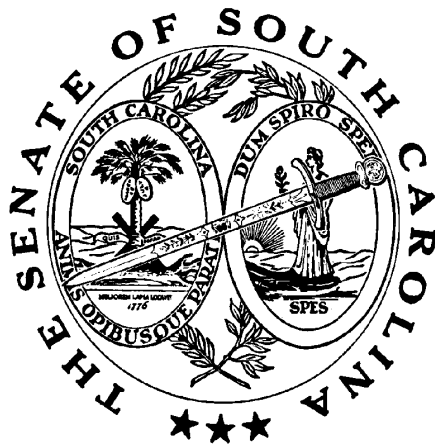


NO. 23

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

THURSDAY, FEBRUARY 15, 2024

Thursday, February 15, 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:

Genesis 22:2

We remember that God himself called upon Abraham, saying to him:

‘ “Take your son, your only son Isaac, whom you love, and go to the region of Moriah, and offer him there as a burnt offering on one of the mountains that I shall show you.’ ”

Let us unite our hearts together in prayer: Holy God, the story of how You boldly challenged Abraham reminds us in so many ways that even Your servants here in the Senate of South Carolina find themselves “tested” again and again, as well. And although the circumstances for all who serve You here may not be as starkly dramatic as was Abraham’s, still, there truly are many occasions when these leaders believe themselves indeed “tested” -- tested by the expectations, the challenges, and the needs of the people whom they have taken an oath to serve. So we pray, O Lord, that You will bless every Senator and each staff member in ways that remind each of them of the rewards You grant to all who serve You faithfully. In Your blessed name we pray, dear Lord. Amen.

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

Call of the Senate

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

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

THURSDAY, FEBRUARY 15, 2024

Martin	Matthews	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Tedder	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5232

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 63-11-30

SUBJECT: Wilderness Therapeutic Camps for Children

Received by President of the Senate January 9, 2024

Referred to Family and Veterans' Services Committee

Legislative Review Expiration May 8, 2024

Withdrawn and Resubmitted February 15, 2024

Doctor of the Day

Senator DEVINE introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator YOUNG, at 11:09 A.M., Senators TALLEY and MASSEY were granted a leave of absence for today.

Leave of Absence

On motion of Senator GOLDFINCH, at 11:09 A.M., Senator CLIMER was granted a leave of absence until 11:30 A.M.

Expression of Personal Interest

Senator HEMBREE rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 915	Sen. Fanning
S. 976	Sen. Campsen
S. 977	Sen. Campsen

THURSDAY, FEBRUARY 15, 2024

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1058 -- Senator Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 2-19-95 SO AS TO PROVIDE THAT IN ORDER TO BE ELIGIBLE FOR APPOINTMENT TO THE SUPREME COURT, A CANDIDATE MUST BE A RESIDENT OF GREENVILLE COUNTY.

sr-0128jg24.docx

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

S. 1059 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-19-210, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF TITLE REQUIRED TO SELL OR MORTGAGE A VEHICLE, SO AS TO AUTHORIZE A SOUTH CAROLINA MOTOR VEHICLE DEALER TO SELL A MOTOR VEHICLE THROUGH CONSIGNMENT.

lc-0378dg24.docx

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

S. 1060 -- Senators Tedder, Hembree, Massey and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-17-722, RELATING TO THE FILING OF FALSE POLICE REPORTS AND ASSOCIATED PENALTIES, SO AS TO REVISE THE STATUTE, PROVIDE FOR THE OFFENSE OF SWATTING, AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS; AND BY AMENDING SECTION 23-47-80, RELATING TO PENALTIES REGARDING VIOLATIONS OF 911 SERVICES, SO AS TO REFERENCE PENALTIES CONTAINED IN SECTION 16-17-722.

lc-0245ahb24.docx

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

S. 1061 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-23-165 SO AS TO PROHIBIT AN AGENCY AUTHORIZED TO IMPLEMENT AND ENFORCE STATE AND FEDERAL ENVIRONMENTAL LAWS FROM ADOPTING A RULE FOR THE PROTECTION OF THE ENVIRONMENT OR NATURAL RESOURCES THAT IMPOSES A MORE RESTRICTIVE STANDARD, LIMITATION, OR

THURSDAY, FEBRUARY 15, 2024

REQUIREMENT THAN THOSE IMPOSED BY FEDERAL LAW OR RULE.

sr-0127jg24.docx

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

S. 1062 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3670, RELATING TO THE CREDIT FOR EXCESS PREMIUM PAID FOR PROPERTY AND CASUALTY INSURANCE, SO AS TO RAISE THE MAXIMUM AMOUNT OF THE CREDIT ALLOWED FOR A TAX YEAR FROM ONE THOUSAND TWO HUNDRED FIFTY DOLLARS TO ONE THOUSAND NINE HUNDRED DOLLARS.

sfgf-0025bc24.docx

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

S. 1063 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-5-1897 SO AS TO PROVIDE SPEED LIMITATIONS ON VEHICLES MEETING OR OVERTAKING WASTE SERVICE VEHICLES, AND PENALTIES FOR VIOLATIONS; AND BY AMENDING SECTION 56-5-170, RELATING TO THE DEFINITION OF THE TERM "AUTHORIZED EMERGENCY VEHICLES", SO AS TO INCLUDE "WASTE SERVICE VEHICLES" WITHIN THE DEFINITION OF THE TERM, AND TO PROVIDE THEY MAY BE EQUIPPED WITH STROBE LIGHTS.

lc-0523cm24.docx

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

S. 1064 -- Senator Turner: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT A REVIEW OF THE CURRENT LAW REGARDING COMMUNITY RESIDENTIAL CARE FACILITIES INCLUDING, BUT NOT LIMITED TO, QUALIFICATIONS FOR A FACILITY TO IDENTIFY AND ADVERTISE AS AN ALZHEIMER'S SPECIAL CARE UNIT, EVALUATION OF STAFFING LEVELS FOR A FACILITY'S ALZHEIMER'S SPECIAL CARE UNIT, AND A REVIEW OF THE NEED FOR REGISTERED NURSING COVERAGE IN A FACILITY'S ALZHEIMER'S SPECIAL CARE UNIT; AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY JANUARY 1, 2025, FOR UPDATING AND IMPROVING THE LAW'S REQUIREMENTS FOR ALZHEIMER'S

THURSDAY, FEBRUARY 15, 2024

SPECIAL CARE UNITS HOUSED IN COMMUNITY RESIDENTIAL CARE FACILITIES.

lc-0242ahb24.docx

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

S. 1065 -- Senator Alexander: A CONCURRENT RESOLUTION TO WELCOME THE NATIONAL COMMANDER OF THE AMERICAN LEGION, DANIEL J. SEEHAFFER, AND TO INVITE HIM TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON WEDNESDAY, MARCH 6, 2024.

sr-0542km-hw24.docx

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

H. 4231 -- Reps. M. M. Smith, Davis, Bernstein, Guest, Brittain, Henegan, B. Newton, Carter, B. L. Cox, Bannister, Herbkersman, Robbins, Schuessler, Hart and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-6-1155, RELATING TO MICRO-DISTILLERIES, SO AS TO PROVIDE THAT A MICRO-DISTILLERY MAY SELL CERTAIN LIQUORS DISTILLED ON THE PREMISES ON SUNDAYS; AND BY AMENDING SECTION 61-6-4160, RELATING TO THE PROHIBITION ON THE SALE OF ALCOHOLIC LIQUORS ON CERTAIN DAYS, SO AS TO PROVIDE THAT CERTAIN LOCAL GOVERNING BODIES MAY AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS ON SUNDAYS UNDER CERTAIN CIRCUMSTANCES.

lc-0269sa23.docx

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

H. 4957 -- Reps. Hiott, Erickson, G. M. Smith, Hayes, McGinnis, Rose, Elliott, Alexander, Schuessler, Calhoun, 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

THURSDAY, FEBRUARY 15, 2024

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 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

THURSDAY, FEBRUARY 15, 2024

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.

lc-0565wab24.docx

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

H. 5079 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.

lc-0349hdb24.docx

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

REPORTS OF STANDING COMMITTEE

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

S. 1001 -- Senator Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-430, RELATING TO THE AUTHORIZATION OF INMATE LABOR IN PRIVATE INDUSTRY AND REQUIREMENTS AND CONDITIONS, SO AS TO PROVIDE THAT NO INMATE PARTICIPATING IN THE PROGRAM MAY EARN LESS THAN THE FEDERAL MINIMUM WAGE.

Ordered for consideration tomorrow.

THURSDAY, FEBRUARY 15, 2024

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

H. 4002 -- Reps. G.M. Smith, W. Newton, Hiott, Davis, B. Newton, Erickson, Bannister, Haddon, Sandifer, Thayer, Carter, Robbins, Blackwell, Forrest and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 24-3-980 SO AS TO PROVIDE IT IS UNLAWFUL FOR AN INMATE UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS TO POSSESS TELECOMMUNICATION DEVICES UNLESS AUTHORIZED BY THE DIRECTOR, TO DEFINE THE TERM "TELECOMMUNICATION DEVICE", AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

Appointment Reported

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

Statewide Appointment

Initial Appointment, Juvenile Parole Board, with the term to commence June 30, 2023, and to expire June 30, 2027

At-Large, Public:

Tammy Johns, 227 Lominack Road, Prosperity, SC 29127-9140 *VICE*
Suzanne Prosser

Referred to the Committee on Corrections and Penology.

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

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

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

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,

THURSDAY, FEBRUARY 15, 2024

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 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.

OBJECTION

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.

Senator MATTHEWS objected to consideration of the Bill.

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

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.

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

THURSDAY, FEBRUARY 15, 2024

OCCURRENCE OF RARE, THREATENED, ENDANGERED, OR IMPERILED PLANT AND ANIMAL SPECIES BY THE DEPARTMENT OF NATURAL RESOURCES.

OBJECTION

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 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

THURSDAY, FEBRUARY 15, 2024

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 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.

Senator MALLOY objected to consideration of the Bill.

AMENDED, 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.

The Senate proceeded to a consideration of the Bill.

THURSDAY, FEBRUARY 15, 2024

Senator KIMBRELL proposed the following amendment (SR-3866.KM0006S):

Amend the bill, as and if amended, SECTION 1, by striking Section 1-7-95(B) and inserting:

(B)(1) This section does not affect the ability of the Attorney General to bring or defend an action in a proprietary capacity on behalf of and representing any such department, agency, or board.

(2) This section does not affect the Attorney General's duty to represent an officer or employee of the State, or any of the State's political subdivisions, pursuant to Section 1-7-50.

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question being the adoption of the amendment.

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

Senator HUTTO proposed the following amendment (SMIN-3866.AA0010S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 1-7-95(A) and inserting:

(A) Notwithstanding any other provision of law, when the Attorney General brings or defends an action in the name of the State of South Carolina pursuant to any power granted by common law, the Constitution of this State, or any provision of law, the Attorney General acts in the public interest of the State of South Carolina and not as the legal representative or attorney of any department or agency of state government, including the executive, legislative, and judicial branches, or any of the boards connected therewith. Such departments, agencies, or boards are not parties to these actions, and the documents or electronically stored information of such departments, agencies, or boards are not in the possession, custody, or control of the Attorney General. However, when documents in the possession, custody, or control of any department, agency, or board of state government are requested in discovery in such an action, the Attorney General shall identify the department, agency, or board and their counsel and facilitate the production of such documents from the department, agency, or board of state government in response to a subpoena.

Re-number sections to conform.

THURSDAY, FEBRUARY 15, 2024

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

On motion of Senator KIMBRELL, 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 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

THURSDAY, FEBRUARY 15, 2024

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 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

THURSDAY, FEBRUARY 15, 2024

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. 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.

Senator MALLOY objected to consideration of the Bill.

POINT OF ORDER

S. 538 -- Senators Kimbrell, M. Johnson, Adams, Reichenbach, Rice, Verdin and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-15 SO AS TO LIMIT TENURE AND TO PROVIDE THAT INSTITUTIONS OF HIGHER LEARNING MUST CREATE A TENURE REVIEW PROCESS.

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.

THURSDAY, FEBRUARY 15, 2024

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

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.

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

S. 862 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-30, RELATING TO CAREGIVER REQUIREMENTS, SO AS TO PROVIDE FOR EDUCATIONAL AND PRE-SERVICE TRAINING REQUIREMENTS.

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

S. 946 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-1210, RELATING TO THE STATE ADVISORY COMMITTEE ON THE REGULATION OF CHILDCARE FACILITIES, SO AS TO CHANGE THE ORGANIZATION OF THE MEMBERS; AND BY AMENDING SECTION 63-13-1220, RELATING TO COMMITTEE DUTIES, SO AS TO CHANGE THE QUORUM OF MEMBERS REQUIRED TO VOTE FROM EIGHT TO SIX.

THURSDAY, FEBRUARY 15, 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

S. 974 -- Senator Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 59-104-20, 59-149-10, AND 59-150-370, ALL RELATING TO THE DEFINITION OF "PUBLIC OR INDEPENDENT INSTITUTION" FOR PURPOSES OF THE PALMETTO FELLOWS SCHOLARSHIPS, THE LEGISLATIVE INCENTIVES FOR FUTURE EXCELLENCE (LIFE) SCHOLARSHIPS, AND THE SC HOPE SCHOLARSHIPS, RESPECTIVELY, SO AS TO ADD AN INSTITUTION ACCREDITED BY THE ACCREDITING COMMISSION OF CAREER SCHOOLS AND COLLEGES TO THE DEFINITION.

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

S. 1052 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5251, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

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

The PRESIDENT sustained the Point of Order.

THURSDAY, FEBRUARY 15, 2024

POINT OF ORDER

S. 1053 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - STATE BOARD OF REGISTRATION FOR FORESTERS, RELATING TO QUORUM, DESIGNATED AS REGULATION DOCUMENT NUMBER 5187, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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

S. 1054 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO RESIDENTIAL GROUP CARE FACILITIES FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 5231, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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

S. 1055 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - STATE BOARD OF SOCIAL WORK EXAMINERS, RELATING TO STATE BOARD OF SOCIAL WORK EXAMINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5252, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

THURSDAY, FEBRUARY 15, 2024

Point of Order

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

The PRESIDENT sustained the Point of Order.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

Motion Adopted

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

ADJOURNMENT

At 12:13 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.

* * *

THURSDAY, FEBRUARY 15, 2024

SENATE JOURNAL INDEX

S. 538.....	15	S. 1060.....	3
S. 578.....	15	S. 1061.....	3
S. 846.....	16	S. 1062.....	4
S. 862.....	16	S. 1063.....	4
S. 903.....	9	S. 1064.....	4
S. 944.....	15	S. 1065.....	5
S. 946.....	16		
S. 957.....	8	H. 3518.....	10
S. 974.....	17	H. 3866.....	11
S. 1001.....	7	H. 3993.....	9
S. 1052.....	17	H. 4002.....	8
S. 1053.....	18	H. 4047.....	9
S. 1054.....	18	H. 4116.....	13
S. 1055.....	18	H. 4231.....	5
S. 1058.....	3	H. 4957.....	5
S. 1059.....	3	H. 5079.....	7