

NO. 14

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, JANUARY 31, 2024
(STATEWIDE SESSION)

Wednesday, January 31, 2024
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 94:22: "But the Lord has become my stronghold and my God, the rock of my refuge."

Let us pray. Lord God of justice and mercy, free us from fear that we may speak of You with joy and gladness. Give us the means and willingness to serve our neighbor in need. We are witnesses of Your faithfulness. Continue Your blessings on these Representatives and Staff and guide them in the way of righteousness. Bless our World, Nation, President, State, Governor, Speaker, Staff, and all who labor in this vineyard. Bless our defenders of freedom and first responders. Remember our men and women who give of their time and some their all. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. MAY moved that when the House adjourns, it adjourn in memory of Carolyn and Annie Henderson, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for the family and friends of Carolyn and Annie Henderson.

REPORTS OF STANDING COMMITTEES

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 4832 -- Reps. Hardee, Sandifer, Anderson, Ligon and Schuessler:
A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY

WEDNESDAY, JANUARY 31, 2024

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 TO PROVIDE EXCLUSIONS, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 3992 -- Reps. Blackwell, McGinnis, Sandifer and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-31-60, RELATING TO DELINQUENT UNEMPLOYMENT COMPENSATION TAX RATES, SO AS TO PERMIT EMPLOYERS WITH INSTALLMENT PAYMENT AGREEMENTS APPROVED BY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO PAY THE TAX AT A REDUCED RATE, AND TO PROVIDE FOR THE AUTOMATIC REVERSION OF THIS RATE UPON FAILURE TO TIMELY COMPLY WITH THE PAYMENT AGREEMENT.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 4869 -- Reps. Sandifer, Hardee and Ligon: 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 TO HEALTH MAINTENANCE ORGANIZATIONS AND OTHER LICENSEES OF THE DEPARTMENT, TO PROVIDE MARKET CONDUCT EXAMINATIONS, AND TO REMOVE OBSOLETE PROVISIONS,

[HJ]

WEDNESDAY, JANUARY 31, 2024

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.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 3278 -- Reps. West and Sandifer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 40-60-30, 40-60-31, AND 40-60-33, ALL RELATING TO REAL ESTATE APPRAISER LICENSURE REQUIREMENTS, SO AS TO MODIFY EXEMPTIONS, REVISE AND PROVIDE EDUCATION REQUIREMENTS AND ACCEPTABLE EQUIVALENCIES FOR APPRENTICE APPRAISERS; AND TO REVISE REQUIREMENTS AND QUALIFICATIONS FOR LICENSED MASS APPRAISERS; BY AMENDING SECTION 40-60-34, RELATING TO REQUIREMENTS RELATING TO APPRENTICE APPRAISERS AND APPRAISER SUPERVISING APPRENTICES, SO AS TO REVISE REQUIREMENTS; BY AMENDING SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS TO IMPOSE REPORTING REQUIREMENTS UPON LICENSEES; BY ADDING SECTION 40-60-36 SO AS TO IMPOSE REPORTING REQUIREMENTS UPON PROVIDERS; BY AMENDING SECTION 40-60-37, RELATING TO RECIPROCAL APPLICATIONS FROM APPRAISERS FROM OTHER JURISDICTIONS, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-60-40, RELATING TO REQUIRED APPRAISER CONTACT INFORMATION, SO AS TO INCLUDE EMAIL ADDRESSES OF LICENSEES; BY AMENDING SECTION 40-60-320, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF APPRAISAL PANEL; BY AMENDING SECTION 40-60-330, RELATING TO REGISTRATION

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WEDNESDAY, JANUARY 31, 2024

REQUIREMENTS, SO AS TO REVISE REQUIREMENTS CONCERNING CERTAIN FINANCIAL INFORMATION; BY AMENDING SECTION 40-60-360, RELATING TO PROMULGATION OF REGULATIONS, SO AS TO SPECIFY REQUIRED REGULATIONS; BY AMENDING SECTION 40-60-420, RELATING TO RECORD-KEEPING REQUIREMENTS FOR REGISTRATION RENEWAL, SO AS TO REVISE REQUIREMENTS CONCERNING RECORDS THAT APPRAISAL MANAGEMENT COMPANIES MUST PROVIDE; AND BY AMENDING SECTION 40-60-450, RELATING TO COMPENSATION, SO AS TO CLARIFY THE APPLICABLE GOVERNING FEDERAL REGULATIONS.

Ordered for consideration tomorrow.

Rep. DAVIS, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 4376 -- Reps. B. J. Cox, M. M. Smith, Caskey, T. Moore, Wooten, J. L. Johnson, Davis, Sessions, Guffey, Ligon, O'Neal and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 25-12-10, 25-12-30, AND 25-12-50, ALL RELATING TO THE DISPOSAL OF UNCLAIMED HUMAN REMAINS OF A DECEASED VETERAN, SO AS TO PROVIDE THAT THE PROVISIONS OF CHAPTER 12, TITLE 25 ALSO APPLY TO THE DISPOSAL OF UNCLAIMED HUMAN REMAINS OF A DECEASED VETERAN AND TO PROVIDE THAT THE PROVISIONS OF CHAPTER 12, TITLE 25 ARE MANDATORY UNDER CERTAIN CIRCUMSTANCES; AND BY AMENDING SECTION 17-5-590, RELATING TO THE DISPOSITION OF REMAINS OF UNIDENTIFIED DEAD BODIES, SO AS TO REQUIRE CORONERS TO RELEASE CERTAIN HUMAN REMAINS THAT HAVE BEEN DETERMINED TO BE THOSE OF AN UNCLAIMED DECEASED VETERAN TO A FUNERAL HOME, FUNERAL ESTABLISHMENT, OR MORTUARY FOR DISPOSITION PURSUANT TO CHAPTER 12, TITLE 25.

Ordered for consideration tomorrow.

Rep. DAVIS, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 4928 -- Reps. Davis and B. J. Cox: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION

[HJ]

WEDNESDAY, JANUARY 31, 2024

25-21-10, RELATING TO THE ESTABLISHMENT OF VETERANS' TRUST FUND, SO AS TO PROVIDE FOR FUNDRAISING; AND BY AMENDING SECTION 25-21-30, RELATING TO THE DUTIES AND FUNCTIONS OF THE VETERANS' TRUST FUND BOARD OF TRUSTEES, SO AS TO PROVIDE FOR THE ABILITY TO FUNDRAISE.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 4975 -- Reps. Pendarvis, 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, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, 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, 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 HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JAMETTA "LYNN" BRISBANE-HAMILTON OF CHARLESTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

WEDNESDAY, JANUARY 31, 2024

HOUSE RESOLUTION

The following was introduced:

H. 4976 -- Reps. Wooten, 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, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, 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 and Yow: A HOUSE RESOLUTION TO APPLAUD COACH ROGER SMITH OF RIVER BLUFF HIGH SCHOOL ON BEING NAMED THE SOUTH CAROLINA ATHLETIC COACHES ASSOCIATION'S 2023-2024 GOLF COACH OF THE YEAR AND TO WISH HIM CONTINUED SUCCESS IN THE YEARS TO COME.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4977 -- Rep. McGinnis: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO PROMPTLY ENACT A COMPREHENSIVE LAW REGULATING NAME, IMAGE, AND LIKENESS (NIL) USE IN COLLEGE ATHLETICS NATIONWIDE, THEREBY PROVIDING UNIFORMITY AND CLARITY THROUGHOUT THE NATION.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

WEDNESDAY, JANUARY 31, 2024

CONCURRENT RESOLUTION

The following was introduced:

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, 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.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The following was introduced:

H. 4979 -- Rep. Bailey: A CONCURRENT RESOLUTION A RESOLUTION CALLING UPON THE UNITED STATES CONGRESS AND PRESIDENT OF THE UNITED STATES TO WITHDRAW FROM THE WORLD HEALTH ORGANIZATION.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

WEDNESDAY, JANUARY 31, 2024

INTRODUCTION OF BILLS

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 4980 -- Reps. J. Moore, McDaniel, Williams and Hosey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-6-120 SO AS TO PROVIDE THAT BEGINNING JANUARY 1, 2025, AN ADULT SIXTY-FIVE YEARS OF AGE OR YOUNGER WHOSE INCOME IS AT OR BELOW ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LEVEL, WITH A FIVE PERCENT INCOME DISREGARD, IS ELIGIBLE FOR MEDICAID AS PROVIDED FOR IN THE PATIENT PROTECTION AND AFFORDABLE CARE ACT, AND AMENDMENTS TO THAT ACT.

Referred to Committee on Ways and Means

H. 4981 -- Rep. Pendarvis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-920, RELATING TO DEFINITIONS PERTAINING TO DEVELOPMENT IMPACT FEES, SO AS TO MODIFY DEFINITIONS; BY AMENDING SECTION 6-1-930, RELATING TO DEVELOPMENTAL IMPACT FEES, SO AS TO PROVIDE THAT SYSTEM IMPROVEMENT COSTS DO NOT INCLUDE REPAIR, OPERATION, OR MAINTENANCE OF EXISTING OR NEW CAPITAL IMPROVEMENTS OR ADMINISTRATIVE AND OPERATING COSTS OF THE RELATED GOVERNMENTAL ENTITY; BY AMENDING SECTION 6-1-960, RELATING TO THE RECOMMENDED CAPITAL IMPROVEMENTS PLAN, SO AS TO MODIFY THE CIRCULATION AND PREPARATION REQUIREMENTS OF THE PLAN; AND BY AMENDING SECTION 6-1-1020, RELATING TO REFUNDS OF IMPACT FEES, SO AS TO PROVIDE THAT IMPACT FEES THAT HAVE NOT BEEN EXPENDED WITHIN SEVEN YEARS OF THE DATE THEY WERE SCHEDULED TO BE EXPENDED MUST BE REFUNDED TO THE OWNER OF RECORD OF PROPERTY ON WHICH A DEVELOPMENT IMPACT FEE HAS BEEN PAID.

Referred to Committee on Ways and Means

H. 4982 -- Reps. J. Moore, McDaniel, Henegan, Williams, Kirby, Hosey and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-810 SO AS TO

WEDNESDAY, JANUARY 31, 2024

PROVIDE THAT ELIGIBLE SCHOOLS THAT PARTICIPATE IN THE SCHOOL BREAKFAST PROGRAM SHALL PROVIDE BREAKFAST AND LUNCH WITHOUT CHARGE TO ALL STUDENTS AND TO PROVIDE GUIDELINES; AND BY AMENDING SECTION 59-10-350, RELATING TO THE LENGTH OF LUNCH PERIODS, SO AS TO REQUIRE SCHOOLS TO PROVIDE THIRTY MINUTE LUNCH PERIODS TO ALL STUDENTS.

Referred to Committee on Ways and Means

H. 4983 -- Reps. J. Moore, McDaniel, Williams, Henegan and Hosey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 25 BY ENACTING THE "VETERANS' BILL OF RIGHTS ACT" TO PROVIDE CERTAIN VETERANS' RIGHTS AND DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 4984 -- Reps. J. Moore and McDaniel: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PRESCRIPTION DRUG AFFORDABILITY BOARD" BY ADDING CHAPTER 131 TO TITLE 44 SO AS TO ESTABLISH A PRESCRIPTION DRUG AFFORDABILITY BOARD AND TO PROVIDE FOR THE BOARD'S MEMBERSHIP, POWERS, AND DUTIES; TO REQUIRE THE BOARD TO CREATE A STAKEHOLDER COUNCIL AND TO PROVIDE FOR THE COUNCIL'S MEMBERSHIP AND DUTIES; TO REQUIRE THE BOARD TO UNDERTAKE DRUG COST AFFORDABILITY REVIEWS IN CERTAIN CIRCUMSTANCES; TO AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENFORCE THE PROVISIONS OF THE CHAPTER; TO REQUIRE ANNUAL REPORTING BY THE BOARD; AND FOR OTHER PURPOSES.

Referred to Committee on Labor, Commerce and Industry

H. 4985 -- Reps. B. J. Cox, Davis, B. L. Cox, Chapman, T. Moore, Hyde, Gatch, T. A. Morgan, A. M. Morgan, Elliott, Nutt, Leber, J. Moore, McCravy, Guest, Willis, W. Jones, Wooten, Caskey, Dillard, Hayes, Jordan and Lowe: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-112-50, RELATING TO TUITION RATES FOR MILITARY PERSONNEL

[HJ]

WEDNESDAY, JANUARY 31, 2024

AND THEIR DEPENDENTS, SO AS TO INCLUDE CERTAIN MEMBERS OF THE NATIONAL GUARD OR THE RESERVES OF THE ARMED FORCES OF THE UNITED STATES UNITS IN THIS STATE.

Referred to Committee on Ways and Means

H. 4986 -- Reps. J. Moore and McDaniel: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA SERVICE CORPS ACT" BY ADDING CHAPTER 46 TO TITLE 41 SO AS TO PROVIDE FOR THE PURPOSE, ADMINISTRATION, POWERS AND DUTIES OF THE SERVICE CORPS, TO PROVIDE PERSONS WHO COMPLETE A TERM IN THE SERVICE CORPS ARE ELIGIBLE FOR CERTAIN HIGHER EDUCATION TUITION ASSISTANCE GRANTS, AND TO PROVIDE FOR THE WRITTEN SUBMISSION OF PROPOSALS FOR SERVICE PROJECTS TO BE PERFORMED THROUGH THE SERVICE CORPS.

Referred to Committee on Labor, Commerce and Industry

H. 4987 -- Reps. J. Moore and Pendarvis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 11 TO CHAPTER 40, TITLE 27 SO AS TO PROVIDE DEFINITIONS, PROVIDE FOR CERTAIN PROTECTED TENANT'S RIGHTS, TO PROVIDE FOR SITUATIONS IN WHICH A PROTECTED TENANT MAY TERMINATE A LEASE, TO PROVIDE FOR CERTAIN REPORTS OF DOMESTIC VIOLENCE, TO CREATE THE DOMESTIC VIOLENCE SHELTER FUND, AND TO PROVIDE THAT CERTAIN LAW ENFORCEMENT IS DIRECTED TO TAKE APPROPRIATE ACTION TO ASSIST DOMESTIC VIOLENCE VICTIMS.

Referred to Committee on Judiciary

H. 4988 -- Reps. J. Moore and McDaniel: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA MEDICAID BUY-IN ACT" BY ADDING ARTICLE 10 TO CHAPTER 6, TITLE 44 SO AS TO ESTABLISH A MEDICAID BUY-IN PROGRAM TO PROVIDE QUALITY, AFFORDABLE HEALTH INSURANCE FOR CERTAIN RESIDENTS OF THE STATE.

Referred to Committee on Ways and Means

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WEDNESDAY, JANUARY 31, 2024

H. 4989 -- Reps. A. M. Morgan, May, J. L. Johnson, Sessions, T. A. Morgan, B. J. Cox, S. Jones, Oremus, Long, Trantham, O'Neal, White, McCabe, Burns, Landing, Herbkersman, Pace, Willis, Haddon, Harris, Leber and Pedalino: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 2-1-105 SO AS TO PROVIDE AFTER JULY 1, 2024, A PERSON MAY NOT BE ELECTED OR APPOINTED TO A JUDICIAL OFFICE THAT IS FILLED BY ELECTION OR APPOINTMENT OF THE GENERAL ASSEMBLY IF THAT PERSON IS AN IMMEDIATE FAMILY MEMBER OF A SITTING MEMBER OF THE GENERAL ASSEMBLY, OR A FORMER MEMBER OF THE GENERAL ASSEMBLY WHOSE MOST RECENT TERM OF LEGISLATIVE SERVICE ENDED LESS THAN ONE YEAR PRIOR TO THE GENERAL ASSEMBLY'S ELECTION OR APPOINTMENT OF THE OFFICE IN QUESTION.

Referred to Committee on Judiciary

H. 4990 -- Reps. J. Moore and McDaniel: 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 TO PROVIDE EXCLUSIONS, AMONG OTHER THINGS.

Referred to Committee on Labor, Commerce and Industry

H. 4991 -- Reps. J. Moore, McDaniel, Williams and Henegan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 31 TO TITLE 37 SO AS TO CREATE THE "FORECLOSURE RESOLUTION PROGRAM" UNDER THE DEPARTMENT OF CONSUMER AFFAIRS, TO REQUIRE THE DEPARTMENT TO ADOPT CERTAIN RULES, TO REQUIRE NOTICE OF RIGHTS TO PARTICIPATE IN FORECLOSURE RESOLUTION, AND TO PROVIDE FOR APPLICABILITY.

Referred to Committee on Judiciary

H. 4992 -- Reps. J. Moore, McDaniel, Williams, Henegan and Hosey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 42-9-50 SO AS TO PROVIDE THE REQUIREMENTS FOR A FIRST RESPONDER TO FILE A

WEDNESDAY, JANUARY 31, 2024

WORKERS' COMPENSATION CLAIM FOR A STRESS OR MENTAL INJURY UNACCOMPANIED BY A PHYSICAL INJURY.

Referred to Committee on Judiciary

H. 4993 -- Reps. J. Moore, McDaniel, Williams, Henegan and Hosey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-1230 SO AS TO PROVIDE FOR A CHILDCARE ADVANCE WHICH ENABLES TAXPAYERS TO DEFER PAYMENT OF A PORTION OF THEIR INCOME TAX.

Referred to Committee on Ways and Means

H. 4994 -- Reps. J. Moore, Henegan, McDaniel and Hosey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-415 SO AS TO PROVIDE EVERY CHILDCARE LEARNING CENTER AND EVERY SCHOOL SHALL TEST DRINKING WATER OUTLETS FOR LEAD CONTAMINATION AND REMEDIATE AS NEEDED, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION AND DEPARTMENT OF PUBLIC HEALTH SHALL DEVELOP CERTAIN RELATED RULES FOR IMPLEMENTING THESE REQUIREMENTS.

Referred to Committee on Education and Public Works

H. 4995 -- Rep. Rose: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-7-10, RELATING TO THE ISSUANCE OF UNIFORM TRAFFIC TICKETS, SO AS TO PROVIDE UNIFORM TRAFFIC TICKETS MAY BE ISSUED FOR CERTAIN MISDEMEANOR TRAFFIC OFFENSES.

Referred to Committee on Judiciary

H. 4996 -- Reps. M. M. Smith, Guest, Chapman, Hartnett, Stavrinakis, B. L. Cox, Kirby and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-29-725 SO AS TO PERMIT THE TRANSFER OF DEVELOPMENT RIGHTS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 4997 -- Rep. B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-71-40,

WEDNESDAY, JANUARY 31, 2024

RELATING TO A SCHOOL BOND ELECTION, SO AS TO REQUIRE SUCH ELECTION TO BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER OF ANY YEAR.

Referred to Committee on Judiciary

H. 4998 -- Rep. B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-15-65, RELATING TO ANNUAL SALARY SUPPLEMENTS FOR CERTAIN COUNTY OFFICERS, SO AS TO INCLUDE DIRECTORS OF COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS AMONG THOSE RECEIVING THE SUPPLEMENT.

Referred to Committee on Ways and Means

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

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| Alexander | Anderson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | 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 | Haddon |
| Hager | Hardee | Harris |
| Hart | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hixon |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| Kilmartin | King | Kirby |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |

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WEDNESDAY, JANUARY 31, 2024

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| 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 |

Total Present--120

LEAVE OF ABSENCE

The SPEAKER granted Rep. YOW a leave of absence for the day due to family medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. GUFFEY a leave of absence for the day due to a legislative conflict.

LEAVE OF ABSENCE

The SPEAKER granted Rep. ATKINSON a leave of absence for the day due to a prior commitment.

LEAVE OF ABSENCE

The SPEAKER granted Rep. BLACKWELL a temporary leave of absence.

ACTING SPEAKER HIOTT IN CHAIR

DOCTOR OF THE DAY

Announcement was made that Dr. Gary Culbertson of Sumter County was the Doctor of the Day for the General Assembly.

WEDNESDAY, JANUARY 31, 2024

SPECIAL PRESENTATION

Rep. BERNSTEIN presented to the House the Cardinal Newman "Cardinals" 2023 SCISA 4-A Volleyball State Champions.

CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

CO-SPONSORS ADDED

Bill Number: H. 3247
Date: ADD:
01/31/24 ROBBINS, GATCH, BREWER, MURPHY,
MITCHELL, HAGER and CALHOON

CO-SPONSOR ADDED

Bill Number: H. 3310
Date: ADD:
01/31/24 CARTER

CO-SPONSORS ADDED

Bill Number: H. 3424
Date: ADD:
01/31/24 WILLIS, HIXON, J. E. JOHNSON, TAYLOR,
CHAPMAN and OTT

WEDNESDAY, JANUARY 31, 2024

CO-SPONSORS ADDED

Bill Number: H. 3430
Date: ADD:
01/31/24 WHITE, HYDE, CHAPMAN, MITCHELL, GATCH,
B. NEWTON, CRAWFORD, HAGER, CONNELL,
NEESE, OTT, WETMORE, STAVRINAKIS,
WEEKS, BAUER, MCDANIEL, KING,
HENDERSON-MYERS, ALEXANDER,
WILLIAMS, DILLARD and W. JONES

CO-SPONSOR ADDED

Bill Number: H. 3676
Date: ADD:
01/31/24 MITCHELL

CO-SPONSOR ADDED

Bill Number: H. 3963
Date: ADD:
01/31/24 BREWER

CO-SPONSOR ADDED

Bill Number: H. 3992
Date: ADD:
01/31/24 LIGON

CO-SPONSOR ADDED

Bill Number: H. 4549
Date: ADD:
01/31/24 BURNS

CO-SPONSORS ADDED

Bill Number: H. 4552
Date: ADD:
01/31/24 M. M. SMITH and B. L. COX

CO-SPONSOR ADDED

Bill Number: H. 4574
Date: ADD:
01/31/24 MOSS

WEDNESDAY, JANUARY 31, 2024

CO-SPONSORS ADDED

Bill Number: H. 4593
Date: ADD:
01/31/24 B. J. COX, T. A. MORGAN and A. M. MORGAN

CO-SPONSORS ADDED

Bill Number: H. 4611
Date: ADD:
01/31/24 BREWER, ROBBINS and GATCH

CO-SPONSORS ADDED

Bill Number: H. 4612
Date: ADD:
01/31/24 BREWER, ROBBINS, GATCH, MURPHY,
CONNELL, MITCHELL and HAGER

CO-SPONSORS ADDED

Bill Number: H. 4700
Date: ADD:
01/31/24 WILLIS, LIGON, HIXON and TAYLOR

CO-SPONSORS ADDED

Bill Number: H. 4832
Date: ADD:
01/31/24 LIGON and SCHUESSLER

CO-SPONSORS ADDED

Bill Number: H. 4866
Date: ADD:
01/31/24 MITCHELL and HART

CO-SPONSOR ADDED

Bill Number: H. 4867
Date: ADD:
01/31/24 HART

CO-SPONSOR ADDED

Bill Number: H. 4869
Date: ADD:
01/31/24 LIGON

WEDNESDAY, JANUARY 31, 2024

CO-SPONSOR ADDED

Bill Number: H. 4929
Date: ADD:
01/31/24 CARTER

SENT TO THE SENATE

The following Bill was taken up, read the third time, and ordered sent to the Senate:

H. 4892 -- Reps. Thayer, West, Chapman, Beach, Cromer and Gagnon: A BILL TO AMEND ACT 510 OF 1982, AS AMENDED, RELATING TO THE ANDERSON COUNTY BOARD OF EDUCATION, SO AS TO REAPPORTION THE DISTRICTS FROM WHICH BOARD MEMBERS ARE ELECTED; AND TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF TRUSTEES OF ANDERSON COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THESE DISTRICTS.

ORDERED ENROLLED FOR RATIFICATION

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

S. 410 -- Senator Talley: A BILL TO CONVEY THE REAL PROPERTY OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION TO SPARTANBURG COUNTY; TO DISSOLVE THE FAIRMONT-LARKIN AREA RECREATION COMMISSION; AND TO REPEAL ACT 819 OF 1978, RELATING TO THE CREATION AND DUTIES OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION.

RETURNED TO THE SENATE WITH AMENDMENTS

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

S. 782 -- Senators Matthews and Davis: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC

WEDNESDAY, JANUARY 31, 2024

INFORMATION REGARDING THESE DISTRICTS, AND TO REPEAL SECTION 2 OF ACT 476 OF 1998 RELATING TO THE ESTABLISHMENT OF SINGLE-MEMBER DISTRICTS OF THE JASPER COUNTY SCHOOL DISTRICT.

H. 4868--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4868 -- Reps. Kirby, Lowe, Jordan and Williams: A BILL TO AMEND ACT 84 OF 2011, AS AMENDED, RELATING TO THE TIME AND METHOD BY WHICH THE NINE MEMBERS OF THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES ARE ELECTED, TO REAPPORTION THE FIVE SINGLE-MEMBER DISTRICTS AND THE TWO MULTIMEMBER DISTRICTS FROM WHICH THESE NINE MEMBERS MUST BE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

Rep. Kirby proposed the following Amendment No. 1 to H. 4868 (LC-4868.HDB0003H), which was tabled:

Amend the bill, as and if amended, SECTION 1, <<section_placeholder>> , by striking the <<placeholder>> undesignated paragraph and inserting:

(2) The demographic information shown on this map is as follows:

| District | Pop | Dev. | %Dev. | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK |
|---------------------|-------------------|-------------------|--------------------|-------------------|--------------------|-------------------|----------------------|
| 1 | 2,308 | 21 | 0.92% | 1,454 | 63.00% | 779 | 33.75% |
| 2 | 2,313 | 26 | 1.14% | 1,661 | 71.81% | 450 | 19.46% |
| 3 | 2,343 | 56 | 2.45% | 1,463 | 62.44% | 779 | 33.25% |
| 4 | 4,475 | 99 | 2.16% | 1,166 | 26.06% | 3,094 | 69.14% |
| 5 | 2,171 | 116 | 5.07% | 583 | 26.85% | 1,541 | 70.98% |
| 6 | 2,258 | 29 | 1.27% | 495 | 21.92% | 1,704 | 75.47% |
| 7 | 4,716 | 142 | 3.10% | 3,088 | 65.48% | 1,434 | 30.41% |
| Total | 20,584 | 9,910 | 9,781 | | | | |
| District | VAP | NHWVAP | %NHWVAP | NHBVAP | %NHBVAP | AllOth | AllOthVAP |
| 1 | 1,724 | 1,118 | 64.85% | 565 | 32.77% | 75 | 41 |

WEDNESDAY, JANUARY 31, 2024

| | | | | | | | |
|------------------|-------------------|------------------|-------------------|------------------|-------------------|----------------|----------------|
| 2 | 1,716 | 1,281 | 74.65% | 323 | 18.82% | 202 | 112 |
| 3 | 1,763 | 1,154 | 65.42% | 548 | 31.07% | 101 | 62 |
| 4 | 3,176 | 916 | 28.84% | 2,126 | 66.94% | 215 | 134 |
| 5 | 1,543 | 488 | 31.63% | 1,028 | 66.62% | 47 | 27 |
| 6 | 1,650 | 416 | 25.21% | 1,184 | 71.76% | 59 | 50 |
| 7 | 3,595 | 2,450 | 68.15% | 1,030 | 28.65% | 194 | 115 |
| Total | 15,168 | 6,804 | | 893 | | 541 | |

District Pop Dev.%Dev. Hisp. %Hisp. NH White %NH

White

| | | | | | | | |
|-------|--------|-----|--------|-------|-------|-------|--------|
| 1 | 2,189 | 79 | 3.74% | 57 | 2.60% | 1,402 | 64.05% |
| 2 | 2,050 | -60 | -2.84% | 80 | 3.90% | 1,349 | 65.80% |
| 3 | 2,145 | 35 | 1.66% | 164 | 7.65% | 1,494 | 69.65% |
| 4 | 4,142 | -78 | -1.85% | 126 | 3.04% | 1,105 | 26.68% |
| 5 | 2,029 | -81 | -3.84% | 46 | 2.27% | 556 | 27.40% |
| 6 | 2,221 | 111 | 5.26% | 24 | 1.08% | 399 | 17.96% |
| 7 | 4,210 | -10 | -0.24% | 122 | 2.90% | 2,659 | 63.16% |
| Total | 18,986 | 619 | | 8,964 | | | |

District NH Blk %NH Blk VAP %VAP HVAP %HVAP

| | | | | | | |
|-------|-------|--------|--------|--------|-----|-------|
| 1 | 681 | 31.11% | 1,647 | 75.24% | 34 | 2.06% |
| 2 | 570 | 27.80% | 1,575 | 76.83% | 50 | 3.17% |
| 3 | 439 | 20.47% | 1,629 | 75.94% | 102 | 6.26% |
| 4 | 2,796 | 67.50% | 3,120 | 75.33% | 85 | 2.72% |
| 5 | 1,371 | 67.57% | 1,477 | 72.79% | 32 | 2.17% |
| 6 | 1,785 | 80.37% | 1,614 | 72.67% | 19 | 1.18% |
| 7 | 1,305 | 31.00% | 3,302 | 78.43% | 80 | 2.42% |
| Total | 8,947 | | 14,364 | | 402 | |

District NHWVAP %NHWVAP NHBVAP %NHBVAP

| | | | | |
|-------|-------|--------|-------|--------|
| 1 | 1,094 | 66.42% | 483 | 29.33% |
| 2 | 1,075 | 68.25% | 409 | 25.97% |
| 3 | 1,169 | 71.76% | 322 | 19.77% |
| 4 | 878 | 28.14% | 2,072 | 66.41% |
| 5 | 456 | 30.87% | 948 | 64.18% |
| 6 | 337 | 20.88% | 1,248 | 77.32% |
| 7 | 2,173 | 65.81% | 964 | 29.19% |
| Total | 7,182 | | 6,446 | |

Renumber sections to conform.

Amend title to conform.

Rep. KIRBY moved to table the amendment, which was agreed to.

WEDNESDAY, JANUARY 31, 2024

Rep. Kirby proposed the following Amendment No. 2 to H. 4868 (LC-4868.HDB0004H), which was adopted:

Amend the bill, as and if amended, SECTION 1, paragraph (B)(2), by striking the paragraph (B)(2) and inserting:

(2) The demographic information shown on this map is as follows:

~~— District Pop Dev.%Dev. NH_WHT %NH_WHT NH_BLK
%NH_BLK~~

~~— 1 2,308 21 0.92% 1,454 63.00% 779 33.75%
— 2 2,313 26 1.14% 1,661 71.81% 450 19.46%
— 3 2,343 56 2.45% 1,463 62.44% 779 33.25%
— 4 4,475 99 2.16% 1,166 26.06% 3,094 69.14%
— 5 2,171 116 5.07% 583 26.85% 1,541 70.98%
— 6 2,258 29 1.27% 495 21.92% 1,704 75.47%
— 7 4,716 142 3.10% 3,088 65.48% 1,434 30.41%
— Total 20,584 9,910 9,781~~

~~— District VAP NHWVAP %NHWVAP NHBVAP
%NHBVAP AllOth AllOthVAP~~

~~— 1 1,724 1,118 64.85% 565 32.77% 75 41
— 2 1,716 1,281 74.65% 323 18.82% 202 112
— 3 1,763 1,154 65.42% 548 31.07% 101 62
— 4 3,176 916 28.84% 2,126 66.94% 215 134
— 5 1,543 488 31.63% 1,028 66.62% 47 27
— 6 1,650 416 25.21% 1,184 71.76% 59 50
— 7 3,595 2,450 68.15% 1,030 28.65% 194 115
— Total 15,168 6,804 893 541~~

District Pop Dev.%Dev. Hisp. %Hisp. NH White %NH
White

1 2,189 79 3.74% 57 2.60% 1,402 64.05%
2 2,050 -60 -2.84% 80 3.90% 1,349 65.80%
3 2,145 35 1.66% 164 7.65% 1,494 69.65%
4 4,142 -78 -1.85% 126 3.04% 1,105 26.68%
5 2,029 -81 -3.84% 46 2.27% 556 27.40%
6 2,221 111 5.26% 24 1.08% 399 17.96%
7 4,210 -10 -0.24% 122 2.90% 2,659 63.16%
Total 18,986 619 8,964

District NH Blk %NH Blk VAP %VAP HVAP %HVAP
1 681 31.11% 1,647 75.24% 34 2.06%
2 570 27.80% 1,575 76.83% 50 3.17%
3 439 20.47% 1,629 75.94% 102 6.26%
4 2,796 67.50% 3,120 75.33% 85 2.72%

WEDNESDAY, JANUARY 31, 2024

| | | | | | | |
|-----------------|---------------|----------------|---------------|----------------|------------|--------------|
| <u>5</u> | <u>1,371</u> | <u>67.57%</u> | <u>1,477</u> | <u>72.79%</u> | <u>32</u> | <u>2.17%</u> |
| <u>6</u> | <u>1,785</u> | <u>80.37%</u> | <u>1,614</u> | <u>72.67%</u> | <u>19</u> | <u>1.18%</u> |
| <u>7</u> | <u>1,305</u> | <u>31.00%</u> | <u>3,302</u> | <u>78.43%</u> | <u>80</u> | <u>2.42%</u> |
| <u>Total</u> | <u>8,947</u> | | <u>14,364</u> | | <u>402</u> | |
| <u>District</u> | <u>NHWVAP</u> | <u>%NHWVAP</u> | <u>NHBVAP</u> | <u>%NHBVAP</u> | | |
| <u>1</u> | <u>1,094</u> | <u>66.42%</u> | <u>483</u> | <u>29.33%</u> | | |
| <u>2</u> | <u>1,075</u> | <u>68.25%</u> | <u>409</u> | <u>25.97%</u> | | |
| <u>3</u> | <u>1,169</u> | <u>71.76%</u> | <u>322</u> | <u>19.77%</u> | | |
| <u>4</u> | <u>878</u> | <u>28.14%</u> | <u>2,072</u> | <u>66.41%</u> | | |
| <u>5</u> | <u>456</u> | <u>30.87%</u> | <u>948</u> | <u>64.18%</u> | | |
| <u>6</u> | <u>337</u> | <u>20.88%</u> | <u>1,248</u> | <u>77.32%</u> | | |
| <u>7</u> | <u>2,173</u> | <u>65.81%</u> | <u>964</u> | <u>29.19%</u> | | |
| <u>Total</u> | <u>7,182</u> | | <u>6,446</u> | | | |

Renumber sections to conform.
Amend title to conform.

Rep. KIRBY explained the amendment.
The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:
Yeas 99; Nays 0

Those who voted in the affirmative are:

| | | |
|-----------|-----------|------------|
| Alexander | Bailey | Ballentine |
| Bauer | Beach | Bernstein |
| Bradley | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Chapman | Chumley |
| Clyburn | Collins | Connell |
| B. J. Cox | B. L. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Forrest |
| Gagnon | Gatch | Gibson |
| Gilliam | Guest | Haddon |
| Hager | Hardee | Harris |
| Hart | Hartnett | Hayes |
| Henegan | Hewitt | Hiott |
| Hixon | Hosey | Howard |

[HJ]

WEDNESDAY, JANUARY 31, 2024

| | | |
|---------------|--------------|---------------|
| Hyde | Jefferson | J. E. Johnson |
| J. L. Johnson | S. Jones | W. Jones |
| Jordan | Kilmartin | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | J. Moore | T. Moore |
| A. M. Morgan | T. A. Morgan | Murphy |
| Neese | B. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pedalino | Pendarvis |
| Robbins | Rose | Rutherford |
| Sandifer | Schuessler | Sessions |
| M. M. Smith | Stavrinakis | Taylor |
| Thayer | Thigpen | Trantham |
| Vaughan | West | White |
| Whitmire | Williams | Willis |

Total--99

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

SENT TO THE SENATE

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 4825 -- Reps. Hewitt, Murphy, W. Newton, Brewer, Gatch, Robbins, Kirby, Mitchell, Crawford, Yow, Bailey, Pope, Guest, Hartnett, West, Oremus, Leber, Williams, Jefferson, Gilliard, Schuessler, Landing, Bustos, Calhoon, Gilliam, Gibson, M. M. Smith, B. Newton and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-910, RELATING TO OFFENSES INVOLVING KIDNAPPING, SO AS TO INCLUDE UNLAWFULLY LURING ANOTHER PERSON, TO PROVIDE FOR A SENTENCING ENHANCEMENT WHEN THE

WEDNESDAY, JANUARY 31, 2024

VICTIM IS A MINOR, TO SPECIFICALLY PROVIDE FOR PUNISHMENT FOR ATTEMPTED KIDNAPPING OFFENSES, AND TO DEFINE THE TERM "MINOR".

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

H. 3309 -- Reps. Gilliam, Pope, Erickson, Bradley, Davis, Caskey and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SEIZURE SAFE SCHOOLS ACT" BY ADDING SECTION 59-63-97 SO AS TO REQUIRE THE ESTABLISHMENT OF SEIZURE ACTION PLANS IN PUBLIC SCHOOLS, AND TO PROVIDE REQUIREMENTS FOR SUCH PLANS AND THEIR IMPLEMENTATION, AMONG OTHER THINGS.

H. 4810 -- Reps. Bannister and G. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO PROVIDE FOR A SALES TAX EXEMPTION FOR CERTAIN CLOTHING REQUIRED FOR USE IN PERISHABLE PREPARED FOOD MANUFACTURING FACILITIES.

H. 4937 -- Reps. Collins, Hiott and Carter: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-450, RELATING TO DESIGNATION OF VOTING PRECINCTS IN PICKENS COUNTY, SO AS TO AUTHORIZE THE PICKENS COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, WITH APPROVAL FROM A MAJORITY OF THE PICKENS COUNTY LEGISLATIVE DELEGATION, TO LOCATE A POLLING PLACE WITHIN FIVE MILES OF A PRECINCT'S BOUNDARIES IF NO SUITABLE LOCATION EXISTS WITHIN THE PRECINCT.

WEDNESDAY, JANUARY 31, 2024

SPEAKER *PRO TEMPORE* IN CHAIR

S. 298--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 298 -- Senators Bennett, Turner, Kimbrell, Campsen and Adams:
A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

The Committee on Ways and Means proposed the following Amendment No. 1 to S. 298 (LC-298.DG0002H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-2320(B)(1), (2), (3), (4), and (5) and inserting:

(B)(1) Notice. When the department has reason to believe that any taxpayer conducts its trade or business in a manner as to fail to fairly represent the extent of the taxpayer's business activity in this State through the use of transactions that lack economic substance or are not at fair market value between members of an affiliated group of entities, the department may, upon written notice to the taxpayer, require any information reasonably necessary to determine whether the taxpayer's intercompany transactions have economic substance and are at fair market value and for the accurate computation of the taxpayer's state net income properly attributable to its business activity in this State. The taxpayer must provide the information requested within ninety days of the date of the notice.

(2) Adjust Net Income. If upon review of the information provided, the department finds that the taxpayer's intercompany transactions lack economic substance or are not at fair market value, the department may redetermine the state net income of the taxpayer properly attributable to its business activity in this State under subsection (A) by: (i) adding back, eliminating, or otherwise adjusting intercompany transactions to accurately compute the taxpayer's state net income, or, if such adjustments are not adequate under the circumstances to redetermine state net income, (ii) requiring the taxpayer to file a return that reflects the net income on a combined basis of all members of its affiliated group that are conducting a unitary business. The department shall consider and be authorized to use any reasonable

WEDNESDAY, JANUARY 31, 2024

method proposed by the taxpayer for redetermining its state net income attributable to its business activity in this State. In determining whether the taxpayer's intercompany transactions lack economic substance or are not at fair market value, the department shall consider each taxable year separately.

(3) Voluntary Redetermination. In addition to the authority granted under this subsection, if the department has reason to believe that any taxpayer's state net income properly attributable to its business activity in this State is not fairly represented on a separate return required by this subsection because of intercompany transactions, without making a finding that those transactions lack economic substance or are not at fair market value, the department and the taxpayer jointly may determine and agree to an alternative filing methodology that fairly represents state net income.

(4) Combined Return. If the department finds that a combined return is required under the provisions of subsection (A) and this subsection, the department may, upon written notice to the taxpayer, require the taxpayer to submit the combined return, and the taxpayer shall submit the combined return within ninety days of the date of the notice. The submission by the taxpayer of the combined return required by the department must not be deemed to be a return or construed as an agreement by the taxpayer that an assessment based on the combined return is correct or that additional tax is due by the department's deadline for submitting the combined return. The department or the taxpayer may propose a combination of fewer than all members of the unitary group, and the department is authorized to consider whether such proposed combination is a reasonable means of redetermining state net income; provided, however, the department shall not require a combination of fewer than all members of the unitary group without the consent of the taxpayer.

(5) Written Statement of Findings. If the department makes an adjustment or requires a combined return under this section, the department shall provide the taxpayer with a written statement containing details of the facts, circumstances, and reasons for which the department has found that the taxpayer did not fairly represent its state net income properly attributable to its business activity in this State and the department's proposed method for computation of the taxpayer's state net income no later than ninety days following the issuance of a proposed assessment as provided in this section.

Amend the bill further, SECTION 1, by striking Section 12-6-2320(B)(9), (10), (11), (12), and (13) and inserting:

[HJ]

WEDNESDAY, JANUARY 31, 2024

(9) Apportionment. If the department requires a combined return under this section, the combined state net income of the taxpayer and the members of the affiliated group of entities must be apportioned to this State by use of an apportionment formula that fairly represents the extent of taxpayer's business activity in this State and which fairly reflects the apportionment formula in Section 12-6-2295 applicable to the taxpayer and each member of the affiliated group included in the combined return.

(10) Affiliated Group Defined. For purposes of this section, an affiliated group is a group of two or more corporations or noncorporate entities in which more than fifty percent of the voting stock of each member corporation or ownership interest of each member noncorporate entity is directly or indirectly owned or controlled by a common owner or owners, either corporate or noncorporate, or by one or more of the member corporations or noncorporate entities. Nothing in this subsection may be construed to limit or negate the department's authority to add back, eliminate, or otherwise adjust intercompany transactions involving the listed entities to accurately compute the taxpayer's state net income properly attributable to its business activity in this State, as provided in this subsection.

The following entities must not be included in a combined return:

- (a) a taxpayer not required to file a federal income tax return;
- (b) an insurance company, other than a captive insurance company: (i) which is subject to tax under Title 38; (ii) whose premiums are subject to tax under Chapter 7, Title 38 or a similar tax in another state; (iii) which is licensed as a reinsurance company; (iv) which is a life insurance company as defined in Section 816 of the Internal Revenue Code; or (v) which is an insurance company subject to tax imposed by Section 831 of the Internal Revenue Code. A "captive insurance company" means an insurer that is part of an affiliated group where the insurer receives more than fifty percent of its net written premiums or other amounts received as compensation for insurance from members of the affiliated group;
- (c) a taxpayer exempt from taxation under Section 501 of the Internal Revenue Code;
- (d) a foreign taxpayer as defined in Section 7701 of the Internal Revenue Code, other than a domestic branch thereof;
- (e) a taxpayer with at least eighty percent of its gross income from all sources in the tax year being active foreign business income as defined in Section 861(c)(1)(B) of the Internal Revenue Code in effect as of July 1, 2021;
- (f) any other entity not subject to tax under Section 12-6-530.

WEDNESDAY, JANUARY 31, 2024

(11) Proposed Assessment or Refund. If the department redetermines the state net income of the taxpayer in accordance with this section by adjusting the state net income of the taxpayer or requiring a combined return, the department shall issue a proposed assessment or refund upon making the redetermination. When a refund is determined in whole or part by a proposed assessment to an affiliated group member under this section, the refund may not be issued until the proposed assessment to the affiliated group member has become collectable. The amount of the refund shall reflect any changes made by the department under this section. Otherwise, the procedures for a proposed assessment or a refund in Chapter 60 are applicable to proposed assessments and refunds made under this section.

(12) Penalties. If a combined return required by this section is not timely submitted by a taxpayer, then the taxpayer is subject to the penalties provided in Section 12-60-430. Penalties may not be imposed on an assessment under this section except as expressly authorized in this section.

(13) Advice. A taxpayer may request in writing from the department specific advice regarding whether a redetermination of the taxpayer's state net income or a combined return would be required under this section under certain facts and circumstances. The department may request information from the taxpayer that is required to provide the specific advice. The department shall provide the specific advice within one hundred twenty days of the receipt of the requested information from the taxpayer. The department's advice under this item is not a department determination under the Revenue Procedures Act.

Amend the bill further, SECTION 1, by striking Section 12-6-2320(B)(16) and inserting:

(16) Appeals. If the taxpayer appeals a final determination by the department under this section to the Administrative Law Court in a contested tax case, the administrative law judge shall review de novo: (i) whether the separate income tax returns submitted by the taxpayer fail to fairly represent the extent of the taxpayer's business activity in this State through the use of intercompany transactions that lack economic substance or are not at fair market value between members of an affiliated group of entities; (ii) whether the department's means of determining the taxpayer's state net income under this section is an appropriate means of determining the taxpayer's state net income properly attributable to this State; and (iii) if a combined return is required by the department, whether adjustments other than requiring the taxpayer to file a return on a combined basis are adequate under the

WEDNESDAY, JANUARY 31, 2024

circumstances to redetermine state net income.

Amend the bill further, by striking SECTION 2 and inserting:

SECTION 2. This act takes effect upon approval by the Governor and does not apply to any assessments under judicial review by the South Carolina Administrative Law Court, Court of Appeals, or Supreme Court as of the date of the Governor's approval.

Re-number sections to conform.

Amend title to conform.

Rep. B. NEWTON explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

| | | |
|-------------|---------------|---------------|
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Bernstein | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | B. J. Cox |
| B. L. Cox | Crawford | Cromer |
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Henegan | Herbkersman |
| Hewitt | Hiott | Hixon |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| Kilmartin | King | Kirby |
| Landing | Lawson | Leber |
| Ligon | Lowe | Magnuson |
| May | McCabe | McCrary |

[HJ]

WEDNESDAY, JANUARY 31, 2024

| | | |
|--------------|-------------|--------------|
| 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 | Sandifer |
| Schuessler | Sessions | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Thayer | Thigpen | Trantham |
| Vaughan | Wetmore | White |
| Whitmire | Williams | Willis |
| Wooten | | |

Total--109

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

SPEAKER PRO TEMPORE IN CHAIR

S. 801--ORDERED TO THIRD READING

The following Bill was taken up:

S. 801 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-430, RELATING TO DESIGNATION OF VOTING PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Rep. SANDIFER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

[HJ]

WEDNESDAY, JANUARY 31, 2024

Those who voted in the affirmative are:

| | | |
|--------------|---------------|---------------|
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Bernstein | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | B. J. Cox |
| B. L. Cox | Crawford | Cromer |
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Henegan | Herbkersman |
| Hewitt | Hiott | Hixon |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| Kilmartin | King | Kirby |
| Landing | Lawson | Leber |
| Ligon | Lowe | Magnuson |
| May | McCabe | McCray |
| McDaniel | McGinnis | Mitchell |
| J. Moore | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Rutherford | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Thayer |
| Thigpen | Trantham | Vaughan |
| West | Wetmore | White |
| Whitmire | Williams | Willis |

Total--108

WEDNESDAY, JANUARY 31, 2024

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

**H. 4159--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 4159 -- Reps. Herbkersman, Davis, M. M. Smith, Erickson, W. Newton, Bradley, Ballentine, Hewitt and Blackwell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA TELEHEALTH AND TELEMEDICINE MODERNIZATION ACT" BY ADDING CHAPTER 42 TO TITLE 40 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE REQUIREMENTS FOR CERTAIN REGULATED HEALTH CARE PROFESSIONALS WHO PROVIDE HEALTH CARE BY MEANS OF TELEHEALTH; BY AMENDING SECTION 40-47-20, RELATING TO DEFINITIONS IN THE MEDICAL PRACTICE ACT, SO AS TO DEFINE "TELEHEALTH"; AND BY AMENDING SECTION 40-47-37, RELATING TO THE PRACTICE OF TELEMEDICINE, SO AS TO REVISE REQUIREMENTS FOR THE PRACTICE OF TELEMEDICINE AND TO INCLUDE PROVISIONS CONCERNING TELEHEALTH.

Rep. M. M. SMITH explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

| | | |
|-----------|------------|-------------|
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Bernstein | Bradley | Brewer |
| Brittain | Burns | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| B. L. Cox | Crawford | Cromer |

[HJ]

WEDNESDAY, JANUARY 31, 2024

| | | |
|---------------|---------------|--------------|
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Haddon | Hager | Hardee |
| Hart | Hartnett | Hayes |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hixon | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Lowe | Magnuson | May |
| McCabe | McCrary | 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 | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Thayer |
| Thigpen | Trantham | Vaughan |
| West | Wetmore | White |
| Whitmire | Williams | Willis |
| Wooten | | |

Total--109

Those who voted in the negative are:

Total--0

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

WEDNESDAY, JANUARY 31, 2024

MOTION PERIOD

The motion period was dispensed with on motion of Rep. JORDAN.

H. 3424--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3424 -- Reps. T. Moore, Carter, McCravy, Lawson, Beach, Pope, Nutt, Oremus, Vaughan, Long, Haddon, Burns, Chumley, Kilmartin, Cromer, O'Neal, Yow, Gilliam, W. Newton, Guest, Schuessler, Moss, Magnuson, Harris, Pace, Brittain, Bailey, Robbins, Sessions, Ligon, Felder, B. L. Cox, Guffey, Bradley, Murphy, Brewer, Connell, Hiott, Mitchell, Hager, Erickson, B. J. Cox, Blackwell, Wooten, Ballentine, Hyde, Wheeler, Calhoon, M. M. Smith, Davis, B. Newton, Elliott, Forrest, Willis, Hixon, Taylor, J. E. Johnson, Chapman and Ott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 39-5-190 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT IT IS UNLAWFUL FOR AN OPERATOR TO MAKE A PORNOGRAPHIC WEBSITE AVAILABLE TO PERSONS UNDER THE AGE OF EIGHTEEN, TO PROVIDE THAT THE ATTORNEY GENERAL SHALL CREATE CERTAIN PROCEDURES, AND TO PROVIDE FOR A PRIVATE RIGHT OF ACTION.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3424 (LC-3424.SA0001H), which was tabled:

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

SECTION 1. Chapter 1, Title 37 of the S.C. Code is amended by adding:

Section 37-1-310. (A) As used in this section:

(1) "Child pornography" means any material depicting a person under the age of eighteen years doing or assisting in doing an act or thing constituting an offense pursuant to Chapter 15, Title 16 and involving any material, act, or thing that is obscene within the meaning of Section 16-15-305.

(2) "Child sexual exploitation" is defined as the term is used in Sections 16-15-395, 16-15-405, and 16-15-410.

(3) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

(4) "Digitized identification card" means a data file available on

WEDNESDAY, JANUARY 31, 2024

any mobile device which has connectivity to the Internet through a state-approved application that allows the mobile device to download the data file from a state agency or an authorized agent of a state agency that contains all of the data elements visible on the face and back of a license or identification card and displays the current status of the license or identification card.

(5) “Distribute” means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means.

(6) “Internet” means the international computer network of both federal and nonfederal interoperable packet switched data networks.

(7) “Material harmful to minors” is defined as those terms are used in Section 16-15-375.

(8) “Obscene material” is defined as the term is used in Section 16-15-305.

(9) “Minor” is defined as the term is used in Section 16-15-375.

(10) “News-gathering organization” means any of the following:

(a) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this subsection, who can provide documentation of such employment with the newspaper, news publication, or news source; or

(b) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service while operating as an employee as provided in this subsection, who can provide documentation of such employment.

(11) “Publish” means to communicate or make information available to another person or entity on a publicly available Internet website.

(12) “Reasonable age verification methods” means verifying that the person seeking to access the material is eighteen years old or older by using any of the following methods:

(a) use of a digitized identification card as defined in this subsection;

(b) verification through an independent, third-party age verification service that compares the personal information entered by the individual who is seeking access to the material that is available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification; or

(c) any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to

access the material.

(13) “Substantial portion” means more than thirty-three and one third percent of total material on a website, which meets the definition of “material harmful to minors” as defined in this section.

(14)(a) “Transactional data” means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event.

(b) “Transactional data” includes records from mortgage, education, and employment entities.

(B)(1) Any commercial entity that knowingly and intentionally publishes or distributes obscene material, or material that depicts, describes, or promotes child pornography or child sexual exploitation, on the Internet may be held liable to an individual for nominal damages, actual damages, court costs, and reasonable attorney fees as ordered by the court if the entity fails to perform reasonable age verification methods to verify the age of an individual attempting to access the material.

(2) A commercial entity that has violated this section in a manner that satisfies the standards for imposition of punitive damages elsewhere provided by law may be held liable to an individual for punitive damages.

(3) Individual claims that satisfy the generally applicable standards for joinder or class action elsewhere provided by law or rules of court, as applicable, may combine their claims in a single action.

(C)(1) Beginning January 1, 2025, a commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the Internet from a website that contains a substantial portion of such material must be held liable if the entity fails to perform reasonable age verification methods to verify the age of an individual attempting to access the material.

(2) A commercial entity that is found to have violated this section is liable to the minor, by and through the minor’s parent or legal guardian, for damages resulting from a minor’s accessing the material, including liability for nominal damages, actual damages, court costs, and reasonable attorney fees as ordered by the court.

(3) A commercial entity that has violated this section in a manner that satisfies the standards for imposition of punitive damages elsewhere provided by law may be held liable to the minor, by and through the minor’s parent or legal guardian, for punitive damages.

(4) Individual claims that satisfy the generally applicable

standards for joinder or class action elsewhere provided by law or rules of court, as applicable, may combine their claims in a single action.

(5) A commercial entity may not be held liable under this section for allowing access to its website if the entity uses reasonable age verification methods to verify that the individual attempting to access the material from its website is not a minor.

(6) A commercial entity or third party that uses reasonable age verification methods may not retain any identifying information of the individual after access has been granted to the material.

(7) A commercial entity that is found to have knowingly retained identifying information of the individual after access has been granted to the individual is liable to the individual for damages resulting from retaining the identifying information, including court costs and reasonable attorney fees as ordered by the court.

(8) This section does not apply to any bona fide news or public interest broadcast, website video, report, or event and may not be construed to affect the rights of a news-gathering organization, unless the organization's website contains a substantial portion of material harmful to minors.

(9) An Internet service provider, affiliate or subsidiary of an Internet service provider, search engine, or cloud service provider may not be held to have violated the provisions of this section solely for providing access or connection to or from a website or other information or content on the Internet, or a facility, system, or network not under that provider's control, including transmission, downloading, storing, or providing access, to the extent that such provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

(D) The Attorney General may seek injunctive and other equitable relief against a commercial entity that fails to comply with the provisions of this section.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

WEDNESDAY, JANUARY 31, 2024

SECTION 3. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. JORDAN explained the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Reps. T. Moore, W. Newton, and Jordan proposed the following Amendment No. 2 to H. 3424 (LC-3424.SA0002H), which was adopted:

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

SECTION 1. Chapter 1, Title 37 of the S.C. Code is amended by adding:

Section 37-1-310. (A) As used in this section:

(1) "Child pornography" means any material depicting a person under the age of eighteen years doing or assisting in doing an act or thing constituting an offense pursuant to Chapter 15, Title 16 and involving any material, act, or thing that is obscene within the meaning of Section 16-15-305.

(2) "Child sexual exploitation" is defined as the term is used in Sections 16-15-395, 16-15-405, and 16-15-410.

(3) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

(4) "Digitized identification card" means a data file available on any mobile device which has connectivity to the Internet through a state-approved application that allows the mobile device to download the data file from a state agency or an authorized agent of a state agency that contains all of the data elements visible on the face and back of a license or identification card and displays the current status of the license or identification card.

(5) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means.

(6) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

(7) "Material harmful to minors" is defined as those terms are used in Section 16-15-375.

(8) "Obscene material" is defined as the term is used in Section 16-15-305.

(9) "Minor" is defined as the term is used in Section 16-15-375.

WEDNESDAY, JANUARY 31, 2024

(10) “News-gathering organization” means any of the following:

(a) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this subsection, who can provide documentation of such employment with the newspaper, news publication, or news source; or

(b) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service while operating as an employee as provided in this subsection, who can provide documentation of such employment.

(11) “Publish” means to communicate or make information available to another person or entity on a publicly available Internet website.

(12) “Reasonable age verification methods” means verifying that the person seeking to access the material is eighteen years old or older by using any of the following methods:

(a) use of a digitized identification card as defined in this subsection;

(b) verification through an independent, third-party age verification service that compares the personal information entered by the individual who is seeking access to the material that is available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification; or

(c) any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the material.

(13) “Substantial portion” means more than thirty-three and one third percent of total material on a website, which meets the definition of “material harmful to minors” as defined in this section.

(14)(a) “Transactional data” means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event.

(b) “Transactional data” includes records from mortgage, education, and employment entities.

(B)(1) Any commercial entity that knowingly and intentionally publishes or distributes obscene material, or material that depicts, describes, or promotes child pornography or child sexual exploitation, on the Internet may be held liable to an individual for nominal damages, actual damages, court costs, and reasonable attorney fees as ordered by

the court.

(2) A commercial entity that has violated this section in a manner that satisfies the standards for imposition of punitive damages elsewhere provided by law may be held liable to an individual for punitive damages.

(3) Individual claims that satisfy the generally applicable standards for joinder or class action elsewhere provided by law or rules of court, as applicable, may combine their claims in a single action.

(C)(1) Beginning January 1, 2025, a commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the Internet from a website that contains a substantial portion of such material must be held liable if the entity fails to perform reasonable age verification methods to verify the age of an individual attempting to access the material.

(2) A commercial entity that is found to have violated this section is liable to the minor, by and through the minor's parent or legal guardian, for damages resulting from a minor's accessing the material, including liability for nominal damages, actual damages, court costs, and reasonable attorney fees as ordered by the court.

(3) A commercial entity that has violated this section in a manner that satisfies the standards for imposition of punitive damages elsewhere provided by law may be held liable to the minor, by and through the minor's parent or legal guardian, for punitive damages.

(4) Individual claims that satisfy the generally applicable standards for joinder or class action elsewhere provided by law or rules of court, as applicable, may combine their claims in a single action.

(5) A commercial entity may not be held liable under this section for allowing access to its website if the entity uses reasonable age verification methods to verify that the individual attempting to access the material from its website is not a minor.

(6) A commercial entity or third party that uses reasonable age verification methods may not retain any identifying information of the individual after access has been granted to the material.

(7) A commercial entity that is found to have knowingly retained identifying information of the individual after access has been granted to the individual is liable to the individual for damages resulting from retaining the identifying information, including court costs and reasonable attorney fees as ordered by the court.

(8) This section does not apply to any bona fide news or public interest broadcast, website video, report, or event and may not be construed to affect the rights of a news-gathering organization, unless

WEDNESDAY, JANUARY 31, 2024

the organization's website contains a substantial portion of material harmful to minors.

(9) An Internet service provider, affiliate or subsidiary of an Internet service provider, search engine, or cloud service provider may not be held to have violated the provisions of this section solely for providing access or connection to or from a website or other information or content on the Internet, or a facility, system, or network not under that provider's control, including transmission, downloading, storing, or providing access, to the extent that such provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

(D) The Attorney General may seek injunctive and other equitable relief against a commercial entity that fails to comply with the provisions of this section.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Rep. JORDAN explained the amendment.

Rep. JORDAN spoke in favor of the amendment.

Rep. BAMBERG spoke against the amendment.

Rep. BAMBERG spoke against the amendment.

ACTING SPEAKER HIOTT IN CHAIR

Rep. T. MOORE spoke in favor of the amendment.

Rep. T. MOORE spoke in favor of the amendment.

Rep. A. M. MORGAN spoke in favor of the amendment.

WEDNESDAY, JANUARY 31, 2024

SPEAKER *PRO TEMPORE* IN CHAIR

Rep. A. M. MORGAN continued speaking.
Rep. A. M. MORGAN spoke in favor of the amendment.
Rep. KING spoke in favor of the amendment.
Rep. GILLIARD spoke upon the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

SPEAKER IN CHAIR

Rep. BAMBERG spoke against the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 1

Those who voted in the affirmative are:

| | | |
|-----------|-------------|---------------|
| Anderson | Bailey | Ballentine |
| Bannister | Bauer | Beach |
| Bernstein | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Chumley |
| Clyburn | Cobb-Hunter | Collins |
| Connell | B. J. Cox | B. L. Cox |
| Crawford | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Hager |
| Hardee | Harris | Hartnett |
| Hayes | Herbkersman | Hewitt |
| Hiott | Hixon | Hosey |
| Hyde | Jefferson | J. E. Johnson |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |

[HJ]

WEDNESDAY, JANUARY 31, 2024

| | | |
|-------------|--------------|--------------|
| Long | Lowe | Magnuson |
| May | McCabe | McCrary |
| McDaniel | McGinnis | Mitchell |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pedalino |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Thayer |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| White | Whitmire | Williams |
| Willis | Wooten | |

Total--104

Those who voted in the negative are:

Bamberg

Total--1

So, the Bill, as amended, was read the second time and ordered to third reading.

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on H. 3424. If I had been present, I would have voted in favor of the Bill.

Rep. JA Moore

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on H. 3424. If I had been present, I would have voted in favor of the Bill.

Rep. Jordan Pace

STATEMENT FOR JOURNAL

I was meeting with a constituent when the second reading vote was taken. I am in full support of 3424. I will vote in favor on third reading.

Rep. Stewart Jones

[HJ]

WEDNESDAY, JANUARY 31, 2024

LEAVE OF ABSENCE

The SPEAKER granted Rep. STAVRINAKIS a leave of absence for the remainder of the day.

H. 4700--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4700 -- Reps. W. Newton, Pope, Guffey, Chapman, Leber, Beach, Kilmartin, Cromer, Oremus, Vaughan, Nutt, Haddon, Burns, Chumley, West, Felder, Guest, McCravy, Bailey, Brittain, Robbins, Sessions, Bradley, Mitchell, Yow, Hiott, Erickson, Hager, Wheeler, Weeks, Ballentine, Wooten, Calhoun, M. M. Smith, Davis, McGinnis, Gagnon, B. Newton, Schuessler, Elliott, Forrest, Willis, Ligon, Hixon and Taylor: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 9 TO CHAPTER 5, TITLE 39 SO AS TO PROVIDE DEFINITIONS; TO PROVIDE THAT A SOCIAL MEDIA COMPANY MAY NOT PERMIT CERTAIN MINORS TO BE ACCOUNT HOLDERS; TO PROVIDE REQUIREMENTS FOR SOCIAL MEDIA COMPANIES; TO PROVIDE THAT A SOCIAL MEDIA COMPANY SHALL PROVIDE CERTAIN PARENTS OR GUARDIANS WITH CERTAIN INFORMATION; TO PROVIDE THAT A SOCIAL MEDIA COMPANY SHALL RESTRICT SOCIAL MEDIA ACCESS TO MINORS DURING CERTAIN HOURS; TO PROVIDE FOR CONSUMER COMPLAINTS; TO PROVIDE THAT THE CONSUMER SERVICES DIVISION HAS AUTHORITY TO ADMINISTER AND ENFORCE CERTAIN REQUIREMENTS; TO PROVIDE FOR AN ANNUAL REPORT; TO PROVIDE FOR A CAUSE OF ACTION; AND TO PROVIDE THAT CERTAIN WAIVERS AND LIMITATIONS ARE VOID.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4700 (LC-4700.SA0001H), which was tabled:

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

SECTION 1. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Article 9

South Carolina Social Media Regulation

Section 39-5-810. As used in this article:

(1) "Account holder" means a person who has, or opens, an account or profile to use a social media company's platform.

[HJ]

WEDNESDAY, JANUARY 31, 2024

(2) “Interactive computer service” means an information service, information system, or information access software provider that provides or enables computer access by multiple users to a computer server and provides access to the Internet. An interactive computer service includes a web service, a web system, a website, a web application, or a web portal.

(3) “Minor” means an individual under circumstances where a social media company reasonably believes or has actual knowledge that the individual is under the age of eighteen. A social media company shall treat an individual as a minor if the social media company verifies that the individual is under the age of eighteen as provided in this chapter.

(4) “Office” means the South Carolina Office of Attorney General.

(5) “Post” means content that an account holder makes available on a social media platform for other account holders or users to view.

(6) “Social media company” means a person or entity that provides a social media platform that has at least five million account holders worldwide and is an interactive computer service.

(7)(a) “Social media platform” means a public or semipublic Internet-based service or application that has users in South Carolina and that meets all of the following:

(i) The service or application connects users in order to allow users to interact socially with each other within the service or application. A service or application that provides email or direct messaging services, enterprise cloud storage services, enterprise cybersecurity services, educational devices, or enterprise collaboration tools for K-12 schools are not considered to meet this criterion on the basis of that function alone.

(ii) The service or application allows users to do all of the following:

(A) construct a public or semipublic profile for the purposes of signing into and using the service or application;

(B) populate a list of other users with whom an individual shares a social or virtual connection within the system, including subscribing to content related to another user; and

(C) create or post content viewable by other users including, but not limited to, on message boards, in chat rooms, on video channels, or through a landing page or main feed that presents the user with content generated by other users.

(b) “Social media platform” may not include an online service, website, or application where the predominant or exclusive function is

any of the following:

(i) electronic mail;

(ii) a service that, pursuant to its terms of use, does not permit minors to use the platform and utilizes commercially reasonable age assurance mechanisms to attempt to prohibit minors from becoming an account holder or user;

(iii) a streaming service that provides only licensed media in a continuous flow from the service, website, or application to the end user and does not obtain a license to the media from a user or account holder by agreement to its terms of service;

(iv) news, sports, entertainment, or other content that is preselected by the provider and not user generated, and any chat, comment, or interactive functionality that is provided incidental to, directly related to, or dependent upon provisions of the content;

(v) online shopping, electronic commerce, or self-service support if the interaction with other users or account holders is generally limited to the ability to upload a post and comment on reviews, the ability to seek support related to products or services, the ability to display lists or collections of goods for sale or wish lists, or any other function that is focused on online shopping, electronic commerce, or self-service support rather than interaction between users or account holders;

(vi) interactive gaming, virtual gaming, or an online service that allows the creation and uploading of content and the communication related to that content for the purpose of interactive gaming, educational entertainment, or associated entertainment;

(vii) photograph editing that has an associated photograph hosting service if the interaction with other users or account holders is generally limited to liking or commenting;

(viii) single-purpose community groups for public safety if the interaction with other users or account holders is limited to that single purpose and the community group has guidelines or policies against illegal content;

(ix) career development opportunities, including professional networking, job skills, learning certifications, and job posting and application services;

(x) business-to-business software;

(xi) a teleconferencing or videoconferencing service that allows reception and transmission of audio and video signals for real-time communication;

(xii) cloud storage;

WEDNESDAY, JANUARY 31, 2024

(xiii) shared document collaboration;
(xiv) cloud computing services, which may include cloud storage and shared document collaboration;
(xv) providing access to or interacting with data visualization platforms, libraries, or hubs;
(xvi) permitting comments on digital news website if the news content is posted by only the provider of the digital news website;
(xvii) providing or obtaining technical support for a platform product or service;
(xviii) academic, scholarly, or genealogical research;
(xix) Internet access and broadband service;
(xx) a classified advertising service in which the provider of the online service, website, or application is limited to all of the following:

(A) permitting only the sale of goods;
(B) prohibiting the solicitation of personal service;
(C) posting or creating a substantial amount of the content; and
(D) providing the ability to chat, comment, or interact with other users only if it is directly related to the provider's content;

(xxi) an online service, website, or application that is used by or under the direction of an educational entity, including a learning management system, a student engagement program, or a subject or skill-specific program, where the majority of the content is created or posted by the provider of the online service, website, or application and the ability to chat, comment, or interact with other users is directly related to the provider's content.

(8) "South Carolina account holder" means a person who is a resident of South Carolina and an account holder, including a South Carolina minor account holder.

(9) "South Carolina minor account holder" means a South Carolina account holder who is a minor.

(10) "South Carolina resident" means an individual who currently resides in South Carolina.

(11) "User" means a person who has access to view all, or some of, the posts on a social media platform, but is not an account holder.

Section 39-5-820. Beginning March 1, 2025, a social media company shall make commercially reasonable efforts to verify the age of South Carolina account holders with a level of certainty appropriate to the risks that arise from the information management practices of the social media company or apply the accommodations afforded to minors

pursuant to this chapter to all account holders.

(B) A social media company may not permit a South Carolina resident who is a minor to be an account holder on the social media company's social media platform unless the minor has the express consent of a parent or guardian. Acceptable methods of obtaining express consent from a parent or guardian include any of the following:

(1) providing a form for the minor's parent or guardian to sign and return to the digital service provider by common carrier, facsimile, or electronic;

(2) providing a toll-free telephone number for the minor's parent or guardian to call to consent;

(3) coordinating a call with a minor's parent or guardian over video conferencing technology;

(4) collecting information related to the government-issued identification of the minor's parent or guardian and deleting that information after confirming the identity of the minor's parent or guardian;

(5) allowing the minor's parent or guardian to provide consent by responding to an email and taking additional steps to verify the identity of the minor's parent or guardian; or

(6) any other commercially reasonable method of obtaining consent in light of available technology.

(C) Notwithstanding any other provision of this chapter, a social media company may not permit a South Carolina resident who is a minor to hold or open an account on a social media platform if the minor is ineligible to hold or open an account pursuant to any other provision of state or federal law.

Section 39-5-830. Beginning March 1, 2025, for a South Carolina minor account holder, a social media company shall:

(1) prohibit adults from direct messaging a South Carolina minor account holder unless the minor is already connected to the adult on the service;

(2) prohibit the display of any advertising in the account based on the South Carolina minor account holder's personal information, except age and location;

(3) prohibit the collection or use of personal information from the posts, content, messages, text, or usage activities of the account other than information beyond what is adequate, relevant, and reasonably necessary in relation to the purposes for which such information is collected, as disclosed;

(4) make commercially reasonable efforts to develop a policy or

WEDNESDAY, JANUARY 31, 2024

mechanism to filter and prevent access by minor account holders to content that does any of the following:

(a) advocates for the use of force, is directed to inciting or producing imminent lawless action, and is likely to incite or produce such action;

(b) advocates for self-harm, is directed to inciting or producing imminent self-harm, or is likely to incite or produce such action;

(c) advocates for the destruction of personal or public property within a school setting in South Carolina; or

(d) displays visual depictions of sexual conduct as that term is defined in S.C. Code Ann. Section 16-15-305(C)(1); and

(5) report to the State Law Enforcement Division, local law enforcement agencies, and local

school districts, as appropriate, any content posted by minors in South Carolina that is in violation of this section.

Section 39-5-840. Beginning March 1, 2025, a social media company shall provide a parent or guardian who has given parental consent for a South Carolina minor account holder as provided in this chapter with a means for the minor account holder or the parent or guardian to initiate account supervision. Such supervision must include the ability for the parent to view privacy settings of the minor's account, set daily time limits for the service, schedule breaks, and offer the minor the option to set up parental notifications when the minor reports a person or issue.

Section 39-5-850. (A) The Office of Attorney General may receive complaints alleging a violation of this chapter.

(B) The Office of Attorney General may investigate any complaint to determine whether a violation has occurred.

Section 39-5-860. Except for a private right of action pursuant to Section 39-5-890, the Office of Attorney General has the exclusive authority to administer and enforce the requirements of this chapter.

Section 39-5-870. (A) The Office of Attorney General shall compile an annual report that contains an accounting of all of the following information:

(1) all administrative fines and civil penalties assessed during the year;

(2) all administrative fines and civil penalties collected during the year; and

(3) the use of funds from all administrative fines and civil penalties collected during the year.

(B) The Office of Attorney General may update or correct the report

WEDNESDAY, JANUARY 31, 2024

as new information becomes available.

(C) The Office of Attorney General shall maintain the report, which must be published on its website.

Section 39-5-880. (A) Beginning March 1, 2025, a person may bring an action against a person that does not comply with a requirement of this chapter.

(B) A suit filed pursuant to the authority of this section must be filed in the circuit court for the circuit in which a person bringing the action resides.

(C) If a court finds that a person has violated a provision of this chapter, the person who brings an action pursuant to this section is entitled to:

(1) an award of reasonable attorneys' fees and court costs; and

(2) an amount equal to the greater of:

(a) two thousand five hundred dollars for each incident of violation; or

(b) actual damages for financial, physical, and emotional harm incurred by the person bringing the action, if the court determines that the harm is a direct consequence of the violation.

Section 39-5-890. (A)(1) By March 1, 2025, the Department of Education shall develop model programs for educating students regarding online safety while using the Internet, taking into consideration educational materials on this topic developed by other states as well as any other materials suggested by educational experts, child psychologists, and technology companies that promote child online safety issues.

(2) The model programs provided for in this subsection must include one or more model programs for students in grades six through twelve which:

(a) include instruction regarding:

(i) the social, emotional, and physical effects of social media on users;

(ii) the negative effects of social media on the mental health of users including, but not limited to, addiction;

(iii) the distribution of disinformation and misinformation on social media;

(iv) how social media manipulates or influences thoughts and behaviors;

(v) the permanency and risks of sharing materials online;

(vi) how to maintain personal security and identify cyberbullying, predatory behavior, and human trafficking on the Internet

WEDNESDAY, JANUARY 31, 2024

and social media; and

(vii) how to report suspicious behavior encountered on the Internet and social media to appropriate persons and authorities; and

(b) may include information regarding the benefits of social media use, such as supporting career readiness for future academic or employment opportunities, sharing information with familiar family and friends, and safely connecting with other users with similar interests.

(3) The Department of Education shall periodically update the model programs provided for in this subsection to reflect changes in Internet and social media use, emergent technologies, social and psychological research, and information concerning new threats to teenagers and young adults using social media platforms and other online communication technologies.

(4) The Department of Education shall publish on its website information relating to the model programs provided for in this section, including recommended curricula and instructional materials.

(B) Each local board of education may incorporate into its instructional program a component on online Internet safety, including social media safety, to be taught on a schedule as determined by the local board of education.

Section 39-5-900. A waiver or limitation, or a purported waiver or limitation, of any of the following is void as unlawful, is against public policy, and a court or arbitrator may not enforce or give effect to the waiver, notwithstanding any contract or choice-of-law provision in a contract:

(1) a protection or requirement provided pursuant to this chapter;

(2) the right to cooperate with the division or to file a complaint with the division; or

(3) the right to a private right of action as provided pursuant to this chapter.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

WEDNESDAY, JANUARY 31, 2024

Renumber sections to conform.
Amend title to conform.

Rep. JORDAN explained the amendment.

Rep. JORDAN moved to table the amendment, which was agreed to.

Reps. Jordan and W. Newton proposed the following Amendment No. 2 to H. 4700 (LC-4700.SA0007H), which was adopted:

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

SECTION 1. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Article 9

South Carolina Social Media Regulation

Section 39-5-810. As used in this article:

(1) "Account holder" means a person who has, or opens, an account or profile to use a social media company's platform.

(2) "Interactive computer service" means an information service, information system, or information access software provider that provides or enables computer access by multiple users to a computer server and provides access to the Internet. An interactive computer service includes a web service, a web system, a website, a web application, or a web portal.

(3) "Minor" means an individual under circumstances where a social media company reasonably believes or has actual knowledge that the individual is under the age of eighteen. A social media company shall treat an individual as a minor if the social media company verifies that the individual is under the age of eighteen as provided in this chapter.

(4) "Office" means the South Carolina Office of Attorney General.

(5) "Post" means content that an account holder makes available on a social media platform for other account holders or users to view.

(6) "Social media company" means a person or entity that provides a social media platform that has at least five million account holders worldwide and is an interactive computer service.

(7)(a) "Social media platform" means a public or semipublic Internet-based service or application that has users in South Carolina and that meets all of the following:

(i) The service or application connects users in order to allow users to interact socially with each other within the service or

WEDNESDAY, JANUARY 31, 2024

application. A service or application that provides email or direct messaging services, enterprise cloud storage services, enterprise cybersecurity services, educational devices, or enterprise collaboration tools for K-12 schools are not considered to meet this criterion on the basis of that function alone.

(ii) The service or application allows users to do all of the following:

(A) construct a public or semipublic profile for the purposes of signing into and using the service or application;

(B) populate a list of other users with whom an individual shares a social or virtual connection within the system, including subscribing to content related to another user; and

(C) create or post content viewable by other users including, but not limited to, on message boards, in chat rooms, on video channels, or through a landing page or main feed that presents the user with content generated by other users.

(b) “Social media platform” may not include an online service, website, or application where the predominant or exclusive function is any of the following:

(i) electronic mail;

(ii) a service that, pursuant to its terms of use, does not permit minors to use the platform and utilizes commercially reasonable age assurance mechanisms to attempt to prohibit minors from becoming an account holder or user;

(iii) a streaming service that provides only licensed media in a continuous flow from the service, website, or application to the end user and does not obtain a license to the media from a user or account holder by agreement to its terms of service;

(iv) news, sports, entertainment, or other content that is preselected by the provider and not user generated, and any chat, comment, or interactive functionality that is provided incidental to, directly related to, or dependent upon provisions of the content;

(v) online shopping, electronic commerce, or self-service support if the interaction with other users or account holders is generally limited to the ability to upload a post and comment on reviews, the ability to seek support related to products or services, the ability to display lists or collections of goods for sale or wish lists, or any other function that is focused on online shopping, electronic commerce, or self-service support rather than interaction between users or account holders;

(vi) interactive gaming, virtual gaming, or an online service

WEDNESDAY, JANUARY 31, 2024

that allows the creation and uploading of content and the communication related to that content for the purpose of interactive gaming, educational entertainment, or associated entertainment;

(vii) photograph editing that has an associated photograph hosting service if the interaction with other users or account holders is generally limited to liking or commenting;

(viii) single-purpose community groups for public safety if the interaction with other users or account holders is limited to that single purpose and the community group has guidelines or policies against illegal content;

(ix) career development opportunities, including professional networking, job skills, learning certifications, and job posting and application services;

(x) business-to-business software;

(xi) a teleconferencing or videoconferencing service that allows reception and transmission of audio and video signals for real-time communication;

(xii) cloud storage;

(xiii) shared document collaboration;

(xiv) cloud computing services, which may include cloud storage and shared document collaboration;

(xv) providing access to or interacting with data visualization platforms, libraries, or hubs;

(xvi) permitting comments on digital news website if the news content is posted by only the provider of the digital news website;

(xvii) providing or obtaining technical support for a platform product or service;

(xviii) academic, scholarly, or genealogical research;

(xix) Internet access and broadband service;

(xx) a classified advertising service in which the provider of the online service, website, or application is limited to all of the following:

(A) permitting only the sale of goods;

(B) prohibiting the solicitation of personal service;

(C) posting or creating a substantial amount of the content; and

(D) providing the ability to chat, comment, or interact with other users only if it is directly related to the provider's content;

(xxi) an online service, website, or application that is used by or under the direction of an educational entity, including a learning management system, a student engagement program, or a subject or

WEDNESDAY, JANUARY 31, 2024

skill-specific program, where the majority of the content is created or posted by the provider of the online service, website, or application and the ability to chat, comment, or interact with other users is directly related to the provider's content.

(8) "South Carolina account holder" means a person who is a resident of South Carolina and an account holder, including a South Carolina minor account holder.

(9) "South Carolina minor account holder" means a South Carolina account holder who is a minor.

(10) "South Carolina resident" means an individual who currently resides in South Carolina.

(11) "User" means a person who has access to view all, or some of, the posts on a social media platform, but is not an account holder.

Section 39-5-820. (A) Beginning March 1, 2025, a social media company shall make commercially reasonable efforts to verify the age of South Carolina account holders with a level of certainty appropriate to the risks that arise from the information management practices of the social media company or apply the accommodations afforded to minors pursuant to this chapter to all account holders.

(B) A social media company may not permit a South Carolina resident who is a minor to be an account holder on the social media company's social media platform unless the minor has the express consent of a parent or guardian. Acceptable methods of obtaining express consent from a parent or guardian include any of the following:

(1) providing a form for the minor's parent or guardian to sign and return to the digital service provider by common carrier, facsimile, or electronic;

(2) providing a toll-free telephone number for the minor's parent or guardian to call to consent;

(3) coordinating a call with a minor's parent or guardian over video conferencing technology;

(4) collecting information related to the government-issued identification of the minor's parent or guardian and deleting that information after confirming the identity of the minor's parent or guardian;

(5) allowing the minor's parent or guardian to provide consent by responding to an email and taking additional steps to verify the identity of the minor's parent or guardian; or

(6) any other commercially reasonable method of obtaining consent in light of available technology.

(C) Notwithstanding any other provision of this chapter, a social

WEDNESDAY, JANUARY 31, 2024

media company may not permit a South Carolina resident who is a minor to hold or open an account on a social media platform if the minor is ineligible to hold or open an account pursuant to any other provision of state or federal law.

(D) Any information collected by the social media company or its agent as a result of complying with the requirements of this article only may be retained for the purpose of compliance with this article and may not be used for any other purpose. Once the social media company or its agent has complied with the requirements of this article, the social media company shall securely dispose of any information obtained as a result of compliance with the requirements of this article.

Section 39-5-830. Beginning March 1, 2025, for a South Carolina minor account holder, a social media company shall:

(1) prohibit adults from direct messaging a South Carolina minor account holder unless the minor is already connected to the adult on the service;

(2) prohibit the display of any advertising in the account based on the South Carolina minor account holder's personal information, except age and location;

(3) prohibit the collection or use of personal information from the posts, content, messages, text, or usage activities of the account other than information beyond what is adequate, relevant, and reasonably necessary in relation to the purposes for which such information is collected, as disclosed;

(4) make commercially reasonable efforts to develop a policy or mechanism to filter and prevent access by minor account holders to content that does any of the following:

(a) advocates for the use of force, is directed to inciting or producing imminent lawless action, and is likely to incite or produce such action;

(b) advocates for self-harm, is directed to inciting or producing imminent self-harm, or is likely to incite or produce such action;

(c) advocates for the destruction of personal or public property within a school setting in South Carolina; or

(d) displays visual depictions of sexual conduct as that term is defined in S.C. Code Ann. Section 16-15-305(C)(1); and

(5) report to the State Law Enforcement Division, local law enforcement agencies, and local

school districts, as appropriate, any content posted by minors in South Carolina that is in violation of this section.

Section 39-5-840. Beginning March 1, 2025, a social media

company shall provide a parent or guardian who has given parental consent for a South Carolina minor account holder as provided in this chapter with a means for the minor account holder or the parent or guardian to initiate account supervision. Such supervision must include the ability for the parent to view privacy settings of the minor's account, view the list of other users with whom the minor shares a social or virtual connection within the system, set daily time limits for the service, schedule breaks, and offer the minor the option to set up parental notifications when the minor reports a person or issue.

Section 39-5-850. (A) The Office of Attorney General may receive complaints alleging a violation of this chapter.

(B) The Office of Attorney General may investigate any complaint to determine whether a violation has occurred.

Section 39-5-860. Except for a private right of action pursuant to Section 39-5-890, the Office of Attorney General has the exclusive authority to administer and enforce the requirements of this chapter.

Section 39-5-870. (A) The Office of Attorney General shall compile an annual report that contains an accounting of all of the following information:

(1) all administrative fines and civil penalties assessed during the year;

(2) all administrative fines and civil penalties collected during the year; and

(3) the use of funds from all administrative fines and civil penalties collected during the year.

(B) The Office of Attorney General may update or correct the report as new information becomes available.

(C) The Office of Attorney General shall maintain the report, which must be published on its website.

Section 39-5-880. (A) Beginning March 1, 2025, a person may bring an action against a person that does not comply with a requirement of this chapter.

(B) A suit filed pursuant to the authority of this section must be filed in the circuit court for the circuit in which a person bringing the action resides.

(C) If a court finds that a person has violated a provision of this chapter, the person who brings an action pursuant to this section is entitled to:

(1) an award of reasonable attorneys' fees and court costs; and

(2) an amount equal to the greater of:

(a) two thousand five hundred dollars for each incident of

violation; or

(b) actual damages for financial, physical, and emotional harm incurred by the person bringing the action, if the court determines that the harm is a direct consequence of the violation.

Section 39-5-890. (A)(1) By March 1, 2025, the Department of Education shall develop model programs for educating students regarding online safety while using the Internet, taking into consideration educational materials on this topic developed by other states as well as any other materials suggested by educational experts, child psychologists, and technology companies that promote child online safety issues.

(2) The model programs provided for in this subsection must include one or more model programs for students in grades six through twelve which include instruction regarding the negative effects of social media on the mental health of users including addiction; the ability of social media to manipulate and influence thoughts and behaviors; the permanency and risks of sharing materials online; ways to maintain personal security and identify cyberbullying, predatory behavior, and human trafficking on the Internet and social media; and ways to report suspicious behavior encountered on the Internet and social media to appropriate persons and authorities.

(3) The Department of Education shall periodically update the model programs provided for in this subsection to reflect changes in Internet and social media use, emergent technologies, social and psychological research, and information concerning new threats to teenagers and young adults using social media platforms and other online communication technologies.

(4) The Department of Education shall publish on its website information relating to the model programs provided for in this section, including recommended curricula and instructional materials.

(B) Each local board of education may incorporate into its instructional program a component on online Internet safety, including social media safety, to be taught on a schedule as determined by the local board of education.

Section 39-5-900. A waiver or limitation, or a purported waiver or limitation, of any of the following is void as unlawful, is against public policy, and a court or arbitrator may not enforce or give effect to the waiver, notwithstanding any contract or choice-of-law provision in a contract:

- (1) a protection or requirement provided pursuant to this chapter;
- (2) the right to cooperate with the division or to file a complaint

WEDNESDAY, JANUARY 31, 2024

with the division; or

(3) the right to a private right of action as provided pursuant to this chapter.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Rep. JORDAN explained the amendment.

Rep. JORDAN spoke in favor of the amendment.

Rep. BAMBERG spoke against the amendment.

Rep. BAMBERG spoke against the amendment.

Rep. W. NEWTON spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 1

Those who voted in the affirmative are:

| | | |
|-----------|-------------|------------|
| Anderson | Bailey | Ballentine |
| Bannister | Bauer | Beach |
| Bernstein | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Chumley |
| Clyburn | Cobb-Hunter | Collins |

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WEDNESDAY, JANUARY 31, 2024

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|---------------|-----------------|---------------|
| Connell | B. J. Cox | B. L. Cox |
| Crawford | Cromer | Davis |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Guest | Haddon | Hager |
| Hardee | Harris | Hartnett |
| Hayes | Henderson-Myers | Herbkersman |
| Hewitt | Hiott | Hixon |
| Hosey | Hyde | J. E. Johnson |
| J. L. Johnson | S. Jones | 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 |
| Pope | Robbins | Rose |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Taylor |
| Thayer | Thigpen | Trantham |
| Vaughan | Weeks | West |
| Wetmore | Wheeler | White |
| Whitmire | Willis | Wooten |

Total--105

Those who voted in the negative are:

Bamberg

Total--1

So, the Bill, as amended, was read the second time and ordered to third reading.

Rep. CARTER moved that the House do now adjourn, which was agreed to.

[HJ]

WEDNESDAY, JANUARY 31, 2024

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 4967 -- Reprs. Erickson, McGinnis, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, 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 CONGRATULATE THE FIFTY SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2024 ALL-STATE ACADEMIC TEAM BY THE PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

ADJOURNMENT

At 1:40 p.m. the House, in accordance with the motion of Rep. MAY, adjourned in memory of Carolyn and Annie Henderson, to meet at 10:00 a.m. tomorrow.

WEDNESDAY, JANUARY 31, 2024

| | | | |
|---------------|----------------|---------------|----|
| H. 3247 | 15 | H. 4967 | 61 |
| H. 3278 | 3 | H. 4975 | 5 |
| H. 3309 | 24 | H. 4976 | 6 |
| H. 3310 | 15 | H. 4977 | 6 |
| H. 3424 | 15, 34, 38, 43 | H. 4978 | 7 |
| H. 3430 | 16 | H. 4979 | 7 |
| H. 3676 | 16 | H. 4980 | 8 |
| H. 3963 | 16 | H. 4981 | 8 |
| H. 3992 | 2, 16 | H. 4982 | 8 |
| H. 4159 | 32 | H. 4983 | 9 |
| H. 4376 | 4 | H. 4984 | 9 |
| H. 4549 | 16 | H. 4985 | 9 |
| H. 4552 | 16 | H. 4986 | 10 |
| H. 4574 | 16 | H. 4987 | 10 |
| H. 4593 | 17 | H. 4988 | 10 |
| H. 4611 | 17 | H. 4989 | 11 |
| H. 4612 | 17 | H. 4990 | 11 |
| H. 4674 | 24 | H. 4991 | 11 |
| H. 4700 | 17, 44, 52 | H. 4992 | 11 |
| H. 4810 | 24 | H. 4993 | 12 |
| H. 4825 | 23 | H. 4994 | 12 |
| H. 4832 | 1, 17 | H. 4995 | 12 |
| H. 4866 | 17 | H. 4996 | 12 |
| H. 4867 | 17 | H. 4997 | 12 |
| H. 4868 | 19, 21 | H. 4998 | 13 |
| H. 4869 | 2, 17 | | |
| H. 4892 | 18 | S. 298 | 25 |
| H. 4928 | 4 | S. 410 | 18 |
| H. 4929 | 18 | S. 782 | 18 |
| H. 4937 | 24 | S. 801 | 30 |