceeded to a consideration of the Bill.

THURSDAY, MARCH 16, 2017

The Committee on Judiciary proposed the following amendment (JUD0173.003), which was adopted:

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

/ SECTION 1. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23-23-55. A law enforcement officer who is Class 1-LE, Class 2-LCO, or Class 3-SLE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders over a three-year recertification period. The number of required annual CLEEC hours in mental health or addictive disorders shall be determined by the council, but must be included in the forty CLEEC hours required over the three-year recertification period. The training must be provided or approved by the academy and must include, but is not limited to, the following curriculum: crime scene response, crisis situation response in which an individual is experiencing a mental health or addictive disorder crisis, Fourth Amendment issues, incident report writing, determination of primary aggressors, dual arrests, victim and offender dynamics, victims’ resources, victims’ rights issues, interviewing techniques, mental health courts and mental health court programs, offender treatment programs, and recognition of special needs populations.”

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

----XX----

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

[SJ]

THURSDAY, MARCH 16, 2017

Jackson	Johnson	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. 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.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (359R001.DR.TCA), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION _____. Section 39-5-350 of the 1976 Code is amended to read:

“Section 39-5-350. ~~(A)~~ No part of this article shall be construed to apply to sales at wholesale to hotels, restaurants, colleges, bona fide licensed contractors, farmers buying for their plantations, including labor on their own farms, boardinghouses, religious institutions, or county, city, federal, or state institutions or departments or to cooperative purchases for redistribution among farmers. Retail sales of merchandise

THURSDAY, MARCH 16, 2017

of like grade and quality at a price to meet existing competition at any time in any town or locality are also exempt from the provisions of this article. But if such competition is created by any person in violation of this article or when any two or more persons contend that they are meeting the competition of the other and all would be making retail sales in violation of this article, except for the above provisions allowing existing competition to be met, any retailer affected thereby may enjoin all in such category from continuing such practices in any court of competent jurisdiction in this State.

~~(B) Any person selling motor fuel at wholesale or retail at a price below the actual cost of acquiring the product, including transportation and taxes, claiming exemption from this article on the basis that such sales of motor fuel by that person are at a price to meet existing competition under subsection (A) of this section shall keep and maintain records substantiating each effort to meet the competition, including the identity and place of business of the competitors whose competition that person is meeting. The records must be made available to the Department of Consumer Affairs and the Attorney General on request made in connection with any investigation of a possible violation of this article by the department or the Attorney General.” /~~

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Hembree	Hutto	Jackson
Johnson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>

[SJ]

THURSDAY, MARCH 16, 2017

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

Total--40

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. 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.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG404C001.BBM.DG17), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

[SJ]

THURSDAY, MARCH 16, 2017

“Section 12-6-3378. (A)(1) In tax years beginning after 2016 and ending before 2027, an agribusiness operation or an agricultural packaging operation, as defined in Section 12-6-3360, that increases its purchases of agricultural products which have been certified as South Carolina grown by the South Carolina Department of Agriculture by a minimum of fifteen percent in a single calendar year over its base year is eligible to claim an income tax credit or a credit against employee withholding in an amount determined by the Coordinating Council for Economic Development (council). However, a taxpayer may not be awarded a credit pursuant to this section in excess of one hundred thousand dollars in any tax year.

(2) The maximum amount of tax credits allowed to all qualifying taxpayers pursuant to this section may not exceed the following for each calendar year:

2017 - \$500,000

2018 - \$1,000,000

2019 - \$1,500,000

After 2019 - \$2,000,000

(B)(1) If the income tax credit exceeds the taxpayer's income tax liability for the taxable year, the excess amount may be carried forward and claimed against income taxes in the next five succeeding taxable years.

(2) If the credit against withholding taxes exceeds the taxpayer's withholding tax liability for the taxable quarter that is not otherwise refunded pursuant to this title, the excess amount may be carried forward and claimed against withholding liability that is not otherwise refunded under this title in the next twenty succeeding taxable quarters.

(C) The council has sole discretion in allocating the credits provided by this section and must consider the following factors:

(1) the amount of base year purchases of certified agricultural products;

(2) the total and percentage increase in purchases; and

(3) factors related to the economic benefit of the State or other factors.

(D) For every year in which a taxpayer claims the credit, the taxpayer shall submit an application to the council after the calendar year in which the increase in purchases of certified products occurs. Allocations of the credit may be made on a monthly, quarterly, or annual basis. The taxpayer shall attach a schedule to the taxpayer's application to the

THURSDAY, MARCH 16, 2017

council with the following information and information requested by the council or the department:

(1) a description of how the base year purchases of certified agricultural products and the increase in purchases was determined;

(2) the amount of the base year purchases of certified agricultural products;

(3) the amount of the increase in purchases of certified agricultural products for the taxable year stated both as a percentage increase and as a total increase in purchases of certified agricultural products, including information which demonstrates an increase in purchases of certified agricultural products in excess of the minimum amount required to claim the tax credits pursuant to this section;

(4) any tax credit utilized by the taxpayer in prior years; and

(5) the amount of tax credit carried over from prior years.

(E) By March first of each year, the council shall submit a report to the General Assembly detailing the recipients of the credits allowed by this section, including the credit amount of each recipient.

(F) The Department of Commerce, upon consultation with the Department of Agriculture, may establish guidelines necessary to ensure all applications, product certification record sheets, and checklists are accurately and effectively created and comply with the provisions of this section.

(G) For purposes of this section, 'base year' initially means the total dollar purchases of agricultural products certified as South Carolina grown during the period from January first through December thirty-first of the same year. However, the base year total dollar purchases must exceed one hundred thousand dollars for a taxpayer to be eligible for the credits provided in this section. For a taxpayer who does not meet the one hundred thousand dollar purchases requirement in the year ending December thirty-first of the previous year, including a taxpayer who locates in South Carolina after December thirty-first of the previous year, its base certified grown purchases must be measured by the initial January first through December thirty-first calendar year in which it meets the purchasing requirement. The base year must be recalculated each calendar year after the initial base year." /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

THURSDAY, MARCH 16, 2017

Senator CROMER explained the Bill.

The committee 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 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Jackson	Johnson	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--41

NAYS

Sheheen

Total--1

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

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

S. 483 -- Senators Williams, Malloy, Setzler, Sheheen, Hembree, Rankin, Scott and Johnson: A JOINT RESOLUTION TO DIRECT THE TREASURER TO DISBURSE CERTAIN FUNDS TO THE TOWN OF

THURSDAY, MARCH 16, 2017

**NICHOLS FOR RECOVERY EXPENSES ASSOCIATED WITH THE
AFTERMATH OF HURRICANE MATTHEW.**

The Senate proceeded to a consideration of the Resolution.

The Committee on Finance proposed the following amendment (483R003.KM.RWC), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. From the funds lapsed to the general fund from the South Carolina Farm Aid Fund pursuant to Section 46-1-160(E)(2), the State Treasurer is directed to loan \$700,000 to the Town of Nichols. The funds loaned to the Town of Nichols shall be used by the town for recovery expenses associated with the aftermath of Hurricane Matthew, including, but not limited to, the repair or replacement of equipment, vehicles, and physical infrastructure. Upon receipt of the \$700,000 loan, the Town of Nichols shall apply for any and all sources of federal disaster relief funds. The Town of Nichols shall repay the \$700,000 loan, free of interest, to the State Treasurer with the federal disaster relief funds within ninety days of receipt. However, if the Town of Nichols has not received federal funds to repay the loan at the close of thirty-six months after receiving the loan, the loan shall be forgiven. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

Senators YOUNG, BENNETT, SETZLER, SABB, JOHNSON and McELEVeen proposed the following amendment (483R002.SP.TRY), which was adopted:

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

/ SECTION 1. From the funds lapsed to the general fund from the South Carolina Farm Aid Fund pursuant to Section 46-1-160(E)(2), the State Treasurer is directed to loan \$700,000 to the Town of Nichols. The funds loaned to the Town of Nichols shall be used by the town for recovery expenses associated with the aftermath of Hurricane Matthew, including, but not limited to, the repair or replacement of equipment, vehicles, and physical infrastructure. Upon receipt of the \$700,000 loan,

THURSDAY, MARCH 16, 2017

the Town of Nichols shall apply for any and all sources of federal disaster relief funds. The Town of Nichols shall repay the \$700,000 loan, free of interest, to the State Treasurer with the federal disaster relief funds within ninety days of receipt. However, if the Town of Nichols has not received federal funds to repay the loan at the close of thirty-six months after receiving the loan, the loan shall be forgiven.

SECTION 2. Following the disbursement of funds to the Town of Nichols, the State Treasurer is directed to disburse the remaining funds lapsed to the general fund from the South Carolina Farm Aid Fund pursuant to Section 46-1-160(E)(2) to eligible counties and municipalities to offset storm cleanup expenses associated with the 2014 Winter Storm during states of emergency declared by executive orders 2014-06 and 2014-11. A county or municipality is eligible for a disbursement pursuant to this joint resolution if the county or municipality was eligible for reimbursement by the Federal Emergency Management Agency but was not reimbursed due to local match requirements. An eligible county or municipality shall receive a disbursement, pursuant to this joint resolution, equal to the amount for which the county or municipality was eligible for but not reimbursed, due to local match requirements, in proportion to the funds lapsed to the general fund after the funds appropriated to the Town of Nichols in SECTION 1 herein. The amount reimbursed from remaining lapsed funds to each eligible county or municipality shall not exceed more than thirty-three percent of the county or municipality's remaining unreimbursed total non-federal aid share from the 2014 Winter Storm. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question then was second reading of the Resolution.

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

Ayes 40; Nays 0

AYES

Alexander
Campbell

Allen
Campsen

Bennett
Climer

[SJ]

34

THURSDAY, MARCH 16, 2017

Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Jackson	Johnson	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	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

S. 483--Ordered to a Third Reading

On motion of Senator MALLOY, S. 483 was ordered to receive a third reading on Friday, March 17, 2017.

AMENDED, CARRIED OVER

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

THURSDAY, MARCH 16, 2017

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 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.

Senator TIMMONS proposed the following amendment (JUD0115.008), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2, Section 61-3-110 in its entirety and inserting the following:

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

(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.

THURSDAY, MARCH 16, 2017

(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, and the licensee remains open to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption after five o'clock p.m.

(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, and the permittee remains open to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption after five o'clock p.m.

(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.

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

Amend the bill further, as and if amended, by striking SECTION 2, Section 61-3-130(C) in its entirety, and inserting the following:

/ (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.

THURSDAY, MARCH 16, 2017

(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 five years following the end of the training program for purposes of verifying certification validity by the department or the division. /

Amend the bill further, as and if amended, by striking SECTION 2, Section 61-3-140(D) in its entirety, and inserting the following:

/ (D) Alcohol server certificates are valid for a period of five years from the date that the alcohol server certificate was issued. After the five-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. /

Renumber sections to conform.

Amend title to conform.

Senator TIMMONS explained the amendment.

Senator TIMMONS proposed the following amendment (JUD0115.009), which was adopted:

Amend the bill, as and if amended, by striking page 15, lines 15-25 in their entirety, and inserting the following:

/ SECTION 12. The State, through the South Carolina Department of Alcohol and Other Drug Abuse Services, shall provide alcohol server training at minimal costs to any participant for the first three years after the effective date of this act. The alcohol education training shall meet or exceed the requirements of Section 61-3-130 of this act. It shall be provided quarterly at no fewer than seven locations across the State. An individual who completes this training successfully

THURSDAY, MARCH 16, 2017

is eligible to apply for the alcohol server certificate pursuant to the requirements of Section 61-3-150 of this act.

SECTION 13. 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 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 TIMMONS explained the amendment.

The amendment was adopted.

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

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

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,

THURSDAY, MARCH 16, 2017

RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0170.003), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 4-12 and inserting:

- / (1) the county coroner or his designee;
(2) a local law enforcement officer;
(3) an agent from the State Law Enforcement Division's Department of Child Fatalities assigned to the case;
(4) a board certified child abuse pediatrician;
(5) a representative from the local county department of social services;
(6) a forensic pathologist; and
(7) any other person the coroner deems necessary. /

Amend the bill further, as and if amended, page 3, by striking lines 2-38 and inserting:

/ "Section 17-5-140. (A) From the funds appropriated for the implementation of this section, and subject to the provisions of subsection (C), the State Treasurer shall disburse an equal amount to each county treasurer on a monthly basis. These funds must supplement, and not supplant, existing funds utilized for full-time county coroners.

(B) From the funds received pursuant to this section, each county treasurer must pay the duly elected full-time coroner at least thirty-five thousand dollars annually. If the funds are not totally expended to pay the duly elected full-time coroner, then at the discretion of the coroner he may use the funds to hire a deputy coroner, administrative personnel, or personnel with forensic training. Also, the coroner may use the funds to provide an office or office equipment.

(C) Upon disbursing thirty-five thousand dollars to each county treasurer in a fiscal year, the State Treasurer shall credit any remaining funds pursuant to subsection (D) to the full-time coroners of each county for the performance of their duties. The remaining funds shall be disbursed as follows:

- (1) For those counties with a population of one hundred fifty thousand and above, according to the latest official United States Decennial Census, each full-time coroner shall receive an equal share of fifty-five percent of the remaining funds.

THURSDAY, MARCH 16, 2017

(2) For those counties with a population of at least fifty thousand but not more than one hundred forty-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, each full-time coroner shall receive an equal share of thirty-five percent of the remaining funds.

(3) For those counties with a population of less than fifty thousand, according to the latest official United States Decennial Census, each full-time coroner shall receive an equal share of ten percent of the remaining funds.

(D) Implementation of this section is contingent upon the appropriation of state general funds or the availability of financial support from other sources and must be operational within one year of adequate funding becoming available.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The committee amendment was adopted.

Senator HUTTO explained the Bill.

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

CARRIED OVER

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

THURSDAY, MARCH 16, 2017

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

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

AMENDMENT PROPOSED, 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.

The Senate proceeded to a consideration of the Bill.

THURSDAY, MARCH 16, 2017

Senator MALLOY proposed the following amendment (JUD0245.006):

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

/ SECTION 1. Section 44-53-370(e)(3) of the 1976 Code is amended to read:

“(3) four grams or more of any ~~morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 44-53-190 or 44-53-210~~ controlled substance classified in Schedule I (b) and (c) which is a narcotic drug and in Schedule II which is a narcotic drug, not otherwise specifically provided for in Subsection 44-53-370(e), or four grams or more of any mixture containing any of these substances, is guilty of a felony which is known as ‘trafficking in illegal drugs’ and, upon conviction, must be punished as follows if the quantity involved is:

(a) four grams or more, but less than fourteen grams:

1. for a first offense, a term of imprisonment of ~~not less than seven years nor more than twenty-five~~ twenty years, ~~no part of which may be suspended nor probation granted, and~~ or a fine of ~~not more than fifty thousand dollars, or both;~~

2. for a second or subsequent offense, a ~~mandatory minimum~~ term of imprisonment of not more than twenty-five years, ~~no part of which may be suspended nor probation granted,~~ and a fine of one hundred thousand dollars;

(b) fourteen grams or more but less than twenty-eight grams, a ~~mandatory~~ term of imprisonment of not more than twenty-five years, ~~no part of which may be suspended nor probation granted,~~ and a fine of ~~two~~ one hundred thousand dollars, or both;

(c) twenty-eight grams or more, a ~~mandatory~~ term of imprisonment of ~~not less than twenty-five years nor more than forty~~ years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars, or both;”

SECTION 2. 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

THURSDAY, MARCH 16, 2017

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

----XX----

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator HEMBREE moved to table the amendment.

Senator MALLOY objected to further 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 the 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 MALLOY objected to further consideration of the Bill.

THURSDAY, MARCH 16, 2017

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.

Senator MASSEY explained the Bill.

Senator M.B. MATTHEWS 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 12:58 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 MASSEY, the veto was carried over.

(R6, S457) -- Senator Fanning: AN ACT TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO ALLOW BOARD MEMBERS TO RECEIVE A MONTHLY STIPEND IN AN AMOUNT TO BE DETERMINED BY THE BOARD, AND TO REQUIRE ACTUAL ATTENDANCE AT A DULY CONSTITUTED BOARD MEETING IN ORDER TO RECEIVE THE MONTHLY STIPEND.

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

THURSDAY, MARCH 16, 2017

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 198 -- Senators Shealy, Alexander, McElveen and Bryant: A BILL TO AMEND SECTION 56-1-100 OF THE 1976 CODE, RELATING TO DRIVERS' LICENSES, TO PROVIDE THAT A MINOR MAY APPLY FOR A BEGINNER'S PERMIT, INSTRUCTION PERMIT, OR DRIVERS' LICENSE UNDER THE AUTHORIZATION OF A RESPONSIBLE ADULT WILLING TO ASSUME THE OBLIGATION IMPOSED.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator MALLOY proposed the following amendment (198R004.SP.GM), which was adopted:

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

/ SECTION 1. Section 56-1-100 of the 1976 Code is amended to read:

“Section 56-1-100. (A) The application of an unemancipated minor for a beginner's permit, ~~instruction permit~~, or driver's license must be signed ~~and verified before a person authorized to administer oaths by the father, mother, or guardian, or, for all other minors, by a responsible adult who is willing to assume the obligation imposed under this article upon a person signing the application of a minor. Upon the extension of a permit pursuant to Section 56-1-50, authorization by the father, mother, guardian, or a responsible adult is not required.~~ in the presence of a South Carolina Department of Motor Vehicles employee at the time of application by:

- (1) the father of the minor;
- (2) the mother of the minor;
- (3) the guardian of the minor;

THURSDAY, MARCH 16, 2017

(4) an individual who has custody, care, and control of a minor;

(5) any person set forth in subsection (C)(3), below, with written approval by the Department of Social Services;

(6) any person who has been standing in loco parentis of a minor for a continuous period of not less than sixty days; or

(7) any responsible adult who is willing to assume the obligation imposed under this article and who has written permission, from a person listed in items (1)-(7) above, signed and verified before a person authorized to administer oaths.

(B) The application of an emancipated minor for a beginner's permit or driver's license must be signed in the presence of a South Carolina Department of Motor Vehicles employee at the time of application by a responsible adult who is willing to assume the obligation imposed under this article.

(C) If the Department of Social Services has guardianship or legal custody of a minor, the application may be signed by:

(1) the father of the minor;

(2) the mother of the minor; or

(3) the foster parent, pre-adoptive parent, or person responsible for the welfare of a child who resides in a child caring facility or residential group care home, upon written approval by the Department of Social Services. The disclosure of information by the Department of Social Services to the Department of Motor Vehicles in order to provide approval for the limited purpose of this code section shall not be a violation of Section 63-7-1990 or any other section of the Children's Code governing the dissemination of confidential information. The foster parent, pre-adoptive parent, or person responsible for the welfare of a child who resides in a child caring facility or residential group care home must obtain approval from the Department of Social Services prior to the request for an extension of a permit pursuant to Section 56-1-50.

(D) Except as set forth in subsection (C)(3) above, upon the extension of a permit pursuant to Section 56-1-50, authorization by the person who originally signed the application, under subsections (A), (B), or (C) above, is not required."

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

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

THURSDAY, MARCH 16, 2017

The question then was the adoption of the amendment.

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

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Jackson	Johnson	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	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

LOCAL APPOINTMENT

Confirmation

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

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

William S. Harris, Jr., 3224 Hydrangea Trail, Johns Island, SC 29455
VICE Brian M. Rawl

THURSDAY, MARCH 16, 2017

Motion Adopted

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

ADJOURNMENT

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

* * *

THURSDAY, MARCH 16, 2017

SENATE JOURNAL INDEX

S. 114.....	17	S. 404.....	29
S. 115.....	35	S. 457.....	45
S. 116.....	22	S. 463.....	14
S. 170.....	39	S. 483.....	32
S. 173.....	25	S. 532.....	41
S. 185.....	14	S. 543.....	15
S. 198.....	46	S. 544.....	16
S. 199.....	44	S. 557.....	6
S. 245.....	42	S. 558.....	6
S. 261.....	9	S. 559.....	6
S. 262.....	15	S. 560.....	7
S. 271.....	10	S. 561.....	7
S. 275.....	44	S. 562.....	8
S. 310.....	45		
S. 323.....	45	H. 3438.....	11
S. 325.....	11	H. 3575.....	4
S. 342.....	14	H. 3997.....	8
S. 354.....	11	H. 4000.....	9
S. 359.....	27		