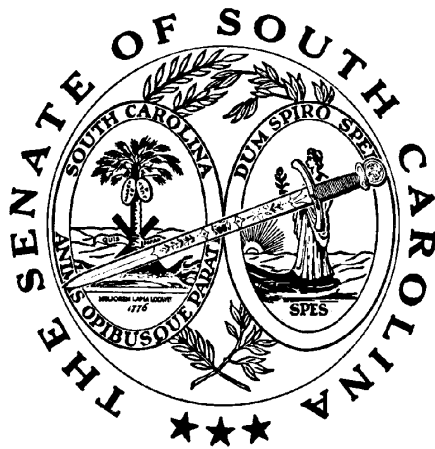


NO. 21

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

TUESDAY, FEBRUARY 13, 2024

Tuesday, February 13, 2024
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Micah 6:8

We likely all recall the powerful text from the prophet, Micah, how he stated: “He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.”

Please bow with me as we pray: Truly, O loving God, the simple elegance of the text before us today moves us in such meaningful fashion. And as we all affirm in so many ways, each of us knows well, dear God, what You expect of us, not only in our personal lives but also in our service to others. Yet we further know how many times we fail to be the emissaries of Your love and concern that You desire us all to be. Forgive us for those frequent moments when we clearly must disappoint You, O Lord. Rather, help us all by Your Spirit’s grace to be more than ever the Senators, the aides, the citizens who cherish Micah’s words and who strive to live by them. And may the good people of South Carolina forever be blessed as we do so. In Your wondrous name we pray, Lord. Amen.

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

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Devine
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis

TUESDAY, FEBRUARY 13, 2024

Malloy	Martin	Massey
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator GUSTAFSON introduced Dr. Vincent Degenhart of Kiawah, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CROMER, at 12:17 P.M., Senator CAMPSER was granted a leave of absence for today.

Leave of Absence

On motion of Senator ADAMS, at 12:18 P.M., Senator GARRETT was granted a leave of absence for today.

Expression of Personal Interest

Senator KIMBRELL rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 408	Sen. McLeod
S. 852	Sen. M. Johnson
S. 944	Sen. Fanning

RECALLED AND ADOPTED

H. 4978 -- Reps. Hixon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B.J. Cox, B.L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hosey, Howard, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, S. Jones, W. Jones,

TUESDAY, FEBRUARY 13, 2024

Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A.M. Morgan, T.A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Stavrinakis, Taylor, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE MEMBERS OF SOUTH CAROLINA'S FFA, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK FROM FEBRUARY 17 THROUGH 24, 2024.

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

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

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

There was no objection.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1040 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 48-52-870, RELATING TO THE ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM, SO AS TO EXTEND THE PROGRAM FOR FIVE MORE YEARS; AND BY AMENDING SECTION 12-36-2110, RELATING TO MAXIMUM TAX ON SALE

TUESDAY, FEBRUARY 13, 2024

OR LEASE OF CERTAIN ENERGY EFFICIENT MANUFACTURED HOMES, SO AS TO EXTEND THE PROVISION FOR FIVE MORE YEARS.

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

S. 1041 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF US HIGHWAY 17-A IN BERKELEY COUNTY FROM ITS INTERSECTION WITH HARRISTOWN ROAD TO ITS INTERSECTION WITH HOODTOWN ROAD "REV. LARRY A. BRADBERRY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0584km-vc24.docx

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

S. 1042 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE SOUTH CAROLINA SECTION OF THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS FOR ITS NEARLY SEVENTY YEARS OF SERVING AS A TRUSTED RESOURCE FOR MEDICAL INFORMATION RELATING TO WOMEN'S HEALTH AND TO DECLARE WEDNESDAY, FEBRUARY 21, 2024, AS ACOG DAY IN SOUTH CAROLINA.

lc-0517cm-bl24.docx

The Senate Resolution was introduced and referred to the Committee on Medical Affairs.

H. 3608 -- Reps. Hixon, Bailey and Brittain: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-39-260, RELATING TO RECORDS OF SALES OR CONVEYANCES AND RESULTING CHANGES IN DUPLICATES AND ENDORSEMENT OF DEEDS BY AUDITORS, SO AS TO PROVIDE GUIDELINES FOR THE RECORDS OF COUNTY REAL PROPERTY SALES AND TO REMOVE COUNTY AUDITOR FEES; BY AMENDING SECTION 30-5-120, RELATING TO THE VALIDATION OF CERTAIN CONVEYANCES NOT ENDORSED BY A COUNTY AUDITOR, SO AS TO PROVIDE THAT ANY CONVEYANCE MEETING THE STATUTORY PREREQUISITES

TUESDAY, FEBRUARY 13, 2024

FOR RECORDING ARE VALID AND BINDING; BY REPEALING SECTION 30-5-80 RELATING TO THE REQUIREMENT OF THE AUDITOR'S ENDORSEMENT BEFORE THE RECORDATION OF DEEDS; AND BY REPEALING SECTION 8-21-130 RELATING TO FEES COLLECTED BY COUNTY AUDITORS FOR AN ENDORSEMENT ON A DEED.

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

H. 4364 -- Reps. W. Newton, Davis, Rutherford, Bernstein, M. M. Smith, Ott, Brittain, Guest, Hewitt, Elliott, Stavrinakis, Bradley, Wooten, Murphy, Herbkersman, Leber, Sessions, Caskey, Rose, Mitchell, Brewer, Guffey, Hardee, Collins, Gatch, B. Newton, Pace, Bauer, Bailey, Erickson, Schuessler and Hart: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-2-170, RELATING TO DRIVE-THROUGH OR CURBSIDE SERVICE OF ALCOHOLIC BEVERAGES, SO AS TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 61-4-45 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; BY ADDING SECTION 61-4-280 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN BEER AND WINE AND TO PROVIDE FOR REQUIREMENTS; BY ADDING SECTION 61-6-1570 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE CERTAIN LICENSES OR PERMITS ALLOWING A RETAILER TO OFFER CERTAIN CURBSIDE DELIVERY OR PICK UP; AND BY ADDING SECTION 61-6-1580 SO AS TO PROVIDE THAT A RETAIL DEALER MAY HIRE A DELIVERY SERVICE TO DELIVER CERTAIN ALCOHOLIC LIQUORS AND TO PROVIDE FOR REQUIREMENTS.

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

H. 4710 -- Reps. West, G. M. Smith, Bannister, Davis, Guest, Forrest, Hewitt, M. M. Smith, Long, B. Newton, Thayer, Hager, Leber, Mitchell, Brittain, Gatch, Hixon, Pope, Chapman, Murphy, Brewer, Robbins, Caskey, T. Moore, Hardee, Erickson, Bradley and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-35-50, RELATING TO MAXIMUM

TUESDAY, FEBRUARY 13, 2024

UNEMPLOYMENT INSURANCE BENEFITS ALLOWED, SO AS TO SET THE DURATION OF UNEMPLOYMENT BENEFITS BASED ON SEASONAL ADJUSTED STATEWIDE UNEMPLOYMENT RATES.

lc-0524wab24.docx

Read the first time and referred to the Committee on Labor, Commerce and Industry.

REPORT OF STANDING COMMITTEE

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

S. 915 -- Senators Peeler, Alexander, Setzler, Verdin, Davis, Hutto, Kimbrell, Young and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO CREATE THE EXECUTIVE OFFICE OF HEALTH AND POLICY AND PROVIDE FOR THE DUTIES OF THE SECRETARY OF THE AGENCY; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DISSOLVE SEVERAL DEPARTMENTS AND CREATE THE STATE OFFICE OF THE SECRETARY OF PUBLIC HEALTH AND POLICY; BY AMENDING SECTION 8-17-370, RELATING TO THE MEDIATION OF GRIEVANCES BY THE STATE HUMAN RESOURCES DIRECTOR SO AS TO ADD THE SECRETARY OF HEALTH AND POLICY, THE DIRECTORS OF THE COMPONENT DEPARTMENTS OF THE EXECUTIVE OFFICE OF HEALTH AND POLICY, AND ALL DIRECT REPORTS TO THE SECRETARY AND TO DIRECTORS OF THE COMPONENT DEPARTMENTS; BY AMENDING SECTION 43-21-70, RELATING TO THE EMPLOYMENT OF THE DIRECTOR OF THE DEPARTMENT AND ADVISORY COUNCIL ON AGING, SO AS TO PROVIDE THAT THE SECRETARY OF HEALTH AND POLICY SHALL APPOINT A DIRECTOR TO BE THE ADMINISTRATIVE OFFICER OF THE DEPARTMENT ON AGING; AND TO REPEAL TITLE 44, CHAPTER 9 RELATING TO THE STATE DEPARTMENT OF MENTAL HEALTH.

Ordered for consideration tomorrow.

Appointment Reported

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

TUESDAY, FEBRUARY 13, 2024

Statewide Appointment

Initial Appointment, Secretary of Department of Transportation, with term coterminous with Governor

Justin P. Powell, 508 Carole Lane, Lexington, SC 29072 *VICE* Christy A. Hall

Received as information.

Message from the House

Columbia, S.C., February 8, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3116 -- Reps. Felder, Carter, Pope, Guffey, O'Neal, Hart, Caskey, Williams, Blackwell and Gilliam: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-610, RELATING TO PERSONS LIABLE FOR TAXES AND ASSESSMENTS ON REAL PROPERTY, SO AS TO PROVIDE THAT CERTAIN DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES ARE EXEMPT FROM PROPERTY TAXES IN THE YEAR IN WHICH THE DISABILITY OCCURS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., February 13, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 245 -- Senators Kimbrell and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT A PERSON WITH CERTAIN CRIMINAL CONVICTIONS IS PROHIBITED FROM SERVING AS THE TREASURER OF A BOOSTER CLUB, TO PROVIDE THAT EACH BOOSTER CLUB WITHIN A SCHOOL DISTRICT SHALL ANNUALLY REGISTER WITH THE SCHOOL BOARD, TO PROVIDE THAT THE SCHOOL BOARD MUST RUN A CRIMINAL

TUESDAY, FEBRUARY 13, 2024

BACKGROUND CHECK TO DETERMINE IF THE TREASURER OF A BOOSTER CLUB IS PROHIBITED FROM SERVING IN THAT ROLE DUE TO A CRIMINAL CONVICTION, AND TO DEFINE NECESSARY TERMS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

HOUSE CONCURRENCE

S. 1038 -- Senators Corbin, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Cromer, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Tedder, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE GREER CHAMBER OF COMMERCE AND ITS MISSION TO CONNECT, ENGAGE, PROVIDE OPPORTUNITIES, AND ADVOCATE FOR THE GREATER GREER BUSINESS COMMUNITY; TO COMMEND LEADERSHIP GREER AS A DISTINGUISHED PROFESSIONAL DEVELOPMENT PROGRAM AND HONOR ITS GOALS OF INCREASING COMMUNITY ACTIVISM, PRODUCING COMMUNITY LEADERS, AND ENHANCING BUSINESS-TO-BUSINESS CONNECTIONS; AND TO PROCLAIM TUESDAY, FEBRUARY 13, 2024, AS "LEADERSHIP GREER DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to the uncontested Statewide Calendar and at the completion of the Second Reading Calendar, the Senate would revert to the Interrupted Debate.

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

TUESDAY, FEBRUARY 13, 2024

SECOND READING BILL

H. 4876 -- Reps. Jefferson, Cobb-Hunter, Robbins, Gatch, Murphy and Brewer: A BILL TO CHANGE THE CANDIDATE FILING METHOD FOR THE BOARD OF TRUSTEES OF DORCHESTER COUNTY SCHOOL DISTRICT 4 FROM THE PETITION METHOD TO THE FILING OF A STATEMENT OF INTENTION OF CANDIDACY WITH THE DORCHESTER COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS.

On motion of Senator STEPHENS.

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

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

S. 408 -- Senators Shealy and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-75-250, RELATING TO ISSUANCE OF LICENSE, DISPLAY, AND RENEWAL, SO AS TO REQUIRE ONE HOUR OF SUICIDE PREVENTION TRAINING AS A PORTION OF THE TOTAL CONTINUING EDUCATION REQUIREMENT; AND BY AMENDING SECTION 40-75-540, RELATING TO REGULATIONS FOR CONTINUING EDUCATION AND LICENSE RENEWAL, SO AS TO REQUIRE ONE HOUR OF SUICIDE PREVENTION TRAINING AS A PORTION OF THE TOTAL CONTINUING EDUCATION REQUIREMENT.

S. 558 -- Senators Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-31-40 SO AS TO PROVIDE THE PROCEDURE FOR THE TUBERCULOSIS TESTING OF APPLICANT RESIDENTS AND NEWLY ADMITTED RESIDENTS OF NURSING HOMES IN THIS STATE.

CARRIED OVER

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY

TUESDAY, FEBRUARY 13, 2024

PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE

TUESDAY, FEBRUARY 13, 2024

ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

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

CARRIED OVER

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

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

OBJECTION

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES

TUESDAY, FEBRUARY 13, 2024

AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING

TUESDAY, FEBRUARY 13, 2024

UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 578 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-54-240, RELATING TO DISCLOSURE OF RECORDS OF AND REPORTS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO AUTHORIZE THE DISCLOSURE OF DOCUMENTS UNDER CERTAIN CIRCUMSTANCES.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 32 -- Senators Hutto and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-77-170,

TUESDAY, FEBRUARY 13, 2024

RELATING TO THE REQUIRED CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF THE MOTOR VEHICLE 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.

Senator MASSEY objected to consideration of the Bill.

CARRIED OVER

S. 944 -- Senators Gambrell, Bennett, Turner and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PAID FAMILY LEAVE INSURANCE ACT" BY ADDING CHAPTER 103 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH FAMILY LEAVE BENEFITS, OUTLINE REQUIREMENTS OF FAMILY LEAVE INSURANCE POLICIES, AND PROVIDE EXCLUSIONS, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

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

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 957 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-3-150, RELATING TO THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEES TO CONDUCT EXAMINATIONS, INVESTIGATIONS, AND HEARINGS, SO AS TO PROVIDE FOR THE CONFIDENTIALITY OF SUCH INVESTIGATIONS; BY AMENDING SECTION 38-9-200, RELATING TO CONDITIONS FOR ALLOWING REINSURANCE CREDITS, SO AS TO REVISE CERTAIN CONDITIONS; BY AMENDING SECTION 38-13-10, RELATING TO INSURER EXAMINATIONS, SO AS TO PROVIDE SUCH EXAMINATIONS ARE FINANCIAL EXAMINATIONS, TO APPLY THE PROVISIONS

TUESDAY, FEBRUARY 13, 2024

TO HEALTH MAINTENANCE ORGANIZATIONS AND OTHER LICENSEES OF THE DEPARTMENT, TO PROVIDE MARKET CONDUCT EXAMINATIONS, AND TO REMOVE OBSOLETE PROVISIONS, AMONG OTHER THINGS; BY AMENDING SECTION 38-13-70, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DIRECTOR OR HIS DESIGNEES MAY CONDUCT INVESTIGATIONS, TO PROVIDE FOR THE CONFIDENTIALITY OF INVESTIGATIONS, AND TO PROVIDE FINAL ORDERS DISCIPLINING LICENSEES ARE PUBLIC INFORMATION, AMONG OTHER THINGS; AND BY AMENDING SECTION 38-57-130, RELATING TO INSURANCE TRADE PRACTICES, SO AS TO PROVIDE REVISED EXEMPTIONS FROM PROVISIONS PROHIBITING MISREPRESENTATIONS, SPECIAL INDUCEMENTS, AND REBATES IN INSURANCE CONTRACTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (LC-957.PH0002S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 38-13-10(B) and inserting:

(B) The director or his examiners may conduct a market conduct examination whenever the director considers it appropriate based on the market analysis or practices of the insurer or HMO or other licensee as authorized by this title. The director or his designee has the discretion to conduct full scope or targeted, on-site market conduct examinations in accordance with the NAIC Market Regulation Handbook and other market analysis tools. The director is authorized to determine the frequency, depth and timing of market conduct examinations and may schedule and coordinate multiple examinations simultaneously or participate in multistate examinations.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

TUESDAY, FEBRUARY 13, 2024

OBJECTION

S. 962 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-71-2330, RELATING TO DUTIES OF PHARMACY SERVICE ADMINISTRATIVE ORGANIZATIONS, SO AS TO REMOVE THE REQUIREMENT THAT PHARMACY SERVICE ADMINISTRATIVE ORGANIZATIONS MUST ACT AS FIDUCIARIES TO PHARMACIES.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the Bill.

The question being the second reading of the Bill.

Senator RANKIN objected to consideration of the Bill.

OBJECTION

S. 1026 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5241, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator ALEXANDER objected to consideration of the Resolution.

OBJECTION

S. 1027 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO PHARMACY BENEFITS MANAGERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5240, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator ALEXANDER objected to consideration of the Resolution.

POINT OF ORDER

S. 903 -- Senator Campsen: A BILL TO AMEND SECTION 5 OF ACT 91 OF 2021, RELATING TO FLOUNDER CATCH LIMITS, SO AS TO REPEAL THE SUNSET CLAUSE.

TUESDAY, FEBRUARY 13, 2024

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.

POINT OF ORDER

H. 3993 -- Reps. Brewer, West, Lawson, Mitchell, Yow, Sessions, Leber, Ott, Guffey, Atkinson, B.L. Cox, Forrest, B. Newton, Gatch, Hager, Hixon, Murphy and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-1920, RELATING TO THE SALE OF EXOTIC FARM-RAISED VENISON, SO AS TO PROVIDE AN EXCEPTION.

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.

POINT OF ORDER

H. 4047 -- Rep. Ott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-15-100 SO AS TO PROHIBIT THE RELEASE OF RECORDS REGARDING THE OCCURRENCE OF RARE, THREATENED, ENDANGERED, OR IMPERILED PLANT AND ANIMAL SPECIES BY THE DEPARTMENT OF NATURAL RESOURCES.

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.

ADOPTED

S. 697 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES TO DEVELOP A MARINE RECREATIONAL OFFSHORE HARVEST DATA COLLECTION PROGRAM TO CONSERVE MARINE FISHERIES WHILE ENSURING SOUTH CAROLINIANS AND THOSE WHO

TUESDAY, FEBRUARY 13, 2024

VISIT OUR COAST EACH YEAR HAVE ACCESS TO OUR PUBLIC TRUST RESOURCES.

The Resolution was adopted, ordered sent to the House.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 423 -- Senators Davis, Hutto, Grooms, Kimpson, Malloy, McLeod, Verdin, Fanning, Goldfinch, Gustafson, Shealy and Tedder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; BY AMENDING CHAPTER 53, TITLE 44 OF THE S.C. CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20 SO AS TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; BY ADDING SECTION 56-5-3910 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OF A MOTOR VEHICLE TO VAPORIZE CANNABIS PRODUCTS AS DEFINED IN SECTION 44-53-2010 WHILE OPERATING THE MOTOR VEHICLE AND TO PROVIDE PENALTIES; BY REPEALING ARTICLE 4, CHAPTER 53, TITLE 44 RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

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

Senator DAVIS explained the Bill.

Objection

Senator MASSEY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MATTHEWS objected.

Amendment No. 2

Senator SENN proposed the following amendment (SR-423.JG0004S), which was adopted:

Amend the bill, as and if amended, SECTION 4, by striking Section 44-53-2410(A)(4) and inserting:

TUESDAY, FEBRUARY 13, 2024

(4) no more than three therapeutic cannabis pharmacy licenses in any single county;
Renumber sections to conform.
Amend title to conform.

Senator DAVIS explained the amendment.

Senator MATTHEWS moved to lay the amendment on the table.

The motion failed.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 13

Senator TEDDER proposed the following amendment (SMIN-423.AA0025S), which was adopted:

Amend the bill, as and if amended, SECTION 4, Section 44-53-2370, by adding a subsection to read:

(E) The department shall not prohibit the accurate listing of ingredients on a cannabis product that is a beverage.

Renumber sections to conform.

Amend title to conform.

Senator TEDDER explained the amendment.

The amendment was adopted.

Senator MALLOY spoke on the Bill.

Objection

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MATTHEWS objected.

The question then was second reading of the Bill.

TUESDAY, FEBRUARY 13, 2024

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

Ayes 26; Nays 17; Abstain 1

AYES

Allen	Cash	Climer
Davis	Devine	Fanning
Goldfinch	Grooms	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Malloy
Martin	Matthews	McLeod
Rankin	Sabb	Shealy
Stephens	Talley	Tedder
Turner	Verdin	

Total--26

NAYS

Adams	Alexander	Bennett
Campsen	Corbin	Gambrell
Hembree	<i>Johnson, Kevin</i>	Loftis
Massey	McElveen	Peeler
Reichenbach	Rice	Setzler
Williams	Young	

Total--17

ABSTAIN

Cromer

Total--1

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

Motion Adopted

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

TUESDAY, FEBRUARY 13, 2024

MOTION ADOPTED

On motion of Senator CAMPSER, ALEXANDER, ADAMS, ALLEN, BENNETT, CASH, CLIMER, CORBIN, CROMER, DAVIS, DEVINE, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TEDDER, TURNER, VERDIN, WILLIAMS and YOUNG with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Charles Pinckney Darby, Jr. of Charleston, S.C. Charles was a pediatrician and philanthropist who dedicated his life to the welfare of children. He attended The Citadel and the Medical University of South Carolina. Charles later did a pediatric residency at Duke University before opening a pediatric practice in Mt. Pleasant. He completed a microbiology and infectious disease fellowship in London, England before being recruited to join the MUSC faculty where he became Chairman of Pediatrics in 1982. He founded MUSC Children's Hospital, established the MUSC Children's Fund, The Charles P. Darby Children's Research Institute, the Ronald McDonald House Charities of Charleston and was involved in HALOS and the local United Way chapter. Charles enjoyed the outdoors, physical fitness and spending time with his family. Charles was a loving father, devoted grandfather and dedicated community member who will be dearly missed.

ADJOURNMENT

At 3:43 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

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TUESDAY, FEBRUARY 13, 2024

SENATE JOURNAL INDEX

S. 32.....	13	S. 1040.....	3
S. 245.....	7	S. 1041.....	4
S. 408.....	9	S. 1042.....	4
S. 423.....	18		
S. 558.....	9	H. 3116.....	7
S. 578.....	13	H. 3518.....	9
S. 697.....	17	H. 3608.....	4
S. 903.....	16	H. 3866.....	11
S. 915.....	6	H. 3993.....	17
S. 944.....	14	H. 4047.....	17
S. 957.....	14	H. 4116.....	11
S. 962.....	16	H. 4364.....	5
S. 1026.....	16	H. 4710.....	5
S. 1027.....	16	H. 4876.....	9
S. 1038.....	8	H. 4978.....	2