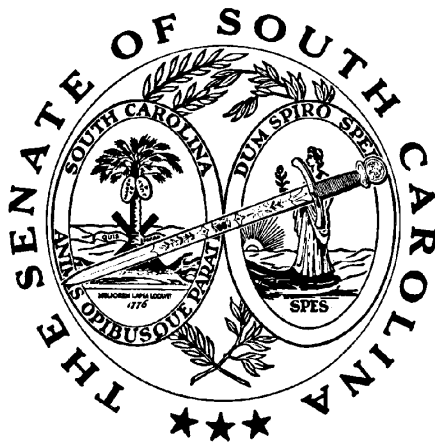


NO. 51

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

THURSDAY, APRIL 4, 2024

Thursday, April 4, 2024
(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:

Nahum 1:7

The prophet Nahum tells us that: "The Lord is good, a refuge in time of trouble. He cares for those who trust in him."

Friends, please bow with me: O Loving Lord, again and again You grant to those who serve You such incredible blessings and mercies. And these gifts You bestow typically arrive at the exact moment we most need them, thanks to Your wonderful grace. Indeed, may each one of us in this Senate, O God, trust in You unfailingly, praising You for each blessing You have already granted, but remaining determined to bring about even greater good for all of our citizens. In that regard we also thank You, dear Lord, for each one of South Carolina's brave and bold peace officers, EMTs and firefighters, remembering today especially Clinton firefighter Michael Vinson, who died tragically this past Sunday while responding to an emergency call. God bless all who trust in You and who serve others without hesitation. We humbly pray this in Your loving and blessed name, O Lord. Amen.

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

Point of Quorum

At 11:06 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett

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Goldfinch	Grooms	Gustafson
Harpootlian	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Martin
Massey	Matthews	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Tedder	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Motion Adopted

On motion of Senator GOLDFINCH, with unanimous consent, Senators RANKIN, DEVINE and ADAMS were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Leave of Absence

On motion of Senator SETZLER, at 12:12 P.M., Senators HUTTO and STEPHENS were granted a leave of absence for today.

Leave of Absence

On motion of Senator YOUNG, at 12:12 P.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator RICE, at 1:36 P.M., Senator SENN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator McLEOD, at 1:36 P.M., Senator MATTHEWS was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 1:54 P.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

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Expression of Personal Interest

Senator VERDIN rose for an Expression of Personal Interest.

Remarks by Senator VERDIN

Mr. PRESIDENT, I want to bring to the Senate's attention a sobering occurrence that happened in the City of Clinton in Laurens County, South Carolina this past Sunday morning. Several of you are very aware, cognizant of the horrific, tragic accident in fire service in Clinton Sunday morning. I've waited to acknowledge it, as I wanted to make sure that Chaplain St. John had the pertinent information to be able to invoke the Lord's comfort and presence for the family of Michael "Mike" Vinson. I do not want to revisit the details of that accident, as firefighters were responding to a call for service Sunday morning. What I do want to do is echo the words of the Chaplain's prayer. Bless you, Chaplain St. John, for bringing the words of the prophet Nahum to us, "The Lord is good, a refuge in time of trouble. He cares for us who trust in him." Ladies and gentlemen of the Senate, "Mike Mike", who was just 27 years old, was the pivotal inspirational point for his family and he will remain that in spirit, as anyone that can give personal testimony, will tell you. I cannot give personal witness and testimony; however, our colleague MIKE GAMBRELL can.

Mike Vinson is out there in the Brewerton community, Ekom Beach, across the river -- a closer neighbor to Senator GAMBRELL than myself, but every fire service in Laurens County as well as the City of Clinton has been touched by this young man's life. It's remarkable to me as I've watched what's transpired in Laurens County this week. Firefighters from multiple states, and certainly neighboring communities in South Carolina have come with every means of support--physically, emotionally, spiritually, more than I have ever comprehended--hundreds! I can't give you the name of the ancillary support group within the fire service, I'm sure Senator GAMBRELL can, but from the structure to the delivery, it's been stupendous. I'm so thankful and grateful for the outside help, because, in many ways, our local community has been debilitated. This level of debilitation is such and so poignant in a small ancillary community, that for the fire service to continue, we had to have the support of their colleagues and brethren from around the State and the Southeast to come in and man the fire stations. I don't know that we'll ever be able to say thank you enough to them, but in the words of the prophet, we can thank God for the community support, for the fact that He himself lifts us up in this time of trouble. We can find that refuge.

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For those of you familiar with western Laurens County, and Senator GAMBRELL, as your predecessor, Senator Billie O'Dell would remind us, "Mike Mike" Vinson came and sprung from God's country in western Laurens County and those communities. He will be laid to rest tomorrow afternoon, and he will be sorely missed --about eighteen miles from downtown Laurens, and that's the closest little town out there. Otherwise, you're talking about Ware Shoals or Honea Path. There are over a hundred units that have expressed desire to come and pay tribute to his life. So tomorrow, at 2:00 p.m., if you will keep those of us that are in the congregation assembled out at Union Baptist Church, remember this family, remember our communities. Trust that if it ever befalls any of our communities, that we will be there, that we will lift each other up, that we will take consolation, again, in the fact that the Lord is good -- He's our refuge in time of trouble. It really causes us to cast our cares and our trust in Him. His immediate family and friends covet your continued prayers. Thank you, Mr. PRESIDENT.

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator VERDIN were ordered printed in the Journal.

CO-SPONSORS ADDED

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

S. 481 Sen. M. Johnson
S. 723 Sen. Bennett
S. 858 Sens. Garrett, Kimbrell, Setzler and Malloy
S. 1166 Sen. Rice

RECALLED

S. 1166 -- Senators Tedder, Stephens and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-1-65, RELATING TO THE S.C. CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2024, SO AS TO PROVIDE THE STATE MUST DISMISS CERTAIN PENDING UNLAWFUL HANDGUN POSSESSION CHARGES.

Senator TEDDER asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

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Senator TEDDER asked unanimous consent to make a motion to take the Bill up for immediate consideration.

Senator CORBIN objected.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1239 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-117-510 SO AS TO PROVIDE DEFINITIONS FOR PATIENT, THIRD PARTY, AND 340B DRUG PRICING; BY ADDING SECTION 44-117-520 SO AS TO PROVIDE THAT A THIRD PARTY SHALL INFORM A PATIENT THAT HE IS NOT REQUIRED TO USE A MAIL-ORDER PHARMACY, SHALL OBTAIN A SIGNED WAIVER FROM A PATIENT BEFORE ALLOWING THE USE OF A MAIL-ORDER PHARMACY, SHALL MAKE DRUG FORMULARY AND COVERAGE DECISIONS BASED ON THE THIRD PARTY'S NORMAL COURSE OF BUSINESS, SHALL ALLOW A PATIENT THE FREEDOM TO USE ANY PHARMACY OR ANY PROVIDER THE PATIENT CHOOSES, AND SHALL ELIMINATE DISCRIMINATORY CONTRACTING; BY ADDING SECTION 44-117-530 SO AS TO PROVIDE THAT ALL PHARMACY CLAIMS PROCESSED BY A PHARMACY THAT PARTICIPATES IN 340B DRUG PRICING ARE FINAL AT THE POINT OF ADJUDICATION; BY ADDING SECTION 44-117-540 SO AS TO PROVIDE THAT THE INSURANCE COMMISSIONER MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER.

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

S. 1240 -- Senator Sabb: A CONCURRENT RESOLUTION TO CONGRATULATE EDITH MCCLARY REDDEN UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER FORTY-SEVEN YEARS OF DEDICATED SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Concurrent Resolution was adopted, ordered sent to the House.

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REPORTS OF STANDING COMMITTEES

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

S. 858 -- Senators Davis, Garrett, Kimbrell, Setzler and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO HEALTH CARE FACILITY LICENSURE DEFINITIONS, SO AS TO ADD A DEFINITION FOR “ACUTE HOSPITAL CARE AT HOME”; BY AMENDING SECTION 44-7-170, RELATING TO CERTIFICATE OF NEED PROGRAM EXEMPTIONS, SO AS TO EXEMPT ACUTE HOSPITAL CARE AT HOME PROGRAMS AND SERVICES; AND BY ADDING SECTION 44-7-267 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS FOR LICENSING ACUTE HOSPITAL CARE AT HOME PROGRAMS AND SERVICES.

Ordered for consideration tomorrow.

Motion Adopted

On motion of Senator DAVIS, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed at the end of Second Reading Bills and would be taken up for consideration when that category was completed.

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

S. 1076 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-1-219 SO AS TO ESTABLISH A WORK ZONE SAFETY PROGRAM; BY AMENDING SECTION 56-1-15, RELATING TO THE ADMINISTRATION OF DRIVER’S LICENSE EXAMINATIONS, SO AS TO REQUIRE THAT DRIVER’S LICENSE APPLICANTS COMPLETE THE WORK ZONE SAFETY PROGRAM; AND BY AMENDING SECTION 56-1-130, RELATING TO LICENSE EXAMINATIONS AND BASIC AND CLASSIFIED LICENSES, SO AS TO REQUIRE THAT DRIVER’S LICENSE APPLICANTS COMPLETE THE WORK ZONE SAFETY PROGRAM.

Ordered for consideration tomorrow.

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

S. 1220 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-3-640, RELATING TO DRIVEWAYS AND ROADS IN STATE PARKS, SO AS TO PROVIDE THE DEPARTMENT OF TRANSPORTATION MUST OBTAIN APPROVAL FROM COUNTY LEGISLATIVE DELEGATIONS BEFORE ADDING OR CHANGING ENCHROACHMENTS OR ACCESS POINTS IN STATE PARKS.

Ordered for consideration tomorrow.

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

H. 4674 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-1240, RELATING TO THE DISPLAY OF LICENSE PLATES, SO AS TO PROVIDE THE CIRCUMSTANCES IN WHICH THE PROVISIONS OF THIS SECTION APPLY, TO PROVIDE HOW LICENSE PLATES MUST BE FASTENED TO VEHICLES, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE FOR THE DISPLAY OF TEMPORARY LICENSE PLATES ON LARGE COMMERCIAL MOTOR VEHICLES.

Ordered for consideration tomorrow.

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

H. 5023 -- Reps. Brewer, Gilliam, Lawson, Sessions, Schuessler, Hager, Hartnett, Gatch, Mitchell, Hewitt, Robbins, J. Moore, Wooten, Guffey, O'Neal, J.L. Johnson, Pedalino and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-1-219 SO AS TO ESTABLISH THE WORK ZONE PROGRAM WITHIN THE DEPARTMENT OF PUBLIC SAFETY; BY AMENDING SECTION 56-1-15, RELATING TO THE ADMINISTRATION OF DRIVER'S LICENSE EXAMINATIONS, SO AS TO REQUIRE DRIVER'S LICENSE APPLICANTS COMPLETE THE WORK ZONE SAFETY PROGRAM COURSE; AND BY AMENDING SECTION 56-1-130, RELATING TO LICENSE EXAMINATIONS AND BASIC AND CLASSIFIED LICENSES, SO AS TO REQUIRE DRIVER'S LICENSE APPLICANTS COMPLETE THE WORK ZONE SAFETY PROGRAM COURSE.

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Ordered for consideration tomorrow.

Appointments Reported

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

Statewide Appointments

Initial Appointment, South Carolina Panel for Dietetics, with the term to commence May 30, 2023, and to expire May 30, 2025

Dietician, Consulting:

Beth Griffith, 934 Sherwood Circle, Lancaster, SC 29720 *VICE* Edna Cox Rice

Received as information.

Initial Appointment, South Carolina Panel for Dietetics, with the term to commence May 30, 2023, and to expire May 30, 2025

Dietician, Nutritional Services Management:

Amanda Groesbeck, 123 Harmon Street, Lexington, SC 29072-3525
VICE Valerie L. Meador

Received as information.

Reappointment, South Carolina Panel for Dietetics, with the term to commence May 30, 2023, and to expire May 30, 2025

Dietetics Educator:

Elizabeth Weikle MS, RD, LD, 2138 Cavendale Drive, Rock Hill, SC 29732-8303

Received as information.

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2024, and to expire June 30, 2028

Audiologist:

Gwendolyn D. Wilson, 2215 Hoffman Dr., Northwest, Orangeburg, SC 29118

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Received as information.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2023, and to expire December 31, 2027
3rd Congressional District, Registered Nurse:

John J. Whitcomb, Chief Academic Nursing Officer and Director,
Clemson University School of Nursing, 4 Willow Oak Court,
Williamston, SC 29697-8700 *VICE* Wilma Kay Swisher

Received as information.

Privilege of the Chamber

On motion of Senator DEVINE, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Shanita Grimes and the Senate wished her the best in all future endeavors.

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:

S. 843 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-120, RELATING TO MISREPRESENTATIONS PROHIBITED, SO AS TO PROHIBIT A SOLICITATION FROM A PERSON OR GROUP REPRESENTING ITSELF AS A SOUTH CAROLINA-BASED NATIVE AMERICAN INDIAN TRIBE OR SOUTH CAROLINA-BASED NATIVE AMERICAN ENTITY UNLESS THE GROUP HAS BEEN FEDERALLY ACKNOWLEDGED AS A TRIBE, OR DESIGNATED AS A TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION BY THE BOARD OF THE STATE COMMISSION FOR MINORITY AFFAIRS.

S. 32 -- Senators Hutto, Senn and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-77-170, RELATING TO THE REQUIRED CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF THE MOTOR VEHICLE

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CAUSING INJURY OR DAMAGE IS UNKNOWN, SO AS TO ALLOW AN INSURED TO SEEK A COURT ORDER FOR A PRESUIT DEPOSITION WHEN THE INSURED IS UNABLE TO OBTAIN AN AFFIDAVIT FROM A WITNESS TO THE ACCIDENT AND TO ALLOW AN INSURED TO SUBMIT ELECTRONIC OR OTHER RECORDING OF THE ACCIDENT TO MEET THE REQUIRED CONDITIONS OF THE UNINSURED MOTORIST PROVISION.

S. 846 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-31-401, RELATING TO CORPORATE NAME, SO AS TO PROHIBIT THE USE OF CERTAIN INDIAN DESCRIPTIONS AS PART OF A NONPROFIT CORPORATION'S CORPORATE NAME UNLESS THE ENTITY IS A FEDERALLY ACKNOWLEDGED TRIBE OR A STATE DESIGNATED TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION.

The Senate proceeded to a consideration of the Bill.

The question being third reading of the Bill.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Tedder
Turner	Verdin	Williams
Young		

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Total--43

NAYS

Total--0

The Bill was read the third time and ordered sent to the House.

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

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

S. 857 -- Senators Davis and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-13-20, RELATING TO DEFINITIONS CONCERNING COSMETOLOGY AND COSMETOLOGISTS SO AS TO PROVIDE A DEFINITION FOR “MOBILE SALON” AND “PORTABLE COSMETOLOGIST, ESTHETICIAN, OR NAIL TECHNICIAN OPERATION”; AND BY ADDING SECTION 40-13-365 SO AS TO PROVIDE FOR PERMITTING AND REGULATION OF MOBILE SALONS AND PORTABLE COSMETOLOGIST, ESTHETICIAN, OR NAIL TECHNICIAN OPERATIONS.

S. 1132 -- Senators Davis, Climer and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-7-20, RELATING TO DEFINITIONS CONCERNING BARBERS AND BARBERING, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-7-390, RELATING TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; BY AMENDING SECTION 40-13-20, RELATING TO DEFINITIONS CONCERNING COSMETOLOGISTS AND COSMETOLOGY, SO AS TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 40-13-360, RELATING TO CERTAIN PERSONS EXEMPT FROM REGULATION BY THE STATE BOARD OF BARBER EXAMINERS, SO AS TO EXEMPT PERSONS PROVIDING BLOW-DRYING OR HAIR-BRAIDING SERVICES BUT NO OTHER SERVICES REGULATED BY THE BOARD; AND

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BY REPEALING SECTION 40-7-255 RELATING TO THE REGULATION OF HAIR-BRAIDING PRACTITIONERS.

S. 955 -- Senators Campsen and Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-5-400 SO AS TO ESTABLISH THE LIMITED COMMERCIAL BLUE CRAB LICENSE AND THE REQUIREMENTS FOR OBTAINING THE LICENSE; BY AMENDING SECTION 50-5-325, RELATING TO COMMERCIAL EQUIPMENT LICENSES AND FEES, SO AS TO REVISE THE FEE STRUCTURE FOR THE COMMERCIAL TRAP LICENSE; BY AMENDING SECTION 50-5-350, RELATING TO THE TRANSFERABILITY OF LICENSES, SO AS TO EXEMPT THE LIMITED COMMERCIAL BLUE CRAB LICENSE FROM THE GENERAL TRANSFER PROHIBITION; BY AMENDING SECTION 50-5-360, RELATING TO LICENSES TO ENGAGE IN SHEDDING PEELER CRABS, SO AS TO REQUIRE THAT AN APPLICANT'S OR LICENSEE'S BUSINESS PREMISES BE CAPABLE OF PEELER SHEDDING OPERATIONS; BY AMENDING SECTION 50-5-545, RELATING TO TRAPS FOR TAKING BLUE CRAB, SO AS TO PROVIDE FOR THE MATERIAL, DIMENSIONS, AND ESCAPE VENT REQUIREMENTS OF THE TRAPS; BY ADDING SECTION 50-5-1302 SO AS TO ESTABLISH A RECREATIONAL LIMIT OF ONE-HALF BUSHEL OF BLUE CRABS PER PERSON PER DAY NOT TO EXCEED ONE BUSHEL PER BOAT; BY ADDING SECTION 50-5-1345 SO AS TO PROHIBIT THE USE OF CRAB TRAPS IN THE WATERS OF THIS STATE FROM JANUARY 16 THROUGH JANUARY 29 OF EACH YEAR; BY AMENDING SECTION 50-5-330, RELATING TO RECREATIONAL EQUIPMENT LIMITS, SO AS TO INCREASE THE NUMBER OF TRAPS THAT MAY BE USED FOR RECREATIONAL PURPOSES FROM TWO TO TEN WITH A RECREATIONAL CRAB TRAP ENDORSEMENT; AND BY AMENDING SECTION 50-9-540, RELATING TO RECREATIONAL SALTWATER FISHING LICENSES SO AS TO PROVIDE FOR THE COST OF THE RECREATIONAL CRAB TRAP ENDORSEMENT.

CARRIED OVER

S. 154 -- Senators Young, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA STREET GANG AND CRIMINAL ENTERPRISE PREVENTION AND ANTI-RACKETEERING ACT";

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BY AMENDING ARTICLE 3 OF CHAPTER 8, TITLE 16, RELATING TO THE CRIMINAL GANG PREVENTION ACT, SO AS TO RETITLE THE ARTICLE, REVISE THE DEFINITIONS FOR PURPOSES OF THE ARTICLE, AND RESTRUCTURE THE ARTICLE AND THE OFFENSES AND PENALTIES CONTAINED WITHIN IT; AND BY ADDING ARTICLE 5 TO CHAPTER 8, TITLE 16 SO AS TO CREATE ANTI-RACKETEERING PROVISIONS TO COMPLIMENT THE REVISED STREET GANG AND CRIMINAL ENTERPRISE PREVENTION ARTICLE, DEFINE NECESSARY TERMS, AND CREATE VARIOUS RACKETEERING OFFENSES AND ESTABLISH PENALTIES FOR VIOLATIONS.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG proposed the following amendment (LC-154.AHB0009S):

Amend the bill, as and if amended, by striking SECTIONS 2 and 3 and inserting:

SECTION X. Section 16-8-230(2) of the S.C. Code is amended to read:

(2) “Criminal gang” means ~~a formal or informal ongoing organization, association, or group that consists of five or more persons who form for the purpose of committing criminal activity and who knowingly and actively participate in a pattern of criminal gang activity~~ any organization, association, or group of three or more persons associated in fact, whether formal or informal, which engages in criminal gang activity as defined in this section. The existence of such organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, or attire or other distinguishing characteristics including, but not limited to, common activities, customs, or behaviors. The term does not include three or more persons, associated in fact, whether formal or informal, who are not engaged in criminal gang activity.

SECTION X. Section 16-8-230(4) of the S.C. Code is amended to read:

(4) “Pattern of criminal gang activity” means the commission or attempted commission of, commission as an accessory before or after the fact to, or solicitation or conspiracy to commit, by a criminal gang member, while knowingly and actively participating in criminal gang activity, ~~four~~two or more of the following offenses occurring within a two-year period, provided that at least ~~three~~one of these offenses occurred after July 1, 2007:

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- (a) a violent offense as defined in Section 16-1-60 committed as a part of criminal gang activity;
- (b) financial transaction card crimes as defined in Chapter 14 of Title 16 committed as a part of criminal gang activity;
- (c) first degree lynching as defined in Section 16-3-210 committed as a part of criminal gang activity;
- (d) second degree lynching as defined in Section 16-3-220 committed as a part of criminal gang activity;
- (e) breaking into a motor vehicle as defined in Section 16-13-160 committed as a part of criminal gang activity;
- (f) grand larceny as defined in Section 16-13-30 committed as a part of criminal gang activity;
- (g) blackmail as defined in Section 16-17-640 committed as a part of criminal gang activity;
- (h) malicious injury to property as defined in Sections 16-11-510, 16-11-520, 16-11-530, and 16-11-535 committed as a part of criminal gang activity;
- (i) drug offense as defined in Sections 44-53-370 and 44-53-375 committed as a part of criminal gang activity;
- (j) harassment, stalking, or aggravated stalking as defined in Article 17, Chapter 3 of Title 16 committed as a part of criminal gang activity;
- (k) pointing a firearm at any person as defined in Section 16-23-410 committed as a part of criminal gang activity;
- (l) discharging a firearm at or into dwellings, structures, enclosures, vehicles, or equipment as defined in Section 16-23-440 committed as a part of criminal gang activity;
- (m) the common law offense of assault and battery of a high and aggravated nature committed as a part of criminal gang activity; or
- (n) the common law offense of obstruction of justice committed as a part of criminal gang activity.

SECTION X. Section 16-8-240 of the S.C. Code is amended to read:

~~Section 16-8-240.-(A) It is unlawful for a criminal gang member to use or threaten to use physical violence against another person with the intent to coerce, induce, or solicit that person or another person to actively participate in criminal gang activity, or to prevent another criminal gang member from withdrawing from or leaving a criminal gang. A criminal gang member who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars or imprisoned not more than two years, or both. A criminal gang member convicted for a second or subsequent offense pursuant to this subsection is guilty of a~~

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felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

~~—(B) A criminal gang member who uses a firearm, any other deadly weapon, or physical violence to coerce, induce, or solicit another person to actively participate in a criminal gang, or to prevent another criminal gang member from withdrawing or leaving a criminal gang, in addition to the punishment prescribed in subsection (A), may be punished by an additional fine of not more than ten thousand dollars or by imprisonment for an additional period of not more than ten years, or both.~~

~~—(C) If the person solicited, recruited, coerced, or threatened in violation of this section is under the age of eighteen, an additional term of three years may be imposed in addition and consecutive to the penalty prescribed for a violation of this section.~~

~~—(D) A person who has been coerced, intimidated, threatened, or injured in violation of this section has a civil cause of action against a criminal gang or criminal gang member violating this section for treble the amount of the actual damages, for punitive damages, an injunction, and any other appropriate relief in law or equity. Upon prevailing in the civil action, the plaintiff may recover reasonable attorney's fees and costs from the criminal gang or criminal gang member.~~

~~—(E) Nothing in this section limits prosecution under any other provision of law.~~

(A) It is unlawful for a person to commit a criminal gang activity offense, as defined in Section 16-8-230, with the intent to obtain or earn membership or maintain or increase his status or position in a criminal gang.

(B) It is unlawful for a person who occupies a position of organizer, a supervisory position, or any other position of management or leadership with regard to a criminal gang to engage in, directly or indirectly, or conspire to engage in criminal gang activity.

(C) It is unlawful for a person to cause, encourage, solicit, recruit, or coerce another to become a member or associate of a criminal gang, to participate in a criminal gang, or to conduct or participate in criminal gang activity.

(D) It is unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to deter such person from assisting a member or associate of a criminal gang to withdraw from a criminal gang.

(E) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of

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the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for having withdrawn from a criminal gang.

(F) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for refusing to or encouraging another to refuse to become or obtain the status of a member or associate of a criminal gang.

(G) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to punish or retaliate against a person for providing statements or testimony against criminal gangs or any criminal gang member or associate.

(H) It is unlawful for a person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or of any associate or relative of the other person with the intent to intimidate, deter, or prevent a person from communicating to a law enforcement or corrections officer, prosecuting attorney, or judge information relating to criminal gangs, criminal gang members or associates, or criminal gang activity.

(I)(1) A person who violates the provisions of subsection (A) is guilty of a felony and, upon conviction, in addition to any other penalty provided by law, must be fined not less than ten thousand dollars nor more than fifteen thousand dollars or imprisoned not less than five years but not more than twenty years, or both. Restitution also must be ordered as a condition of any sentence imposed.

(2) A person who violates the provisions of subsection (B) is guilty of a felony and, upon conviction, in addition to any other penalty provided by law, must be imprisoned for not less than five years but not more than twenty years which must be served consecutively to any other sentence imposed. Restitution also must be ordered as a condition of any sentence imposed.

(3) Any person who violates the provisions of subsection (C), (D), (E), (F), (G), or (H) is guilty of a felony and, upon conviction, in addition to any other penalty as provided by law, must be imprisoned for not less than five years but not more than twenty years. Restitution also must be ordered as a condition of any sentence imposed.

(4) A person who violates the provisions of this section through the solicitation, recruitment, coercion, or threat of a person under the age of

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eighteen may be imprisoned for an additional term of three years which must be served consecutively to any other sentence imposed.

(J) For the purpose of proving the existence of a criminal gang and criminal gang activity, the adjudication or conviction by any plea or trial of a criminal gang activity offense enumerated in Section 16-8-230 by any member or associate of a criminal street gang is admissible in any trial or proceeding. If the prosecution seeks to offer evidence of a third party adjudication or conviction, the person so adjudicated or convicted must be available for cross examination in order for the evidence to be admitted. The pendency of an appeal may be shown but does not affect admissibility.

(K) A defendant's conviction of a criminal gang activity offense is admissible in and estops the defendant in any subsequent action or proceeding as to matters proved in the criminal proceeding.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The question being third reading of the Bill.

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

CARRIED OVER

S. 266 -- Senators Hutto, Jackson, Shealy, Devine, McLeod, Allen and Tedder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-820, RELATING TO OUT-OF-HOME PLACEMENT, SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A RELATED COURT ORDER; BY AMENDING SECTION 63-19-1020, RELATING TO INSTITUTING PROCEEDINGS, SO AS TO REQUIRE THAT THE CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; BY AMENDING SECTION 63-19-1440, RELATING TO COMMITMENT, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; BY AMENDING SECTION 63-19-1810, RELATING TO

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DETERMINATION OF RELEASE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-19-2050, RELATING TO PETITION FOR EXPUNGEMENT OF OFFICIAL RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

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

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

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

S. 723 -- Senators Talley, Turner, Campsen and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-40-20, RELATING TO THE PURPOSES AND RULES OF CONSTRUCTION FOR THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO EXEMPT CERTAIN TENANCIES FROM THE ACT; AND BY AMENDING SECTION 45-2-60, RELATING TO THE EJECTMENT OF A PERSON FROM A LODGING ESTABLISHMENT, SO AS TO AUTHORIZE AN INNKEEPER TO REQUEST ASSISTANCE FROM LAW ENFORCEMENT TO EJECT A PERSON AND TO PROVIDE THAT A PERSON EJECTED FROM A CAMPGROUND HAS TEN DAYS TO MAKE A CLAIM FOR PROPERTY LEFT AT THE TIME OF EJECTMENT.

S. 841 -- Senators Alexander and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROSECUTORS PERSONAL PRIVACY PROTECTION ACT" BY ADDING ARTICLE 9 TO CHAPTER 2, TITLE 30 SO AS TO DEFINE NECESSARY TERMS, AND TO PROVIDE CURRENT AND FORMER PROSECUTORS HAVE THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, TO PROVIDE LIMITED EXCEPTIONS, AND TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; AND TO PROVIDE THE SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION SHALL CREATE A FORM FOR USE BY

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PROSECUTORS WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM.

S. 849 -- Senators Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-230, RELATING TO SCHEDULE III CONTROLLED SUBSTANCES, SO AS TO ADD XYLAZINE AS A SCHEDULE III CONTROLLED SUBSTANCE, WITH EXCEPTIONS; AND BY ADDING SECTION 44-53-372 SO AS TO PROHIBIT THE PRODUCTION, MANUFACTURE, DISTRIBUTION, OR POSSESSION OF XYLAZINE, WITH EXCEPTIONS, AND TO ESTABLISH ASSOCIATED CRIMINAL PENALTIES.

S. 866 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO PROVIDE A REASONABLE EXPECTATION STANDARD FOR THE DETERMINATION OF WHETHER SOMEONE IS LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE; AND BY AMENDING SECTION 44-48-20, RELATING TO LEGISLATIVE FINDINGS, SO AS TO CLARIFY THE METHOD OF DETERMINATION FOR THE LIKLIHOOD THAT A PERSON WILL ENGAGE IN FUTURE ACTS OF SEXUAL VIOLENCE.

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

The following Bill was read the third time and ordered sent to the House:

S. 1088 -- Senators Young, Hutto and Massey: A BILL TO AMEND SECTION 2 OF ACT 205 OF 2016, AS AMENDED, RELATING TO THE EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, SO AS TO EXTEND THE SUNSET PROVISION TO JUNE 30, 2026.

The Senate proceeded to a consideration of the Bill.

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Senator MARTIN proposed the following amendment (SR-1088.JG0002S), which was ruled out of order:

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

SECTION X. Article 1, Chapter 2, Title 28 of the S.C. Code is amended by adding:

Section 28-2-35. (A) When a public utility regulated by the Public Service Commission purchases real property for a specific purpose which is likely to result in condemnation of surrounding real property, in whole or in part, to carry out the specific purpose for which the property was purchased must first hold a public meeting in the area to disclose the likelihood of condemnation, the expected extent of the condemnation, and to receive public input. The public utility may not finalize its purchase of the real property until thirty days after the public hearing.

(B) When a public utility regulated by the Public Service Commission owns real property plans to change or otherwise modify the use of the real property that the public utility owns and the change or modification of its use of the real property is likely to result in condemnation of surrounding real property, in whole or in part, to facilitate the change or modification of its use, then the public utility must first hold a public meeting the area to disclose the likelihood of condemnation, the expected extent of the condemnation, and to receive public input. The public utility may not initiate the condemnation process until thirty days after the public hearing.

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The question being the adoption of the amendment.

Point of Order

Senator K. JOHNSON raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MARTIN spoke against the Point of Order.

The PRESIDENT sustained the Point of Order.

The question being third reading of the Bill.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

READ THE THIRD TIME

SENT TO THE HOUSE

The following Resolution was read the third time and ordered sent to the House:

S. 1126 -- Senators Kimbrell, Peeler, Rice, M. Johnson, Adams, Climer, Garrett, Cash, Young, Alexander, Reichenbach, Shealy, Grooms, Cromer, Turner, Loftis, Fanning, Gustafson, Goldfinch, Massey, Campsen, Bennett, Martin, Corbin and Verdin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO VOTER QUALIFICATIONS, SO AS TO CLARIFY THAT ONLY A CITIZEN OF THE UNITED STATES AND OF THIS

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STATE OF THE AGE OF EIGHTEEN AND UPWARDS WHO IS PROPERLY REGISTERED IS ENTITLED TO VOTE AS PROVIDED BY LAW.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 4, Article II of the Constitution of this State be amended to read:

Section 4. ~~Every~~ Only a citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law.

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 4, Article II of the Constitution of this State, relating to voter qualifications, be amended so as to provide that only a citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law?”

Yes ☐

No ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments:

H. 4552 -- Reps. Pendarvis, Clyburn, Henegan, M.M. Smith, B.L. Cox, Robbins, Brewer, King, Wheeler, Henderson-Myers, Erickson, Stavrinakis, Weeks, Davis, Rivers and Gilliard: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 31-12-30, RELATING TO REDEVELOPMENT OF FEDERAL MILITARY INSTALLATIONS DEFINITIONS, SO AS TO PROVIDE THAT A REDEVELOPMENT PROJECT INCLUDES CERTAIN AFFORDABLE HOUSING PROJECTS.

H. 4928 -- Reps. Davis, B.J. Cox, Hart, Jefferson, J. Moore, Caskey and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-10, RELATING TO

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THE ESTABLISHMENT OF VETERANS' TRUST FUND, SO AS TO PROVIDE FOR FUNDRAISING; AND BY AMENDING SECTION 25-21-30, RELATING TO THE DUTIES AND FUNCTIONS OF THE VETERANS' TRUST FUND BOARD OF TRUSTEES, SO AS TO PROVIDE FOR THE ABILITY TO FUNDRAISE.

CARRIED OVER

H. 4957 -- Reps. Hiott, Erickson, G.M. Smith, Hayes, McGinnis, Rose, Elliott, Alexander, Schuessler, Calhoon, M.M. Smith, Davis, T. Moore, B. Newton, Neese, Oremus, Hixon, Taylor, Guest, Sessions, Guffey, Ballentine, Pope, Willis, Bannister, Kirby, Henegan, Hartnett, Williams, Gilliard and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-158-10, RELATING TO DEFINITIONS CONCERNING INTERCOLLEGIATE ATHLETES' COMPENSATION FOR NAME, IMAGE, OR LIKENESS, SO AS TO REVISE SEVERAL DEFINITIONS; BY AMENDING SECTION 59-158-20, RELATING TO THE AUTHORIZATION OF COMPENSATION FOR USE OF AN INTERCOLLEGIATE ATHLETE'S NAME, IMAGE, OR LIKENESS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE INSTITUTIONS OF HIGHER LEARNING AND CERTAIN AGENTS OF THE INSTITUTIONS MAY ENGAGE IN CERTAIN ACTIONS THAT MAY ENABLE INTERCOLLEGIATE ATHLETES TO EARN COMPENSATION FOR USE OF THE NAME, IMAGE, OR LIKENESS OF THE ATHLETE, AND TO PROVIDE THE INSTITUTIONS ALSO MAY PERMIT INTERCOLLEGIATE ATHLETES TO USE TRADEMARKS AND FACILITIES OF THE INSTITUTION, AMONG OTHER THINGS; BY AMENDING SECTION 59-158-30, RELATING TO THE AFFECTS OF NAME, IMAGE, AND LIKENESS COMPENSATION ON GRANT-IN-AID OR ATHLETIC ELIGIBILITY, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE NAME, IMAGE, OR LIKENESS CONTRACTS MAY NOT EXTEND BEYOND THE INTERCOLLEGIATE ATHLETE'S ELIGIBILITY TO PARTICIPATE IN AN INTERCOLLEGIATE ATHLETICS PROGRAM AT AN INSTITUTION OF HIGHER LEARNING; BY AMENDING SECTION 59-158-40, RELATING TO ALLOWED AND PROHIBITED ACTIONS CONCERNING INTERCOLLEGIATE ATHLETES' NAME, IMAGE, AND LIKENESS-RELATED MATTERS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE LIMITATIONS ON LIABILITY FOR INSTITUTION OF

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HIGHER LEARNING EMPLOYEES FOR DAMAGES RESULTING FROM CERTAIN ROUTINE DECISIONS MADE IN INTERCOLLEGIATE ATHLETICS, AND TO PROHIBIT CERTAIN CONDUCT BY ATHLETIC ASSOCIATIONS, ATHLETIC CONFERENCES, OR OTHER GROUPS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS AT PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY AMENDING SECTION 59-158-50, RELATING TO GOOD ACADEMIC STANDING REQUIRED FOR PARTICIPATION IN NAME, IMAGE, AND LIKENESS ACTIVITIES, SO AS TO DELETE EXISTING PROVISIONS AND PROVIDE CERTAIN MATTERS CONCERNING NAME, IMAGE, AND LIKENESS AGREEMENTS MAY NOT BE CONSIDERED PUBLIC RECORDS SUBJECT TO AN EXCEPTION AND MAY NOT BE DISCLOSED TO CERTAIN ENTITIES; BY AMENDING SECTION 59-158-60, RELATING TO DISCLOSURE OF NAME, IMAGE, OR LIKENESS CONTRACTS AND THIRD-PARTY ADMINISTRATORS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE FOR THE RESOLUTION OF CONFLICTS BETWEEN CERTAIN PROVISIONS OF THIS ACT AND PROVISIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, AND TO PROVIDE ATHLETE AGENTS SHALL COMPLY WITH CERTAIN FEDERAL REQUIREMENTS; BY AMENDING SECTION 59-102-20, RELATING TO DEFINITIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, SO AS TO REVISE THE DEFINITION OF "ATHLETE AGENT"; BY AMENDING SECTION 59-102-100, RELATING TO AGENCY CONTRACTS, SO AS TO REMOVE A PROVISION CONCERNING COMPENSATION; BY REPEALING SECTION 59-158-70 RELATING TO DISCLOSURES AND LIMITATIONS IN NAME, IMAGE, OR LIKENESS CONTRACTS AND REVOCATION PERIODS FOR SUCH CONTRACTS; AND BY REPEALING SECTION 59-158-80 RELATING TO GOVERNING LAW AND FEDERAL COMPLIANCE CONTRACTS.

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

CARRIED OVER

H. 4029 -- Reps. Dillard, Hyde, Bailey, Brittain, Weeks and Schuessler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-1-103, RELATING TO DESIGNATION OF REPRESENTATION IN MAGISTRATES COURT, SO AS TO INCLUDE HOUSING AUTHORITIES.

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

CARRIED OVER

S. 1158 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE, SO AS TO PROVIDE THAT THE VIOLATIONS SUBSEQUENT TO THE FIRST VIOLATION MUST OCCUR WITHIN TWENTY YEARS OF THE FIRST OFFENSE TO QUALIFY FOR GRADUATED PENALTIES; BY AMENDING SECTION 16-23-420, RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT EXPRESS AUTHORIZATION TO CARRY THE FIREARM ON SCHOOL PROPERTY MAY NOT BE PROVIDED TO A STUDENT ENROLLED IN A PUBLIC SCHOOL; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING A WEAPON ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT STUDENTS ENROLLED IN A PUBLIC SCHOOL MAY NOT POSSESS WEAPONS EVEN IF THEY ARE SECURED WITHIN A VEHICLE; BY AMENDING SECTION 23-31-245, RELATING TO REASONABLE SUSPICION OR PROBABLE CAUSE TO SEARCH, DETAIN, OR ARREST, SO AS TO CLARIFY THAT THE PROVISIONS IN THE SECTION APPLY TO A PERSON CARRYING A WEAPON IN ACCORDANCE WITH THE ARTICLE WHETHER OR NOT THE WEAPON IS CONCEALED; AND BY AMENDING SECTION 16-23-20, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO CLARIFY WHEN CARRYING A HANDGUN IS IMPERMISSIBLE IN A PUBLICLY OWNED BUILDING OTHER THAN A COURTHOUSE WHERE COURT IS HELD.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY explained the Bill.

Senator TEDDER proposed the following amendment (SJ-1158.MB0004S), which was carried over:

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

SECTION X. Section 17-1-65 of the S.C. Code is amended to read:

Section 17-1-65. (A) A person may apply for an expungement of one conviction for unlawful possession of a handgun as provided in Section

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16-23-20, if the conviction occurred prior to the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024. An application under this section must be made within five years of the enactment of this section.

(B) The State must dismiss all charges pending against a person for unlawful possession of a handgun pursuant to Section 16-23-20 that were nullified by the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024, notwithstanding the savings clause contained in SECTION 25 of that act.

Renumber sections to conform.

Amend title to conform.

Senator TEDDER explained the amendment.

The amendment was carried over.

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

AMENDED, READ THE SECOND TIME

S. 1188 -- Senators Tedder and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-240, RELATING TO EXPULSION FOR THE REMAINDER OF THE YEAR AND HEARINGS, SO AS TO AMEND REQUIREMENTS TO BE INCLUDED IN THE WRITTEN NOTIFICATION TO PARENTS OR LEGAL GUARDIANS OF THE PUPIL.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY proposed the following amendment (SEDU-1188.KG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-63-240 and inserting:

Section 59-63-240. The board may expel for the remainder of the school year a pupil for any of the reasons listed in Section 59-63-210. If procedures for expulsion are initiated, the parents or legal guardian of the pupil shall be notified in writing of the time and the place of a hearing either before the board or a person or committee designated by the board. The written notification to the parents or legal guardian of the pupil must include their right to have legal counsel present at the hearing, the right to question all witnesses, and contact information for a legal aid service provider which may determine eligibility for free legal representation.

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The notification must also include the right to access the investigative file in its entirety, to include all documents and videos, at least three days prior to the hearing, with appropriate exemptions and redactions as required by the Family Educational Rights and Privacy Act, 20 USC Section 1232g. At the hearing the parents or legal guardian shall have the right to legal counsel and to all other regular legal rights including the right to question all witnesses. If the hearing is held by any authority other than the board of trustees, the right to appeal the decision to the board is reserved to either party. The hearing shall take place within fifteen days of the written notification at a time and place designated by the board and a decision shall be rendered within ten days of the hearing. The pupil may be suspended from school and all school activities during the time of the expulsion procedures. The action of the board may be appealed to the proper court. The board may permanently expel any incorrigible pupil.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 37; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Setzler	Shealy	Tedder
Turner	Verdin	Williams
Young		

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Total--37

NAYS

Climer

Corbin

Total--2

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

S. 1188--Ordered to a Third Reading

On motion of Senator MASSEY, S. 1188 was ordered to receive a third reading on Friday, April 5, 2024.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 858 -- Senators Davis, Garrett, Kimbrell, Setzler and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO HEALTH CARE FACILITY LICENSURE DEFINITIONS, SO AS TO ADD A DEFINITION FOR “ACUTE HOSPITAL CARE AT HOME”; BY AMENDING SECTION 44-7-170, RELATING TO CERTIFICATE OF NEED PROGRAM EXEMPTIONS, SO AS TO EXEMPT ACUTE HOSPITAL CARE AT HOME PROGRAMS AND SERVICES; AND BY ADDING SECTION 44-7-267 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS FOR LICENSING ACUTE HOSPITAL CARE AT HOME PROGRAMS AND SERVICES.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-858.KM0001S), which was adopted:

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

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

(25) “Acute hospital care at home” means acute-level hospital care to treat a subset of diagnoses that respond safely and effectively to home-based acute care, utilizing technology to provide continuous remote patient monitoring and connectivity to the patient and developing in-home services to ensure the same level of care in the home as in a traditional hospital stay as well as patient safety. Acute hospital care at

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home must be provided by a hospital licensed in this State pursuant to this article to eligible patients who have provided consent to such care, utilizing a multidisciplinary team to deliver the care.

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

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

(1) the relocation of a licensed hospital in the same county in which the hospital is currently located, as long as:

(a) any Certificate of Need issued to the hospital for a project to be located at the hospital's existing location has been fulfilled, withdrawn, or has expired in accordance with Section 44-7-230 and the department's implementing regulations; and

(b) the proposed site of relocation is utilized in a manner that furthers health care delivery and innovation for the citizens of the State of South Carolina;

(2) the purchase, merger, or otherwise the acquisition of an existing hospital by another person or health care facility;

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

(4) acute hospital care at home programs and services delivered by a licensed acute care hospital. The delivery of acute hospital care at home programs and services by a licensed acute care hospital does not require a written exemption from the department. Additionally, patients enrolled in the hospital care at home program shall not be considered within the licensed bed capacity of the hospital participating in the program; and

(5) a home health agency, as defined in Section 44-69-20(4).

SECTION 3. Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-267. The department shall promulgate regulations for licensing an acute care hospital's acute hospital care at home programs and services. At a minimum, the regulations must address:

(1) diagnoses that respond safely and effectively to home-based acute care;

(2) patient eligibility criteria and screening requirements, including patient consent;

(3) multidisciplinary team requirements, including roles and responsibilities of team members;

(4) standards for continuous remote patient monitoring and connectivity with the patient;

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(5) standards for the development of in-home services to ensure same level of care in the home as in a traditional hospital stay; and

(6) standards for patient safety.

SECTION 4. Section 44-69-75 of the S.C. Code is amended to read:

Section 44-69-75. ~~(A) A home health agency shall obtain a certificate of need before licensure. Procedures for applying for a certificate must be in accordance with the "State Certification of Need and Health Facility Licensure Act". No certificate is required for home health agencies providing home health services before July 1, 1980.~~

~~(B)(A)(1)~~ A continuing care retirement community licensed pursuant to Title 37, Chapter 11, may provide home health services and is exempt from subsection (A) if:

~~(1)(a)~~ the continuing care retirement community furnishes or offers to furnish home health services only to residents who reside in living units provided by the continuing care retirement community pursuant to a continuing care contract;

~~(2)(b)~~ the continuing care retirement community maintains a current license and meets applicable home health agency licensing standards;

~~(3)(c)~~ residents of the continuing care retirement community may choose to obtain home health services from other licensed home health agencies.

~~(2)~~ Staff from other areas of the continuing care retirement community may deliver the home health services, but at no time may staffing levels in any area of the continuing care retirement community fall below minimum licensing standards or impair the services provided.

~~(3)~~ If the continuing care retirement community includes charges for home health services in its base contract, it is prohibited from billing additional fees for those services. Continuing care retirement communities certified for Medicare or Medicaid, or both, must comply with governmental reimbursement requirements concerning charges for home health services.

~~(4)~~ For purposes of this subsection "resident", "living unit", and "continuing care contract" have the same meanings as provided in Section 37-11-20.

~~(C)(B)~~ Subsection ~~(B)(A)~~ applies only to multi-level continuing care retirement communities which incorporate a skilled nursing facility.

~~(D)(C)~~ The continuing care retirement community shall not bill in excess of its costs. These costs will be determined on nonfacility-based Medicare and/or Medicaid standards.

SECTION 5. This act takes effect upon approval by the Governor.

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Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Setzler	Shealy	Tedder
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

S. 858--Ordered to a Third Reading

On motion of Senator DAVIS, S. 858 was ordered to receive a third reading on Friday, April 5, 2024.

THURSDAY, APRIL 4, 2024

Motion Adopted

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

Motion Adopted

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

MOTION ADOPTED

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael Vinson of Laurens, S.C. Michael was a full-time firefighter with Laurens County since 2020 and a part-time firefighter with the Clinton City Fire Department. He began his career at the age of sixteen as an explorer with the Ekom Beach Volunteer Fire Department. He was a kind soul with a servant's heart. Michael was a loving son and grandson who served his community well and will be dearly missed.

ADJOURNMENT

At 3:16 P.M., on motion of Senator MASSEY, 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.

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THURSDAY, APRIL 4, 2024

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