

NO. 14

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

WEDNESDAY, JANUARY 30, 2019

Wednesday, January 30, 2019
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Philippians 2:3,4

“Do nothing out of selfish ambition or vain conceit. Rather, in humility value others above yourselves, not looking to your own interests but each of you to the interests of others.”

Let us pray. Almighty God, creator of all things, giver of every good and perfect gift, hear our prayer as we seek Your blessing on our deliberations.

Hear us, O God, when we pray for those in places of influence and authority -- for our Governor as he unfolds his vision for this State, for our Senators as they create our laws, for our judges as they interpret these laws, for our officers as they enforce these laws; and for our military as they seek to protect us from harm and insure our right to make laws that uphold the concepts of justice and equality for all.

Forgive us when we have fallen short of Your will for our State and our nation. Renew in us the hope and faith and conviction that only comes from You.

In our differences may we be kind; in our agreements may we be proud and in our accomplishments may we be humble. For it is through the gift of Your holy spirit that we pray, Amen.

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

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, Adjutant General, with the term to commence January 13, 2019, and to expire January 13, 2021

Roy Van McCarty, 217 Silvercreek Dr., Lexington, SC 29072-8089
VICE Major General Robert E. Livingston

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Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2016, and to expire July 1, 2020

At-Large: Ben W. Satcher, Jr., 358 Catawba Court, Lexington, SC 29072-9500 *VICE* Richard A. Jones , Jr

Referred to the Committee on Education.

The following appointment was transmitted by the South Carolina Conservation Bank Board:

Statewide Appointment

Initial Appointment, Executive Director of the South Carolina Conservation Bank, to serve at the pleasure of the Conservation Bank Board:

Michael A. Pitts, 372 Bucks Point Road, Laurens, SC 29360

Referred to the Committee on Agriculture and Natural Resources

Doctor of the Day

Senator McELVEEN introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator ALEXANDER, at 2:32 P.M., Senator LEATHERMAN was granted a leave of absence until 4:45 P.M.

CO-SPONSORS ADDED

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

S. 89 Sen. Talley
S. 112 Sen. Cash
S. 160 Sen. Gambrell
S. 259 Sen. Kimpson
S. 296 Sen. Setzler
S. 298 Sen. Scott
S. 313 Sen. Jackson
S. 332 Sen. Talley
S. 363 Sen. Kimpson
S. 401 Sen. Scott

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S. 408 Sen. Campbell
S. 424 Sen. Turner
S. 450 Sen. Gambrell

OBJECTION

H. 3630 -- Reps. Stavrinakis, McCoy, Collins, W. Newton, Mace, Clary, Brown, Gilliard, King, Mack, Erickson, Bradley, McDaniel, Moore, Simmons, Funderburk and Norrell: A JOINT RESOLUTION TO DELAY THE PROPERTY TAX PENALTY SCHEDULE BY THREE MONTHS ON REAL PROPERTY OWNED BY CERTAIN INDIVIDUALS AFFECTED BY THE SHUTDOWN OF THE FEDERAL GOVERNMENT.

Senator CAMPSEN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Finance.

Senator CAMPSEN explained the Bill.

Senator MASSEY objected.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on January 30, 2019, at 2:05 P.M. and the following Act and Joint Resolution was ratified:

(R1, S. 2) -- Senators Campsen, Massey, Malloy and Setzler: AN ACT TO AMEND SECTIONS 1-3-120, 1-3-130, 1-6-30, 1-9-30, 1-11-425, 1-18-70, 1-23-280, 1-23-290, 2-1-230, 2-1-250, 2-2-30, 2-2-40, 2-3-20, 2-3-75, 2-3-105, 2-15-60, 2-17-90, 2-17-100, 2-19-10, 2-41-70, 2-59-10, 2-67-20, 2-69-20, 2-69-40, 2-75-10, 3-11-400, 5-1-26, 6-4-35, 6-29-1330, 8-13-540, 8-13-715, 8-13-1373, 9-4-10, 9-4-40, AS AMENDED, 9-16-90, 9-16-380, 10-1-168, 11-9-1140, AS AMENDED, 11-11-350, 11-43-140, 11-45-40, 11-50-50, 11-57-340, 13-1-25, 23-1-230, 24-22-150, 37-29-110, 38-3-110, 40-47-10, 41-27-710, 44-59-50, 44-128-50, 46-3-260, 48-52-440, 48-59-40, AS AMENDED, 51-13-720, 51-13-2120, 51-18-40, 51-18-115, 54-3-1300, 54-6-10, 59-6-10, 59-40-230, 59-46-40, 59-59-175, 59-150-40, 59-150-320, 59-150-325, 60-17-10, 63-1-50, 63-11-1720, AS AMENDED, 63-11-1930, AS AMENDED, 63-11-2110, AND 1-11-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO APPOINTMENTS AND REPORTS RECEIVED BY THE PRESIDENT PRO TEMPORE, SO AS TO SUBSTITUTE THE

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“PRESIDENT OF THE SENATE” FOR THE “PRESIDENT PRO TEMPORE OF THE SENATE”, “PRESIDENT PRO TEMPORE”, OR “PRESIDENT OF THE SENATE PRO TEMPORE” IN ORDER TO CONFORM THE SOUTH CAROLINA CODE OF LAWS WITH AMENDMENTS TO THE SOUTH CAROLINA CONSTITUTION ACT 214 OF 2014; TO AMEND ACT 121 OF 2014, RELATING TO APPOINTMENTS MADE BY THE PRESIDENT PRO TEMPORE, SO AS TO MAKE THE SAME CONFORMING CHANGE; AND TO AMEND SECTIONS 1-17-20, 1-23-125, 2-3-30, 2-3-90, 7-11-30, 7-17-10, 10-1-40, 14-27-20, 14-27-30, 14-27-40, 14-27-80, 44-56-840, 54-7-100, AND 59-6-15, ALL RELATING TO APPOINTMENTS AND REPORTS RECEIVED BY THE LIEUTENANT GOVERNOR, SO AS TO SUBSTITUTE “PRESIDENT OF THE SENATE” FOR “LIEUTENANT GOVERNOR” OR TO STRIKE REFERENCES TO THE LIEUTENANT GOVERNOR IN ORDER TO CONFORM THE SOUTH CAROLINA CODE OF LAWS RELATED TO THE DUTIES OF THE LIEUTENANT GOVERNOR WITH AMENDMENTS TO THE SOUTH CAROLINA CONSTITUTION ACT 214 OF 2014.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 462 -- Senator Davis: A BILL TO AMEND SECTION 44-53-520 OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCES AND FORFEITURE PROCEDURES FOR PROPERTY SEIZED ACCORDINGLY, TO PROVIDE FOR THE EXPEDITED RETURN OF CERTAIN PROPERTY AND MONIES SEIZED WHEN FORFEITURE PROCEEDINGS HAVE NOT BEEN INSTITUTED AND CHARGES HAVE NOT BEEN FILED WITHIN THIRTY DAYS OF SEIZURE, TO PROVIDE THAT A LAWFUL OWNER MAY NOT BE REQUIRED TO PROVE THAT PROPERTY OR MONIES SEIZED WERE LEGALLY ACQUIRED, TO PROHIBIT A SEIZING AUTHORITY FROM REQUIRING A LAWFUL OWNER OF PROPERTY OR MONIES TO SIGN A RELEASE ABSOLVING THE SEIZING AUTHORITY FROM CIVIL LIABILITY RELATING TO AN UNLAWFUL SEIZURE BEFORE PROPERTY OR MONIES ARE RETURNED, AND TO PROVIDE THAT CRIMINAL CHARGES MAY BE BROUGHT AT A LATER DATE IF EVIDENCE WARRANTS; TO AMEND SECTION 44-53-530 OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCES AND

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FORFEITURE PROCEDURES FOR PROPERTY SEIZED ACCORDINGLY, TO ALLOW FORFEITURE PROCEEDINGS TO BE HELD IN THE MAGISTRATES COURT IF THE VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS, TO CHANGE THE METHOD OF ALLOCATING VARIOUS ASSETS OBTAINED THROUGH DRUG FORFEITURES SO THAT, AFTER THE FIRST ONE THOUSAND DOLLARS RETAINED BY THE APPROPRIATE LAW ENFORCEMENT AGENCY, THE REMAINING ASSETS MUST BE FORWARDED TO THE PROSECUTING AGENCY, AND TO MAKE TECHNICAL CHANGES REFLECTING THE NEW DISTRIBUTION OF THESE ASSETS; AND TO AMEND SECTION 44-53-586 OF THE 1976 CODE, RELATING TO THE RETURN OF SEIZED ITEMS UNDER DRUG FORFEITURE LAWS TO INNOCENT OWNERS, TO ALLOW PROCEEDINGS TO BE HELD IN THE MAGISTRATES COURT IF THE VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS.

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

S. 463 -- Senator Martin: A BILL TO AMEND SECTION 40-43-86 OF THE 1976 CODE, RELATING TO FACILITY REQUIREMENTS FOR PHARMACIES, THE PRESENCE OF PHARMACISTS-IN-CHARGE, CONSULTANT PHARMACISTS, PRESCRIPTION DRUG ORDERS, THE TRANSFERRING OF PRESCRIPTIONS, THE SUBSTITUTION OF AN EQUIVALENT DRUG OR INTERCHANGEABLE BIOLOGICAL PRODUCT, LABEL REQUIREMENTS, PATIENT RECORDS AND COUNSELING, POLICIES AND REQUIREMENTS FOR AUTOMATED SYSTEMS, UNLAWFUL PRACTICES, SALES TO OPTOMETRISTS AND HOME MEDICAL EQUIPMENT PROVIDERS, THE CODE OF ETHICS, THE SALE OF POISONS AND RETURNED MEDICATIONS, PERMIT FEES, AND COMPOUNDING REGULATIONS AND RESTRICTIONS, TO PROVIDE THAT A PHARMACIST MAY EXERCISE HIS PROFESSIONAL JUDGMENT TO DISPENSE UP TO A NINETY-DAY SUPPLY OF MEDICATION PER REFILL UP TO THE TOTAL NUMBER OF DOSAGE UNITS AS AUTHORIZED BY THE PRESCRIBER ON THE ORIGINAL PRESCRIPTION, TO PROVIDE CERTAIN REQUIREMENTS, AND TO PROVIDE EXCEPTIONS.

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

H. 3770 -- Reps. Jordan, Lowe, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Kimmons, King, Kirby, Ligon, Loftis, Long, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JUDGE A. E. "GENE" MOREHEAD III, FAMILY COURT JUDGE FOR THE TWELFTH JUDICIAL CIRCUIT, UPON THE OCCASION OF HIS RETIREMENT AS THE LONGEST SERVING FAMILY COURT JUDGE IN THE STATE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 3771 -- Reps. Mace, B. Cox, Murphy, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford,

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Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE SENIOR CADET SARAH ZORN ON BECOMING THE FIRST FEMALE REGIMENTAL COMMANDER IN THE HISTORY OF THE CITADEL AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS AS SHE GRADUATES IN MAY 2019.

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

H. 3772 -- Reprs. Willis, Allison, Stavrinakis, Alexander, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoun, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA ARTS ALLIANCE ON THE OCCASION OF THE FORTIETH ANNIVERSARY OF ITS FOUNDING, TO CELEBRATE THE ORGANIZATION FOR FOUR DECADES OF LEADERSHIP AND ADVOCACY IN THE ARTS, AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF SUCCESS IN PURSUIT OF ITS MISSION.

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

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H. 3793 -- Reps. Parks, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE LIFE AND WORK OF WILLIE A. TOMPKINS AND TO COMMEMORATE THE CELEBRATION AT BETHANY MISSIONARY BAPTIST CHURCH ON FEBRUARY 17, 2019.

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

HOUSE CONCURRENCE

S. 450 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR AUSTIN GEER, A SENIOR AT THE SOUTH CAROLINA GOVERNOR'S SCHOOL OF SCIENCE AND MATHEMATICS, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND TO CONGRATULATE HIM FOR WINNING THE TENTH ANNUAL LOUISIANA STATE UNIVERSITY UNDERGRADUATE RESEARCH CONFERENCE.

Returned with concurrence.

Received as information.

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

AMENDMENT PROPOSED, CARRIED OVER

S. 309 -- Senators Setzler, Campbell and Williams: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

The Senate proceeded to a consideration of the Bill.

Senators MARTIN and DAVIS proposed the following amendment (309R003.SP.SRM):

Amend the bill, as and if amended, page 1, by striking lines 22 through 42, and page 2, by striking lines 1 through 6 and inserting:

/ “Section 12-6-3585. (A)(1) For each tax year beginning after 2018, a taxpayer may claim as a credit against state income tax imposed by Chapter 6, Title 12, bank tax imposed by Chapter 11, Title 12, license fees imposed by Chapter 20 of Title 12, or insurance premiums imposed by Chapter 7, Title 38, or any combination of them, one hundred percent of an amount contributed to the Industry Partnership Fund at the South Carolina Research Authority (SCRA), or an SCRA-designated affiliate, or both, pursuant to Section 13-17-88(E), up to a maximum credit of six hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of two million dollars for all taxpayers in tax year 2006; up to a maximum credit of one million three hundred thousand dollars for a single taxpayer, not to exceed an aggregate credit of four million dollars for all taxpayers in tax year 2007; and up to a maximum credit of two million dollars for a single taxpayer, not to exceed an aggregate credit of six million dollars for all taxpayers for each tax year beginning after December 31, 2007 two hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of twelve million dollars for all taxpayers. For purposes of determining a taxpayer’s entitlement to the credit for qualified contributions for a given tax year in which more than the applicable aggregate annual limit on the credit is contributed by taxpayers for that year, taxpayers who have made contributions that are intended to be qualified contributions earlier in the applicable tax year than other taxpayers must be given priority entitlement to the credit. The SCRA shall certify to taxpayers who express a bona fide intention of making one or more qualified contributions as to whether the taxpayer is entitled to that priority.

(2) Notwithstanding the annual aggregate credit amount set forth in item (1), for each tax year beginning after 2024, the annual aggregate credit for all taxpayers is reduced from twelve million dollars to six million dollars. /

Amend the bill further, page 2, by striking lines 34 through 43, and page 3, by striking lines 1 through 3 and inserting:

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/ SECTION 2. Section 12-6-3585 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“(1) By March fifteenth of each year, the South Carolina Research Authority shall issue a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor detailing the amount contributed to the Industry Partnership Fund in the previous tax year that entitled the taxpayer to the credit allowed by this section, the taxpayers who received the credit, and the manner in which such contributions were expended or are expected to be expended. The report also must be posted in a conspicuous place on the website maintained by the South Carolina Research Authority.

(2) By February fifteenth of each year, each taxpayer who earned a credit allowed by this section in the preceding fiscal year that the taxpayer will claim in the current year must file a report with the South Carolina Research Authority detailing the specific manner in which the credit allowed by this section creates increased economic activity that causes a financial benefit to inure to the taxpayers of the State of South Carolina. The report shall provide a detailed comparison and accounting of how the taxpayer’s economic activity and performance would exist without the credit versus receiving the credit. The report should notate any assumptions that the taxpayer made in calculating this comparison and an explanation of why the assumption was necessary. Any taxpayer who fails to provide the report required by this item is disallowed the credit. The South Carolina Research Authority shall include a summary of each report required by this item in the report the authority issues pursuant to item (1).” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

On motion of Senator SETZLER, 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 of Representatives:

S. 196 -- Senators Shealy, Hutto, Jackson and Senn: A BILL TO REPEAL SECTION 20-1-300 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A LICENSE TO AN UNMARRIED FEMALE

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AND MALE UNDER EIGHTEEN YEARS OF AGE WHEN THE FEMALE IS PREGNANT OR HAS BORNE A CHILD.

S. 228 -- Senator Gambrell: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TRI-COUNTY TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

S. 12 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-225 SO AS TO DESIGNATE THE THIRD WEDNESDAY IN FEBRUARY OF EACH YEAR AS "BARBERS' DAY" IN SOUTH CAROLINA.

AMENDED, READ THE SECOND TIME

S. 108 -- Senator Massey: A BILL TO AMEND SECTION 10-11-310 OF THE 1976 CODE, RELATING TO THE DEFINITION OF "CAPITOL GROUNDS", TO DEFINE "CAPITOL GROUNDS" AS THAT AREA INWARD FROM THE VEHICULAR TRAVELED SURFACES OF GERVAIS, SUMTER, PENDLETON, AND ASSEMBLY STREETS IN THE CITY OF COLUMBIA.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY explained the Bill.

Senator MASSEY proposed the following amendment (108R001.KMM.ASM), which was adopted:

Amend the bill, as and if amended, page 1, line 28, by adding:

/ SECTION 2. Section 10-11-330 of the 1976 Code is amended to read:

"Section 10-11-330. It shall be unlawful for any person or group of persons wilfully and knowingly: (a) to enter or to remain within the ~~capitol building~~ buildings on the capitol grounds unless such person is authorized by law or by rules of the House or Senate, or the Department of Administration regulations, respectively, when such entry is done for the purpose of uttering loud, threatening, and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of any session of the legislature or the orderly conduct within ~~the a~~ a building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; (b) to obstruct or to impede passage within the capitol grounds or ~~building~~

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buildings on the capitol grounds; (c) to engage in any act of physical violence upon the capitol grounds or within the ~~capitol building~~ buildings on the capitol grounds; or (d) to parade, demonstrate, or picket within the capitol building.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator MASSEY proposed the following amendment (108R002.KMM.ASM), which was adopted:

Amend the bill, as and if amended, page 1, line 28, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Section 10-1-30 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() On the days that the General Assembly meets in statewide session, access to the State House by the general public or the press may not be restricted or prohibited without prior approval of the Senate sergeant at arms and the House of Representatives sergeant at arms. On the days that the General Assembly does not meet in statewide session, access to the State House by the general public or the press may not be restricted or prohibited without prior consultation with the Senate sergeant at arms and the House of Representatives sergeant at arms. The provisions contained in this section do not apply in exigent circumstances; however, when access to the State House is restricted or prohibited due to exigent circumstances, access must be restored as soon as practicable.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator MASSEY proposed the following amendment (108R003.KMM.ASM), which was adopted:

Amend the bill, as and if amended, page 1, line 28, by adding an appropriately lettered new subsection to read:

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/ SECTION __. Section 2-3-100 of the 1976 Code is amended to read:

“Section 2-3-100. (A) The sergeant at arms of the Senate and the sergeant at arms of the House of Representatives shall take exclusive care and charge of the Senate chamber and the hall of the House of Representatives and the committee rooms, respectively, and be held responsible for their keeping and the keeping and protection of the furniture and furnishings belonging to them, packing such as may need packing and inspecting and caring for them during the recess of the General Assembly. The sergeant at arms of both houses shall employ such laborers and help as may be necessary to carry out the provisions of this section.

(B) The sergeant at arms of the Senate and the sergeant at arms of the House of Representatives are each the head of a law enforcement agency and are the primary law enforcement agency when acting within the scope of the duties of their respective offices. The sergeant at arms of the Senate and the sergeant at arms of the House of Representatives may request for temporary assistance from state, local, or federal law enforcement agencies on matters within the scope of their respective subject matter and territorial jurisdiction.

(C) The sergeant at arms of the Senate and the sergeant at arms of the House of Representatives shall employ deputies who shall be commissioned as constables. The sergeant at arms of the Senate, the sergeant at arms of the House of Representatives, and their respective deputies shall be entitled to enforce the laws of this State and exercise the duties of their offices throughout the State.” /

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 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Johnson
Kimpson	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

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

READ THE SECOND TIME

S. 75 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 13, TITLE 38 SO AS TO REQUIRE AN INSURER OR AN INSURANCE GROUP TO SUBMIT A CORPORATE GOVERNANCE ANNUAL DISCLOSURE AND ESTABLISH CERTAIN REQUIREMENTS FOR THE DISCLOSURE, TO DEFINE NECESSARY TERMS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS RELATED TO THE DISCLOSURE, TO PROVIDE CERTAIN CONFIDENTIALITY REQUIREMENTS FOR INFORMATION SUBMITTED TO THE DIRECTOR AND TO PROHIBIT THE DIRECTOR OR A PERSON WHO RECEIVES INFORMATION RELATED TO THE ANNUAL DISCLOSURE FROM TESTIFYING IN A PRIVATE CIVIL ACTION CONCERNING THE CONFIDENTIAL INFORMATION, TO AUTHORIZE THE DIRECTOR TO RETAIN THIRD PARTY CONSULTANTS AND PRESCRIBE CERTAIN RULES FOR THE CONSULTANTS, TO PROVIDE A PENALTY FOR AN INSURER WHO FAILS TO FILE THE CORPORATE GOVERNANCE

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ANNUAL DISCLOSURE, AND TO SET AN EFFECTIVE DATE; BY ADDING SECTION 38-21-295 SO AS TO AUTHORIZE THE DIRECTOR TO ACT AS THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROCEDURE FOR THE DIRECTOR TO DETERMINE WHETHER HE MAY ACT AS THE GROUP-WIDE SUPERVISOR OR ACKNOWLEDGE ANOTHER REGULATORY OFFICIAL TO ACT AS THE GROUP-WIDE SUPERVISOR, TO AUTHORIZE THE DIRECTOR TO ENGAGE IN CERTAIN ACTIVITIES AS GROUP-WIDE SUPERVISOR, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS; AND TO AMEND SECTION 38-21-10 SO AS TO DEFINE THE TERMS "DIRECTOR", "GROUP-WIDE SUPERVISOR", AND "INTERNATIONALLY ACTIVE INSURANCE GROUP".

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The question being the second reading of the Bill.

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

Ayes 38; Nays 1

AYES

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

Total--38

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NAYS

Harpootlian

Total--1

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

CARRIED OVER

S. 358 -- Senator Cromer: A BILL TO AMEND SECTION 38-31-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION, SO AS TO APPLY THE PROVISIONS OF CHAPTER 31, TITLE 38 TO A CLAIM OR LOSS COVERED BY SELF-INSURANCE THAT OCCURRED PRIOR TO THE ACQUISITION OF A BLOCK OF BUSINESS BY A LICENSED INSURER; AND TO AMEND SECTION 42-5-20, RELATING TO INSURANCE REQUIREMENTS FOR WORKERS' COMPENSATION, SO AS TO PROHIBIT A SELF-INSURER FROM PARTICIPATING IN OR OBTAINING BENEFITS FROM THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION AND TO REQUIRE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION TO SECURE AN ACTUARIAL OPINION BEFORE APPROVING THE TRANSFER OF A SELF-INSURER TO A LICENSED INSURER.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

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

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 360 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-47-55 SO AS TO CLARIFY THAT CERTAIN INDIVIDUALS ARE AUTHORIZED TO ADJUST FOOD SPOILAGE CLAIMS WITHOUT AN ADJUSTER'S LICENSE; BY ADDING SECTION 38-72-75 SO AS TO REQUIRE A LONG-TERM CARE INSURANCE PROVIDER TO SUBMIT ALL PREMIUM RATE SCHEDULES TO THE DEPARTMENT OF INSURANCE AND TO ESTABLISH

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CERTAIN PROCEDURES CONCERNING THE PREMIUM APPROVAL PROCESS; TO AMEND SECTION 38-3-110, RELATING TO THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALTER PUBLIC HEARING REQUIREMENTS; TO AMEND SECTION 38-7-20, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO EXCLUDE CERTAIN FACTORS FROM THE TOTAL PREMIUM COMPUTATION; TO AMEND SECTION 38-7-60, RELATING TO THE SUBMISSION OF A RETURN OF PREMIUMS, SO AS TO REQUIRE THE SUBMISSION OF A RETURN OF PREMIUMS COLLECTED; TO AMEND SECTION 38-43-247, RELATING TO THE REPORTING OF CRIMINAL PROSECUTIONS, SO AS TO ONLY REQUIRE THE REPORTING OF CRIMINAL CONVICTIONS; TO AMEND SECTION 38-44-50, RELATING TO THE REVIEW OF A MANAGING GENERAL AGENT, SO AS TO ALTER THE SUBMISSION DATE FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-46-60 AND 38-46-90, BOTH RELATING TO A PARTY ENGAGED AS A REINSURANCE INTERMEDIARY-BROKER, SO AS TO ALTER THE SUBMISSION DATE OF CERTAIN DOCUMENTS FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-57-130, 38-57-140, AND 38-57-150, ALL RELATING TO PROHIBITED TRADE PRACTICES, SO AS TO CLARIFY THAT CERTAIN PRACTICES ARE PROHIBITED; TO AMEND SECTIONS 38-75-730 AND 38-75-1200, BOTH RELATING TO CANCELLATIONS OF PROPERTY, CASUALTY, AND TITLE INSURANCE POLICIES, SO AS TO EXTEND WHEN AN INSURER CAN CANCEL A POLICY WITHOUT CAUSE TO ONE HUNDRED TWENTY DAYS AND TO PROHIBIT AN INSURER FROM CANCELLING A POLICY OUTSIDE OF THE ONE HUNDRED TWENTY-DAY PERIOD IF THEY HAD NOTICE OF A CHANGE IN RISK PRIOR TO THE EXPIRATION OF THE ONE HUNDRED TWENTY-DAY PERIOD; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICATION OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO APPLY THE SOUTH CAROLINA INSURANCE DATA SECURITY ACT TO CAPTIVE INSURANCE COMPANIES; AND TO AMEND SECTION 38-99-70, RELATING TO LICENSEES EXEMPTED FROM CERTAIN DATA SECURITY REQUIREMENTS, SO AS TO ONLY EXEMPT THE LICENSEES FROM THE PROVISIONS OF SECTION 38-99-20.

The Senate proceeded to a consideration of the Bill.

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The Committee on Banking and Insurance proposed the following amendment (CZ\360C001.NBD.CZ19), which was adopted:

Amend the bill, as and if amended, by striking SECTION 11 and inserting:

/ SECTION 11. Section 38-99-70(A) of the 1976 Code, as added by Act 171 of 2018, is amended to read:

“(A) The following licensees are exempt from the provisions of ~~this chapter~~ Section 38-99-20:

(1) a licensee with fewer than ten employees, including any independent contractors;

(2) an employee, agent, representative or designee of a licensee, who is also a licensee, is exempt from the provisions of ~~this chapter~~ Section 38-99-20 and need not develop its own information security program to the extent that the employee, agent, representative or designee is covered by the information security program of the other licensee; and

(3) a licensee subject to the Health Insurance Portability and Accountability Act, Pub.L. 104-191, 110 Stat. 1936, that has established and maintains an information security program pursuant to such statutes, rules, regulations, procedures or guidelines established thereunder, will be considered to meet the requirements of ~~this chapter~~ Section 38-99-20, provided that the licensee is compliant with, and submits a written statement certifying its compliance with, the provisions of ~~this chapter~~ Section 38-99-20.” /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

The question then was adoption of the amendment.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Johnson

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Kimpson	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Young	

Total--38

NAYS

Total--0

The amendment was adopted.

The question then being the second reading of the Bill.

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

POINT OF ORDER

S. 105 -- Senators Campbell, Sheheen, Verdin and Rankin: A BILL TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-225, TO PROVIDE THAT, EVERY FOUR YEARS, MAGISTRATES AND MUNICIPAL COURT JUDGES MUST RECEIVE AT LEAST TWO HOURS OF INSTRUCTION ON ISSUES CONCERNING ANIMAL CRUELTY; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING ARTICLE 2, TO PROVIDE REQUIREMENTS FOR TETHERING A DOG AND TO PROVIDE PENALTIES FOR CRUELLY TETHERING A DOG; TO AMEND SECTION 47-3-60 OF THE 1976 CODE, RELATING TO THE DISPOSITION OF QUARANTINED OR IMPOUNDED ANIMALS, TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, A LITTER OF UNIDENTIFIABLE DOGS OR CATS FOUR MONTHS OF AGE OR YOUNGER MAY BE TURNED OVER TO AN ORGANIZATION, AND TO PROVIDE FOR THE STERILIZATION OF STRAY CATS; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-145, TO PROVIDE THAT ANY PERSON,

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ORGANIZATION, OR OTHER ENTITY THAT IS AWARDED CUSTODY OF AN ANIMAL AND THAT PROVIDES SERVICES TO AN ANIMAL WITHOUT COMPENSATION MAY FILE A PETITION WITH THE COURT REQUESTING THAT THE DEFENDANT, IF FOUND GUILTY, BE ORDERED TO DEPOSIT FUNDS IN AN AMOUNT SUFFICIENT TO SECURE PAYMENT OF ALL THE REASONABLE EXPENSES INCURRED BY THE CUSTODIAN; TO AMEND SECTION 56-3-9600(B) OF THE 1976 CODE, RELATING TO THE SPECIAL FUND TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING PROGRAMS, TO PROVIDE THAT AN AGENCY MAY APPLY FOR UP TO TWO THOUSAND DOLLARS PER GRANT APPLICATION AND MAY APPLY FOR MULTIPLE GRANTS DURING A FISCAL YEAR, TO PROVIDE THAT GRANTS MUST BE FULFILLED WITHIN SIX MONTHS OF RECEIVING FUNDS, AND TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL ENCOURAGE TIER 3 AND TIER 4 COUNTIES TO PARTICIPATE IN THE GRANT PROGRAM; TO AMEND SECTION 40-69-30 OF THE 1976 CODE, RELATING TO LICENSING REQUIREMENTS TO PRACTICE VETERINARY MEDICINE, TO PROVIDE THAT, DURING AN EMERGENCY OR NATURAL DISASTER, A VETERINARIAN OR VETERINARY TECHNICIAN WHO IS NOT LICENSED IN THIS STATE, BUT IS LICENSED AND IN GOOD STANDING IN ANOTHER JURISDICTION, MAY PRACTICE VETERINARY MEDICINE RELATED TO THE RESPONSE EFFORTS IN LOCATIONS IN THIS STATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-3-470(3), SECTION 47-3-480, AND SECTION 47-3-490 OF THE 1976 CODE, ALL RELATING TO THE STERILIZATION OF DOGS AND CATS, TO REPLACE THE TERM "ANIMAL REFUGE" WITH "RESCUE ORGANIZATION"; TO AMEND CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO DOGS AND OTHER DOMESTIC PETS, BY ADDING ARTICLE 16, TO PROVIDE FOR SHELTER STANDARDS AND TO PROVIDE THAT ANIMAL CONTROL OFFICERS SHALL HAVE THE DUTY TO ENFORCE SHELTER STANDARDS, INCLUDING THE INVESTIGATION OF COMPLAINTS AGAINST, AND THE INSPECTION OF, ANIMAL SHELTERING FACILITIES; AND TO DEFINE NECESSARY TERMS.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

CARRIED OVER

S. 456 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO LICENSURE BY REGISTRATION; AND LICENSURE BY ENDORSEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4851, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 457 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - AUCTIONEERS' COMMISSION, RELATING TO AUCTIONEERS' COMMISSION (REPEAL SPECIFIC REGULATIONS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4846, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 458 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO REAL ESTATE COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4821, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 460 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS AND MARITAL AND FAMILY

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THERAPISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4862, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Motion Adopted

On motion of Senator MASSEY, the Concurrent Resolutions from Labor, Commerce and Industry Committee were carried over until February 7, 2019.

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

MOTION ADOPTED

At 2:52 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

AMENDED, READ THE SECOND TIME

S. 176 -- Senators Hembree and Martin: A BILL TO AMEND SECTION 24-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE THAT A PERSON CONVICTED OF A CAPITAL CRIME AND HAVING IMPOSED UPON HIM THE SENTENCE OF DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR, AT THE ELECTION OF THE PERSON, LETHAL INJECTION, IF IT IS AVAILABLE AT THE TIME OF ELECTION, UNDER THE DIRECTION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, TO PROVIDE THAT IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, THE ELECTION EXPIRES AND MUST BE RENEWED IN WRITING, TO PROVIDE THAT THE PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST BE WITNESSED BY TWO

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PERSONS WHOSE SIGNATURES MUST BE NOTARIZED AND CERTIFIES THAT THE CONVICTED PERSON'S SIGNATURE WAS MADE FREE FROM COERCION AND VOLUNTARILY GIVEN, AND TO PROVIDE THAT IF EXECUTION BY LETHAL INJECTION UNDER THIS SECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION, THEN THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON.

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

Amendment No. 1

Senator ALLEN proposed the following amendment (176R001.SP.KBA), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 20 through 38 and inserting:

/ (B) The Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected pursuant to subsection (A) is available.

~~(B)(C)~~ A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by lethal injection, and it is available, in writing fourteen days before the execution date. The convicted person must sign and date this form. The convicted person's signature must be witnessed by two persons who are not inmates of the Department of Corrections and not under the supervision of the Director of the Department of Corrections. The witnesses' signatures must be duly notarized. The form must contain a certification signed by the witnesses that the convicted person's signature is free from coercion and voluntarily given.

~~(C)(D)~~ If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution regardless of the method elected by the person.

(E) The Department of Corrections must provide written notice to an inmate of his right of election under this section."/

Re-number sections to conform.

Amend title to conform.

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Senator ALLEN explained the amendment.

The amendment was adopted.

Senator MALLOY spoke on the Bill.

Senator M.B. MATTHEWS spoke on the Bill.

Senator HARPOOTLIAN spoke on the Bill.

Senator M.B. MATTHEWS spoke on the Bill.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

Amendment No. 2

Senator MALLOY proposed the following amendment (176R002.SP.GM), which was carried over and subsequently withdrawn:

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

/ SECTION 1. Section 24-3-530 of the 1976 Code is amended to read:

“Section 24-3-530. (A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the person, lethal injection, if it is available at the time of election, or by firing squad under the direction of the Director of the Department of Corrections. The election for death by electrocution ~~or~~ lethal injection, or firing squad must be made in writing fourteen days before ~~the~~ each execution date or it is waived. If the inmate receives a stay of execution or the execution date has passed for any reason, the election expires and must be renewed in writing fourteen days before a new execution date. If the person waives the right of election, then the penalty must be administered by ~~lethal injection~~ firing squad.

(B) The Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected pursuant to subsection (A) is available.

(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by lethal injection, and it is available, or firing squad in writing fourteen days before the execution date. The convicted person must sign and date this form. The convicted person’s signature must be witnessed by two persons who are not inmates of the Department of Corrections and not

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under the supervision of the Director of the Department of Corrections. The witnesses' signatures must be duly notarized. The form must contain a certification signed by the witnesses that the convicted person's signature is free from coercion and voluntarily given.

~~(C)~~(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by ~~electrocution~~ firing squad regardless of the method elected by the person.

(E) The Department of Corrections must provide written notice to an inmate of his right of election under this section."

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the amendment.

On motion of Senator HUTTO, the amendment was carried over.

PRESIDENT PRESIDES

At 4:23 P.M., the PRESIDENT assumed the Chair.

Amendment No. 3

Senator MALLOY proposed the following amendment (176R003.SP.GM), which was ruled out of order:

Amend the bill, as and if amended, page 2, line 39, by inserting:

/ SECTION 2. Section 16-3-20(C)(a) is amended by adding an appropriately numbered new subitem to read:

“() The offender committed the murder as the result of animus toward one or more of the victim's immutable characteristics.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

Point of Order

Senator MASSEY 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 MASSEY spoke on the Point of Order.

Senator MALLOY spoke on the Point of Order.

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The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Amendment No. 4

Senator BRIGHT MATTHEWS proposed the following amendment (176R004.SP.MBM), which was not adopted:

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

/ SECTION 1. Section 24-3-530 of the 1976 Code is amended to read:

“Section 24-3-530. (A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the person, lethal injection, if it is available at the time of election, or by hanging under the direction of the Director of the Department of Corrections. The election for death by electrocution ~~or, lethal injection, or hanging~~ must be made in writing fourteen days before ~~the~~ each execution date or it is waived. If the inmate receives a stay of execution or the execution date has passed for any reason, the election expires and must be renewed in writing fourteen days before a new execution date. If the person waives the right of election, then the penalty must be administered by ~~lethal injection~~ hanging.

(B) The Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected pursuant to subsection (A) is available.

~~(B)~~(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by lethal injection, and it is available, or hanging in writing fourteen days before the execution date. The convicted person must sign and date this form. The convicted person’s signature must be witnessed by two persons who are not inmates of the Department of Corrections and not under the supervision of the Director of the Department of Corrections. The witnesses’ signatures must be duly notarized. The form must contain a certification signed by the witnesses that the convicted person’s signature is free from coercion and voluntarily given.

~~(C)~~(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a

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death sentence must be by ~~electrocution~~ hanging regardless of the method elected by the person.

(E) The Department of Corrections must provide written notice to an inmate of his right of election under this section.”

SECTION 2. This act takes effect upon approval by the Governor./
Re-number sections to conform.
Amend title to conform.

Senator M.B. MATTHEWS spoke on the amendment.

The question then was the adoption of the amendment.

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

Ayes 1; Nays 38

AYES

Matthews, Margie

Total--1

NAYS

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

Total--38

Having failed to receive the necessary votes, the amendment failed.

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Amendment No. 5

Senator HEMBREE proposed the following amendment (176R006.SP.GH), which was adopted:

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

/ SECTION 1. Section 24-3-530 of the 1976 Code is amended to read:

“Section 24-3-530. (A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the person, lethal injection, if it is available at the time of election, or by firing squad under the direction of the Director of the Department of Corrections. The election for death by electrocution ~~or~~, lethal injection, or firing squad must be made in writing fourteen days before ~~the each~~ execution date or it is waived. If the inmate receives a stay of execution or the execution date has passed for any reason, the election expires and must be renewed in writing fourteen days before a new execution date. If the person waives the right of election, then the penalty must be administered by ~~lethal injection~~ electrocution.

(B) The Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected pursuant to subsection (A) is available.

~~(B)~~(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by lethal injection, and it is available, or firing squad in writing fourteen days before the execution date. The convicted person must sign and date this form. The convicted person’s signature must be witnessed by two persons who are not inmates of the Department of Corrections and not under the supervision of the Director of the Department of Corrections. The witnesses’ signatures must be duly notarized. The form must contain a certification signed by the witnesses that the convicted person’s signature is free from coercion and voluntarily given.

~~(C)~~(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution regardless of the method elected by the person.

(E) The Department of Corrections must provide written notice to an inmate of his right of election under this section.”

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

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Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

The amendment was adopted.

On motion of Senator MALLOY, with unanimous consent,
Amendment No. 2 was withdrawn.

The question then was second reading of the Bill.

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

Ayes 26; Nays 13

AYES

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Grooms
Hembree	Leatherman	Martin
Massey	Peeler	Rice
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--26

NAYS

Allen	Fanning	Hutto
Johnson	Kimpson	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Reese	Sabb
Scott		

Total--13

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

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Motion Adopted

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

MOTION ADOPTED

On motion of Senator MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Rudolph Mitchell of Saluda, S.C. Mr. Mitchell was the father of our beloved State Superintendent of Education, Molly Spearman. Mr. Mitchell was a veteran of World War II. He established Rudanks Farms, was elected to the House of Representatives in 1962, received the Order of the Palmetto from Governor David Beasley and was inducted into the S.C. Dairy Hall of Fame at Clemson University. Rudolph was a lifelong member of Hickory Grove Advent Christian Church where he served as Sunday School Superintendent and was a member of the choir. He was a self taught musician and enjoyed performing at the Capital Café. Mr. Mitchell was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 4:55 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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