

NO. 43

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

WEDNESDAY, MARCH 22, 2017

Wednesday, March 22, 2017
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Psalm 118:24

“This is the day that the Lord has made: let us rejoice and be glad in it.”

Let us pray. Gracious God, Spring is in the air and it is a time of rebirth and inspiration. It wakes us up, nurtures us and revitalizes our spirit. Everything shines with a fresh colorful glow -- making us forget that anything as cold as winter ever existed. May this Spring mark a time of “new beginnings” for each of us!

Encourage us O God, to celebrate our “new beginnings” by putting bitterness behind us, forgiveness within us and hope before us.

For it is in Your holy name that we rejoice this day, Amen.

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

Point of Quorum

At 12:02 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.

Alexander	Bennett	Campbell
Climer	Cromer	Davis
Fanning	Gambrell	Gregory
Hembree	Hutto	Leatherman
Martin	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rice	Sabb	Scott
Senn	Setzler	Shealy
Timmons	Turner	Young

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A quorum being present, the Senate resumed.

Doctor of the Day

Senators NICHOLSON and GAMBRELL introduced Dr. Bryan Green of Greenwood, S.C., Doctor of the Day.

Leave of Absence

At 12:06 P.M., Senator CROMER requested a leave of absence for Senator CAMPSER for the day.

Leave of Absence

At 12:39 P.M., Senator VERDIN requested a leave of absence for Senator GOLDFINCH for the balance of the day.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 86 Sen. Campbell
S. 131 Sen. Senn
S. 547 Sen. Campbell
S. 565 Sen. Young
S. 571 Sen. Campbell

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 574 -- Senators Scott, McLeod, Fanning, McElveen, Jackson and Setzler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ATTACH A SIGN CONTAINING THE WORDS "WELCOME TO THE CITY OF COLUMBIA" ONTO THE CONGRESSMAN JAMES E. CLYBURN PEDESTRIAN OVERPASS CROSSING THE SOUTHBOUND LANES OF SOUTH CAROLINA HIGHWAY 277 IN THE CITY OF COLUMBIA.

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

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S. 575 -- Senators Gregory and Jackson: A BILL TO AMEND SECTION 12-21-625, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SURTAX ON CIGARETTES, INCLUDING THE DEFINITION OF "CIGARETTE", SO AS TO REVISE THE WEIGHT LIMITATION ON CIGARETTES FROM THREE POUNDS OR LESS PER ONE THOUSAND CIGARETTES TO FOUR AND ONE-HALF POUNDS OR LESS PER ONE THOUSAND CIGARETTES AND TO EXEMPT THOSE WRAPPED TOTALLY IN TOBACCO LEAF WITH NO FILTER, AND TO DEFINE "CIGARETTE" TO INCLUDE 0.325 OUNCES OF TOBACCO LIKELY INTENDED TO BE PURCHASED TO ROLL YOUR OWN CIGARETTES; AND TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF REVENUE TO DETERMINE IF THERE ARE BARRIERS TO THE ENFORCEMENT OR COLLECTION OF CIGARETTE TAXES, TO MAKE RECOMMENDATIONS TO REMOVE THESE BARRIERS, AND TO REPORT THEIR FINDINGS TO THE GENERAL ASSEMBLY.

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

S. 576 -- Senators Jackson and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 27 SO AS TO ENTITLE THE CHAPTER "HOMEOWNERS ASSOCIATIONS", TO DEFINE NECESSARY TERMS, TO REQUIRE OWNERS OF PROPERTY SUBJECT TO A HOMEOWNERS ASSOCIATION TO DISCLOSE THE ASSOCIATION'S GOVERNING DOCUMENTS TO PROSPECTIVE OWNERS, TO PROVIDE HOMEOWNERS ASSOCIATIONS SHALL PROVIDE HOMEOWNERS WITH PRINTED OR ELECTRONIC COPIES OF FINANCIAL INFORMATION AND THE GOVERNING DOCUMENTS OF THE ASSOCIATION UPON REQUEST AT NO CHARGE, TO PROVIDE HOMEOWNERS ASSOCIATION BOARDS MAY NOT TAKE ACTION TO ADD OR INCREASE FEES AND THE LIKE WITHOUT GIVING CERTAIN NOTICE TO HOMEOWNERS AND TO PROVIDE HOMEOWNERS MAY ATTEND MEETINGS AT WHICH SUCH ACTIONS ARE TO BE TAKEN, TO AUTHORIZE THE OMBUDSMAN TO OFFER AN ONLINE INSTRUCTIONAL COURSE COVERING THE BASICS OF HOMEOWNERS ASSOCIATION MANAGEMENT AND THE RIGHTS AND RESPONSIBILITIES OF HOMEOWNERS, TO

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GRANT CONCURRENT CIVIL JURISDICTION IN CERTAIN ACTIONS BETWEEN HOMEOWNERS ASSOCIATIONS AND HOMEOWNERS, AND TO CREATE THE OFFICE OF HOMEOWNERS ASSOCIATION OMBUDSMAN IN THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE QUALIFICATIONS, POWERS, AND DUTIES OF THE OMBUDSMAN, AMONG OTHER THINGS; TO AMEND SECTION 27-50-30, RELATING TO CERTAIN TRANSFERS THAT DO NOT REQUIRE RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENTS, SO AS TO PROVIDE THAT IF THE PROPERTY IS SUBJECT TO A HOMEOWNERS ASSOCIATION, THE DISCLOSURE STATEMENT MUST BE PROVIDED TO ANY PURCHASER, INCLUDING THE FIRST SALE OF A DWELLING NEVER INHABITED; AND TO AMEND SECTION 27-50-40, AS AMENDED, RELATING TO MANDATORY DISCLOSURE STATEMENTS SELLERS OF REAL PROPERTY MUST PROVIDE PURCHASERS, SO AS TO INCLUDE PROVISIONS CONCERNING DISCLOSURES OF PROPERTY SUBJECT TO HOMEOWNERS ASSOCIATION GOVERNANCE.

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

H. 3427 -- Reps. Lucas, Loftis, Allison, Stringer, Erickson, Simrill, G. R. Smith, McKnight, Robinson-Simpson, Martin, West, Long, Burns, Atwater, McCoy, Hardee, Hewitt, Fry, Jordan, Murphy, Spires, G. M. Smith, McCravy, Clemmons, McEachern, Taylor, Arrington, Johnson, Huggins, Hamilton, Elliott, Funderburk, Bales, Bannister, Blackwell, Bradley, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Crawford, Delleney, Dillard, Douglas, Forrest, Forrester, Hayes, Henderson, Herbkersman, Hiott, Lowe, D. C. Moss, B. Newton, W. Newton, Pope, Quinn, S. Rivers, Ryhal, Sandifer, Tallon, Thayer, Whitmire, Anderson, Anthony, Gagnon, Parks, Pitts, Ott, King, Henegan, Willis, Yow, Williams, Jefferson, Duckworth, White, Finlay, Bernstein, J. E. Smith, Bedingfield, Felder, Bennett, Davis, Mitchell, Rutherford, Neal, Stavrakis, Govan, Putnam, Collins, Brown, Weeks, Hosey, Bowers, V. S. Moss, Howard, Kirby, Sottile, Whipper, Norrell, Ballentine, Toole, Thigpen, Cogswell, Daning, Crosby, Knight, Wheeler and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA COMPUTER SCIENCE EDUCATION INITIATIVE" BY ADDING SECTION 59-29-250 SO

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AS TO PROVIDE THE PURPOSE OF THE SECTION, TO PROVIDE THAT, BEGINNING WITH THE 2018-2019 SCHOOL YEAR, PUBLIC HIGH SCHOOLS AND PUBLIC CHARTER HIGH SCHOOLS SHALL OFFER CERTAIN COMPUTER SCIENCE COURSEWORK, TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND ENSURE IMPLEMENTATION OF GRADE-APPROPRIATE STANDARDS FOR COMPUTER SCIENCE AND COMPUTATIONAL THINKING FOR PUBLIC SCHOOL STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE, TO PROVIDE RELATED REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE REQUIREMENTS FOR THE OFFICE OF THE GOVERNOR TO ESTABLISH CRITERIA AND PROCESSES FOR DESIGNATING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH COMMUNITIES AND REGIONS, AND TO PROVIDE RELATED REQUIREMENTS OF SUCH COMMUNITIES AND REGIONS.

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

H. 3879 -- Reps. Davis, Yow, Thayer, Anderson and Gilliard: A BILL TO AMEND SECTION 42-9-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM AMOUNT OF BURIAL EXPENSES PAYABLE UNDER WORKERS' COMPENSATION LAWS FOR ACCIDENTAL DEATH, SO AS TO INCREASE THE MAXIMUM PAYABLE AMOUNT TO SEVENTY-FIVE HUNDRED DOLLARS.

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

REPORTS OF STANDING COMMITTEES

Senator CAMPSEN from the Committee on Judiciary submitted a favorable report on:

S. 28 -- Senator Campsen: A BILL TO AMEND SECTION 59-39-112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTIVE CREDIT FOR RELEASED TIME CLASSES IN RELIGIOUS INSTRUCTION FOR HIGH SCHOOL STUDENTS, SO AS TO PROVIDE THAT THE SCHOOL DISTRICT BOARD OF TRUSTEES MAY, AS A MEANS TO ENSURE EVALUATION OF INSTRUCTION ON THE BASIS OF PURELY SECULAR CRITERIA, ACCEPT RELEASED TIME CREDITS AS TRANSFER CREDITS FROM AN ACCREDITED PRIVATE SCHOOL THAT HAS AWARDED PRIVATE SCHOOL CREDITS

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FOR A RELEASED TIME PROGRAM OPERATED BY AN UNACCREDITED ENTITY; AND TO MAKE THESE PROVISIONS EFFECTIVE JULY 1, 2018.

Ordered for consideration tomorrow.

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

S. 83 -- Senator Hembree: A BILL TO AMEND SECTION 16-3-60 OF THE 1976 CODE, RELATING TO INVOLUNTARY MANSLAUGHTER, TO INCLUDE WITHIN THE DEFINITION OF INVOLUNTARY MANSLAUGHTER THE SALE OR DELIVERY OF CONTROLLED SUBSTANCES, THEIR ANALOGUES, OR OTHER UNLAWFUL SUBSTANCES THAT CAUSE THE DEATH OF THE USER WHEN INGESTED, AND TO PROVIDE THAT A PERSON CONVICTED OF INVOLUNTARY MANSLAUGHTER MUST BE IMPRISONED NOT MORE THAN FIFTEEN YEARS.

Ordered for consideration tomorrow.

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

S. 92 -- Senators Gregory, Bennett, Fanning and Shealy: A BILL TO AMEND SECTION 20-3-130(C), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, SO AS TO PROVIDE THAT CERTAIN EARNINGS OF A SUBSEQUENT SPOUSE ARE NOT TO BE CONSIDERED BY THE COURT WHEN MAKING, MODIFYING, OR TERMINATING THE AWARD OF ALIMONY.

Ordered for consideration tomorrow.

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

S. 131 -- Senators McLeod, Hutto, Jackson, Kimpson, M.B. Matthews, Fanning, Shealy and Senn: A BILL TO AMEND SECTION 16-17-420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES INVOLVING DISTURBING SCHOOLS, SO AS TO RESTRUCTURE THE OFFENSES TO PROVIDE A DELINEATED LIST OF THOSE ACTIONS WHICH INVOLVE DISTURBING SCHOOLS, TO REVISE THE PENALTY FOR A VIOLATION OF A DISTURBING SCHOOLS OFFENSE,

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AND TO PROVIDE AN EXCEPTION FOR SCHOOL-SPONSORED ATHLETIC EVENTS.

Ordered for consideration tomorrow.

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

S. 289 -- Senators Shealy, Rankin, McElveen, Sheheen, Hutto and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA CRIME VICTIM SERVICES ACT" TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 8, TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, TO MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY THAT ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1-11-10(A), RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES THAT ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS 14-1-203, 14-1-204(A), 14-1-205, 14-1-206(C), 14-1-207(C), 14-1-208(C), AND 14-1-210(A), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 16-3-1110, 16-3-1120, 16-3-1140, 16-3-1150, 16-3-1160, 16-3-1170, 16-3-1180, 16-3-1220, 16-3-1230, 16-3-1240, 16-3-1260, 16-3-1290, 16-3-1330, 16-3-1340, AND 16-3-1350, RELATING TO THE COMPENSATION OF VICTIMS OF CRIME, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION

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FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS, AND ITS RESPONSIBILITIES, TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL, AND TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM OMBUDSMAN", TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; TO AMEND CHAPTER 3, TITLE 16, BY ADDING ARTICLE 12, TO ENTITLE THE ARTICLE "CRIME VICTIM ASSISTANCE GRANTS," AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23-6-500, 23-6-510, AND 23-6-520, RELATING

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TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS IN THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL'S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16-5-445(C), RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, AND SECTION 24-3-40(A)(2)(b), RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 14-1-206(E), 14-1-207(E), AND 14-1-208(E), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING SECTIONS 14-1-211.5, 14-1-211.6, AND 14-1-211.7, TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, TO PROVIDE FOR THE AUTHORITY OF THE VICTIM COMPENSATION FUND TO TRANSFER ANY STATE FUNDS DEEMED AVAILABLE TO THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, AND TO TRANSFER A CERTAIN SUM FROM THE DEPARTMENT OF CORRECTIONS TO THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION.

Ordered for consideration tomorrow.

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Senator SHEALY from the Committee on Judiciary submitted a favorable report on:

S. 334 -- Senator Senn: A BILL TO AMEND SECTIONS 61-4-515 AND 61-6-2016 OF THE 1976 CODE, RELATING TO PERMITS TO PURCHASE AND SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION AND A BIENNIAL LICENSE TO PURCHASE ALCOHOLIC LIQUORS BY THE DRINK AT A MOTORSPORTS ENTERTAINMENT COMPLEX OR TENNIS SPECIFIC COMPLEX, TO INCLUDE BASEBALL COMPLEX, AND TO PROVIDE A DEFINITION FOR "BASEBALL COMPLEX".

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Judiciary submitted a favorable report on:

S. 415 -- Senators Malloy and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-1-112 SO AS TO CLARIFY THE PROBATE COURT'S AUTHORITY TO IMPOSE PENALTIES FOR CONTEMPT AND TO GRANT A MOTION FOR A PARTY TO PROCEED IN FORMA PAUPERIS; TO AMEND SECTION 8-21-800, RELATING TO RELIEF FROM FILING FEES, COURT COSTS, AND PROBATE COSTS, SO AS TO CLARIFY THAT THE PROBATE JUDGE MAY WAIVE FILING FEES FOR INDIGENT PERSONS IN THE SAME MANNER AS OTHER CIVIL CASES; TO AMEND SECTION 62-1-302, AS AMENDED, RELATING TO SUBJECT MATTER JURISDICTION AND CONCURRENT JURISDICTION WITH FAMILY COURT, SO AS TO CLARIFY THE COURT'S JURISDICTION IN MATTERS INVOLVING THE ESTABLISHMENT, ADMINISTRATION, OR TERMINATION OF A SPECIAL NEEDS TRUST FOR DISABLED INDIVIDUALS AND TO REVISE OUTDATED TERMINOLOGY; TO AMEND SECTION 62-1-401, AS AMENDED, RELATING TO NOTICE, SO AS TO AUTHORIZE NOTICE TO BE MADE BY A QUALIFYING COMMERCIAL DELIVERY SERVICE AND IS SIMILAR TO NOTICE BY REGISTERED MAIL OR CERTIFIED MAIL; TO STRIKE PARTS 1, 2, 3, 4, AND 7, ARTICLE 5, TITLE 62, AND TO ADD NEW AND REVISED PROVISIONS RELATING TO THE PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY, SO AS TO PROMOTE UNIFORMITY AMONG THE STATE'S FORTY-SIX PROBATE COURTS, TO SAFEGUARD

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ADEQUATE DUE PROCESS PROTECTIONS FOR THE STATE'S ALLEGED INCAPACITATED INDIVIDUALS, TO ELIMINATE OVER RELIANCE UPON RESTRICTIVE FULL OR PLENARY GUARDIANSHIPS, TO REDUCE THE COSTS OF PROCEEDINGS, TO ESTABLISH CONSISTENCY BETWEEN GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS, AND TO CREATE AN ADEQUATE SYSTEM FOR MONITORING GUARDIANS AND CONSERVATORS.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable with amendment report on:

S. 447 -- Senators Young, Sabb, Shealy, M.B. Matthews, Johnson, Climer, Talley and McElveen: A BILL TO AMEND SECTION 63-7-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE REPORTING WHEN AN INFANT OR FETUS IS EXPOSED TO ALCOHOL OR CONTROLLED SUBSTANCES.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

S. 448 -- Senators Young, Shealy, Johnson, Climer, Talley and McElveen: A BILL TO AMEND SECTION 63-7-940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AUTHORIZED USES OF UNFOUNDED CHILD ABUSE AND NEGLECT REPORTS, SO AS TO AUTHORIZE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES; AND TO AMEND SECTION 63-7-1990, AS AMENDED, RELATING TO CONFIDENTIALITY OF CHILD ABUSE AND NEGLECT RECORDS, SO AS TO AUTHORIZE THE RELEASE OF INFORMATION ABOUT CHILD FATALITIES OR NEAR FATALITIES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Education submitted a favorable report on:

S. 480 -- Senator Hutto: A BILL TO AMEND SECTION 59-53-630 OF THE 1976 CODE, RELATING TO THE POWERS AND

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FUNDING FOR DENMARK TECHNICAL COLLEGE, TO PROVIDE THAT THE GOVERNING BODY FOR DENMARK TECHNICAL COLLEGE IS THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO COMMISSION A STUDY INTO THE MOST EFFECTIVE, EFFICIENT DELIVERY OF TECHNICAL COLLEGE EDUCATION OPPORTUNITIES IN CERTAIN COUNTIES; AND TO REPEAL SECTIONS 59-53-610, 59-53-620, AND 59-53-640.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Education submitted a favorable report on:

S. 531 -- Senator Young: A BILL TO AMEND SECTION 59-112-50(C)(2) OF THE 1976 CODE, RELATING TO THE DEFINITION OF 'COVERED INDIVIDUAL' FOR THE PURPOSES OF IN-STATE TUITION AND FEES FOR CHILDREN AND SPOUSES OF VETERANS AND ACTIVE DUTY MILITARY PERSONNEL, TO PROVIDE THAT THE DEFINITION INCLUDES A CHILD OR SPOUSE ENROLLING WITHIN THREE YEARS OF A VETERANS DISCHARGE PROVIDED THAT THE CHILD OR SPOUSE WHO IS ENTITLED TO AND RECEIVING ASSISTANCE UNDER SECTION 3319, TITLE 38 OF THE UNITED STATES CODE, A CHILD OR SPOUSE OF ACTIVE DUTY MILITARY PERSONNEL WHO IS ENTITLED TO AND RECEIVING ASSISTANCE UNDER SECTION 3319, TITLE 38 OF THE UNITED STATES CODE, AND A CHILD OR SPOUSE OF ACTIVE DUTY MILITARY PERSONNEL KILLED IN THE LINE OF DUTY WHO IS ENTITLED TO AND RECEIVING ASSISTANCE UNDER SECTION 3311(b)(9), TITLE 38 OF THE UNITED STATES CODE; AND TO AMEND SECTION 59-112-50(C)(4), TO PROVIDE ELIGIBILITY FOR CONTINUOUS ENROLLMENT BEYOND THE THREE YEAR INITIAL ELIGIBILITY PERIOD.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 3908 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE GOVERNOR, RELATING TO STATE

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EMERGENCY MANAGEMENT STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4703, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 3916 -- Reps. Erickson, Collins, Bernstein, 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, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO COMMEND THE IMPORTANT WORK BEING DONE TO COMBAT THIS SERIOUS PROBLEM, AND TO DECLARE TUESDAY, APRIL 4, 2017, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

Appointments Reported

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointments

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Reappointment, South Carolina State Human Affairs Commission,
with the term to commence June 30, 2016, and to expire June 30, 2019

5th Congressional District:

Andrew C. Williams, 2021 Emerald Pines Drive, Tega Cay, SC 29708
Received as information.

Reappointment, South Carolina State Commission for Minority
Affairs, with the term to commence June 30, 2017, and to expire June
30, 2021

3rd Congressional District:

Lamont A. Flowers, 107 Shefwood Dr., Easley, SC 29642

Received as information.

HOUSE CONCURRENCE

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

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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.

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 Bill was read the third time and ordered sent to the House of Representatives:

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.

REMOVED FROM CONSENT CALENDAR

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

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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.

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

REMOVED FROM CONSENT CALENDAR

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 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.

The Senate proceeded to a consideration of the Bill.

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The question being the second reading of the Bill.

Senator CAMPBELL explained the committee amendment.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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 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.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (261R003.DR.TCA), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 21-43, and page 5, by striking lines 1-34, and inserting:

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/ Section 6-39-40. An ordinance authorizing the creation of a district pursuant to Section 6-39-30 must:

(1) require a description of the scope or limitations of qualifying clean energy improvements to be considered under the ordinance;

(2)(a) require that, as part of the agreement subject to Sections 6-39-50 and 6-39-60, the owner of qualifying real property shall have an energy audit performed by a third party on the qualifying real property considered for clean energy improvements. The energy audit must:

(i) be commensurate to the investment of the clean energy improvements;

(ii) be conducted by an energy auditor certified by the Building Performance Institute or a similar organization; and

(iii) provide an estimate of the costs of the proposed energy efficiency and conservation measures and the expected savings associated with the measures and further recommend measures appropriately sized for the specific use contemplated.

(b) An agreement entered into following completion of an energy audit shall specify the measures to be completed and the contractor responsible for completion of the measures. The choice of contractor to perform the work must be made by the property owner. Upon completion of the work, such work must be inspected by an energy auditor certified by the Building Performance Institute or a similar organization. Any work that is determined to have been done improperly or to be inappropriately sized for the intended use must be remedied by the responsible contractor;

(3) require clean energy improvements to adhere to the requirements of Article 23, Chapter 27, Title 58 and Chapters 37, 39, and 40 of Title 58;

(4) require applicants to provide documentation of approval for proposed technologies and improvements by all historical and architectural review boards with jurisdiction over the qualifying real property;

(5) provide that the owner of the qualifying real property, who is subject to a mortgage, must obtain written consent from the mortgage holder before participating in the C-PACE program;

(6) provide a methodology for the imposition, apportionment, adjustment, and termination of the assessment under Section 6-39-60;

(7) require that the term of the assessment under Section 6-39-60 must not exceed the weighted average of the useful life of the clean

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energy improvements installed and in no instance be for more than twenty years from the date of the initial assessment;

(8) provide that payments and assessments shall not be accelerated due to a default and further provide that a tax delinquency exists only for C-PACE assessments not paid when due;

(9) require that liability for assessments related to the financing of clean energy improvements remains with the qualifying real property;

(10) impose requirements and conditions on financing arrangements to ensure timely repayment;

(11) require that qualifying real property must be current on property tax and assessment payments and further require that a property owner must not be in foreclosure or have any involuntary liens, defaults, or judgments applicable to the subject qualifying real property; and

(12) require that the total project cost for real property clean energy improvements must not be less than \$100,000. /

Amend the bill further, as and if amended, page 8, by striking lines 23-41 and inserting:

/ Section 6-39-90. Clean energy improvements may be financed in the following manner:

(1) with funds provided directly by a bank or other financial institution or lender pursuant to a contract between the owner, the governing body, and the lender, setting forth terms for the repayment of the funds and remedies in the event of a delinquency or default; or

(2) with any other legally available funds. /

Amend the bill further, as and if amended, page 9, by striking lines 29-31 and inserting:

/ Section 6-39-130. The aggregate savings generated by the clean energy improvements must be equal to or exceed the amount invested in clean energy improvements.

Section 6-39-140. Nothing contained in this chapter shall be construed to conflict with Article 23, Chapter 27, Title 58 or Chapters 37, 39, and 40 of Title 58.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The committee amendment was adopted.

Senator MASSEY explained the Bill.

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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	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
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. 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

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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.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (VR\325C001.CC.VR17), which was adopted:

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

/ SECTION 1. Section 43-33-310 of the 1976 Code is amended to read:

“Section 43-33-310. The General Assembly finds that by executive order in 1977 the Governor designated an eleemosynary corporation now known as Advocacy for Handicapped Citizens, Inc., and located in Charleston Protection and Advocacy for People with Disabilities, Inc., as the organization to perform the function of advocate for developmentally disabled citizens with developmental disabilities as required by Section 113 of Public Law 94-103, as amended, by 95-602, and that organization has been adequately performing that function and has qualified for certain assistance under Section 113 of Public Law 94-103, as amended, by 95-602, of the United States Congress.

~~It further finds that the Joint Legislative Committee created to study problems of the handicapped, pursuant to the mandate of the resolution which created the committee, proposed a concurrent resolution in 1978, which was adopted, to continue the designation of that organization as advocate for the developmentally disabled and such resolution included an expression of the desire of the General Assembly that the principal office be moved to Columbia by October 1, 1978. It further finds that the joint committee has determined, based on numerous hearings, that without intended criticism to the designated organization, the functions of protection and advocacy can be better performed by an organization with a statewide Board of Directors which can monitor and supervise the four regional offices in Charleston, Greenville, Columbia and Florence from a central office in Columbia. It is the purpose of this act to permanently establish as advocate under Section 113 of Public Law 94-103, as amended, by 95-602, an eleemosynary corporation already formed under the corporate name, South Carolina Protection and Advocacy System for the Handicapped, Inc. now known as Protection and Advocacy for People with Disabilities, Inc. It is the further purpose~~

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of this act to express the desire of the General Assembly that ~~South Carolina Protection and Advocacy System for the Handicapped, Inc.~~, Protection and Advocacy for People with Disabilities, Inc. exercise protection and advocacy functions not only for the ~~developmentally disabled~~ citizens of South Carolina with developmental disabilities but also for all other ~~handicapped~~ citizens of the State with disabilities.”

SECTION 2. Section 43-33-330 of the 1976 Code is amended to read:

“Section 43-33-330. ~~The South Carolina Protection and Advocacy System for the Handicapped, Inc.~~, Protection and Advocacy for People with Disabilities, Inc. is governed by a board consisting of a minimum of twelve members and a maximum of sixteen members. Four members must be appointed by the Governor, one member from each of the system’s four regions. Eight members must be elected by the board upon recommendation by the system’s nominating committee which shall consult with advocacy groups of the State representing persons with ~~handicaps~~ disabilities. Members shall serve for terms of four years and until their successors are appointed and qualify. Vacancies must be filled in the original manner for the unexpired portion of the term. A vacancy must be filled not later than sixty days after the date on which the vacancy occurs. Up to four members who serve as chair of advisory councils or committees to the system may be elected by the board to serve ex officio as considered appropriate to the needs of the system or as mandated by law. No appointed board member may serve more than two successive four-year terms.

The board may change its corporate name in the same manner as any other nonprofit corporation, and if the board changes its corporate name, the powers and duties of ~~the South Carolina Protection and Advocacy System for the Handicapped, Inc.~~, Protection and Advocacy for People with Disabilities, Inc. are considered to be the powers and duties of the successor nonprofit corporation.”

SECTION 3. Section 43-33-340 of the 1976 Code is amended to read:

“Section 43-33-340. As used in this article, unless the context requires otherwise:

(1) ‘System’ means ~~the South Carolina Protection and Advocacy System for the Handicapped, Inc.~~ Protection and Advocacy for People with Disabilities, Inc.

(2) ‘Developmental disability’ means a severe, chronic disability of a person which:

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(a) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(b) is manifested before the person attains age twenty-two;

(c) is likely to continue indefinitely;

(d) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living and (vii) economic sufficiency;

(e) reflects the person's need for a combination and sequence of special, interdisciplinary or generic ~~care, treatment or other services~~ which services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(3) ~~'Developmentally disabled person'~~ 'Person with a developmental disability' means a person who has a developmental disability and who receives or is entitled to receive ~~treatment services or habilitation a combination and sequence of special, interdisciplinary or generic services, individualized supports, or other forms of assistance that are of~~ lifelong or extended duration and are individually planned and coordinated within the State.

(4) ~~'Handicapped person'~~ 'Person with a disability' means a person defined by Section 2-7-35.

(5) 'Complaint' means an oral or written allegation by a ~~developmentally disabled or handicapped person~~ with a developmental or other disability, the parent or legal guardian of such person, a state agency or any other responsible person to the effect that the ~~developmentally disabled or handicapped person~~ with a developmental or other disability is being subjected to injury or deprivation with regard to his health, safety, welfare, rights or level of care.

(6) 'Abuse' means the definition defined by Section 43-30-20.

(7) 'Threatened abuse' means the definition defined by Section 43-30-20.

(8) 'Ombudsman' means the office provided for pursuant to Section 43-38-10, et seq."

SECTION 4. Section 43-33-350 of the 1976 Code is amended to read:

"Section 43-33-350. The system has the following powers and duties:

(1) It shall protect and advocate for the rights of all ~~developmentally disabled persons~~ with a developmental or other disability, including the

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requirements of Section 113 of Public Law 94-103, Section 105 of Public Law 99-319, and Section 112 of Public Law 98-221, all as amended, and for the rights of other ~~handicapped~~ persons with disabilities by pursuing legal, administrative, and other appropriate remedies to insure the protection of the rights of these persons.

(2) It may investigate complaints by or on behalf of any ~~developmentally disabled or handicapped~~ person with a developmental or other disability.

(3) It may establish a priority for the delivery of protection and advocacy services according to the type, severity, and number of ~~handicapping conditions~~ disabilities of the person making a complaint or on whose behalf a complaint has been made.

(4) It may conduct team advocacy inspections of a facility providing residence to a ~~developmentally disabled or handicapped~~ person with a developmental or other disability. Inspections must be completed by the system's staff and trained volunteers. Team advocacy inspections are unannounced visits to review the living conditions of a residential facility, including the plans of care for individuals in a residential care facility and a community mental health center day program. Only the coordinator of the team advocacy project or the coordinator's designee is authorized to perform reviews of plans of care. ~~The designee must meet criteria developed by the Joint Legislative Committee on Mental Health and Mental Retardation, after consultation with the system and the South Carolina Association of Residential Care Homes.~~ The system shall prepare a report based on the inspection which must be submitted to the ~~Joint Legislative Committee on Mental Health and Mental Retardation~~, South Carolina Department of Health and Environmental Control, and State Department of Mental Health.

(5) It shall administer the Client Assistance Program, as established pursuant to 29 U.S.C. Section 732.

SECTION 5. Section 43-33-370 of the 1976 Code is amended to read:

"Section 43-33-370. Upon (A) the receipt of a written request to investigate a complaint that has been signed by a ~~developmentally disabled or handicapped~~ person with a developmental or other disability, his parent, legal guardian, any relative or a state agency; or upon (B) the receipt of a complaint of abuse or threatened abuse to a ~~developmentally disabled or handicapped~~ person with a developmental or other disability who is not capable of giving informed consent for the system to investigate the complaint and who does not have a parent or legal

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guardian to sign a written request to investigate the complaint, the system may:

(1) Interview any member of the staff of the program or facility which is providing or did provide treatment, services or habilitation to the person making the complaint or on whose behalf the complaint is made.

(2) Inspect and copy any documents, records, files, books, charts or other writings which are maintained in the regular course of business by the program or facility and which bear upon the subject matter of the individual complaint, except for the individual medical, treatment or other personal records of other persons in the program or facility.

(3) Request the assistance of any rights protection or advocacy services provided by the program or facility.

(4) Refer a complaint to the ombudsman, law enforcement agencies or any other public or private programs or facilities, as it deems appropriate.”

SECTION 6. Section 43-33-380 of the 1976 Code is amended to read:

“Section 43-33-380. The system shall not disclose the name or identity of any person, complainant, witness or subject of a complaint or any information or writing relating thereto unless the person or his parent or legal guardian authorizes in writing the release of such information but the system may make such disclosures as may be necessary to protect or advocate for the rights of the ~~developmentally disabled or handicapped~~ concerned person with a developmental or other disability concerned.”

SECTION 7. Section 43-33-400 of the 1976 Code is amended to read:

“Section 43-33-400. All departments, officers, agencies and institutions of the State shall cooperate with the system in carrying out its duties. Notwithstanding any other provision of law, all departments, officers, agencies and institutions of the State may, on the behalf of a ~~developmentally disabled or handicapped~~ person with a developmental or other disability, request the system to provide protection and advocacy services. Notwithstanding any other provision of law, any program or facility shall permit the system to inspect and copy any record or documents provided for in Section 43-33-370(2).”

SECTION 8. Section 1-11-10(A)(9) is amended to read:

“(9) ~~Client Assistant Program~~ Reserved”

SECTION 9. Section 43-33-320 is repealed.

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SECTION 10. The Governor shall take all actions necessary pursuant to 29 U.S.C. Section 732 to designate Protection and Advocacy for People with Disabilities, Inc., formerly known as the South Carolina Protection and Advocacy System for the Handicapped, as the South Carolina administrator of the Client Assistance Program.

SECTION 11. Authorized appropriations and the assets and liabilities of the Client Assistance Program are transferred to and become part of Protection and Advocacy for People with Disabilities, Inc., formerly known as the South Carolina Protection and Advocacy System for the Handicapped.

SECTION 12. This act takes effect upon approval by the Governor. 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 upon the completion of all necessary filings with the federal government. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The committee amendment was adopted.

Senator CAMPBELL 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 0

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
Rice	Sabb	Scott

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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. 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.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (S-354), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 15 and inserting:

/ FACILITY; TO AMEND SECTION 44-7-170(A),
RELATING TO /

Amend further, on page 1, by striking lines 29-41 and on page 2 by striking lines 1-25 and inserting:

[SJ]

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/ SECTION 1. Section 44-7-130 of the 1976 Code is amended by adding:

“(26) ‘Crisis stabilization unit facility’ means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week.”

SECTION 2. Section 44-7-170(A) of the 1976 Code is amended to read:

“(A) The following are exempt from Certificate of Need review:

(1) the acquisition by a person of medical equipment to be used solely for research, the offering of an institutional health service by a person solely for research, or the obligation of a capital expenditure by a person to be made solely for research if it does not:

(a) affect the charges imposed by the person for the provision of medical or other patient care services other than the services that are included in the research;

(b) change the bed capacity of a health care facility; or

(c) substantially change the medical or other patient care services provided by the person.

A written description of the proposed research project must be submitted to the department in order for the department to determine if these conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after the equipment or service is no longer being used solely for research;

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44-7-160(1) and (6);

(3) the replacement of like equipment for which a Certificate of Need has been issued which does not constitute a material change in service or a new service;

(4) crisis stabilization unit facilities. Notwithstanding subsection (C), crisis stabilization unit facilities will not require a written exemption from the department.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

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The committee amendment was adopted.

Senator CAMPBELL 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 0

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
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.

AMENDED, READ THE SECOND TIME

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

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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 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 MALLOY proposed the following amendment (JUD0115.010), which was adopted:

Amend the bill, as and if amended, by striking page 4, lines 9-10 in their entirety, and inserting the following:

/ server certificate pursuant to the provisions of this chapter. An alcohol server shall not be mentally or physically impaired by alcohol, drugs, or controlled substances while serving alcohol. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The question then was second reading of the Bill.

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

Ayes 29; Nays 10

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AYES

Alexander	Allen	Bennett
Campbell	Cromer	Gambrell
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
Rice	Sabb	Scott
Setzler	Shealy	Turner
Verdin	Williams	

Total--29

NAYS

Climer	Corbin	Davis
Fanning	Martin	Massey
Senn	Talley	Timmons
Young		

Total--10

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. 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.

The Senate proceeded to a consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (JUD0275.004), which was adopted:

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

/ SECTION 1. Section 61-4-1515 of the 1976 Code, as last amended by Act 223 of 2014, is further amended to read:

“Section 61-4-1515. (A) A brewery ~~licensed~~ permitted in this State is authorized to offer samples of beer to consumers on its ~~licensed~~ permitted premises, provided that the beer is brewed on the ~~licensed~~ permitted premises with an alcoholic content of twelve percent by weight, or less, subject to the following conditions:

(1) sales to or samplings by consumers must be held in conjunction with a tour by the consumer of the ~~licensed~~ permitted premises and the entire brewing process utilized at the ~~licensed~~ permitted premises;

(2) sales or samplings shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of twenty-one;

(3)(a) no more than a total of forty-eight ounces of beer brewed at the ~~licensed~~ permitted premises, including amounts of samples offered and consumed with or without cost, shall be sold to a consumer for on-premises consumption within a twenty-four hour period; and

(b) of that forty-eight ounces of beer available to be sold to a consumer within a twenty-four hour period, no more than sixteen ounces of beer with an alcoholic weight of above eight percent, including any samples offered and consumed with or without cost, shall be sold to a consumer for on-premises consumption within a twenty-four hour period;

(4) a brewery must develop and use a system to monitor the amounts and types of beer sampled or sold to a consumer for on-premises consumption;

(5) a brewery must sell the beer at the ~~licensed~~ permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the ~~licensed~~ permitted premises are located;

(6) a brewery must remit appropriate taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for excise taxes assessed by the department. A brewery also must remit appropriate sales and use taxes and local hospitality taxes;

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(7) a brewery must post information that states the alcoholic content by weight of the various types of beer available in the brewery and the penalties for convictions for:

- (a) driving under the influence;
- (b) unlawful transport of an alcoholic container; and
- (c) unlawful transfer of alcohol to minors.

And, the information shall be in signage that must be posted at each entrance, each exit, and in places in a brewery seen during a tour;

(8) a brewery must provide department or DAODAS approved alcohol enforcement training for the employees who serve beer on the ~~licensed~~ permitted premises to consumers for on-premises consumption, so as to prevent and prohibit unlawful sales, transfer, transport, or consumption of beer by persons who are under the age of twenty-one or who are intoxicated; and

(9) a brewery must maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the amount of at least one million dollars for the biennial period for which it is ~~licensed~~ permitted. Within ten days of receiving its biennial ~~license~~ permit, a brewery must send proof of this insurance to the State Law Enforcement Division and to the Department of Revenue, where the proof of insurance information shall be retained with the department's alcohol beverage licensing section.

(B)(1) In addition to the sampling and sales provisions set forth in subsection (A), a brewery ~~licensed~~ permitted in this State is authorized to sell beer produced on its ~~licensed~~ permitted premises to consumers on site for on-premises consumption within an area of its permitted and licensed premises approved by the rules and regulations of the Department of Health and Environmental Control governing eating and drinking establishments and other food service establishments. These establishments also may apply for a retail on-premises consumption permit for the sale of beer and wine ~~of a producer not produced on the licensed premises~~ that has been purchased from a wholesaler through the three-tier distribution chain set forth in Section 61-4-735 and Section 61-4-940.

(2) In addition to a retail on-premises consumption permit for the sale of beer and wine as authorized in this subsection, a brewery that has a Department of Health and Environmental Control approved and licensed food establishment on its premises as provided in subsection (B)(1) may apply for a license to sell alcoholic liquor by the drink for on-premises consumption within a specified area of its licensed or

permitted premises physically partitioned from the brewing operation and designated for the purpose of engaging substantially and primarily in the preparation and serving of meals. The brewery must:

(a) maintain compliance with all provisions of Section 61-6-1610 and all other provisions of Chapter 6 regulating the purchase and sale by food establishments of alcoholic liquor by the drink for on-premises consumption not inconsistent with other provisions of this section;

(b) not sell or allow the consumption of alcoholic liquor by the drink on that part of the brewery's premises designated and permitted for the brewing operation;

(c) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the brewing operation, and allocate expenses common to both operations in a manner the brewery considers reasonable, when applicable; and

(d) maintain a physical partition between the brewing and food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the brewing operation, and may contain a door or doors which remain locked during hours when the brewery is not in operation.

(C) The department shall terminate and a brewery shall surrender each permit and license issued to the brewery pursuant to subsection (B) immediately following inspection, determination, and report by the division to the department that brewing operations have ceased on the brewery's permitted premises. This includes the food establishment permits and licenses. Following reinstitution of brewing operations on the formerly permitted premises, a brewery may re-apply for the applicable permits and licenses authorized by subsection (B).

(D) The sale of beer that is brewed on the licensed premises for on-premises consumption pursuant to subsection (B) must comply with the following provisions:

(1) all provisions of subsection (A) shall apply to sales under subsection (B) and this subsection, except subsection (A)(1), (3), and (4);

(2) the brewery must comply with all state and local laws concerning hours of operation applicable to eating and drinking establishments and other food service establishments holding permits to sell beer and wine for on-premises consumption;

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(3) the brewery must comply with the discount pricing provisions of Section 61-4-160, applicable to persons holding permits to sell beer and wine for on-premises consumption;

(4) the brewery must sell the beer at a price approximating retail prices generally charged for identical beverages by on-premises retailers in the county where the licensed premises are located; and

(5) a wholesaler must not provide and a brewery must not accept services, equipment, fixtures, or free beer prohibited by Section 61-4-940(B), except those items authorized by Section 61-4-940(C). Changes to the brewery laws pursuant to subsection (B) and this subsection do not alter or amend the structure of the three-tier laws of this State, and the wholesalers and the breweries must not discriminate in pricing at the producer or wholesaler levels.

~~(D)~~(E) A brewery located in this State is authorized to sell beer on its ~~licensed~~ permitted premises for off-premises consumption, provided that the sealed beer was brewed on the ~~licensed~~ brewery's permitted premises with an alcohol content of fourteen percent by weight or less, subject to the following conditions:

(1) the maximum amount of beer that may be sold to an individual per day for off-premises consumption shall be equivalent to two hundred eighty-eight ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the ~~licensed~~ permitted premises and the entire brewing process utilized at the ~~licensed~~ permitted premises;

(3) the beer sold is for personal use only and ~~cannot~~ must not be resold;

(4) the beer ~~cannot~~ must not be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5) the brewery must sell the beer at the ~~licensed~~ permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the ~~licensed~~ permitted premises are located; and

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12-21-1020 and Section 12-21-1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes.

~~(E)~~(F) A brewpub permitted pursuant to Article 17, which is a retailer for purposes of Sections 61-4-735(D) and 61-4-940(D), may make application to the department for a brewery permit and the permits and

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licenses authorized pursuant to subsection (B) for the brewpub's existing permitted premises. For these applications, the department shall waive newspaper notice and sign posting requirements, except the requirements shall not be waived for an alcoholic liquor by the drink application if the brewpub does not possess this license at the time of application. Excluding operations authorized pursuant to subsection (B), the department must not approve an application if the applicant or any principal or person acting directly or indirectly on behalf of the applicant would have ownership or financial interest in a wholesale or retail beer, wine, or alcoholic liquor operation following the issuance of the brewery permit. Contemporaneous with obtaining the brewery and applicable permits or licenses authorized pursuant to subsection (B), the applicant shall surrender the brewpub permit and the alcoholic liquor by the drink license previously issued for the premises.

(G) In addition to other applicable fines or penalties, a person ~~licensed~~ permitted as a brewery in this State who violates the provisions of this section must be assessed a fine of five hundred dollars for a first violation. For a second violation that occurs within three years of the first violation, a person must be assessed an additional five hundred dollars. For subsequent violations within a three-year period, the department must suspend the brewery ~~license~~ permit for a period of not less than thirty days. The revenue from the fines established in this section must be directed to the State Law Enforcement Division for supplementing funds required for the regulation and enforcement of this section.”

SECTION 2. Section 61-4-1720 of the 1976 Code is amended to read:

“Section 61-4-1720. The brewpub permit provided for in this article is in lieu of a permit required for the manufacture of beer or sale of beer and wine including, but not limited to, a brewer's and retailer's permit. The sale of alcoholic liquors for consumption on the premises by the drink requires an appropriate license which may be issued to the holder of a brewpub permit who meets all other qualifications for the license under this title. A brewpub that becomes a brewery pursuant to Section 61-4-1515 must relinquish its brewpub permit in accordance with the requirements of that section.”

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

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Senator SHEALY 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 37; Nays 1

AYES

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

Total--37

NAYS

Corbin

Total--1

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

AMENDED, READ THE SECOND TIME

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

[SJ]

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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; 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.

The Senate proceeded to a consideration of the Bill.

Senator RICE proposed the following amendment (3358R001.SP.RFR), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 38 and inserting:

/ with the REAL ID Act.

(3) The department shall not provide direct access to the department's full driver's license database to any other jurisdiction." /

Renumber sections to conform.

Amend title to conform.

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Senator RICE explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
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
AMENDED, READ THE SECOND TIME**

S. 201 -- Senators McElveen, Campbell, McLeod, Talley and Gregory: A BILL TO AMEND SECTION 56-1-140(A) OF THE 1976 CODE, RELATING TO DRIVER'S LICENSES, TO CHANGE THE VALIDITY OF A DRIVER'S LICENSE FROM TEN YEARS TO

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EIGHT YEARS TO COMPLY WITH THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005; TO AMEND ARTICLE 1, CHAPTER 1, TITLE 56, RELATING TO GENERAL PROVISIONS FOR DRIVER'S LICENSES, BY ADDING SECTION 56-1-86 TO DIRECT THE GOVERNOR TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THE FEDERAL REAL ID ACT OF 2005; AND TO REPEAL SECTION 56-1-85, RELATING TO THE FEDERAL REAL ID ACT OF 2005.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (201R002.DR.JTM), which was adopted:

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

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

“Section 56-1-87. (A) A person may hold only one Department of Motor Vehicles issued credential at a time. A REAL ID card may be a driver's license or identification card but not both.

(B) The department may issue a compliant or non-compliant card. The department may issue a REAL ID compliant credential only to a person who:

(1) presents all supporting documents required for a compliant credential, or

(2) has previously presented proper supporting documents and the department has retained copies of those documents.

(C) The department shall issue a non-compliant credential to a person who opts not to have a REAL ID card and meets the other requirements necessary to obtain a non-compliant credential.”

SECTION 2. Section 56-1-85 of the 1976 Code, as added by Act 70 of 2007, is amended to read:

“Section 56-1-85. ~~The State shall not participate in the implementation of the federal REAL ID Act.~~

It is hereby declared to be the policy of this State:

(1) The State is committed to the continuing effort of enhancing the security, authentication, and issuance procedure standards of its driver's licenses and identification cards and of meeting all requirements of the Federal REAL ID Act of 2005 (P.L. 109-13) and accompanying regulations.

(2) The department shall enable qualifying citizens to obtain state driver's licenses and identification cards that are in compliance with the REAL ID Act."

SECTION 3. Section 56-1-90 of the 1976 Code is amended to read:

"Section 56-1-90. The Department of Motor Vehicles may require every applicant to submit for identification purposes proof of name, Social Security number, and date and place of birth when applying for a driver's license. An applicant for a driver's license, driver's permit, or special identification card or a renewal thereof may sufficiently prove the existence and validity of his Social Security number, for purposes of Section 14-7-130, by any ~~reasonably reliable~~ document ~~containing the Social Security number~~ considered reliable by the Department of Motor Vehicles. Such a document includes, but is not limited to, an official Social Security card, Social Security check, Social Security form SSA-1099, letter from the Social Security Administration, voter registration card, payroll stub, or Federal W-2 form, ~~or U.S. military identification card~~. The numbers may also be obtained from the Department of Revenue pursuant to Section 12-54-240(B)(7) which permits the Department of Revenue to submit taxpayer Social Security numbers to the Department of Motor Vehicles and to the State Election Commission.

~~For purposes of this section, when a licensee is applying for a replacement license, the Department of Motor Vehicles must accept an affidavit as evidence that the licensee has established the existence and validity of his Social Security number at the time of the original license application. The driver's license number of a person may be his Social Security number.~~

This section does not prevent issuance of a driver's license or identification card to a foreign exchange student participating in a valid foreign exchange program."

SECTION 4. Section 56-1-140 of the 1976 Code, as last amended by Act 275 of 2016, is further amended to read:

"Section 56-1-140. (A) Upon payment of a fee of ~~twelve dollars and fifty cents for a license that is valid for five years, or~~ twenty-five dollars for a license that is valid for ~~ten~~ eight years, the ~~Department of Motor Vehicles~~ department shall issue to every qualified applicant a driver's license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a brief description and laminated colored photograph of the licensee, any marking otherwise required or in compliance with law, and

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a facsimile of the signature of the licensee, ~~or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license.~~ No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

(B) An applicant for a new, renewed, or replacement ~~South Carolina~~ driver's license may apply to the ~~Department of Motor Vehicles~~ department to obtain a veteran designation on the front of his driver's license by providing:

(1) a United States Department of Defense discharge certificate, also known as a DD Form 214, form 4, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service in the United States Armed Forces; ~~and~~

(2) ~~payment of a one dollar fee that must be collected by the department and placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.~~

The ~~Department of Motor Vehicles~~ department may determine the appropriate form of the veteran designation on the driver's license authorized pursuant to this section.

(C) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund."

SECTION 5. Section 56-1-210 of the 1976 Code is amended to read:

"Section 56-1-210. (A) ~~A license issued or renewed before October 1, 2003, expires on the licensee's birth date on the fifth calendar year after the calendar year in which it is issued. A license issued or renewed on or after October 1, 2003, 2017, expires on the licensee's birth date on the tenth eighth calendar year in which it is issued. When a person who is sixty five years of age or older renews his license, the license shall expire five years from the date it was issued.~~

(B) A license is renewable on or before its expiration date upon application and the payment of the required fee.

(C) The ~~Department of Motor Vehicles~~ department may renew a driver's license of a resident by mail or electronically upon payment of the required fee, if the renewal is a digitized license.

(D) ~~A license may not be renewed until the licensee is reexamined as provided in Section 56-1-130, except that the licensee is not required to take the road test provided in Section 56-1-130; provided, further, that only the vision screening is required of those persons who have no more~~

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~~than five points for moving traffic violations in the two years prior to making application for renewal.~~ For cause shown, the department may require the submission by the applicant of evidence satisfactory to the department of the applicant's mental and physical fitness to drive and his knowledge of traffic laws and regulations. If the evidence is not satisfactory to the department, the department may require an examination of the applicant as upon an original application. Parallel parking is not required as a part of the driver's test.

(E) If a person's license expires and he is unable to renew it before its expiration date because he is on active military duty outside this State for a continuous period of at least thirty days immediately before the expiration date or because he is the spouse or dependent living for a continuous period of at least thirty days immediately before the expiration date with a person on active military duty outside this State, within sixty days after returning to this State, the person may renew his license in the manner permitted by this section as though the license had not expired. The department may require proof from the person that he qualifies for renewal of his license under this paragraph. Upon request, the person shall provide the department with a copy of his military service record, a document of his branch of military service showing the date of active military duty outside the State, or other evidence presented by the person showing the dates of service."

SECTION 6. Section 56-1-220 of the 1976 Code, as last amended by Act 275 of 2016, is further amended to read:

"Section 56-1-220. (A) ~~Vision screenings are required for all persons before having their licenses renewed by the Department of Motor Vehicles.~~ The department shall require vision screening for all persons obtaining an initial license. The vision screening may be waived upon the submission of a certificate of vision examination dated within the previous twelve months from an ophthalmologist or optometrist licensed in any state.

(B) ~~During the fifth year of a ten-year license, the licensee must submit by mail to the department a certificate from an ophthalmologist or optometrist licensed in any state or appear in person at a department office to complete a vision screening. If a licensee fails to submit a certificate or fails to appear in person, the licensee must be fined fifty dollars. The department shall waive the fine if the person completes the requirements of this section within ninety days after the end of the fifth year of a ten-year license. This fine must be placed by the Comptroller~~

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General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

~~(C)~~ A vision screening will not be required before October 1, 2008, if a licensee is less than sixty-five years of age, his license expires on his birth date on the fifth calendar year after the calendar year in which it is issued, and his license is renewed for an additional five years by mail or electronically. If a licensee is sixty-five years of age or older and his license expires on his birth date on the fifth calendar year after the calendar year in which it is issued, then he may renew his license by mail for an additional five years upon submission of a certificate of vision examination from an ophthalmologist or optometrist licensed in any state.

~~(D)~~ The renewal license forms distributed by the department must be designed to contain a certification that the vision of the person screened meets the minimum standards required by the department or have been corrected to meet these requirements if a screening is required. The certification must be executed by the person conducting the screening. The minimum standards of the department shall not require a greater degree of vision than 20/40 corrected in one eye. Persons using bioptic lenses must adhere to the provisions contained in Section 56-1-222.

~~(E)~~(C) A person whose vision is corrected to meet the minimum standards shall have the correction noted on his driver's license by the department.

~~(F)~~(D) It is unlawful for a person whose vision requires correction in order to meet the minimum standards of the department to drive a motor vehicle in this State without the use of the correction.

~~(G)~~(E) Unless otherwise provided in this section, any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days."

SECTION 7. The Department of Motor Vehicles is authorized to expend \$1.7 million in the current fiscal year (2016-2017) from its existing cash balances to begin implementing the provisions of this act once it becomes effective.

SECTION 8. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator GROOMS explained the committee amendment.

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The committee amendment was adopted.

Senator RICE proposed the following amendment (201R003.SP.RFR), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Section 56-1-85 of the 1976 Code, as added by Act 70 of 2007, is amended to read:

~~“Section 56-1-85. The State shall not participate in the implementation of the federal REAL ID Act.~~

It is hereby declared to be the policy of this State:

(1) the State is committed to the continuing effort of enhancing the security, authentication, and issuance procedure standards of its driver’s licenses and identification cards and of meeting all requirements of the Federal REAL ID Act of 2005 (P.L. 109-13) and accompanying regulations; and

(2) the department shall enable qualifying citizens to obtain state driver’s licenses and identification cards that are in compliance with the REAL ID Act; and

(3) the department shall not provide direct access to the department’s full driver’s license database to any other jurisdiction.” /

Renumber sections to conform.

Amend title to conform.

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 40; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
Matthews, John	Matthews, Margie	McElveen

[SJ]

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Nicholson	Peeler	Rankin
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.

CARRIED OVER

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

On motion of Senator M.B. MATTHEWS, the Bill was carried over.

Motion Adopted

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

MOTION ADOPTED

On motion of Senators SHEALY and SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Scott, Amanda, Elizabeth and Judah Kelly of Lexington, S.C. Scott worked in IT for the Arnold School of Public Health at the University of South Carolina and Mandy was a stay-at-home mother. The family were members of Trinity Baptist Church in Cayce where Scott served as a deacon, taught Sunday school and Amanda was a women's ministry leader. Elizabeth was 9 years old and Judah was

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10 months old. Scott, Amanda, Elizabeth and Judah were amazing people who will be dearly missed.

ADJOURNMENT

At 1:12 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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