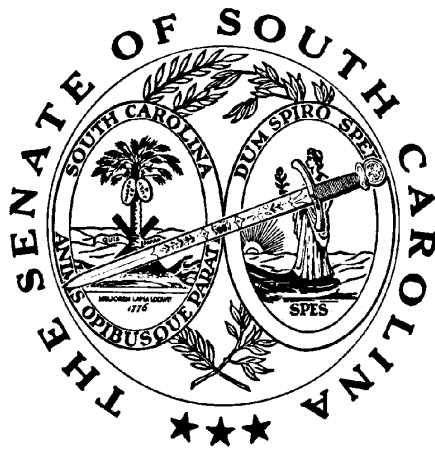


NO. 70

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, MAY 8, 2024

Wednesday, May 8, 2024
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

I Corinthians 13:13

Paul concludes his love poem with this marvelous verse: "And now, faith, hope, and love abide, these three, and the greatest of these is love."

Bow with me, if you will: Holy and ever-loving God, how marvelously do Your blessings rain down upon us, like the renewing showers falling across the woodlands, marshes, and grain fields of South Carolina. And those very same gifts renew us and warm our hearts just as the sun itself embraces the coastal regions and our very backyards. So we thank You for Your many gifts, of course, dear Lord. And at this point of this legislative year we pause to thank you, O God, for each of these dedicated women and men in this Senate who labor on behalf of all of our citizens here in South Carolina. Allow each of these servants to know that our faith, hope, and yes, even our love, embrace them all. All this we truly pray in Your loving name, dear Lord. Amen.

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

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Cromer	Davis	Devine
Fanning	Garrett	Goldfinch
Grooms	Gustafson	Harpoottian
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	McElveen	Peeler
Reichenbach	Rice	Senn
Setzler	Stephens	Talley

WEDNESDAY, MAY 8, 2024

Tedder Turner Verdin
Williams Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR
State of South Carolina Office of the Governor

May 8, 2024

Mr. President and Members of the Senate:

I am transmitting herewith notice of my intent to withdraw my nomination of Ms. Michelle Parisi for appointment to the South Carolina Panel for Dietetics

Respectfully,
Henry Dargan McMaster

Withdrawal of Statewide Appointment

On motion of Senator VERDIN, the Senate acceded to the Governor's request and the Clerk was directed to return the appointment to the Governor.

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

Dietician, Community or Public Health:

Michelle Parisi, 229 Sassafras Drive, Easley, SC 29642-8264 *VICE*
Rebecca Wrenn

MESSAGE FROM THE GOVERNOR
State of South Carolina Office of the Governor

May 8, 2024

Mr. President and Members of the Senate:

I am transmitting herewith notice of my intent to withdraw my nomination of Mrs. Rebecca Morrison for appointment to the State Board of Nursing

WEDNESDAY, MAY 8, 2024

Respectfully,
Henry Dargan McMaster

Withdrawal of Statewide Appointment

On motion of Senator VERDIN, the Senate acceded to the Governor's request and the Clerk was directed to return the appointment to the Governor.

Statewide Appointment

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2022, and to expire December 31, 2026

2nd Congressional District, Registered Nurse:

Rebecca Morrison, 6009 Hampton Leas Lane, Columbia, SC 29209-1954

Leave of Absence

On motion of Senator MASSEY, at 11:05 A.M., Senator SHEALY was granted a leave of absence until 3:30 P.M.

Leave of Absence

On motion of Senator TALLEY, at 11:05 A.M., Senator MARTIN was granted a leave of absence until 1:00 P.M.

Leave of Absence

On motion of Senator GOLDFINCH, at 11:52 A.M., Senator GAMBRELL was granted a leave of absence until 1:45 P.M..

Leave of Absence

On motion of Senator FANNING, at 11:52 A.M., Senator SABB was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SETZLER, at 5:00 P.M., Senator HUTTO was granted a leave of absence until 6:00 P.M.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SENN rose for an Expression of Personal Interest.

WEDNESDAY, MAY 8, 2024

Remarks to be Printed

On motion of Senator FANNING, with unanimous consent, the remarks of Senator SENN, when reduced to writing and made available to the Desk, would be printed in the Journal.

RECALLED AND ADOPTED

S. 1282 -- Senator Verdin: A SENATE RESOLUTION TO RESOLVE FOR THE CONTINUED EXAMINATION AND IMPLEMENTATION OF BEST PRACTICES TOWARD RECOVERY FROM THE OPIOID CRISIS THROUGH STRENGTHENING THE PATIENT AND HEALTH CARE PROVIDER RELATIONSHIP AND MAKING NEW POTENTIAL TREATMENTS AVAILABLE UPON FDA APPROVAL TO SOUTH CAROLINIANS.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

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

There was no objection.

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

On motion of Senator VERDIN, the Resolution was adopted.

RECALLED, READ THE SECOND TIME

H. 5179 -- Reps. T. Moore and Hyde: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF EDUCATION TO NAME THE CONVERSE SCHOOL BUS MAINTENANCE SHOP IN SPARTANBURG COUNTY THE "DAVID T. BREWINGTON SCHOOL BUS MAINTENANCE CENTER", AND TO DIRECT THE DEPARTMENT TO INSTALL APPROPRIATE SIGNAGE CONTAINING THE WORDS "DAVID T. BREWINGTON SCHOOL BUS MAINTENANCE CENTER" AS THE DEPARTMENT CONSIDERS ADVISABLE.

Senator HEMBREE asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

The Bill was recalled from the Committee on Education and ordered placed on the Calendar for consideration today.

WEDNESDAY, MAY 8, 2024

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

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

On motion of Senator HEMBREE with unanimous consent, the Bill was read the second time, passed and ordered to a third reading on Thursday, May 9, 2024.

RECALLED

H. 5183 -- Reps. M.M. Smith, West, Hewitt, Chapman, B. Newton, Hiott, Sessions, Pope, Davis, Gagnon, Thayer and Carter: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-20, RELATING TO THE DEFINITION OF A CERTIFIED MEDICAL ASSISTANT, SO AS TO REVISE THE REQUIRED QUALIFICATIONS FOR CERTIFICATION; AND BY AMENDING SECTION 40-47-196, RELATING TO THE DELEGATION OF NURSING TASKS TO UNLICENSED ASSISTIVE PERSONNEL BY CERTAIN MEDICAL PROFESSIONALS, SO AS TO DESIGNATE ADDITIONAL TASKS THAT MAY BE DELEGATED.

On motion of Senator DAVIS, with unanimous consent, the Bill was recalled from the Committee on Medical Affairs and placed on the second reading Calendar.

RECALLED AND ADOPTED

H. 5453 -- Reps. Rose, Rutherford, 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, 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,

WEDNESDAY, MAY 8, 2024

Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Sandifer, Schuessler, Sessions, G.M. Smith, M.M. Smith, Spann-Wilder, Stavrinakis, Taylor, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR STAFF AT THE UNIVERSITY OF SOUTH CAROLINA FOR THEIR HARD WORK AND MANY CONTRIBUTIONS MADE TO THE FLAGSHIP UNIVERSITY, TO CONGRATULATE THEM, AND TO DECLARE MAY 14, 2024, AS “USC STAFF DAY” IN THE PALMETTO STATE.

Senator SETZLER asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

The Resolution was recalled from the Committee on Education.

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

There was no objection.

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

On motion of Senator SETZLER, the Resolution was adopted and ordered sent to the House.

RECALLED AND ADOPTED

H. 5339 -- Reps. Jefferson, Cobb-Hunter, Murphy, Pedalino, Brewer, Gatch and Robbins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 15 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY “MAYOR CHARLES WILLIAM ACKERMAN HIGHWAY” AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation.

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

There was no objection.

WEDNESDAY, MAY 8, 2024

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

On motion of Senator GROOMS, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1333 -- Senator Verdin: A SENATE RESOLUTION TO CONGRATULATE WARREN CRANE FOR ACHIEVING WALMART'S FIVE MILLION SAFE MILES MILESTONE.

sr-0738km-vc24.docx

The Senate Resolution was adopted.

S. 1334 -- Senator Malloy: A SENATE RESOLUTION TO CONGRATULATE TRAMONT MILES UPON THE OCCASION OF HIS GRADUATION FROM THE UNIVERSITY OF SOUTH CAROLINA.

sr-0733km-vc24.docx

The Senate Resolution was adopted.

S. 1335 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SARAH FUNKHOUSER, A FIRST GRADE TEACHER AT WOODFIELDS ELEMENTARY SCHOOL IN GREENWOOD SCHOOL DISTRICT 50, AND TO CONGRATULATE HER FOR BEING NAMED THE DISTRICT'S 2024-2025 FIRST-YEAR TEACHER OF THE YEAR.

lc-0612sa-gm24.docx

The Senate Resolution was adopted.

S. 1336 -- Senator Fanning: A SENATE RESOLUTION TO HONOR MRS. DAISY ROGERS MCDUFFIE FOR THE CONTRIBUTIONS SHE HAS MADE TO HER COMMUNITY AND TO CONGRATULATE HER ON THE OCCASION OF HER ONE HUNDRED SECOND BIRTHDAY.

lc-0613sa-jn24.docx

The Senate Resolution was adopted.

WEDNESDAY, MAY 8, 2024

S. 1337 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KIM RODGERS, A MULTILINGUAL LANGUAGE SPECIALIST AT PINECREST ELEMENTARY SCHOOL IN GREENWOOD SCHOOL DISTRICT 50, AND TO CONGRATULATE HER FOR BEING NAMED THE DISTRICT'S 2024-2025 TEACHER OF THE YEAR.

lc-0475vr-gm24.docx

The Senate Resolution was adopted.

S. 1338 -- Senators Devine, Tedder, Jackson and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING ACT 111 OF 2024 RELATING TO THE SOUTH CAROLINA CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2024, AND TO PROVIDE THE STATUTES CONTAINED IN THAT ACT REVERT TO THE LANGUAGE CONTAINED IN THEM.

lc-0625cm24.docx

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

S. 1339 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Tedder, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE THE NATIONAL CONFERENCE OF STATE LEGISLATURES UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0548km-vc24.docx

The Senate Resolution was adopted.

S. 1340 -- Senators Young, Setzler, Cromer, Massey, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Davis, Devine, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Loftis, Malloy, Martin, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Shealy, Stephens, Talley, Tedder, Turner, Verdin and Williams: A SENATE

WEDNESDAY, MAY 8, 2024

RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF FREDERICK JOSEPH AUN AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0736km-vc24.docx

The Senate Resolution was adopted.

S. 1341 -- Senator Tedder: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF FOSTEEN "TINA" WARD HARRIFORD AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

sr-0739km-vc24.docx

The Senate Resolution was adopted.

H. 5520 -- Rep. King: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF OGDEN ROAD IN YORK COUNTY FROM ITS INTERSECTION WITH HECKLE BOULEVARD TO ITS INTERSECTION WITH HARRISON STREET "DAISY ROGERS MCDUFFIE ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD CONTAINING THESE WORDS.

lc-0621cm-gt24.docx

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

Appointment Reported

Senator DAVIS from the Committee on Labor Commerce and Industry submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2022, and to expire May 31, 2025

Licensed Real Estate Broker:

Damian V. Burris, Broker in Charge

Executive Realty Group

700 Huger Street, Columbia, SC 29201-3663 *VICE* Ann R. King

Received as information.

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence April 30, 2024, and to expire April 30, 2027

Appraisal Management Company:

Mark Chapman, 197 Green Valley Road, Greenville, SC 29617-7014

WEDNESDAY, MAY 8, 2024

Received as information.

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence April 30, 2021, and to expire April 30, 2024

Appraisal Management Company:

Mark Chapman, 197 Green Valley Road, Greenville, SC 29617-7014

Received as information.

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2021, and to expire May 31, 2024

Licensed or Certified Appraiser:

Hezekiah E. Thompson, 200 Edward Street, Murrells Inlet, SC 29576-6003 *VICE* Michael B. Dodds

Received as information.

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2024, and to expire May 31, 2027

Licensed or Certified Appraiser:

Hezekiah E. Thompson, 200 Edward Street, Murrells Inlet, SC 29576-6003

Received as information.

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2023, and to expire May 31, 2026

Licensed or Certified Appraiser:

Pledger Bishop III, Valbridge Property Advisors,
1250 Fairmont Ave., Mt. Pleasant, SC 29464 *VICE* Christopher Donato

Received as information.

HOUSE CONCURRENCE

S. 1234 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF UNITED STATES HIGHWAY 21 SOUTH IN FAIRFIELD COUNTY FROM THE INTERSECTION OF WEST CHURCH STREET AND LONGTOWN ROAD TO THE RICHLAND COUNTY LINE "DONALD PRIOLEAU SR. ROAD" AND ERECT

WEDNESDAY, MAY 8, 2024

APPROPRIATE SIGNS OR MARKERS ALONG THIS STRETCH OF ROAD CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

Motion Adopted

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

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were confirmed to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Agriculture and Natural Resources Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2022, and to expire April 6, 2028

6th Congressional District:

James T. Coker, PO Box 152, Kingstree, SC 29556-0152 *VICE* Mitch Lowrey

On motion of Senator CLIMER, the question was confirmation of James T. Coker.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell

WEDNESDAY, MAY 8, 2024

Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The appointment of James T. Coker was confirmed.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2024, and to expire April 6, 2030

Veterinarian, 3rd Congressional District:

Mark Moore, 210 East Bennett Road, Westminster, SC 29693-3701
VICE Karl Wessinger

On motion of Senator CLIMER, the question was confirmation of Mark Moore.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams

WEDNESDAY, MAY 8, 2024

Young

Total--37

NAYS

Total--0

The appointment of Mark Moore was confirmed.

Having received a favorable report from the Banking and Insurance Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2022, and to expire June 30, 2026

Mortgage Banker:

Carol Addy, 221 Queen Street, Georgetown, SC 29440-3635 *VICE*
Charles Henry Stuart

On motion of Senator CROMER, the question was confirmation of Carol Addy.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpoottian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

WEDNESDAY, MAY 8, 2024

Total--37

NAYS

Total--0

The appointment of Carol Addy was confirmed.

Having received a favorable report from the Corrections and Penology Committee, the following appointment was confirmed in open session:

Initial Appointment, Juvenile Parole Board, with the term to commence June 30, 2022, and to expire June 30, 2026

At-Large, Public:

Michael R. Watkins, 100 Ariel Way, Easley, SC 29642-7781 *VICE*
Anthony Foster

On motion of Senator SHANE MARTIN, the question was confirmation of Michael R. Watkins.

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

Ayes 36; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams

Total--36

NAYS

WEDNESDAY, MAY 8, 2024

Total--0

ABSTAIN

Young

Total--1

The appointment of Michael R. Watkins was confirmed.

Having received a favorable report from the Education Committee, the following appointment was confirmed in open session:

Reappointment, Governor's School of Agriculture at John De la Howe School Board of Trustees , with the term to commence April 1, 2023, and to expire April 1, 2028

At-Large:

Hugh Mitchell Bland, 609 Buncombe Street, Edgefield, SC 29824-1016

On motion of Senator HEMBREE, the question was confirmation of Hugh Mitchell Bland.

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

Ayes 37; Nays 0

AYES

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

Total--37

WEDNESDAY, MAY 8, 2024

NAYS

Total--0

The appointment of Hugh Mitchell Bland was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was confirmed in open session:

Reappointment, Director of Department of Public Safety, with the term to commence February 1, 2024, and to expire February 1, 2028

Robert G. Woods IV, Director, South Carolina Department of Public Safety

PO Box 1993, Blythewood, SC 29016-1993

On motion of Senator RANKIN, the question was confirmation of Robert G. Woods IV.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

WEDNESDAY, MAY 8, 2024

The appointment of Robert G. Woods IV was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was confirmed in open session:

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2022, and to expire June 1, 2026

Audiologist:

Jason P. Wigand, 310 Honey Tree Drive, Lexington, SC 29073-6401

On motion of Senator DAVIS, the question was confirmation of Jason P. Wigand.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Jason P. Wigand was confirmed.

WEDNESDAY, MAY 8, 2024

Having received a favorable report from the Medical Affairs Committee, the following appointment was confirmed in open session:

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence May 19, 2023, and to expire May 19, 2029

At-Large, Public:

Beverly L. Black, 3085 Moonlight Drive, Charleston, SC 29414-8048
VICE Leo Richardson

On motion of Senator VERDIN, the question was confirmation of Beverly L. Black.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Beverly L. Black was confirmed.

WEDNESDAY, MAY 8, 2024

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2021, and to expire December 31, 2025
4th Congressional District, Registered Nurse:

Sallie Beth Todd, 6 Sparrow Point Court, Simpsonville, SC 29680-6643

On motion of Senator VERDIN, the question was confirmation of Sallie Beth Todd.

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

Ayes 36; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

ABSTAIN

Setzler

Total--1

The appointment of Sallie Beth Todd was confirmed.

WEDNESDAY, MAY 8, 2024

Initial Appointment, South Carolina State Board of Medical Examiners, with the term to commence June 30, 2022, and to expire June 30, 2026

At-Large, Public:

Mary J. Richardson, 8119 Burdell Drive, Columbia, SC 29209-5108
VICE Mary Elizabeth Phillips

On motion of Senator VERDIN, the question was confirmation of Mary J. Richardson.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Mary J. Richardson was confirmed.

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2021, and to expire June 30, 2025

South Carolina Chamber of Commerce recommendation:

Beth F. Montgomery, 14 Hillstone Court, Columbia, SC 29212-8646

WEDNESDAY, MAY 8, 2024

On motion of Senator VERDIN, the question was confirmation of Beth F. Montgomery.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Beth F. Montgomery was confirmed.

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

Dietetics Educator:

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

On motion of Senator VERDIN, the question was confirmation of Elizabeth Weikle MS, RD, LD.

WEDNESDAY, MAY 8, 2024

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Elizabeth Weikle MS, RD, LD was confirmed.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2022, and to expire December 31, 2026
2nd Congressional District, Registered Nurse :

Frances C. Pagett, 6143 Marthas Glen Road, Columbia, SC 29209-1312 *VICE* Rebecca Morrison

On motion of Senator VERDIN, the question was confirmation of Frances C. Pagett.

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

Ayes 36; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash

WEDNESDAY, MAY 8, 2024

Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

ABSTAIN

Setzler

Total--1

The appointment of Frances C. Pagett was confirmed.

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

Dietician, Consulting:

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

On motion of Senator VERDIN, the question was confirmation of Beth Griffith.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms

WEDNESDAY, MAY 8, 2024

Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The appointment of Beth Griffith was confirmed.

Reappointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2023, and to expire June 9, 2026

Residential Care Administrator:

Edward G. Burton, 103 Stonecrest Road, # 29650, Greer, SC 29650-3422

On motion of Senator VERDIN, the question was confirmation of Edward G. Burton.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler

WEDNESDAY, MAY 8, 2024

Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The appointment of Edward G. Burton was confirmed.

Reappointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2022, and to expire June 9, 2025

Hospital Administrator:

Elizabeth A. Schaper, 580 Bethesda Road, Spartanburg, SC 29302-5111

On motion of Senator VERDIN, the question was confirmation of Elizabeth A. Schaper.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpoottlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--37

WEDNESDAY, MAY 8, 2024

NAYS

Total--0

The appointment of Elizabeth A. Schaper was confirmed.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2022, and to expire December 31, 2026

At-Large, Licensed Practical Nurse:

Melissa May-Engel, 1109 Aderly Oak Drive, Irmo, SC 29063-7892
VICE Tamara Day

On motion of Senator VERDIN, the question was confirmation of Melissa May-Engel.

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

Ayes 36; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

ABSTAIN

Setzler

WEDNESDAY, MAY 8, 2024

Total--1

The appointment of Melissa May-Engel was confirmed.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2023, and to expire September 30, 2026

Occupational Therapist:

M. Rebecca T. Coleman, 605 Wando Street, Columbia, SC 29205-3964

On motion of Senator VERDIN, the question was confirmation of M. Rebecca T. Coleman.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of M. Rebecca T. Coleman was confirmed.

WEDNESDAY, MAY 8, 2024

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2024, and to expire September 30, 2027

Occupational Therapist:

Lesly Wilson James, 135 Garden Brooke Dr., Irmo, SC 29063

On motion of Senator VERDIN, the question was confirmation of Lesly Wilson James.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Lesly Wilson James was confirmed.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2023, and to expire December 31, 2027

1st Congressional District, Registered Nurse:

Bridget A. Enos, 8049 Kittery Ave., North Charleston, SC 29420-8918
VICE Kelli Garber

WEDNESDAY, MAY 8, 2024

On motion of Senator VERDIN, the question was confirmation of Bridget A. Enos.

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

Ayes 36; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

ABSTAIN

Setzler

Total--1

The appointment of Bridget A. Enos was confirmed.

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

Dietician, Nutritional Services Management:

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

WEDNESDAY, MAY 8, 2024

On motion of Senator VERDIN, the question was confirmation of Amanda Groesbeck.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpoottian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The appointment of Amanda Groesbeck was confirmed.

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

Hospital Employee:

Maureen Finger, 1325 Sewanee Avenue, Florence, SC 29501 *VICE*
Lynette Y. Leland-Reed

On motion of Senator VERDIN, the question was confirmation of Maureen Finger.

WEDNESDAY, MAY 8, 2024

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Maureen Finger was confirmed.

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

Audiologist:

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

On motion of Senator VERDIN, the question was confirmation of Gwendolyn D. Wilson.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
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WEDNESDAY, MAY 8, 2024

Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The appointment of Gwendolyn D. Wilson was confirmed.

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 2, 2022, and to expire June 2, 2026

South Carolina State Development Board:

Sarah Davis Emory, 621 Crystal Drive, Spartanburg, SC 29302-2716

On motion of Senator VERDIN, the question was confirmation of Sarah Davis Emory.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell

WEDNESDAY, MAY 8, 2024

Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

The appointment of Sarah Davis Emory was confirmed.

Reappointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2024, and to expire June 9, 2027

Residential Care Administrator:

Melissa T. Yetter, 202 Player Way, Simpsonville, SC 29681

On motion of Senator VERDIN, the question was confirmation of Melissa T. Yetter.

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

Ayes 37; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpoottian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

WEDNESDAY, MAY 8, 2024

Total--37

NAYS

Total--0

The appointment of Melissa T. Yetter was confirmed.

Reappointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2023, and to expire June 9, 2026

Nonproprietary Nursing Home Administrator:

William H. Birmingham, Jr., 119 Parkside Dr., Anderson, SC 29621-7651

On motion of Senator VERDIN, the question was confirmation of William H. Birmingham, Jr..

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

WEDNESDAY, MAY 8, 2024

The appointment of William H. Birmingham, Jr. was confirmed.

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

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

On motion of Senator VERDIN, the question was confirmation of John J. Whitcomb.

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

Ayes 36; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

ABSTAIN

Setzler

Total--1

The appointment of John J. Whitcomb was confirmed.

WEDNESDAY, MAY 8, 2024

Initial Appointment, South Carolina State Board of Nursing, with the term to commence June 30, 2020, and to expire June 30, 2024

7th Congressional District, Registered Nurse:

Leslie M. Lyerly, 636 Marsh Pond Road, Johnsonville, SC 29555-6617 *VICE* Jonela D. Davis

On motion of Senator VERDIN, the question was confirmation of Leslie M. Lyerly.

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

Ayes 36; Nays 0; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Jackson	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McLeod	Peeler	Reichenbach
Rice	Senn	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--36

NAYS

Total--0

ABSTAIN

Setzler

Total--1

The appointment of Leslie M. Lyerly was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointment was confirmed in open session:

WEDNESDAY, MAY 8, 2024

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

Dietician, Community or Public Health:

Katherine L. Bernard, 307 Magnolia Tree Road, Lexington, SC 29073-6731 *VICE* Rebecca Wrenn

On motion of Senator VERDIN, the question was confirmation of Katherine L. Bernard.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Katherine L. Bernard was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointment was confirmed in open session:

WEDNESDAY, MAY 8, 2024

Reappointment, Chief of the South Carolina Law Enforcement Division, with the term to commence January 31, 2018, and to expire January 31, 2024

Mark A. Keel, 440 Broad River Road, Columbia, SC 29210-4012

On motion of Senator RANKIN, the question was confirmation of Mark A. Keel.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

The appointment of Mark A. Keel was confirmed.

Privilege of the Chamber

On motion of Senator MASSEY, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to the families of the members who are retiring.

WEDNESDAY, MAY 8, 2024

Remarks by Senator LOFTIS

Senator LOFTIS rose to make brief remarks regarding his service in the Senate.

Remarks to be Printed

On motion of Senator PEELER, with unanimous consent, the remarks of Senator LOFTIS, when reduced to writing and made available to the Desk, would be printed in the Journal.

MOTION TO VARY THE ORDER OF THE DAY ADOPTED

On motion of Senator MASSEY, under Rule 32A, the Senate agreed to vary the order of the day and proceed directly to the uncontested Second Reading Calendar.

RECESS

At 12:59 P.M., on motion of Senator MASSEY, the Senate recessed from business until 1:45 P.M.

At 1:53 P.M., the Senate resumed.

ACTING PRESIDENT PRESIDES

Senator LOFTIS assumed the Chair.

Call of the Senate

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

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

WEDNESDAY, MAY 8, 2024

A quorum being present, the Senate resumed.

PRESIDENT PRESIDES

At 1:58 P.M., the PRESIDENT assumed the Chair.

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

AMENDED, HOUSE BILL RETURNED

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

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

The Senate proceeded to a consideration of the Bill.

Senator TALLEY proposed the following amendment (SEDU-4957.DB0021S), which was adopted:

Amend the bill, as and if amended, SECTION 4, by striking Section 59-158-40~~(1)~~(A) and inserting:

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~~(B)(1)~~(A)(1) An institution of higher learning may prohibit an intercollegiate athlete from using his name, image, or likeness for compensation if the proposed use of his name, image, or likeness conflicts with institutional values as defined by the institution of higher learning.

—(2) An intercollegiate athlete may not earn compensation for the use of his name, image, or likeness for the endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or gambling including, but not limited to, sports betting.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

Ayes 26; Nays 16

AYES

Alexander	Bennett	Davis
Devine	Fanning	Gambrell
Goldfinch	Gustafson	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Rankin
Senn	Setzler	Stephens
Talley	Tedder	Turner
Williams	Young	

Total--26

NAYS

Adams	Campsen	Cash
Climer	Corbin	Garrett
Grooms	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Verdin		

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Total--16

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

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3682 -- Reps. Murphy, Wetmore, Bailey, Rose, Crawford, Brewer, Taylor, Hardee, Wooten, Pope, McDaniel, Hewitt, Bauer, Yow, J.E. Johnson, Willis, Ligon, Lawson, Robbins, Schuessler, Guest, Henegan, Williams, M.M. Smith and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 47-1-140, RELATING TO THE CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO REMOVE PROVISIONS REGARDING A LIEN ON THE SEIZED ANIMAL; BY AMENDING SECTION 47-1-145, RELATING TO CUSTODY AND CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO OUTLINE HEARING PROCEDURES FOR ORDERING THE COST OF CARE OF THE SEIZED ANIMALS; AND BY AMENDING SECTION 47-1-170, RELATING TO PENALTIES FOR ANIMAL CRUELTY, SO AS TO MAKE CONFORMING CHANGES.

COMMITTEE AMENDMENT WITHDRAWN

HOUSE BILL RETURNED

H. 5118 -- Reps. G.M. Smith, West, Davis, Hager, Hewitt, Kirby, Long, M.M. Smith, B. Newton, Pendarvis, Sandifer, Hiott, Landing, Crawford, Brittain, Lawson, Williams, Whitmire, Jefferson, Bustos, Hartnett, Carter, Blackwell, Neese, W. Newton, Bradley, Erickson, Murphy, Brewer, Yow, Mitchell, Connell, Jordan, Thayer, Elliott, Wooten, Pedalino, Bailey, T. Moore, McGinnis, Gatch, Ligon, Gagnon, Hardee, B.L. Cox, Chapman, Leber, Anderson, Bannister, Calhoon, Felder, Hixon, Lowe, Taylor, Thigpen, Willis and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TEN-YEAR ENERGY TRANSFORMATION ACT"; BY AMENDING SECTION 58-3-20, RELATING TO THE MEMBERSHIP, ELECTION, AND QUALIFICATIONS OF THE PUBLIC SERVICE COMMISSION, SO AS TO CHANGE THE NUMBER OF COMMISSIONERS FROM SEVEN TO THREE TO BE ELECTED BY THE GENERAL ASSEMBLY FROM THE STATE AT LARGE; BY AMENDING

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SECTION 58-3-140, RELATING TO THE PUBLIC SERVICE COMMISSION'S POWERS TO REGULATE PUBLIC UTILITIES, SO AS TO ESTABLISH CONSIDERATIONS AND STATE POLICY FOR THE COMMISSION'S DECISION-MAKING PROCESS, TO ESTABLISH A SCHEDULE FOR CERTAIN TESTIMONY AND DISCOVERY IN CONTESTED PROCEEDINGS, TO PERMIT ELECTRICAL UTILITY CUSTOMERS TO ADDRESS THE COMMISSION AS PUBLIC WITNESSES, AND TO ESTABLISH REQUIREMENTS FOR AN INDEPENDENT THIRD-PARTY CONSULTANT HIRED BY THE COMMISSION; BY AMENDING SECTION 58-3-250, RELATING TO SERVICE OF ORDERS AND DECISIONS ON PARTIES, SO AS TO MAKE A TECHNICAL CHANGE; BY AMENDING SECTION 58-4-10, RELATING TO THE OFFICE OF REGULATORY STAFF AND ITS REPRESENTATION OF PUBLIC INTEREST BEFORE THE COMMISSION, SO AS TO ESTABLISH ITS CONSIDERATIONS FOR PUBLIC INTEREST; BY ADDING SECTION 58-4-150 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF TO PREPARE A COMPREHENSIVE STATE ENERGY ASSESSMENT AND ACTION PLAN AND TO ESTABLISH REQUIREMENTS FOR THIS PLAN; BY ADDING CHAPTER 38 TO TITLE 58 SO AS TO ESTABLISH THE SOUTH CAROLINA ENERGY POLICY INSTITUTE; BY ADDING SECTION 58-33-195 SO AS TO ENCOURAGE DOMINION ENERGY, THE PUBLIC SERVICE AUTHORITY, DUKE ENERGY CAROLINAS, AND DUKE ENERGY PROGRESS TO EVALUATE CERTAIN ELECTRICAL GENERATION FACILITIES AND PROVIDE FOR CONSIDERATIONS RELATED TO THESE FACILITIES; BY ADDING SECTION 58-31-205 SO AS TO PERMIT THE PUBLIC SERVICE AUTHORITY TO JOINTLY OWN ELECTRICAL GENERATION AND TRANSMISSION FACILITIES WITH INVESTOR-OWNED ELECTRIC UTILITIES, AND TO PROVIDE REQUIREMENTS FOR JOINT OWNERSHIP; BY AMENDING SECTION 58-27-650, RELATING TO REASSIGNMENT OF ELECTRIC SUPPLIERS' SERVICE AREAS, SO AS TO PERMIT THE COMMISSION TO APPROVE A REQUEST FOR ANY ELECTRIC SUPPLIER TO SERVE ANY TRANSFORMATIONAL ECONOMIC DEVELOPMENT PROJECT CUSTOMER UNDER CERTAIN CONDITIONS; BY AMENDING ARTICLE 9 OF CHAPTER 7, TITLE 13, RELATING TO THE GOVERNOR'S NUCLEAR ADVISORY COUNCIL, SO AS TO AS ESTABLISH THE COUNCIL IN THE OFFICE OF REGULATORY

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STAFF, TO PROVIDE FOR ITS DUTIES AND MEMBERSHIP, AND TO PROVIDE FOR THE COUNCIL'S DIRECTOR; BY AMENDING SECTION 37-6-604, RELATING TO THE CONSUMER ADVOCATE'S INTERVENTION ON MATTERS FILED AT THE COMMISSION, SO AS TO TRANSFER THESE DUTIES TO THE OFFICE OF REGULATORY STAFF; BY ADDING SECTION 58-33-196 SO AS TO ENCOURAGE CONSIDERATION OF DEPLOYMENT OF NUCLEAR FACILITIES AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 58-37-70 SO AS TO PERMIT A SMALL MODULAR NUCLEAR PILOT PROGRAM AND TO ESTABLISH REQUIREMENTS; BY ADDING ARTICLE 3 TO CHAPTER 37, TITLE 58 SO AS TO PROVIDE FOR STATE AGENCY REVIEW OF ENERGY INFRASTRUCTURE PROJECT APPLICATIONS AND TO PROVIDE A SUNSET; BY AMENDING SECTION 58-40-10, RELATING TO THE DEFINITION OF "CUSTOMER-GENERATOR", SO AS TO ESTABLISH CHARACTERISTICS FOR A "CUSTOMER-GENERATOR"; BY AMENDING SECTION 58-41-30, RELATING TO VOLUNTARY RENEWABLE ENERGY PROGRAMS, SO AS TO PROVIDE ADDITIONAL REQUIREMENTS AND CONSIDERATIONS FOR THESE PROGRAMS; BY AMENDING SECTION 58-41-10, RELATING TO DEFINITIONS, SO AS TO ADD THE DEFINITION OF "ENERGY STORAGE FACILITIES"; BY AMENDING SECTION 58-41-20, RELATING TO PROCEEDINGS FOR ELECTRICAL UTILITIES' AVOIDED COST METHODOLOGIES AND RELATED PROCESSES, SO AS TO AUTHORIZE COMPETITIVE PROCUREMENT PROGRAMS FOR RENEWABLE ENERGY, CAPACITY, AND STORAGE, TO PERMIT COMPETITIVE PROCUREMENT OF NEW RENEWABLE ENERGY CAPACITY AND ESTABLISH REQUIREMENTS FOR NON-COMPETITIVE PROCUREMENT PROGRAMS, AND TO DELETE LANGUAGE REGARDING THE COMMISSION HIRING THIRD-PARTY EXPERTS FOR THESE PROCEEDINGS; BY ADDING SECTION 58-41-25 SO AS TO PROVIDE FOR A PROCESS FOR COMPETITIVE PROCUREMENT OF RENEWABLE ENERGY FACILITIES; BY AMENDING SECTION 58-33-20, RELATING TO DEFINITIONS, SO AS TO ADD THE DEFINITION "LIKE FACILITY"; BY AMENDING ARTICLE 3 OF CHAPTER 33, TITLE 58, RELATING TO CERTIFICATION OF MAJOR UTILITY FACILITIES, SO AS TO PROVIDE FOR A LIKE FACILITY, TO ESTABLISH REQUIREMENTS AND CONSIDERATIONS FOR PROPOSED

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FACILITIES, TO PROVIDE WHAT ACTIONS MAY BE TAKEN WITHOUT PERMISSION FROM THE COMMISSION, AND TECHNICAL CHANGES; BY AMENDING SECTION 58-37-40, RELATING TO INTEGRATED RESOURCES PLANS, SO AS TO ADD CONSIDERATION OF A UTILITY'S TRANSMISSION AND DISTRIBUTION RESOURCE PLAN, TO ESTABLISH PROCEDURAL REQUIREMENTS AND EVALUATION BY THE COMMISSION, AND REQUIRE PARTIES TO BEAR THEIR OWN COSTS; BY AMENDING SECTION 58-3-260, RELATING TO COMMUNICATIONS BETWEEN THE COMMISSION AND PARTIES, SO AS TO MODIFY REQUIREMENTS FOR ALLOWABLE EX PARTE COMMUNICATIONS AND BRIEFINGS, AND TO PERMIT COMMISSION TOURS OF UTILITY PLANTS OR OTHER FACILITIES UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 58-3-270, RELATING TO EX PARTE COMMUNICATION COMPLAINT PROCEEDINGS AT THE ADMINISTRATIVE LAW COURT, SO AS TO PERMIT AN ORDER TOLLING ANY DEADLINES ON A PROCEEDING SUBJECT TO A COMPLAINT TO THE EXTENT THE PROCEEDING WAS PREJUDICED SO THAT THE COMMISSION COULD NOT CONSIDER THE MATTER IMPARTIALLY; BY ADDING CHAPTER 43 TO TITLE 58 SO AS TO ESTABLISH ECONOMIC DEVELOPMENT RATES FOR ELECTRICAL UTILITIES; BY AMENDING SECTION 58-33-310, RELATING TO AN APPEAL FROM A FINAL ORDER OR DECISION OF THE COMMISSION, SO AS TO REQUIRE A FINAL ORDER ISSUED PURSUANT TO CHAPTER 33, TITLE 58 BE IMMEDIATELY APPEALABLE TO THE SOUTH CAROLINA SUPREME COURT AND TO PROVIDE FOR AN EXPEDITED HEARING; BY AMENDING SECTION 58-33-320, RELATING TO JOINT HEARINGS AND JOINT INVESTIGATIONS, SO AS TO MAKE A CONFORMING CHANGE; BY ADDING SECTION 58-4-160 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF TO CONDUCT A STUDY TO EVALUATE ESTABLISHING A THIRD-PARTY ADMINISTRATOR FOR ENERGY EFFICIENCY AND DEMAND-SIDE MANAGEMENT PROGRAMS; BY AMENDING SECTION 58-37-10, RELATING TO DEFINITIONS, SO AS TO ADD A REFERENCE TO "DEMAND-SIDE MANAGEMENT PROGRAM" AND PROVIDE DEFINITIONS FOR "COST-EFFECTIVE" AND "DEMAND-SIDE MANAGEMENT PILOT PROGRAM"; BY AMENDING SECTION 58-37-20, RELATING TO COMMISSION

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PROCEDURES ENCOURAGING ENERGY EFFICIENCY PROGRAMS, SO AS TO EXPAND COMMISSION CONSIDERATIONS FOR COST-EFFECTIVE, DEMAND-SIDE MANAGEMENT PROGRAMS, AND REQUIRE EACH INVESTOR-OWNED ELECTRICAL UTILITY TO SUBMIT AN ANNUAL REPORT TO THE COMMISSION REGARDING ITS DEMAND-SIDE MANAGEMENT PROGRAMS; BY AMENDING SECTION 58-37-30, RELATING TO REPORTS ON DEMAND-SIDE ACTIVITIES, SO AS TO MAKE A CONFORMING CHANGE; BY ADDING SECTION 58-37-35 SO AS TO PERMIT PROGRAMS AND CUSTOMER INCENTIVES TO ENCOURAGE OR PROMOTE DEMAND-SIDE MANAGEMENT PROGRAMS FOR CUSTOMER-SITED DISTRIBUTION RESOURCES, AND TO PROVIDE CONSIDERATIONS FOR THESE PROGRAMS; BY AMENDING SECTION 58-37-50, RELATING TO AGREEMENTS FOR ENERGY EFFICIENCY AND CONSERVATION MEASURES, SO AS TO ESTABLISH CERTAIN TERMS AND RATE RECOVERY FOR AGREEMENTS FOR FINANCING AND INSTALLING ENERGY EFFICIENCY AND CONSERVATION MEASURES, AND FOR APPLICATION TO A RESIDENCE OCCUPIED BEFORE THE MEASURES ARE TAKEN; BY ADDING SECTION 58-31-215 SO AS TO AUTHORIZE THE PUBLIC SERVICE AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT OF COMMERCE, TO SERVE AS AN ANCHOR SUBSCRIBER OF NATURAL GAS AND PIPELINE CAPACITY FOR THIS STATE, TO ESTABLISH THE “ENERGY INVESTMENT AND ECONOMIC DEVELOPMENT FUND”, AND TO PROVIDE FOR RELATED REQUIREMENTS; BY AMENDING SECTION 58-3-70, RELATING TO COMPENSATION OF PUBLIC SERVICE COMMISSION MEMBERS, SO AS TO ESTABLISH SALARIES IN AMOUNTS EQUAL TO NINETY-SEVEN AND ONE-HALF PERCENT OF SUPREME COURT ASSOCIATE JUSTICES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-5118.BJ0052S), which was withdrawn:

Amend the bill, after the title but before the enacting words, by striking the twenty eighth paragraph and inserting:

Whereas, the South Carolina General Assembly recognizes the strategic importance of investigating in and pursuing fusion energy and advanced nuclear technologies such as small modular reactors and molten salt

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reactors at this time, understanding that proactive engagement in research and development positions the state to capitalize on future opportunities when SMRs become economically and technologically viable; and

Amend the bill further, by deleting SECTION 2.

Amend the bill further, SECTION 5, by striking Section 58-4-10(B) and inserting:

(B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission as it pertains to the matters below: ~~For purposes of this chapter only, “public interest” means~~

(1) the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;

(2) economic development and job attraction and retention in South Carolina; and

(3) preservation of the of continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

Amend the bill further, SECTION 6, by striking Section 58-4-150(A) and inserting:

(A) To further advance and expand upon Executive Order 2023-18 which established the PowerSC Energy Resources and Economic Development Interagency Working Group, the Office of Regulatory Staff, in consultation with a stakeholder group that includes representatives of consumer, environmental, manufacturing, forestry, and agricultural organizations, natural gas and electrical utilities, the South Carolina Public Service Authority, and other affected state agencies, shall prepare a comprehensive South Carolina energy assessment and action plan, hereinafter referred to as “the plan”. This plan must identify recommended actions over a ten-year period to ensure the availability of adequate, reliable, and economical supply of electric power and natural gas to the people and economy of South Carolina. For purposes of this section, natural gas and electrical utilities also includes any investor-owned electrical utility, a public utility as defined in Section 58-5-10, electric cooperatives, and any consolidated political subdivision that owns or operates in this State equipment or facilities for generating, transmitting, delivering, or furnishing electricity, but does not include an entity that furnishes electricity only to itself, its residents, or tenants when such current is not resold or used by others.

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Amend the bill further, SECTION 7, by striking Section 58-38-20(7) and inserting:

(7) The EPI shall collaborate across South Carolina in coordination with SC Nexus, Savannah River National Laboratory, energy utility providers, private industry, and workforce development to deliver advice on policy creation aligned with the state's distinctive needs and opportunities. EPI shall support and collaborate with SC Nexus, a consortium of public and private entities, formed within the South Carolina Department of Commerce concerning power generation, transmission, and storage.

(8) The EPI shall collaborate with the Energy Center at Clemson University to identify research funding opportunities to meet the urgent needs for energy technology innovation in South Carolina, develop curriculum to ensure relevant academic programming for the future jobs and leadership roles in the new energy industry, provide energy-related training programs to meet the increasing demand for skilled workers in the new energy industry, and promote technology innovation, translational research, and rapid technology transfer from research labs to industry.

Amend the bill further, SECTION 8, by striking Section 58-33-195(A)(2) and inserting:

(2) The General Assembly encourages Dominion Energy South Carolina, Inc. and the Public Service Authority to jointly complete evaluations related to the Joint Resource and to use such information as may be necessary from such evaluations to make a filing as soon as practicable with the commission to obtain a certificate pursuant to Article 3 of this chapter. The General Assembly instructs all governmental agencies to provide accelerated consideration of any action required to permit or authorize construction and operation of the facilities subject to this section in preference to all other pending nonemergency applications or requests. The General Assembly finds adding natural gas generation capacity at the retired Canadys coal site would advance the economy and general welfare of the State based on current conditions and information as of the effective date of this Act. However, this subsection does not exempt the entities from complying with the requirements of the Utility Facility Siting and Environmental Protection Act, including the requirement to seek commission approval for a certificate of environmental compatibility and public convenience and necessity nor does this subsection limit the commission's independent decision-making authority. The entities are further

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encouraged to use existing rights of way for new natural gas lines to the Canadys site to the greatest extent practicable.

Amend the bill further, SECTION 10, by striking Section 13-7-820(5) and inserting:

(5) to engage stakeholders and develop a strategic plan to advance the development of advanced nuclear generation including small modular reactors, molten salt reactors, fusion energy, and spent nuclear fuel recycling facilities to serve customers in this State in the most economical manner at the earliest reasonable time possible.

Amend the bill further, SECTION 12, by striking Section 58-33-196 and inserting:

Section 58-33-196. Electrical utilities and the Public Service Authority are encouraged to explore the potential for deploying fusion energy and advanced nuclear facilities including, but not limited to, small modular nuclear facilities at suitable sites. Suitable sites may include sites of current nuclear facilities, sites where nuclear facilities have been proposed but not constructed, and other brownfield sites, such as coal-generation sites. Any utility pursuing deployment of such nuclear facilities must provide annual progress reports to the commission and the Public Utilities Review Committee; this report may be in writing or in the form of testimony in an appropriate proceeding. A utility whose rates are regulated by the commission must provide estimates of the cost of the studies including, but not limited to, planning, licensing, and project development to the commission. If the commission finds such estimated costs are reasonable, prudent, and in the public interest, such costs may be recoverable through rates as they are incurred. Nothing in this section relieves an electrical utility of the burden of filing for a certificate under this article and obtaining appropriate approvals from the commission before commencing construction.

Amend the bill further, SECTION 13, by striking Section 58-37-70(B)(1) and inserting:

(1) "Electrical utility" has the same meaning as provided in Section 58-27-10(7).

Amend the bill further, SECTION 13, by striking Section 58-37-70(F)(3) and inserting:

(3) In the event the commission finds cost estimates provided by an electrical utility pursuant to item (2) are reasonable and prudent, the costs may be recoverable through rates, even if an application for a certificate of environmental compatibility and public convenience and necessity have not been filed. However, these costs shall not include a rate of return.

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Amend the bill further, SECTION 14, by striking Section 58-37-130 and inserting:

Section 58-37-130. The applicant or any person whose private rights are affected by an agency decision or action on an application for a permit for any energy infrastructure project may appeal that decision or action to the South Carolina Supreme Court. The Supreme Court shall hear these appeals as a direct appeal in accordance with South Carolina Appellate Court Rule 203. The Court shall provide for an expedited briefing and hearing of the appeal, in preference to all other nonemergency matters on its docket, and decide such appeals on an expedited basis. Any agency decision or action that is subject to a contested case review before the Administrative Law Court, pursuant to Section 1-23-600 et seq., shall be appealable under this section upon issuance of an appealable order by the Administrative Law Court.

Amend the bill further, SECTION 22, by striking Section 58-37-40(B)(1)(j) and inserting:

(j) -a report addressing updates to the utility's transmission plan under the utility's open access transmission tariff pursuant to the federal jurisdictional planning process. In this report, the utility shall, when applicable, describe planned transmission improvements specific to siting of new resources expected to impact interconnection constraints or other operations of the systems. The utility shall also describe how it evaluated alternate transmission technologies when developing solutions for identified transmission needs for interconnecting resources. The utility's transmission report must include how the utility evaluates transmission investments, including:

(i) a description of how the utility evaluated a range of transmission solutions, including non-wires alternatives, joint projects with neighboring and other regional utilities, other upgrades to existing facilities, and other best practices. Modeling may consider, as appropriate, grid-enhancing technologies and alternate transmission technologies such as static synchronous compensators, static Volt-Ampere Reactive (VAR) compensators, advanced power flow control devices, transmission switching, synchronous condensers, voltage source converters, advanced conductors, switchable reactors, and tower lifting in a manner consistent with common utility practice;

(ii) a description of how transmission factored into the utility's evaluation of the range of future scenarios included in the fifteen-year time period of the utility's resource plan, including significant continued economic growth and the retirement of the utility's coal generation;

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(iii) a discussion of transmission considerations for facilities included in the utility's preferred resource plan for which there are particular sites specified;

(iv) information such that intervenors and stakeholders can pursue participation in local transmission planning collaborative activities which are held pursuant to orders from the Federal Energy Regulatory Commission; and

(v) any other information that the utility believes is relevant to its resource plan or future transmission investments.

Amend the bill further, SECTION 22, by striking Section 58-37-40(C)(1) and inserting:

(C)(1) The commission shall have a proceeding to review each electrical utility subject to subsection (A)(1) and the Public Service Authority's integrated resource plan. As part of the integrated resource plan filing, the commission shall allow intervention by interested parties. The procedural schedule shall include dates for completion of each phase of discovery, including discovery related to the integrated resource plan as filed, direct testimony of the applicant, direct testimony of the Office of Regulatory Staff and other parties and intervenors, and rebuttal testimony of the applicant. Except upon showing exceptional circumstances, all discovery shall be served in time to allow its completion, but not less than ten days prior to the hearing. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. No later than three hundred days after an electrical utility or the Public Service Authority files an integrated resource plan, the commission shall issue a final order approving, modifying, or denying the plan filed by the electrical utility or the Public Service Authority.

Amend the bill further, SECTION 23, by striking Section 58-3-260(H)(2) and inserting:

(2) conducting a site visit of a utility or Public Service Authority facility under construction or attending educational tours of utility or Public Service Authority plants or other facilities provided:

(a) the Executive Director of the Office of Regulatory Staff or his designee also attends the site visit or educational tour;

(b) a summary of the discussion is produced and posted on the commission's website, along with copies of any written materials utilized, referenced, or distributed; and

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(c) each party, person, commission, and commission employee who participated in the site visit or educational tour, within forty-eight hours of the site visit or educational tour, files a certification with the Executive Director of the Office of Regulatory Staff that no commitment, predetermination, or prediction of any commissioner's action as to any ultimate or penultimate issue or any commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party, nor any commitment, predetermination, or prediction was given by any commissioner or commission employee as to any commission action or commission employee opinion or recommendation on any ultimate or penultimate issue.

Amend the bill further, SECTION 26, by striking Sections 58-33-310 and 58-33-320 and inserting:

Section 58-33-310. Any party may appeal, in accordance with Section 1-23-380, from all or any portion of any final order or decision of the commission, including conditions of the certificate required by a state agency under Section 58-33-160 as provided by Section 58-27-2310. ~~Any appeals may be called up for trial out of their order by either party.~~ The commission shall issue all orders on rehearing or reconsideration within thirty days of the date the petition is filed. Any final order on the merits issued pursuant to this chapter shall be immediately appealable to the Supreme Court of South Carolina in accordance with South Carolina Appellate Court Rule 203. The commission must not be a party to an appeal.

Section 58-33-320. Except as expressly set forth in Section 58-33-310, no court of this State shall have jurisdiction to hear or determine any issue, case, or controversy concerning any matter which was or could have been determined in a proceeding before the commission under this chapter or to stop or delay the construction, operation, or maintenance of a major utility facility, except to enforce compliance with this chapter or the provisions of a certificate issued hereunder, and any such action shall be brought only by the Office of Regulatory Staff. Provided, however, nothing herein contained shall be construed to abrogate or suspend the right of any individual or corporation not a party to maintain any action which he might otherwise have been entitled.

Amend the bill further, SECTION 33, by striking Section 58-31-215(C) and inserting:

(C) There is hereby established the "Energy Investment and Economic Development Fund" to be held in an operating account by the Public Service Authority to further the provisions of this section and other

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energy investment needs. Subject to the approval of the Joint Bond Review Committee, the Energy Investment and Economic Development Fund may be funded by the amount required to be paid to the State pursuant to Section 58-31-110 less the annual costs billed by the Office of Regulatory Staff and the South Carolina Public Service Commission. The South Carolina Department of Commerce shall report, at least once annually and no later than September first, to the Joint Bond Review Committee as to the level and need for funding to advance the provisions of this section. If sufficient funding is allocated to the Energy Investment and Economic Development Fund, the Public Service Authority may execute a binding precedent agreement on behalf of the State pursuant to this section, provided such action is approved by the Joint Bond Review Committee. In no event shall the costs associated with serving as an anchor affect the rates and charges for electric or water service for the Public Service Authority's customers.

Amend the bill further, SECTION 34.A., by adding:

Section 58-3-60(A) of the S.C. Code is amended to read:

(A) The commission is authorized and empowered to employ: a chief clerk and deputy clerk; a commission attorney and assistant commission attorneys; hearing officers; hearing reporters; and such other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities as provided by law. The chairman must organize and direct the work of the commission staff. The chief clerk shall receive a salary in an amount equal to ninety percent of the salary fixed for commission members, unless disapproved by the Public Utilities Review Committee. The salaries of the chairman, the commissioners, and the chief clerk shall not be construed as limiting the maximum salary which may be paid to other employees of the Public Service Commission. The commission staff shall not appear as a party in commission proceedings and shall not offer testimony on issues before the commission.

Amend the bill further, by striking SECTION 34.B and inserting:

B. This section is effective beginning with the fiscal year immediately following the next Public Service Commission election after the effective date of this act.

Amend the bill further, SECTION 35, by striking Section 58-41-50(B)(1) and inserting:

(B)(1) An electrical utility may file a proposed agreement regarding co-located resources between the utility and a customer or multiple customers with an electric load in excess of 25 megawatts for the

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commission's consideration. The proposed agreement must contain at least one of the following requirements:

(a) co-location of electric generation or storage on the customer's property provides bulk system benefits for all customers and benefits for the host customer;

(b) co-location of renewable electric generation resources on the customer's property provides bulk system benefits for all customers and the renewable attributes associated with such generation can be allocated to the host customer;

(c) co-location of electric generation on the customer's property would result in permitting and siting efficiencies to enable electric generation to come online earlier than otherwise could occur; or

(d) co-location of electric generation resources on the customer's property could be utilized as resiliency resources to serve the electric grid in times of need.

Amend the bill further, SECTION 35, by deleting Section 58-41-50(B)(2)(a).

Amend the bill further, SECTION 35, by striking Section 58-41-50(C)(1) and inserting:

(1) the proposed program was voluntarily agreed upon by the electrical utility and the customer or multiple customers,

Amend the bill further, SECTION 35, by striking Section 58-41-50(D) and inserting:

(D) For purposes of this section, "co-located" or "co-location" includes electric generation, storage, renewables, and associated facilities on a customer's site as well as any location where the connection to the electrical utility enables resilient power supply to support the development of power supply to meet the customer's needs. An agreement regarding co-location may also include potential co-ownership of the electric generation and associated facilities by the electrical utility and the customer. A customer participating in a co-location or co-ownership agreement shall not be considered an electrical utility.

Amend the bill further, by striking SECTION 37 and inserting:
SECTION 37. (A) To foster economic development and future jobs in this State resulting from the supply-chains associated with the same while supporting the significant and growing energy and capacity needs of the State, enhance grid resiliency, and maintain reliability, the General Assembly finds that the State of South Carolina should take steps necessary to encourage the development of a diverse mix of long-lead, clean generation resources that may include advanced small modular

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reactors, biomass as defined in Section 12-63-20(B)(2) of the S.C. Code, hydrogen-capable resources, fusion energy and the Carolina Long Bay Project, and should preserve the option of efficiency development of such long-lead resources with timely actions to establish or maintain eligibility for or capture available tax or other financial incentives or address operational needs.

(B) For an electrical utility to capture available tax or other financial or operational incentives for South Carolina ratepayers in a timely manner, the commission may find that actions by an electrical utility in pursuit of the directives in Section 58-37-35(A) are in the public interest, provided that the commission determines that such proposed actions are in the public interest and reasonably balance economic development and industry retention benefits, capacity expansion benefits, resource adequacy and diversification, emissions reduction levels, and potential risks, costs, and benefits to ratepayers and otherwise comply with all other legal requirements applicable to the electrical utility's proposed action. For the South Carolina Public Service Authority, the Office of Regulatory Staff and the Public Service Authority's board of directors shall apply the same principles described in this subsection in evaluating and approving actions proposed by the management of the Public Service Authority to achieve the objectives of this section.

Amend the bill further, by deleting SECTION 39.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 33, Title 58 of the S.C. Code is amended by adding:

Section 58-33-200. For any construction project with a project budget of at least five hundred million dollars and in order to maintain the financial integrity of significant expenditures affecting ratepayers, the Office of Regulatory Staff shall retain an independent construction analyst who shall monitor the construction project on a regular basis and who shall provide to the Office of Regulatory Staff, the Public Service Commission, the Public Utilities Review Committee, and the Joint Bond Review Committee regular reports as to the status of the construction efforts as needed, but at least on a quarterly basis.

Renumber sections to conform.

Amend title to conform.

On motion of Senator RANKIN, with unanimous consent, the amendment was withdrawn.

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The question then being third reading of the Bill.

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

Ayes 40; Nays 2

AYES

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

Total--40

NAYS

Corbin	Martin
--------	--------

Total--2

The Bill was read the third time and ordered returned to the House with amendments.

AMENDED, HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4386 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE.

The Senate proceeded to a consideration of the Bill.

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Senator CAMPSSEN proposed the following amendment (SFGF-4386.BC0003S), which was adopted:

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

SECTION 1. Article 3, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-400. (A) For the privilege of taking blue crabs by trap for a commercial purpose in the waters of this State, an individual must obtain a limited commercial blue crab license, a commercial saltwater fishing license, and a commercial equipment license for traps.

(B) The cost of a limited commercial blue crab license is one hundred dollars for residents and five hundred dollars for nonresidents.

(C) The following individuals are eligible to obtain a limited commercial blue crab license:

(1) an individual who possessed a valid commercial equipment license for traps during the 2023-2024 license year and who has verifiable documentation of at least five hundred pounds of commercial blue crab landings during the first six months of the 2023-2024 license year, the entirety of the 2022-2023 license year, or the entirety of the 2021-2022 license year;

(2) an individual who is selected via an applicant lottery pursuant to subsection (D); or

(3) an individual who receives a valid limited commercial blue crab license via transfer pursuant to subsection (E).

(D) If the total number of limited commercial blue crab licenses issued by the department in a license year is below one hundred, then the department may award additional licenses, not to exceed one hundred total limited commercial blue crab licenses, via an applicant lottery.

(E) A limited commercial blue crab license may be transferred by the licensee to another individual after providing information relating to the transfer as required by the department. An individual is limited to one commercial blue crab license and a licensee must not receive a transfer of another limited commercial blue crab license.

(F) The maximum number of traps used for taking blue crab, inclusive of peeler traps, that may be licensed to:

(1) an individual who obtains a limited commercial blue crab license under subsection (C)(1) is the greater of two hundred traps and the highest number of traps licensed by the individual in the three previous license years;

(2) an individual who receives a limited commercial blue crab license via transfer is the greater of two hundred traps and the average

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number of traps licensed by a holder of the transferred limited commercial blue crab license in the three previous license years; or

(3) an individual who is selected via lottery is two hundred traps.

(G) If the 2024-2025 license year or 2023-2024 license year is used to determine the highest number of traps that may be licensed under subsection (F), then only the first six months of the 2023-2024 license year must be used in the determination.

(H) A limited commercial blue crab license must be renewed annually. Prior to every fourth license year, a licensee must have verifiable documentation of at least four thousand pounds of commercial blue crab landings in at least one of the three previous license years. If a licensee does not meet the documented landings threshold, then the licensee's limited commercial blue crab license must not be renewed by the department.

SECTION 2. Section 50-5-350(B) of the S.C. Code is amended to read:

(B) Licenses and permits, other than a limited commercial blue crab license, are not transferable; however, any licensed commercial saltwater fisherman may operate any licensed commercial equipment with written permission of the owner except:

(1) channel nets; and

(2) any commercial equipment licensed at the resident fee when the nonresident fee is greater if the operator is a nonresident.

SECTION 3. Section 50-5-325(A) of the S.C. Code is amended to read:

(A) Commercial equipment, excluding vessels, used in the salt waters of this State and in fisheries for anadromous and catadromous species in any waters of this State must be licensed by the department. The owner and operator are responsible for obtaining a license:

(1) to use a trawl or trawls, and the cost is one hundred twenty-five dollars for residents and three hundred dollars for nonresidents;

(2) to use traps, other than traps for taking blue crab, and the cost is twenty-five dollars ~~per~~ for fifty traps and one dollar for each trap thereafter for residents, and one hundred twenty-five dollars ~~per~~ for fifty traps and five dollars for each trap thereafter for nonresidents;

(3) to use traps for taking blue crab, and the cost is two dollars for each trap for residents and ten dollars for each trap for nonresidents;

~~(3)~~(4) to use a channel net for taking shrimp, and the cost is two hundred fifty dollars for each net;

~~(4)~~(5) to use a gill net for taking shad, herring, or sturgeon, and the cost is ten dollars per one hundred net yards or a fraction thereof for

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residents and fifty dollars per one hundred net yards or a fraction thereof for nonresidents, and to use any other gill net or haul seine the cost is ten dollars per one hundred net feet or a fraction thereof for residents and fifty dollars per one hundred net feet or a fraction thereof for nonresidents;

~~(5)~~(6) to use hand-held equipment to take shellfish, including tongs, rakes, and forks, at no cost;

~~(6)~~(7) to use a drag dredge, and the cost is seventy-five dollars for residents and three hundred seventy-five dollars for nonresidents;

~~(7)~~(8) to use other mechanically operated or boat assisted equipment, other than equipment used to set or retrieve licensed equipment, and the cost is one hundred twenty-five dollars for residents and six hundred twenty-five dollars for nonresidents;

~~(8)~~(9) to use trotlines with baits or hooks, and the cost is ten dollars for residents and fifty dollars for nonresidents for each line having not more than fifty baits or hooks per line;

~~(9)~~(10) to use any other commercial equipment, and the cost is ten dollars for each type for residents and fifty dollars per type for nonresidents.

SECTION 4. Section 50-5-360(B) of the S.C. Code is amended to read:

(B) In order to engage in shedding peeler crabs, a person or entity must first be a licensed wholesale seafood dealer, ~~and must~~ be licensed for peeler crabs, and the person's or entity's business premises must be capable of peeler shedding operations. The fee for a resident peeler crab license is an additional seventy-five dollars, and the fee for a nonresident license is an additional three hundred seventy-five dollars. Persons holding this license and engaged in shedding peeler crabs are authorized to receive, possess, and sell peeler crabs regardless of size. The department may inspect the business premises of a person or entity applying for a peeler crab license and of a peeler crab licensee to ensure the applicant's or licensee's business premises are capable of peeler shedding operations.

SECTION 5. Section 50-5-545 of the S.C. Code is amended to read:

Section 50-5-545. (A) Except as provided in this section, ~~from June 1 through March 14,~~ a trap used for taking blue crab ~~used~~ for commercial purposes from June 1 through March 14, or for recreational purposes year round, must have at least two unobstructed, circular escape vents (rings) which must be two and three-eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must

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be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

(B) A trap used for taking blue crab constructed of a single chamber must have at least one two and three-eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round.

(C) A trap used for taking blue crab, other than peeler traps, must be constructed of wire with a minimum mesh size of one and one-half inches, have throats or entrances located only on a vertical surface, and have a maximum dimension of twenty-four inches by twenty-four inches by twenty-four inches or a volume of eight cubic feet.

SECTION 6. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-1345. (A) The department must promulgate regulations establishing criteria for the designation of closed seasons and closed or partially closed areas for the taking of blue crabs by trap. In accordance with the established criteria, the department may designate closed seasons and closed or partially closed areas for the taking of blue crabs by trap upon at least forty-five days' public notice.

(B) A trap that is in the waters of this State during a closed season or in a closed or partially closed area may be confiscated by the department or by an agent of the department.

(C) It is unlawful to take or attempt to take blue crabs by trap during a closed season or in a closed or partially closed area. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars.

(D) Nothing in this section limits the authority of the department under Section 50-5-32.

SECTION 7. Article 13, Chapter 5, Title 50 of the S.C. Code is amended by adding:

Section 50-5-1302. (A) For the purposes of this section, "day" means sunrise on one day to sunrise on the following day.

(B) It is unlawful for a person to take or possess for recreational purposes more than one bushel of blue crabs in any one day, not to exceed two bushels in any one day on any boat.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars and not more than five hundred dollars.

SECTION 8. Section 50-5-330(A) of the S.C. Code is amended to read:

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(A) A person may fish or use the following in the salt waters of this State solely for recreational purposes without being commercially licensed:

- (1) shrimp seines;
- (2) hand-operated tongs, rakes except bull rakes, and forks except seed forks, used to harvest shellfish;
- (3) hook and line or rod and reel;
- (4) minnow traps, drop nets, and dip nets;
- (5) cast nets; however, the use must comply with all other provisions of law;

(6) no more than two crab traps without a recreational crab trap endorsement;

(7) no more than five crab traps with a recreational crab trap endorsement;

~~(7)~~(8) no more than two trotlines with a cumulative total of not more than fifty hooks or baits;

~~(8)~~(9) no more than ten bush or pole lines with single hooks or baits.

SECTION 9. Section 50-9-540 of the S.C. Code is amended by adding:

(E) For the privilege of fishing more than two and up to five crab traps recreationally, a recreational saltwater license holder must purchase an annual enhanced recreational crab trap endorsement at a cost of five dollars.

SECTION 10. Section 50-5-555 of the S.C. Code is amended by adding:

(G) The department may impose a civil penalty of up to one hundred dollars for each trap in violation of this section for a first offense, up to three hundred dollars for a second offense, and up to five hundred dollars for a third or subsequent offense.

SECTION 11. Article 6, Chapter 13, Title 50 of the S.C. Code is amended by adding:

Section 50-13-647. It is unlawful to take, harm, or kill robust redhorse (*moxostoma robustum*) from public waters. Any robust redhorse taken must be returned immediately to the water from which it was taken. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for a first offense and not more than one thousand dollars for each subsequent offense.

SECTION 12. Upon approval of this act by the Governor, a moratorium on the issuance of new commercial equipment licenses to use traps for the taking of blue crab takes effect, at which time the

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department must not issue any new commercial equipment licenses to use traps for the taking of blue crab. This moratorium expires on June 15, 2025. Commercial equipment licenses to use traps for the taking of blue crab in effect for the 2023-2024 license year are extended and do not expire until June 30, 2025.

SECTION 13. Sections 4, 6, 11, and 12 of this act take effect upon approval by the Governor. All other sections take effect on July 1, 2025.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
AMENDED, HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4087 -- Reps. G.M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M.M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20; 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (LC-4087.DG0014S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3460(A)(3) and inserting:

(3) "Qualified recycling facility" means a facility certified as a qualified recycling facility by a duly authorized representative of the department which includes all real and personal property incorporated into or associated with the facility located or to be located within this State that will be used by the taxpayer to manufacture or fabricate

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products for sale composed of at least fifty percent postconsumer waste material by weight or by volume. The minimum level of investment for a qualified recycling facility must be at least ~~three~~ one hundred fifty million dollars incurred by the end of the fifth calendar year after the year in which the taxpayer begins construction or operation of the facility.

Amend the bill further, SECTION 3, by striking Section 12-10-30(20) and inserting:

(20) "Remote employee" is a full-time employee who is a resident of this State, North Carolina, or Georgia who is subject to withholding pursuant to Chapter 8 who is hired to fill a job for the project and who works either completely or partially from a home office or other residence within or without this State.

Amend the bill further, SECTION 3, by striking Section 12-10-60 and inserting:

Section 12-10-60. ~~(A)~~ The council may enter into a revitalization agreement with each qualifying business with respect to the project. The terms and provisions of each revitalization agreement must be determined by negotiations between the council and the qualifying business. The decision to enter into a revitalization agreement with a qualifying business is solely within the discretion of the council based on the appropriateness of the negotiated incentives to the project and the determination that approval of the project is in the best interests of the State. The revitalization agreement must set a date by which the qualifying business shall have ~~completed the project~~ met the required investment and employment levels. Within three months of the completion date After meeting the thresholds, the qualifying business shall document the actual costs of the project in a manner acceptable to the council. A business is allowed to count jobs filled by remote employees towards the minimum employment levels. While remote employees count towards a business's minimum employment levels, a business may claim job development credits on a remote employee only to the extent the remote employee was subject to withholdings pursuant to Chapter 8. A business which pays withholdings on a remote employee in South Carolina and some other state can only claim job development credits to the extent of the South Carolina withholdings.

~~—(B) If a qualifying business that entered into a revitalization agreement before January 1, 1997, receives council approval to amend its revitalization agreement to increase its minimum job requirement, the law in effect on the date of the amendment determines the amount of job development credit a qualifying business may claim pursuant to Section~~

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~~12-10-80 for additional jobs created after the date of the amendment. This subsection does not apply to a business whose application for job development fees or credits pursuant to Section 12-10-81 has been approved by council before the effective date of this act.~~

~~—Amend~~ the bill further, by striking SECTIONS 5 and 6 and inserting:

SECTION X. Section 12-36-2120(79) of the S.C. Code is amended to read:

(79)(A)(1) original or replacement computers, computer equipment, and computer hardware and software purchases used within a datacenter; and

(2) electricity used by a datacenter and eligible business property to be located and used at the datacenter. This subsubitem does not apply to sales of electricity for any other purpose, and such sales are subject to the tax, including, but not limited to, electricity used in administrative offices, supervisory offices, parking lots, storage warehouses, maintenance shops, safety control, comfort air conditioning, elevators used in carrying personnel, cafeterias, canteens, first aid rooms, supply rooms, water coolers, drink boxes, unit heaters and waste house lights.

(B) As used in this section:

(1) “Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(2) “Computer equipment” means original or replacement servers, routers, switches, power units, network devices, hard drives, processors, memory modules, motherboards, racks, other computer hardware and components, cabling, cooling apparatus, and related or ancillary equipment, machinery, and components, the primary purpose of which is to store, retrieve, aggregate, search, organize, process, analyze, or transfer data or any combination of these, or to support related computer engineering or computer science research. This also includes equipment cooling systems for managing the performance of the datacenter property, including mechanical and electrical equipment, hardware for distributed and mainframe computers and servers, data storage devices, network connectivity equipment, and peripheral components and systems.

(3) “Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(4) “Concurrently maintainable” means capable of having any capacity component or distribution element serviced or repaired on a

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planned basis without interrupting or impeding the performance of the computer equipment.

(5) “Datacenter” means a new or existing facility ~~at a single location~~ or an array of facilities in a single county in South Carolina, including its contracted tenants, owners, operators, and other entities with an ownership or financial interest thereto:

(i) that provides infrastructure for hosting or data processing services and that has power and cooling systems that are created and maintained to be concurrently maintainable and to include redundant capacity components and multiple distribution paths serving the computer equipment at the facility. Although the facility must have multiple distribution paths serving the computer equipment, a single distribution path may serve the computer equipment at any one time;

(ii)(a) where a taxpayer invests at least fifty million dollars in real or personal property or both over a five year period; or

(b) where one or more taxpayers invests a minimum aggregate capital investment of at least seventy-five million dollars in real or personal property or both over a five year period;

(iii) where ~~a taxpayer creates and maintains~~ one or more taxpayers create at least twenty-five full-time jobs over a five-year period at the ~~facility datacenter~~ with an average cash compensation level of one hundred fifty percent of the per capita income of the State or of the county in which the ~~facility datacenter~~ is located, whichever is lower, according to the most recently published data available at the time the ~~facility datacenter~~ is certified by the Department of Commerce;

(iv) where the jobs created pursuant to subitem (B)(5)(iii) are maintained for three consecutive years after a ~~facility datacenter~~ with the minimum capital investment and number of jobs has been certified by the Department of Commerce; and

(v) which is certified by the Department of Commerce pursuant to subitem (D)(1) under such policies and procedures as promulgated by the Department of Commerce.

(6) “Eligible business property” means property used for the generation, transformation, transmission, distribution, or management of electricity, including exterior substations and other business personal property used for these purposes.

(7) “Multiple distribution paths” means a series of distribution paths configured to ensure that failure on one distribution path does not interrupt or impede other distribution paths.

(8) “Redundant capacity components” means components beyond those required to support the computer equipment.

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(C)(1) To qualify for the exemption allowed by this item, a taxpayer, and the ~~facility~~ datacenter in the case of a seventy-five million dollar investment made by more than one taxpayer, shall notify the Department of Revenue and Department of Commerce, in writing, of ~~its~~ a datacenter taxpayer's intention to claim the exemption. For purposes of meeting the requirements of subitems (B)(5)(ii) and (B)(5)(iii) , capital investment and job creation begin accruing once the ~~taxpayer~~ datacenter notifies each department. Also, the five-year period begins upon notification.

(2) Once the ~~taxpayer~~ datacenter collectively meets the requirements of subitem (B)(5), or at the end of the five-year period, the ~~taxpayer~~ datacenter shall notify the Department of Revenue, in writing, whether it has or has not met the requirements of subitem (B)(5). The ~~taxpayer~~ datacenter shall provide the proof the department determines necessary to determine that the requirements have been met.

(D)(1) Upon notifying each department of its intention to claim the exemption pursuant to subitem (C)(1), and upon certification by the Department of Commerce, the ~~taxpayer~~ datacenter may claim the exemption on eligible purchases at any time during the period provided in Section 12-54-85(F), including the time period prior to subitem (B)(5)(iv) being satisfied.

(2) For purposes of this section, the running of the periods of limitations for assessment of taxes provided in Section 12-54-85 is suspended for:

(i) the time period beginning with notice to each department pursuant to subitem (C)(1) and ending with notice to the Department of Revenue pursuant to subitem (C)(2); and

(ii) during the three year job maintenance requirement pursuant to subitem (B)(5)(iv).

(E) Any subsequent purchase of or investment in computer equipment, computer hardware and software, and computers, including to replace originally deployed computer equipment or to implement future expansions, likewise shall qualify for the exemption provided in this subitem, regardless of when the ~~taxpayer~~ datacenter makes the investments.

(F)(1) If a ~~taxpayer~~ datacenter receives the exemption for purchases but fails to meet the requirements of subitem (B)(5) at the end of the five-year period, the department may assess any state or local sales or use tax due on items purchased.

(2) If a ~~taxpayer~~ datacenter meets the requirements of subitem (B)(5), but subsequently fails to maintain the number of full-time jobs

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with the required compensation level at the ~~facility datacenter~~, as previously required pursuant to subitem (B)(5)(iii), the taxpayer is:

(i) not allowed the exemption for items described in subitem (A)(1) until the ~~taxpayer datacenter~~ meets the previous qualifying jobs requirements pursuant to subitem (B)(5)(iii); and

(ii) allowed the exemption for electricity pursuant to subitem (A)(2), but the exemption only applies to a percentage of the sale price, calculated by dividing the number of qualifying jobs by twenty-five.

(G) This subitem only applies to a datacenter that is certified by the Department of Commerce pursuant to subitem (D)(1) prior to January 1, 2032. However, this item shall continue to apply to a ~~taxpayer datacenter~~ that is certified by December 31, 2031, for an additional ten year period. Upon the end of the ten year period, this subitem is repealed;

SECTION 6. This act takes effect upon approval by the Governor and first applies to income tax years beginning after 2023, except that SECTION 3 first applies to income tax years beginning after 2020.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators ALEXANDER, RANKIN, and HUTTO proposed the following amendment (SR-4087.JG0017S), which was adopted:

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

SECTION X. Section 12-6-1120 of the S.C. Code is amended by adding:

(11) For taxable years beginning on or after January 1, 2023, and prior to January 1, 2029, there shall be subtracted from taxable income any grant or subgrant pursuant to the Broadband Equity, Access, and Deployment Program established pursuant to 47 U.S.C. 1702, or the American Rescue Plan Act of 2021, Public Law 117-2, received for the purpose of making investments in broadband infrastructure but only to the extent that such grant or subgrant is included in the corporation's taxable income, as defined under the Internal Revenue Code of 1986.

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

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The amendment was adopted.

Senators M. JOHNSON, WILLIAMS and MALLOY proposed the following amendment (SR-4087.KM0024S), which was adopted:

Amend the bill, as and if amended, SECTION 5, by striking Section 12-36-2120(79)(B)(5)(ii)(a) and (b) and inserting:

(ii)(a) where a taxpayer invests at least ~~fifty~~ seventy five million dollars in real or personal property, ~~or both,~~ in a Tier 2, 3, or 4 county and has a fully executed fee in lieu of taxes agreement on or before June 30, 2025 ~~over a five year period;~~ or

(b) where one or more taxpayers invests ~~a minimum aggregate capital investment of~~ at least seventy five ~~three hundred~~ million dollars in real or personal property, ~~or both,~~ in a Tier 1 county and has a fully executed fee in lieu of taxes agreement on or before June 30, 2024 ~~over a five year period;~~

Amend the bill further, SECTION 5, by striking Section 12-36-2120(79)(C)(1) and inserting:

(C)(1) To qualify for the exemption allowed by this item, a taxpayer, and the ~~facility datacenter~~ in the case of a seventy five million dollar investment made by more than one taxpayer, shall notify the Department of Revenue and Department of Commerce, in writing, of ~~its~~ a datacenter taxpayer's intention to claim the exemption. For purposes of meeting the requirements of subitems (B)(5)(i), (ii), and ~~(B)(5)(iii),~~ capital investment and job creation begin accruing once the ~~taxpayer datacenter~~ datacenter notifies each department. Also, the five-year period begins upon notification.

Amend the bill further, SECTION 5, by striking Section 12-36-2120(79)(G) and inserting:

(G) This subitem only applies to a datacenter that is certified by the Department of Commerce pursuant to subitem (D)(1) ~~prior to January 1, 2032.~~ However, this item shall continue to apply to a ~~taxpayer datacenter~~ that is located in a Tier 1 county and has a fully executed fee in lieu of taxes agreement on or before June 30, 2024 or that is located in a Tier 2, 3, or 4 county and has a fully executed fee in lieu of taxes agreement on or before June 30, 2025 ~~is certified by December 31, 2031,~~ for an additional ten year period. Upon the end of the ten year period, this subitem is repealed;

ReNUMBER sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

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The amendment was adopted.

Senators MASSEY, CAMPSER, DAVIS and GARRETT proposed the following amendment (SR-4087.KM0025S), which was adopted:

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

SECTION X. Beginning on July 1, 2025 and ending on July 1, 2026, political subdivisions are prohibited from offering new economic incentives intended to induce a datacenter to locate or to expand operations in this State that require the expenditure of public funds, the transfer of anything of value, that reduce the rate or alter the method of taxation of the datacenter, or that otherwise impact the political subdivision fiscally. This prohibition does not prohibit political subdivisions from honoring incentives for potential or existing datacenters agreed to prior to July 1, 2025.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator M. JOHNSON proposed the following amendment (SR-4087.KM0028S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 6 and inserting:

SECTION 6. This act takes effect upon approval by the Governor and first applies to income tax years beginning after 2023, except that SECTION 3 first applies to income tax years beginning after 2020. The amendments to SECTION 5, as contained in this act, do not apply to any datacenter existing as of May 8, 2024.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

Ayes 45; Nays 0

AYES

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

Total--45

NAYS

Total--0

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

AMENDED, HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3988 -- Reps. Davis, M.M. Smith, B.J. Cox, Pedalino, Forrest, Wheeler, Kirby and Guffey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO PROVIDE ADDITIONAL ACTS THAT CONSTITUTE THE PRACTICE OF PHARMACY, TO PERMIT THE DELEGATION OF CERTAIN ACTS TO TRAINED PHARMACY TECHNICIANS AND PHARMACY INTERNS, AND TO DEFINE AN ADDITIONAL TERM; BY AMENDING SECTION 40-43-84,

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RELATING TO PHARMACY INTERNS AND EXTERNS, SO AS TO REMOVE CERTAIN DIRECT SUPERVISION REQUIREMENTS; BY AMENDING SECTION 40-43-190, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER VACCINES WITHOUT PRACTITIONER ORDERS, SO AS TO INCLUDE THE DISPENSATION OF CERTAIN DRUGS AND DEVICES, TO LOWER THE VACCINATION RECIPIENT AGE TO TWELVE YEARS OF AGE, TO AUTHORIZE DIRECTLY SUPERVISED PHARMACY INTERNS TO ADMINISTER CERTAIN VACCINATIONS, AND TO PROVIDE WRITTEN PROTOCOL REQUIREMENTS, AMONG OTHER THINGS; BY AMENDING SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST-ADMINISTERED VACCINES COMMITTEE, SO AS TO RENAME THE COMMITTEE AS THE "JOINT PHARMACIST ACCESS COMMITTEE" AND MAKE OTHER CONFORMING CHANGES; AND TO PROVIDE THE PHARMACIST ACCESS COMMITTEE MUST SUBMIT ITS INITIAL RECOMMENDATIONS TO THE BOARD OF PHARMACY NO LATER THAN FOUR MONTHS AFTER THE PASSAGE OF THIS ACT, AND PERIODICALLY THEREAFTER AS DETERMINED BY THE COMMITTEE.

The Senate proceeded to a consideration of the Bill.

Senator MARTIN proposed the following amendment (SR-3988.JG0021S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by deleting Section 40-43-30(73)(f).

Amend the bill further, SECTION 5, by striking Section 40-43-190(A) and inserting:

As used in this section:

(1) "gene therapy" means any product that mediates its effects by transcription or translation of transferred genetic material or by integrating into the host genome and that are administered as nucleic acids, viruses, or genetically engineered microorganisms;

(2) "vaccine" means a suspension of attenuated or killed microorganisms, or of antigenic proteins derived from them, that is administered for prevention, amelioration, or treatment of infectious diseases; and

(3) "novel vaccine" means a vaccine which has obtained Emergency Use Authorization by the U.S. Food and Drug Administration (FDA), or which has otherwise not been approved by the FDA, or which has been approved for use by the FDA for less than 5

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years. The term “novel vaccine” does not include vaccines for which the contents have only been modified by antigenic subtype to address the most prevalent strain of virus including, but not limited to, the yearly influenza vaccine.

(B)(1) Upon recommendation of the Joint Pharmacist Administered Vaccines Committee, the Board of Medical Examiners shall determine whether a specific vaccine is appropriate for administration by a pharmacist without a written order or prescription of a practitioner pursuant to this section. If a vaccine is approved, the Board of Medical Examiners shall issue a written protocol for the administration of vaccines by pharmacists without an order or prescription of a practitioner.

Amend the bill further, SECTION 5, by striking Section 40-43-190(B) and inserting:

~~(B)~~(C) The written protocol must provide that:

(1) A pharmacist seeking authorization to administer a vaccine approved pursuant to this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners. Training must comply with current Centers for Disease Control guidelines and must include study materials, hands-on training, and techniques for administering vaccines and must provide instruction and experiential training in the following content areas:

- (a) mechanisms of action for vaccines, contraindications, drug interactions, and monitoring after vaccine administration;
- (b) standards for adult vaccination practices;
- (c) basic immunology and vaccine protection;
- (d) vaccine-preventable diseases;
- (e) recommended vaccination schedules;
- (f) vaccine storage management;
- (g) biohazard waste disposal and sterile techniques;
- (h) informed consent;
- (i) physiology and techniques for vaccine administration;
- (j) prevaccine and postvaccine assessment and counseling;
- (k) vaccination record management;
- (l) management of adverse events, including identification, appropriate response, emergency procedures, documentation, and reporting;
- (m) understanding of vaccine coverage by federal, state, and local entities;

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(n) needle stick management.

(2) A pharmacist administering vaccinations without an order or prescription of a practitioner pursuant to this section shall:

(a) obtain the ~~signed written~~ informed consent of the person being vaccinated or that person's guardian;

(b) maintain a copy of the vaccine administration in that person's record and provide a copy to the person or the person's guardian;

(c) notify that person's designated physician or primary care provider of a vaccine administered;

(d) report administration of all vaccinations to the South Carolina Immunization Registry in compliance with regulations established by the Department of Health and Environmental Control as the department may require; provided, however, that the phase-in schedule provided in Regulation 61-120 for reporting vaccinations does not apply to vaccinations administered pursuant to this section;

(e) maintain a current copy of the written protocol at each location at which a vaccination is administered pursuant to this section.

(3) ~~A pharmacist may not delegate the administration of vaccines to a pharmacy technician or certified pharmacy technician.~~ For purposes of this section, "informed consent" means a written document that is signed and dated by an individual; or if the individual is a minor, by a parent or legal guardian; or if the individual is incapacitated or without sufficient mental capacity, by a designated health care agent pursuant to a health care power of attorney, that at a minimum includes:

(a) an explanation of the vaccine or treatment that is written in language that is understandable to the average lay person;

(b) a description of the potential risks and benefits resulting from vaccine or treatment, along with a realistic description of the most likely outcome;

(c) a statement acknowledging risks associated with the vaccine or treatment if the vaccine or treatment is an indemnified product as defined in Section 44-1-55(A)(7);

(d) language that clearly indicates that the individual agrees to the administration of the vaccine or treatment, that the individual has had time to thoughtfully and voluntarily accept or decline the vaccine or treatment free from coercion: and

(e) if the vaccine or treatment is an investigational medical product or is made available through an Emergency Use Authorization by the Federal Food and Drug Administration, a statement acknowledging its investigational nature and the civil liability protections afforded it by law.

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(4) A pharmacist or pharmacy technician may administer vaccinations under the direct supervision, ~~as defined in Section 40-43-84(C),~~ of a pharmacist who has completed vaccination training as required by item (1) if the pharmacist or pharmacy technician:

(a) is certified through a basic life support or CPR provider-level course that is ~~jointly~~ approved by the Board of Medical Examiners and the Board of Pharmacy; ~~Joint Pharmacy Access Committee~~ and completes a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE) which includes, at a minimum, hands-on injection technique and the recognition and treatment of emergency reactions to vaccines; and

(b) ~~completes this course of training described in item (1), if a pharmacy technician, the pharmacy technician must be:~~

~~(i) state-certified; or~~

~~(ii) nonstate-certified but administered vaccinations and received training pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act prior to the effective date of this section and registers with the Board of Pharmacy as an authorized vaccination provider.~~

(5) A pharmacist or pharmacy technician administering vaccinations shall, as part of the current continuing education requirements ~~pursuant to Section 40-43-130,~~ complete no less than one hour of continuing education each license year regarding administration of vaccinations.

~~(C)~~

Renumber sections to conform.

Amend title to conform.

On motion of Senator MARTIN, with unanimous consent, the amendment was withdrawn.

Senator MARTIN proposed the following amendment (SR-3988.JG0024S), which was adopted:

Amend the bill, as and if amended, SECTION 5, by striking Section 40-43-190(B)(2)(a) and inserting:

(a) obtain the ~~signed written~~ informed consent of the person being vaccinated or that person's guardian;

Amend the bill further, SECTION 5, by striking Section 40-43-190(B)(3) and inserting:

(3) ~~A pharmacist may not delegate the administration of vaccines to a pharmacy technician or certified pharmacy technician. For purposes of~~

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this section, "informed consent" means a written document that is signed and dated by an individual; or if the individual is a minor, by a parent or legal guardian; or if the individual is incapacitated or without sufficient mental capacity, by a designated health care agent pursuant to a health care power of attorney, that at a minimum includes:

(a) an explanation of the vaccine or treatment that is written in language that is understandable to the average lay person;

(b) a description of the potential risks and benefits resulting from vaccine or treatment, along with a realistic description of the most likely outcome;

(c) a statement acknowledging risks associated with the vaccine or treatment if the vaccine or treatment is an indemnified product as defined in Section 44-1-55(A)(7);

(d) language that clearly indicates that the individual agrees to the administration of the vaccine or treatment, that the individual has had time to thoughtfully and voluntarily accept or decline the vaccine or treatment free from coercion; and

(e) if the vaccine or treatment is an investigational medical product or is made available through an Emergency Use Authorization by the Federal Food and Drug Administration, a statement acknowledging its investigational nature and the civil liability protections afforded it by law.

(4) A pharmacy intern or pharmacy technician may administer vaccinations under the direct supervision, ~~as defined in Section 40-43-84(C),~~ of a pharmacist who has completed vaccination training as required by item (1) if the pharmacy intern or pharmacy technician:

(a) is certified through a basic life support or CPR provider-level course that is ~~jointly~~ approved by the Board of Medical Examiners and the Board of Pharmacy;~~Joint Pharmacy Access Committee~~ and completes a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE) which includes, at a minimum, hands-on injection technique and the recognition and treatment of emergency reactions to vaccines; and

(b) ~~completes this course of training described in item (1).~~if a pharmacy technician, the pharmacy technician must be:

(i) state-certified; or

(ii) nonstate-certified but administered vaccinations and received training pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act prior to the effective date of this section and registers with the Board of Pharmacy as an authorized vaccination provider.

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(5) A pharmacist or pharmacy technician administering vaccinations shall, as part of the current continuing education requirements ~~pursuant to Section 40-43-130~~, complete no less than one hour of continuing education each license year regarding administration of vaccinations.

Amend the bill further, SECTION 5, by striking Section 40-43-190(D), (E), and (F) and inserting:

(C) Informed consent must be documented in accordance with the written protocol ~~for vaccine administration~~ issued pursuant to this section.

(D) All records required by this section must be maintained in the pharmacy for a period of at least ten years from the date of the last vaccination or dispensing for adults and at least thirteen years from the date of the last vaccination or dispensing for minors.

(E) All documentation, records, and copies required by this section may be stored electronically.

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin

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Reichenbach	Rice	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

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

CARRIED OVER

H. 3501 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-102-140, RELATING TO PROHIBITED ACTS OF ATHLETE AGENTS, SO AS TO PROVIDE CERTIFIED ATHLETE AGENTS MAY PAY CERTAIN EXPENSES INCURRED BEFORE THE SIGNING OF AGENCY CONTRACTS BY STUDENT ATHLETES, FAMILY MEMBERS OF STUDENT ATHLETES, AND INDIVIDUALS OR CLASSES OF INDIVIDUALS AUTHORIZED TO RECEIVE SUCH PAYMENTS.

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

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4843 -- Reps. Bailey, Brittain, Guest, J.E. Johnson, Sandifer and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-39-148 SO AS TO AUTHORIZE BUSINESSES WITH A DECK, DOCK, OR OTHER STRUCTURE LOCATED IN A CRITICAL AREA TO USE THE STRUCTURE FOR PURPOSES DIRECTLY RELATED TO THE OPERATION OF THE BUSINESS WITH LOCAL ZONING APPROVAL.

ORDERED ENROLLED FOR RATIFICATION

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

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H. 5235 -- Reps. Bannister and Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 43-7-465, RELATING TO INSURERS PROVIDING COVERAGE TO PERSONS RECEIVING MEDICAID, SO AS TO COMPORT WITH THE FEDERAL CONSOLIDATED APPROPRIATIONS ACT OF 2022.

H. 5236 -- Reps. Bannister and Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-6-50, RELATING TO RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OR A SUCCESSOR AGENCY, SO AS TO MAKE CERTAIN CHANGES CONCERNING MEDICAID CLAIMS PROCESSING CONTRACTS.

The Senate proceeded to a consideration of the Bill.

The question then being third reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

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Total--0

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

ORDERED ENROLLED FOR RATIFICATION

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

H. 4436 -- Reps. Wooten, Ballentine, Long, Erickson, Caskey, Calhoun, Wetmore, Taylor, Forrest, Hiott, Davis, Pope, Herbkersman, M.M. Smith, Robbins, Lawson, Burns, Chumley, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE DRIVERS ARE RESPONSIBLE FOR MAINTAINING VEHICLE CONTROL IN CERTAIN EMERGENCY CIRCUMSTANCES TO AVOID INTERFERING WITH THE OPERATION OF AUTHORIZED EMERGENCY VEHICLES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4832 -- Reps. Hardee, Sandifer, Anderson, Ligon and Schuessler: 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.

ORDERED ENROLLED FOR RATIFICATION

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

H. 5008 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 17A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2024.

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HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3220 -- Reps. W. Newton, Carter, Mitchell, Haddon, Pope, Chumley and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 6 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE "UNIFORM CHILD ABDUCTION PREVENTION ACT", TO PROVIDE A LEGAL MECHANISM TO PROTECT CHILDREN FROM CREDIBLE RISKS OF ABDUCTION RELATED TO LEGAL CUSTODY OR VISITATION, AND FOR OTHER PURPOSES.

ORDERED ENROLLED FOR RATIFICATION

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

H. 3776 -- Reps. Bannister, Bamberg, Caskey, Collins, Connell, Elliott, Garvin, Gatch, Guest, Hager, Hart, Henderson-Myers, Hyde, J.E. Johnson, Jordan, McCabe, McCravy, Mitchell, Pope, Robbins, Rose, Rutherford, Stavrinakis, T. Moore, Tedder, W. Newton, Weeks, Wetmore and Wheeler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 14-5-130 RELATING TO JUDGES ABSENTING THEMSELVES FROM THE STATE.

RECOMMITTED

S. 620 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-51-50, RELATING TO SALES OF PROPERTY BY A COUNTY RESULTING FROM DELINQUENT TAXES, SO AS TO ALLOW AN ELECTRONIC SALE AND TO PROVIDE FOR THE PROCEDURES OF AN ELECTRONIC SALE; AND BY AMENDING SECTION 12-51-60, RELATING TO PAYMENT BY THE SUCCESSFUL BIDDER IN A TAX SALE, SO AS TO PROVIDE FOR THE DISTRIBUTION OF PROCEEDS DERIVED FROM AN ELECTRONIC TAX SALE.

On motion of Senator DAVIS, the Bill was recommitted to Committee on Finance.

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RECOMMITTED

S. 99 -- Senators Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-70, RELATING TO JUDICIAL CANDIDATES SEEKING PLEDGES FROM MEMBERS OF THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT PLEDGES FOR JUDICIAL CANDIDATES MAY NOT BE DIRECTLY OR INDIRECTLY SOUGHT OR GIVEN UNTIL TWELVE DAYS AFTER THE INITIAL RELEASE OF THE REPORT CONCERNING NOMINEES TO MEMBERS OF THE GENERAL ASSEMBLY; AND BY AMENDING SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT A PERIOD OF AT LEAST TWENTY-TWO DAYS MUST ELAPSE BETWEEN THE DATE OF THE JUDICIAL MERIT SELECTION COMMISSION'S INITIAL REPORT OF NOMINATIONS TO THE GENERAL ASSEMBLY AND THE DATE THE GENERAL ASSEMBLY CONDUCTS THE ELECTION FOR THESE JUDGESHIPS.

On motion of Senator CAMPSSEN, the Bill was recommitted to Committee on Judiciary.

RECOMMITTED

S. 890 -- Senators Tedder and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS AT OR INTO DWELLINGS, STRUCTURES, ENCLOSURES, VEHICLES, OR EQUIPMENT, AND PENALTIES, SO AS TO PROVIDE IT IS UNLAWFUL TO KNOWINGLY DISCHARGE FIREARMS AT OR IN THE DIRECTION OF ONE OR MORE INDIVIDUALS, AND PROVIDE A PENALTY.

On motion of Senator TEDDER, the Bill was recommitted to Committee on Judiciary.

RECOMMITTED

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

On motion of Senator MALLOY, the Bill was recommitted to Committee on Labor, Commerce and Industry.

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READ THE SECOND TIME

H. 3865 -- Reps. Hiott, Collins, Rutherford, Carter and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO INCLUDE LICENSED PARAMEDICS WITH AT LEAST THREE YEARS OF EXPERIENCE AS ONE OF THE ADDITIONAL QUALIFICATIONS A CORONER MUST HAVE.

The Senate proceeded to a consideration of the Bill.

Senator M. JOHNSON explained the Bill.

The question being the second reading of the Bill.

Motion Adopted

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

There was no objection.

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

READ THE SECOND TIME

H. 4601 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4100, RELATING TO PREVENTING ESCAPE OF MATERIALS LOADED ON VEHICLES AND CLEANING THE HIGHWAYS OF ESCAPED SUBSTANCES OR CARGO, SO AS TO INCORPORATE THE PROVISIONS OF SECTION 56-5-4110 TO CLARIFY THE EXCEPTIONS FOR TRANSPORTATION OF CERTAIN FARM PRODUCTS AND MATERIALS; AND BY REPEALING SECTION 56-5-4110 RELATING TO THE REQUIREMENTS THAT LOADS AND COVERS MUST BE FIRMLY ATTACHED.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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Motion Adopted

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

There was no objection.

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

READ THE SECOND TIME

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 Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian

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Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 5245 -- Reps. G.M. Smith, Erickson, Bradley and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-50, RELATING TO CHARTER SCHOOL ADMISSIONS, SO AS TO PROVIDE CHARTER SCHOOLS MAY GIVE ENROLLMENT PREFERENCE TO CHILDREN OF ACTIVE DUTY MILITARY SERVICEMEMBERS IN THIS STATE IF THEIR ENROLLMENT DOES NOT CONSTITUTE MORE THAN TWENTY PERCENT OF THE OVERALL ENROLLMENT, AND TO REVISE EXISTING ENROLLMENT PREFERENCE PROVISIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-5245.KG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-40-50(8)(a), (b), (c), (d), and (e) and inserting:

(a) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school, in which case

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gender may be the only reason to show preference or deny admission to the school or as allowed by subitems (b) and (c);.

(b) A charter school must give preference to students enrolled in the public charter school the previous year.

(c) A charter school may give enrollment ~~priority~~ preference to any of the following by enrolling the student without requiring participation in a lottery when a lottery is otherwise required under this chapter:

(i) a sibling of a pupil currently enrolled and attending, or who, within the last six years, attended the school for at least one complete academic year;

~~A public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year. An enrollment preference for a returning student allows the student to enroll in the charter school without being subject to participation in excludes those students from entering into a lottery. A charter school also may give enrollment preference to no more than twenty percent of its total enrollment to children of active duty military servicemembers residing or stationed in this State. A charter school also may give priority to enrollment preference to no more than twenty percent of its total enrollment to children of a charter school employee and children of the charter committee, if priority enrollment for children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school.~~

(ii) a child or children of any employee of the charter school or member of the charter school committee, provided that the number of students eligible for this preference may not exceed twenty percent of the school's total enrollment;

(iii) dependents of active-duty members of the military residing or stationed in this State, limited to not more than twenty percent of the school's total enrollment except for schools meeting the provisions of Section 59-40-50(B)(8)(f). Dependents of active-duty military members are subject to the enrollment provisions of Section 59-63-33.

(d) A student eligible for multiple enrollment preferences may be enrolled based on only one of the preferences, at the charter school's discretion. A student eligible for an enrollment preference that is denied the enrollment preference because the charter school has exceeded the number of enrollment preferences allowed must be permitted to participate in any enrollment lottery held by the school for the year the enrollment preference is denied.

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_____ (e) In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, mission-aligned preference may be given to educationally disadvantaged students as specifically defined in their charter and charter contract approved by their sponsor and as allowed by ESSA.

_____ (f) In addition, a charter school located on a federal military installation or base where the appropriate authorities have made buildings, facilities, and grounds on the installation or base available for use by the charter school as its principal location also may give enrollment ~~priority~~preference to otherwise eligible students who are dependents of military personnel living in military housing on the base or installation or who are currently stationed at the base or installation not to exceed fifty percent of the total enrollment of the charter school. This ~~priority~~preference is in addition to the other ~~priorities~~preferences provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each ~~priority~~preference;

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

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

There was no objection.

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 4189 -- Rep. Sandifer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-90-10, RELATING TO DEFINITIONS, SO AS TO INCLUDE REFERENCES

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TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-20, RELATING TO LICENSING AND FEES, SO AS TO AMEND MEETING REQUIREMENTS, REMOVE A CERTIFICATION FEE AND OUTLINE HOW TO MAKE PROPER PAYMENTS TO THE DEPARTMENT; BY AMENDING SECTION 38-90-40, RELATING TO CAPITALIZATION REQUIREMENTS, SO AS TO GIVE DISCRETION TO THE DIRECTOR; BY AMENDING SECTION 38-90-60, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS, SO AS TO INCLUDE FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-70, RELATING TO REPORTS, SO AS TO CHANGE A DEADLINE AND INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO ALLOW A SPONSORED CAPTIVE INSURANCE COMPANY TO FILE ONE ACTUARIAL OPINION; BY AMENDING SECTION 38-90-80, RELATING TO INSPECTIONS AND EXAMINATIONS, SO AS TO MAKE THE EXAMINATION OF SOME CAPTIVE INSURANCE COMPANIES OPTIONAL AND TO INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-140, RELATING TO TAX PAYMENTS, SO AS TO AMEND REQUIRED TAX PAYMENTS FOR A SPONSORED CAPTIVE INSURANCE COMPANY; BY AMENDING SECTION 38-90-165, RELATING TO DECLARATION OF INACTIVITY, SO AS TO ALLOW FOR THE SUBMISSION OF A WRITTEN APPROVAL; BY AMENDING SECTION 38-90-175, RELATING TO THE CAPTIVE INSURANCE REGULATORY AND SUPERVISION FUND, SO AS TO CHANGE THE ALLOWED TRANSFER OF COLLECTED TAXES FROM TWENTY PERCENT TO FORTY PERCENT; AND BY AMENDING 38-90-215, RELATING TO PROTECTED CELLS, SO AS TO REMOVE LICENSING REQUIREMENTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (LC-4189.PH0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 38-90-10(1) and inserting:

(1) “Alien or foreign captive insurance company” means an insurance company or protected cell, or its equivalent, of an insurance company formed to write insurance business for its parents and affiliates and

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licensed pursuant to the laws of an alien or foreign jurisdiction which imposes statutory or regulatory standards in a form acceptable to the director on companies transacting the business of insurance in such jurisdiction, but may not include a corporation controlled by an alien adversary.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 38-90-10 of the S.C. Code is amended by adding:

(34) “Alien adversary” means any alien government or nongovernment person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States citizens.

(35) “Corporation controlled by an alien adversary” means a legal entity engaged in commerce that:

(a) is wholly owned by an alien adversary;

(b) has an alien adversary as a dominant shareholder, directly or indirectly;

(c) is wholly owned by a citizen of an alien adversary; or

(d) has one or a number of citizens of an alien adversary whose cumulative ownership is as a dominant shareholder.

(36) “Dominant shareholder” means the single owner of ten percent or more of a legal entity engaged in commerce’s stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more of a legal entity engaged in commerce’s stock, securities, or other indicia of ownership.

Amend the bill further, SECTION 2, by striking Section 38-90-20(G)(1)(d) and inserting:

(d) The non-U.S. currency may only be the currency of the country in which the owner or insured of the captive insurance company or protected cell is located and may not be the currency of an alien adversary.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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Motion Adopted

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

There was no objection.

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

AMENDED, READ THE SECOND TIME

H. 4869 -- Reps. Sandifer, Hardee, Ligon and Jefferson: 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, AMONG OTHER THINGS; BY AMENDING SECTION 38-13-70, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DIRECTOR OR HIS DESIGNEES MAY CONDUCT INVESTIGATIONS, TO PROVIDE FOR THE CONFIDENTIALITY OF INVESTIGATIONS, AND TO PROVIDE FINAL ORDERS DISCIPLINING LICENSEES ARE PUBLIC INFORMATION, AMONG OTHER THINGS; AND BY AMENDING SECTION 38-57-130, RELATING TO INSURANCE TRADE PRACTICES, SO AS TO PROVIDE REVISED EXEMPTIONS FROM PROVISIONS PROHIBITING MISREPRESENTATIONS, SPECIAL INDUCEMENTS, AND REBATES IN INSURANCE CONTRACTS.

The Senate proceeded to a consideration of the Bill.

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Senator HARPOOTLIAN proposed the following amendment (SR-4869.JG0006S), which was withdrawn:

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

SECTION X. Section 38-1-20(22) of the S.C. Code is amended to read:

(22) “Exempt commercial policies” means policies for commercial insureds as may be provided for in regulation issued by the director. Exempt commercial policies include all property and casualty coverages except for insurance related to credit transactions written through financial institutions. Exempt commercial policies do not include liquor liability policies or general liability insurance policies with a liquor liability endorsement that are required to be maintained by a person licensed or permitted to sell alcoholic beverages for on-premises consumption pursuant to Sections 61-2-145 or Section 61-4-1515(10).

Renumber sections to conform.

Amend title to conform.

On motion of Senator M. JOHNSON, with unanimous consent, the amendment was withdrawn.

Senator CROMER proposed the following amendment (LC-4869.PH0007S), which was adopted:

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

SECTION X. Section 38-71-2330(A)(1) of the S.C. Code is amended to read:

(A) A pharmacy service administrative organization must:

(1) ~~act as a fiduciary to a pharmacy and~~ perform its duties to a pharmacy exercising good faith and fair dealing;

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 3278 -- Reps. West, Ligon 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 APPRAISERS SUPERVISING

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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 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.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 5246 -- Reps. Wetmore, Brittain, M.M. Smith, Stavrinakis, Hartnett, Leber, Gilliard, Bustos, Pendarvis, Jefferson, Landing and Garvin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-612 SO AS TO PROVIDE THAT THE BLACK SKIMMER IS THE OFFICIAL SEABIRD OF THE STATE.

The Senate proceeded to a consideration of the Bill.

Senators GOLDFINCH and JACKSON proposed the following amendment (SR-5246.JG0002S), which was adopted:

Amend the bill, by striking all after the title but before the enacting words and inserting:

Whereas, the first known eastern brown pelican was described in 1789 and at the Charleston Harbor; and

Whereas, the brown pelican is one of the largest birds found on the east coast and is known for its long bill and underlying throat pouch; and

Whereas, eastern brown pelicans are the only pelicans in the world that are not entirely white. The front of a Brown Pelican's head is white, but its feathers fade to dark brown. During breeding season, the bird swaps white for a vibrant yellowish gold and exchanges dark brown for a silver-grey; and

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Whereas, in 1970, the eastern brown pelican was listed as endangered under the federal Endangered Species Act, when populations plummeted to less than one hundred; and

Whereas, unlike most birds that warm their eggs with the skin of their breasts, pelicans incubate their eggs with the skin of their feet, standing on them and holding the eggs under the webbing of their feet. Widespread use of a pesticide known as DDT caused the chemical to leak into the food chain and caused the eastern brown pelican's eggs to have thinner shells, which caused them to break during incubation, leading to the populations decline; and

Whereas, the United States' ban of DDT in 1972 and the Brown Pelican Recovery Plan of 1979 helped the brown pelican population recover, and the brown pelican is no longer considered endangered; and

Whereas, designating the brown pelican as the state seabird of South Carolina will highlight the importance of preserving and enhancing the habitat of this species and other seabirds along our coastline and serve as a symbol of our commitment to environmental stewardship and wildlife conservation; and

Whereas, eastern brown pelicans and other similar South Carolina coastal birds add to the unique and beautiful character of South Carolina, increasing quality of life. Now, therefore,

Amend the bill further, SECTION 1, by striking Section 1-1-612 and inserting:

Section 1-1-612. The eastern brown pelican is the official seabird of the State.

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

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

READ THE SECOND TIME

H. 3313 -- Rep. Jordan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-5-10, RELATING TO THE PERFORMANCE OF THE DUTIES OF A REGISTER OF DEEDS, SO AS TO ADD FLORENCE COUNTY TO THE COUNTIES EXEMPT FROM THE REQUIREMENT THAT THESE DUTIES BE PERFORMED BY THE CLERK OF COURT; AND BY AMENDING SECTION 30-5-12, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS FOR CERTAIN COUNTIES, SO AS TO ADD FLORENCE COUNTY TO THE COUNTIES WHERE THE GOVERNING BODY OF THE COUNTY APPOINTS THE REGISTER OF DEEDS.

The Senate proceeded to a consideration of the Bill.

Senator M. JOHNSON explained the Bill.

The question being the second reading of the Bill.

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

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Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 3734 -- Reps. B. Newton, Cobb-Hunter and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-15-10, RELATING TO THE CONDUCT OF MUNICIPAL PRIMARY, GENERAL, AND SPECIAL ELECTIONS, SO AS TO REQUIRE THAT ALL SUCH MUNICIPAL ELECTIONS BE CONDUCTED USING THE VOTING SYSTEM APPROVED AND ADOPTED BY THE STATE ELECTION COMMISSION; BY AMENDING SECTION 5-15-40, RELATING TO TERMS OF OFFICE OF MAYOR AND COUNCILMEN, SO AS TO PROVIDE THAT THE TERMS OF THE MAYOR AND COUNCILMEN COMMENCE THE MONDAY FOLLOWING CERTIFICATION OF THE ELECTION RESULTS; BY AMENDING SECTION 5-15-50, RELATING TO

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ESTABLISHMENT OF MUNICIPAL WARD LINES AND TIME FOR MUNICIPAL GENERAL AND SPECIAL ELECTIONS, SO AS TO, AMONG OTHER THINGS, REQUIRE THAT MUNICIPAL GENERAL ELECTIONS BE HELD ON ONE OF CERTAIN ENUMERATED DATES, PROHIBIT THE TERMS OF INCUMBENT COUNCIL MEMBERS FROM BEING EXTENDED WHEN A NEW TIME FOR MUNICIPAL GENERAL ELECTIONS IS ESTABLISHED, AND REQUIRE MUNICIPAL SPECIAL ELECTIONS SCHEDULED TO OCCUR WITHIN CERTAIN TIME FRAMES OF THE MUNICIPALITY'S GENERAL ELECTION TO BE HELD AT THE SAME TIME AS THE GENERAL ELECTION; BY AMENDING SECTION 5-15-100, RELATING TO FUNCTIONS, POWERS, AND DUTIES OF MUNICIPAL ELECTION COMMISSIONS, SO AS TO EXTEND THE TIME FRAME BY WHICH A MUNICIPAL ELECTION COMMISSION MUST MEET AND DECLARE THE RESULTS FOLLOWING AN ELECTION; BY AMENDING SECTION 5-15-120, RELATING TO VOTE COUNTING IN MUNICIPAL ELECTIONS, SO AS TO CHANGE THE TIME WHEN NEWLY ELECTED OFFICERS MAY BE QUALIFIED AND THEIR TERMS COMMENCE TO THE MONDAY AFTER CERTIFICATION OF THE ELECTION RESULTS; AND BY AMENDING SECTION 5-15-145, RELATING TO TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO REQUIRE COUNTY ELECTION COMMISSIONS TO CONDUCT MUNICIPAL ELECTIONS FOR MUNICIPALITIES THAT ELECT TO TRANSFER AUTHORITY.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN proposed the following amendment (SFGF-3734.BC0033S), which was carried over:

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

SECTION 1. Chapter 15, Title 5 of the S.C. Code is amended by adding:

Section 5-15-45.(A) Notwithstanding Section 5-15-40, if the unexpired four-year term of a mayor or member of council began following a general election held:

(1) in 2020, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 8, 2025, or November 4, 2025, as applicable;

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(2) in 2021, or February 2022 due to a delayed October 2021 general election, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 8, 2025, or November 4, 2025, as applicable;

(3) in 2022, other than a general election delayed from October 2021 until February 2022, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable;

(4) in 2023, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable; or

(5) in 2024, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 3, 2029, or November 6, 2029, as applicable.

(B) Notwithstanding Section 5-15-40, if the current unexpired two-year term of a mayor or member of council began following a general election held:

(1) in 2022 or 2023, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 8, 2025, or November 4, 2025, as applicable; or

(2) in 2024, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable.

SECTION 2. Section 5-15-50 of the S.C. Code is amended to read:

Section 5-15-50. (A) Each municipal governing body may by ordinance establish municipal ward lines and the time for general and special elections within the municipality in accordance with the provisions of this section. Public notice of the elections shall be given at least sixty days prior to such elections.

(B) The time for general elections within a municipality must be established in odd-numbered years as follows:

(1) on the first Tuesday after the first Monday in April; or

(2) on the first Tuesday after the first Monday in November.

(C) If the first Tuesday after the first Monday in November of odd-numbered years is the time for general elections in a municipality on or after the effective date of this section, then the municipal governing body must not establish a different time for its general elections.

(D) If within ninety days of the effective date of this section, a municipal governing body fails to establish by ordinance a time for its general elections as provided in subsection (B), then the time for the

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general elections within that municipality is the first Tuesday after the first Monday in November in odd-numbered years.

SECTION 3. Section 5-15-100 of the S.C. Code is amended to read:

Section 5-15-100. ~~(A) The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to § 7-5-640, and shall also have the functions, powers and duties of commissioners of election, as set forth in §Section 7-5-10 and other provisions of Title 7. The municipal election commission shall insure~~ ensure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special and general elections. The managers shall ~~certify~~ provide the unofficial results of the election to the commission within one day, ~~and the~~ The commission shall ~~declare~~ certify the results not later than three days following the election.

(B) Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.

SECTION 4. Section 5-15-120 of the S.C. Code is amended to read:

Section 5-15-120. (A) Immediately upon the closing of the polls at any municipal election, the managers shall count publicly the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for mayor and councilman and transmit this information to the municipal election commission. In partisan elections the person securing the highest number of votes for mayor shall be declared elected and the councilmen shall be selected by the following methods:

~~(a)~~(1) When all councilmen are to be elected at large, the persons receiving the highest number of votes in number equal to the number to be chosen shall be declared elected.

~~(b)~~(2) When the councilmen are to be elected from each ward and are required to be residents of that ward, the person receiving the highest number of votes in that ward shall be declared elected.

~~(c)~~(3) When some councilmen are to be elected from each ward and required to be residents of that ward and the remainder of the councilmen to be elected at large, those persons receiving the highest number of votes in each ward shall be declared elected and those persons running at large who receive the highest number of votes in number equal to the number to be chosen at large shall be declared elected.

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~~(d)~~(4) When all councilmen are to be elected at large, but required to reside in a particular ward, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

~~(e)~~(5) When all councilmen are to be elected at large, but some are required to be residents of particular wards and other councilmen may not be so required, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

~~(B) Newly elected officers shall not be qualified until at least forty-eight hours after the closing of the polls and in the case a contest is finally filed the incumbents shall hold over until the contest is finally determined. A municipal governing body may by ordinance determine when the terms of its newly elected officers begin, provided the terms must begin no earlier than forty-eight hours after the certification of the election results and no later than eighty days after the day of the election. If a municipality does not have an ordinance determining when the terms of its newly elected officers begin, then the terms of the newly elected officers in the municipality begin at the first regular meeting of its council in the month following the election.~~

~~(C) A candidate who is declared elected by certification of the election results has the right to take the oath of office and to perform the duties of the office pending the outcome of an appeal unless a court of competent jurisdiction directs otherwise.~~

SECTION 5. Section 5-15-130 of the S.C. Code is amended to read:

Section 5-15-130. ~~(A) Within forty-eight hours after the closing of the polls, any~~A candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission not later than noon on the Monday following the certification of the results. If the deadline falls on a legal holiday, then the time for filing a written notice extends to noon on the next day that is not a legal holiday. ~~Within forty-eight hours after the filing of such notice, the~~The Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, on the Thursday following the deadline for filing the contest. The commission must decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

~~(B) Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any contest in which he is a party.~~

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SECTION 6. Section 5-15-140 of the S.C. Code is amended to read:

Section 5-15-140. Within ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. ~~The notice of appeal shall act as a stay of further proceedings pending the appeal.~~ Appeals shall be granted first priority of consideration by the court.

SECTION 7. Section 5-15-145 of the S.C. Code is amended to read:

Section 5-15-145. (A) ~~Municipalities are~~ A municipality is authorized to transfer authority for conducting municipal elections to the county board of voter registration and elections ~~commission~~. ~~County boards of voter registration and elections commissions are authorized to~~ shall conduct municipal elections for municipalities that elect to transfer authority for conducting municipal elections pursuant to the provisions of this section.

(B) As a condition of the transfer of authority to conduct elections pursuant to this section, the governing bodies of the municipality and the county must agree to the terms of the transfer and enact ordinances embodying the terms of that agreement. The municipal ordinance must state what authority is being transferred and the county ordinance must accept the authority being transferred.

(C) When the total responsibility for the conduct of a municipal election is transferred to a county ~~election commission~~ board of voter registration and elections, pursuant to the provisions of this section, the municipal election commission is abolished.

(D) If the municipality, by ordinance transfers a portion of the responsibilities for the conduct of a municipal election to a county ~~election commission~~ board of voter registration and elections, the municipality shall not abolish the municipal election commission.

(E) A municipality which by ordinance transfers authority for conducting municipal elections to the county ~~election commission~~ board of voter registration and elections under this section may by ordinance set the filing dates for municipal offices, and the date by which candidates must be certified to the appropriate authority to be placed on the ballot, to run concurrently with the filing dates set by law for countywide and less than countywide offices or other filing dates as may be mutually agreed upon between the municipality and the county ~~election commission~~ board of voter registration and elections.

SECTION 8. Section 7-3-20(D)(19) of the S.C. Code is amended to read:

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(19) establish methods of auditing election results, which may include risk-limiting audits, hand-count audits, results verification through independent third-party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director. Election result audits must be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers, and may be performed following any other election held in the State at the discretion of the executive director. A hand-count audit must be conducted publicly. Once completed, audit reports must be published on the commission's website.

SECTION 9. Section 7-13-1160 of the S.C. Code is amended to read:

Section 7-13-1160. ~~Within twenty-four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the State Election Commission of the unofficial results of such election in each such county; provided, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein~~ The unofficial election results returned by the managers to the county boards of voter registration and elections must be reported continuously and without undue delay in the manner prescribed by the State Election Commission.

SECTION 10. Section 7-15-420(D) and (E) of the S.C. Code is amended to read:

(D) Beginning no earlier than 7:00 a.m. on election day, the absentee ballots may be tabulated, ~~including any absentee ballots received on election day before the polls are closed~~ and the tabulated data collected from those ballots and from the ballots cast during the early voting period may be loaded into the election management system. If any absentee ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot.

(E) Results of the early voting period and absentee ballot tabulation must not be publicly reported until after the polls are closed. An election official, election worker, candidate, or watcher who intentionally violates the prohibition contained in this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years.

SECTION 11. This act takes effect upon approval by the Governor except that the revisions to Sections 5-15-45 and 5-15-50 take effect July 1, 2024.

Renumber sections to conform.

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Amend title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator CAMPSSEN, with unanimous consent, he amendment was carried over.

The question being the second reading of the Bill.

Motion Adopted

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

There was no objection.

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

AMENDED, READ THE SECOND TIME

H. 3748 -- Reps. Caskey, Wooten, Wetmore, Hartnett, Erickson, W. Newton, Pope, Robbins, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-680, RELATING TO THE UNLAWFUL ALTERATION OR REMOVAL OF BOUNDARY LANDMARKS, SO AS TO CLARIFY THAT THE SECTION PROHIBITS MOVING, ALTERING, DESTROYING, OR REMOVING GEODETIC CONTROL MONUMENTS OR CERTAIN LAND SURVEYING MONUMENTS, TO UPDATE THE PENALTIES FOR VIOLATIONS OF THIS SECTION, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (SJ-3748.PB0013S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-680(B)(1) and inserting:

(B)(1) If any person shall knowingly, wilfully, maliciously or fraudulently with wilful, malicious, or fraudulent intent, move, cut, fell, alter, destroy, or remove any certain boundary tree or other allowed landmark geodetic control monuments or property corner monuments, Proof that a geodetic control device or property corner

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monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the acting party. A such person so offending shall be who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one hundred dollars or imprisoned not exceeding thirty days.

Renumber sections to conform.
Amend title to conform.

The amendment was carried over and subsequently withdrawn.

Senators MALLOY and M. JOHNSON proposed the following amendment (SJ-3748.PB0014S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-680(B)(1) and inserting:

(B)(1) If anyIt is unlawful for a person shall to knowingly, wilfully, maliciously or fraudulently move-out, fell, alter, destroy, or remove any certain boundary tree or other allowed landmark geodetic control monuments or property corner monuments-. Proof that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the acting party. A such person so offending shall be who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one hundred dollars or imprisoned not exceeding thirty days, and may be required by the court to make restitution. For the purpose of this section, "restitution" means payment for specific damages and economic losses and expenses sustained by a crime victim resulting from an offender's criminal conduct. Restitution orders do not limit any civil claims a crime victim may file. If the amount of restitution exceeds the magistrates court's limitation on ordering restitution as provided in Section 22-3-550, the court of general sessions has concurrent jurisdiction with the magistrates court and the case may be transferred to the court of general sessions.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws

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repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Renumber sections to conform.
Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3934 -- Rep. Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-29-1625, RELATING TO FEDERAL DEFENSE FACILITIES DEFINITIONS, SO AS TO ADD FORT GORDON TO THE DEFINITION OF "FEDERAL MILITARY INSTALLATIONS".

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3934.PB0007S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-29-1625(A) and inserting:

(A) For purposes of this article and for the allocation of Base Protection Plan appropriations from the Department of Veterans' Affairs' Military Enhancement Fund, "federal military installations" includes Fort Jackson, Shaw Air Force Base, McEntire ~~Air Force~~ Joint National Guard Base, Joint Base Charleston-Air Force Base, Beaufort Marine Corps Air Station, Beaufort Naval Hospital, Parris Island Marine Recruit Depot, Fort Eisenhower, U.S. Coast Guard Sector Charleston, North Auxiliary Airfield, and Charleston Naval Weapons Station.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning

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Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 4187 -- Reps. J.E. Johnson, W. Newton, Robbins, Haddon, Mitchell, Yow, Chapman, Gagnon, Ligon, O'Neal, B. Newton, Sessions, Felder, Blackwell, Oremus and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-13-135, RELATING TO THE OFFENSE OF RETAIL THEFT AND ASSOCIATED PENALTIES, SO AS TO DEFINE NECESSARY TERMS, TO REVISE THE PREVIOUS OFFENSE OF RETAIL THEFT TO CREATE THE OFFENSES OF FELONY ORGANIZED RETAIL CRIME AND FELONY ORGANIZED RETAIL CRIME OF AN AGGRAVATED NATURE, AND TO PROVIDE GRADUATED PENALTIES FOR THE OFFENSES.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

Motion Adopted

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the

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provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

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

AMENDED, READ THE SECOND TIME

H. 4234 -- Reps. W. Newton, Bernstein and Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF "SUPPORTS AND ASSISTANCE"; BY AMENDING SECTION 62-5-103, RELATING TO FACILITY OF PAYMENT OR DELIVERY, SO AS TO CLARIFY THE NATURE OF THE FIFTEEN THOUSAND DOLLAR THRESHOLD; BY AMENDING SECTION 62-5-106, RELATING TO DUTIES OF GUARDIANS AD LITEM, SO AS TO INCREASE THE LENGTH OF TIME THE GUARDIAN AD LITEM HAS TO SUBMIT HIS REPORT PRIOR TO THE HEARING; BY AMENDING SECTION 62-5-108, RELATING TO EMERGENCY AND TEMPORARY ORDERS AND HEARINGS, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; BY AMENDING SECTIONS 62-5-303, 62-5-303A, 62-5-303B, 62-5-303C, AND 62-5-303D, ALL RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; BY AMENDING SECTION 62-5-307, RELATING TO INFORMAL REQUESTS FOR RELIEF, SO AS TO CLARIFY THE WARD'S ABILITY TO SUBMIT CERTAIN REQUESTS TO THE COURT; BY AMENDING SECTION 62-5-401, RELATING TO VENUES, SO AS TO CLARIFY, AMONG OTHER THINGS, THAT, IN THE CASE OF MINOR CONSERVATORSHIPS, PROPER VENUE IS THE COUNTY IN WHICH THE MINOR RESIDES OR OWNS PROPERTY; BY AMENDING SECTION 62-5-403A, RELATING TO SERVICE OF SUMMONS AND PETITIONS, SO AS TO INCLUDE CERTAIN OTHER AFFIDAVITS AND REPORTS AMONG THOSE THAT MUST BE FILED WITH THE PETITION; BY AMENDING SECTION 62-5-403B, RELATING TO THE APPOINTMENT OF COUNSEL AND GUARDIANS, SO AS TO APPOINT NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, NURSES, AND PSYCHOLOGISTS TO SERVE AS EXAMINERS UNDER CERTAIN CIRCUMSTANCES; BY

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AMENDING SECTION 62-5-403C, RELATING TO HEARINGS AND WAIVERS, SO AS TO REVISE, AMONG OTHER THINGS, CERTAIN PROCEDURES IF NO PARTY REQUESTS A HEARING OR IF THE ALLEGED INCAPACITATED INDIVIDUAL WAIVES HIS RIGHT TO A HEARING; BY AMENDING SECTION 62-5-405, RELATING TO PROTECTIVE ARRANGEMENTS, SO AS TO REVISE CERTAIN ACTS THAT MAY BE PERFORMED BY CONSERVATORS AND SPECIAL CONSERVATORS; BY AMENDING SECTION 62-5-422, RELATING TO POWERS OF CONSERVATORS IN ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES REGARDING THE PAYMENT OF CERTAIN FEES; BY AMENDING SECTION 62-5-426, RELATING TO CLAIMS AGAINST PROTECTED PERSONS, SO AS TO REQUIRE, AMONG OTHER THINGS, THAT THE CLAIMANT ALSO MUST FILE A WRITTEN STATEMENT OF THE CLAIM WITH THE PROBATE COURT IN WHICH THE CONSERVATORSHIP IS UNDER ADMINISTRATION; BY AMENDING SECTION 62-5-428, RELATING TO ACTIONS FOR REQUESTS SUBSEQUENT TO THE APPOINTMENT, SO AS TO, AMONG OTHER THINGS, REVISE CERTAIN ACTIONS THAT THE COURT MAY TAKE AFTER THE TIME FOR RESPONSE TO THE PETITION HAS ELAPSED TO ALL PARTIES SERVED; BY AMENDING SECTION 62-5-433, RELATING TO DEFINITIONS AND PROCEDURES FOR SETTLEMENT OF CLAIMS IN FAVOR OF OR AGAINST MINORS OR INCAPACITATED PERSONS, SO AS TO, AMONG OTHER THINGS, DEFINE “GUARDIAN AD LITEM”; BY AMENDING SECTION 62-5-715, RELATING TO CONFIRMATIONS OF GUARDIANSHIPS OR CONSERVATORSHIPS TRANSFERRED FROM OTHER STATES, SO AS TO ALLOW THE COURT MORE DISCRETION AS TO THE TYPE OF DOCUMENTS IT MAY REQUIRE IN THE TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIP FROM ANOTHER JURISDICTION; AND BY AMENDING SECTION 62-5-716, RELATING TO THE REGISTRATION OF ORDERS FROM ANOTHER STATE, SO AS TO, AMONG OTHER THINGS, ACKNOWLEDGE THAT IN CERTAIN OTHER JURISDICTIONS, A GUARDIAN MAY ALSO HOLD THE SAME POWERS AS A CONSERVATOR.

The Senate proceeded to a consideration of the Bill.

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Senator MARTIN proposed the following amendment (SR-4234.JG0005S), which was withdrawn:

Amend the bill, as and if amended, SECTION 4, by striking Section 62-5-108(A)(1)(a) and inserting:

(a) If emergency relief is ~~required to protect the welfare of an alleged incapacitated individual requested~~, the moving party must present evidence of the emergency and of the individual's incapacity to the court's satisfaction including, but not limited to, an affidavit from a physician or nurse practitioner, or at the discretion of the court, or a physician assistant who has performed an examination within thirty days prior to the filing of the action. Additionally, the moving party shall file a motion for the appointment of counsel if counsel has not been retained for an alleged incapacitated individual, and a motion for the appointment of a ~~proposed qualified individual to serve as guardian ad litem~~.

Amend the bill further, SECTION 4, by striking Section 62-5-108(B)(2)(a) and inserting:

(a) If temporary relief is ~~required to protect the welfare of an alleged incapacitated individual, in addition to the requirements set forth above in subsection (B)(2) requested~~, the moving party shall present evidence of the need for temporary relief and of incapacity, including without limitation, an affidavit from a physician or nurse practitioner, or, at the discretion of the court, or a physician assistant who has performed an examination within the previous forty-five days prior to the filing of the action, a motion for the appointment of counsel if counsel has not been retained, and a motion for appointment of a proposed qualified individual to serve as guardian ad litem.

Amend the bill further, SECTION 6, by striking Section 62-5-303A(A)(3) and inserting:

(3) any affidavits or physician's or nurse practitioner's reports, or, at the discretion of the court, the report of a physician assistant filed with the petition.

Amend the bill further, SECTION 7, by striking Section 62-5-303B(b) and inserting:

(b) one examiner, who must be a physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant; to examine the alleged incapacitated individual and file a notarized report setting forth his evaluation of the condition of the alleged incapacitated individual in accordance with the provisions set forth in Section 62-5-303D. Unless the guardian ad litem or the alleged incapacitated individual objects, if a physician's or nurse practitioner's notarized report or, at the discretion of the court, or the report of a physician assistant is filed with the petition

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and served upon the alleged incapacitated individual and all interested parties with the petition, then the court may appoint such physician as the examiner. Upon the court's own motion or upon request of the initial examiner, the alleged incapacitated individual, or his guardian ad litem, the court may appoint a second examiner, who must be a physician, physician assistant, nurse, nurse practitioner, social worker, or psychologist.

Amend the bill further, SECTION 12, by striking Section 62-5-403A(3) and inserting:

(3) any affidavits or physicians' or nurse practitioners' reports, at the discretion of the court, the report of a physician assistant, -filed with the petition.

Amend the bill further, SECTION 13, by striking Section 62-5-403B(b) and inserting:

(b) except in cases governed by Section 62-5-431 relating to benefits from the VA, one examiner, who must be a physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, -to examine the alleged incapacitated individual and file a notarized report setting forth his evaluation of the condition of the alleged incapacitated individual in accordance with the provisions set forth in Section 62-5-403D. Unless the guardian ad litem or the alleged incapacitated individual objects, if a physician's or nurse practitioner's notarized report, or, at the discretion of the court, may be a physician assistant, -is filed with the petition and served upon the alleged incapacitated individual and all interested parties with the petition, then the court may appoint that physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, -as the examiner. Upon the court's own motion or upon request of the initial examiner, the alleged incapacitated individual, or his guardian ad litem, the court may appoint a second examiner, who must be a physician, physician assistant, nurse practitioner, nurse, social worker, or psychologist. No appointment of examiners is required when the basis for the petition is that the individual is confined, detained, or missing.

Amend the bill further, SECTION 16, by striking Section 62-5-422(B)(11) and inserting:

(11) pay a reasonable fee to the conservator, special conservator, guardian ad litem, attorney, examiner, ~~or~~ physician, physician assistant, or nurse practitioner-for services rendered;

Renumber sections to conform.

Amend title to conform.

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On motion of Senator MARTIN, with unanimous consent, the amendment was withdrawn.

Senator MARTIN proposed the following amendment (SR-4234.JG0013S), which was adopted:

Amend the bill, as and if amended, SECTION 4, by striking Section 62-5-108(A)(1)(a) and inserting:

(a) If emergency relief is ~~required to protect the welfare of an alleged incapacitated individual requested~~, the moving party must present evidence of the emergency and of the individual's incapacity to the court's satisfaction including, but not limited to, an affidavit from a physician or nurse practitioner, or at the discretion of the court, a physician assistant, or psychologist, who has performed an examination within thirty days prior to the filing of the action. ~~Additionally, the moving party shall file a motion for the appointment of counsel if counsel has not been retained for an alleged incapacitated individual, and a motion for the appointment of a proposed qualified individual to serve as guardian ad litem.~~

Amend the bill further, SECTION 4, by striking Section 62-5-108(B)(2)(a) and inserting:

(a) If temporary relief is ~~required to protect the welfare of an alleged incapacitated individual, in addition to the requirements set forth above in subsection (B)(2) requested~~, the moving party shall present evidence of the need for temporary relief and of incapacity, including without limitation, an affidavit from a physician or nurse practitioner, or, at the discretion of the court, a physician assistant, or psychologist, who has performed an examination within the previous forty-five days prior to the filing of the action, a motion for the appointment of counsel if counsel has not been retained, and a motion for appointment of a proposed qualified individual to serve as guardian ad litem.

Amend the bill further, SECTION 6, by striking Section 62-5-303A(A)(3) and inserting:

(3) any affidavits or physician's or nurse practitioner's reports, or, at the discretion of the court, the report of a physician assistant, or psychologist filed with the petition.

Amend the bill further, SECTION 7, by striking Section 62-5-303B(b) and inserting:

(b) one examiner, who must be a physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, or psychologist, to examine the alleged incapacitated individual and file a notarized report setting forth his evaluation of the condition of the alleged

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incapacitated individual in accordance with the provisions set forth in Section 62-5-303D. Unless the guardian ad litem or the alleged incapacitated individual objects, if a physician's or nurse practitioner's notarized report or, at the discretion of the court, or the report of a physician assistant, or psychologist is filed with the petition and served upon the alleged incapacitated individual and all interested parties with the petition, then the court may appoint such physician as the examiner. Upon the court's own motion or upon request of the initial examiner, the alleged incapacitated individual, or his guardian ad litem, the court may appoint a second examiner, who must be a physician, physician assistant, nurse, nurse practitioner, social worker, or psychologist.

Amend the bill further, SECTION 12, by striking Section 62-5-403A(3) and inserting:

(3) any affidavits or physicians' or nurse practitioners' reports, at the discretion of the court, the report of a physician assistant, or psychologist, filed with the petition.

Amend the bill further, SECTION 13, by striking Section 62-5-403B(b) and inserting:

(b) except in cases governed by Section 62-5-431 relating to benefits from the VA, one examiner, who must be a physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, or psychologist, to examine the alleged incapacitated individual and file a notarized report setting forth his evaluation of the condition of the alleged incapacitated individual in accordance with the provisions set forth in Section 62-5-403D. Unless the guardian ad litem or the alleged incapacitated individual objects, if a physician's or nurse practitioner's notarized report, or, at the discretion of the court, may be a physician assistant, or psychologist, is filed with the petition and served upon the alleged incapacitated individual and all interested parties with the petition, then the court may appoint that physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, or psychologist, as the examiner. Upon the court's own motion or upon request of the initial examiner, the alleged incapacitated individual, or his guardian ad litem, the court may appoint a second examiner, who must be a physician, physician assistant, nurse practitioner, nurse, social worker, or psychologist. No appointment of examiners is required when the basis for the petition is that the individual is confined, detained, or missing.

Amend the bill further, SECTION 16, by striking Section 62-5-422(B)(11) and inserting:

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(11) pay a reasonable fee to the conservator, special conservator, guardian ad litem, attorney, examiner, ~~or physician~~, physician assistant, nurse practitioner, or psychologist for services rendered;

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

Senator YOUNG proposed the following amendment (SR-4234.JG0010S), which was adopted:

Amend the bill, adding appropriately numbered SECTIONS to read:

SECTION X. Section 62-6-401 of the S.C. Code is amended to read:

Section 62-6-401. (A) In addition to such other methods for registering and titling titled personal property as permitted in Title 50 and Title 56, any owner of a vehicle, mobile home, watercraft, outboard motor or any similar personal property for which legal titles are issued and administered by the Department of Motor Vehicles or Department of Natural Resources may establish a Transfer on Death (TOD) designation upon any such title or registration, subject to the provisions of this section, for the purposes set forth herein.

(B) A TOD designation on any titled personal property shall pass, upon the death of all owners of such titled personal property, to the TOD beneficiary or beneficiaries pursuant to this section and is effective by reason of this statute and such transfer is not testamentary or subject to Articles 1 through 4 (estate administration).

(C) A beneficiary of a TOD designation on any titled personal property has no ownership of the titled personal property during the lifetime of the owner or owners of such titled personal property.

(D) The following rules shall apply to titled personal property owned by one owner with TOD designation:

(1) On the death of an owner who is the sole owner of titled personal property with a TOD designation, the titled personal property belongs to the surviving beneficiary or beneficiaries named in the TOD designation. If two or more beneficiaries survive, the titled personal property must be titled to them in undivided equal shares, and there is no right of survivorship in the event of a later death of a beneficiary, unless such beneficiaries shall thereafter change the titling during their lifetimes to reflect such a right of survivorship.

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(2) If no beneficiary named on the TOD designation survives upon the death of the owner, then the titled personal property belongs to the estate of the owner.

(3) Any sole owner who utilizes a TOD designation on titled personal property may revoke or modify the TOD designation at any time during the owner's life without the consent of any beneficiary listed on a TOD designation.

(E) The following rules shall apply to titled personal property owned by two or more owners with a TOD designation:

(1) Only multiple owners who own titled personal property with right of survivorship shall be entitled to utilize a TOD designation to transfer property pursuant to this section and a TOD designation for multiple owners who own titled personal property without such right of survivorship shall be ineffective.

(2) On the death of one owner among multiple owners with right of survivorship the titled personal property belongs to the surviving owner or owners. If two or more owners survive, the titled personal property belongs to the surviving owners in undivided equal shares and the right of survivorship continues between the surviving parties.

(3) On the death of the last surviving owner among multiple owners with right of survivorship, the titled personal property belongs to the surviving beneficiary or beneficiaries named in a TOD designation. If two or more beneficiaries survive, the titled personal property belongs to them in undivided equal shares, and there is no right of survivorship in the event of a later death of a beneficiary, unless such beneficiaries shall thereafter change the titling to reflect such a right of survivorship during their lifetimes. If no beneficiary named in the TOD designation is living on the date of the last surviving owner's death, the titled personal property belongs to the estate of the last surviving owner.

(4) When multiple owners own titled personal property, all of such multiple owners, or the survivors among them, must act together to establish such TOD designation or to thereafter revoke or modify such TOD designation, but the consent of any beneficiary selected in such TOD designation must not be required.

(F) An owner or multiple owners of a vehicle, mobile home, or any other similar vehicle or property for which the Department of Motor Vehicles issues and administers titles shall apply to the Department of Motor Vehicles for such TOD designation pursuant to the terms of this section pursuant to the rules and standards of the department.

(G) An owner or multiple owners of a watercraft, outboard motor, or any other similar watercraft or property for which the Department of

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Natural Resources issues and administers titles shall apply to the Department of Natural Resources for such TOD designation pursuant to the terms of this section pursuant to the rules and standards of the department.

(H) The Department of Motor Vehicles or the Department of Natural Resources, as appropriate, upon request, shall retitle the appropriate titled personal property with a TOD designation, to:

(1) The beneficiary or beneficiaries named in the TOD designation, if proof of death is presented to the appropriate department showing that the beneficiary or beneficiaries survived all owners of the titled personal property.

(2) The personal representative of a deceased party, if proof of death is presented to the appropriate department showing that the deceased party was the last survivor of all other owners named on the title to the titled personal property and there shall be no surviving beneficiaries named in any TOD designation.

(3) To such party or parties in accordance with a court order directing the retitling of such titled personal property.

(I) For purposes of this section, ownership of titled personal property using “OR” with two or more multiple owners shall indicate “joint tenants with right of survivorship”, while ownership using “AND” with two or more multiple owners shall indicate ownership “tenants in common”. Only sole owners and multiple owners holding title to titled personal property with such right of survivorship (e.g., “OR” titling between multiple owners) are eligible to utilize the TOD procedures described in this statute.

SECTION X. Section 50-23-60(A) of the S.C. Code is amended to read:

(A) Every person who acquires a watercraft or outboard motor required to be titled under this chapter shall apply to the department within thirty days of the date of acquisition for a certificate of title for the watercraft or outboard motor accompanied by the required fee and on forms required by the department. The application must be signed by the person who acquires the watercraft or outboard motor and shall contain:

(1) the applicant's name, domiciled address including the county, date of birth, and the county where the watercraft is principally located, state issued identification number, and state of issue;

(2) for watercraft, a description of the watercraft, including its make, model, model year, length, the principal material used in

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construction, hull number, and the manufacturer's engine serial number if an inboard; for an outboard motor, its make, model, model year, or year of manufacture, and horsepower, and manufacturer's serial number;

(3) the date of acquisition by the applicant, the name and address of the person from whom the watercraft or outboard motor was acquired, and the names and addresses of persons having a security interest in the order of their priority;

(4) a bill of sale; ~~and~~

(5) further information reasonably required by the department to enable it to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the watercraft or outboard motor;

(6) when a Transfer of Death (TOD) beneficiary is designated, each TOD beneficiary's name, domiciled address including the county, date of birth, state-issued identification number, and state of issue; and

(7) in the case of one or more TOD beneficiaries receiving the title and registration to a watercraft or outboard motor, a bill of sale shall not be required for the department to issue a title, but such TOD beneficiaries shall establish the death of all owners of the watercraft or outboard motor.

SECTION X. Section 50-23-70 of the S.C. Code is amended by adding:

(F) The fee to establish, modify, or revoke a Transfer of Death designation upon a certificate of title for watercraft or outboard motor is ten dollars.

SECTION X. Section 50-23-90(a) of the S.C. Code is amended to read:

(a) Each certificate of title issued by the department shall contain:

(1) the date issued;

(2) the name and address of the owner;

(3) the names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;

(4) the title number assigned to the watercraft or outboard motor;

(5) a description of the watercraft or outboard motor including its make, model, model year, or year of manufacture, horsepower, registration number, and manufacturer's serial number or, hull number assigned to the watercraft by the department, length, and the principal material used in construction;

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(6) on the reverse side of the certificate, spaces for assignment of title by the owner or by the dealer and for a warranty that the signer is the owner and that there are no mortgages, liens, or encumbrances on the watercraft or outboard motor except as are noted on the face of the certificate of title; ~~and~~

(7) information of whether Transfer of Death beneficiary designations have been filed with the department; and

(8) any other data the department prescribes.

SECTION X. Section 50-23-130(a) of the S.C. Code is amended to read:

(a) If the ownership of a watercraft or outboard motor is transferred by operation of law, such as by inheritance, Transfer on Death, devise or bequest, order in bankruptcy, insolvency, replevin, or execution sale, or satisfaction of mechanic's lien, or repossession upon default in performance of the terms of a security agreement, the transferee shall, except as provided in subsection (b), promptly mail or deliver to the department the last certificate of title, if available, or the manufacturer's or importer's statement of origin, or, if that is not possible, satisfactory proof of the transfer of ownership, and his application for a new certificate of title accompanied by the required fee, and upon the appropriate form or forms prescribed and furnished by the department.

SECTION X. Section 56-19-290 of the S.C. Code is amended to read:

(1) the date issued;

(2) the name and address of the owner;

(3) the names and addresses of any lienholders, in the order of priority as shown on the application, and dates of the liens, or if the application is based on a certificate of title, as shown on the certificate;

(4) the title number assigned to the vehicle;

(5) a description of the vehicle including, so far as the following data exists: its make, model, vehicle identification number, odometer reading at the time of application, and type of body;

(6) the names of any Transfer on Death beneficiary established upon such title pursuant to Section 62-6-401; and

(7) any other data the department prescribes.

SECTION X. Section 56-19-420(A) of the S.C. Code is amended to read:

(A) The Department of Motor Vehicles shall charge fifteen dollars for:

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- (1) the issuance of a certificate of title;
- (2) the transfer of a certificate of title; ~~or~~
- (3) the issuance of a duplicate certificate of title; or
- (4) the establishment, modification, or revocation of Transfer on Death beneficiaries pursuant to Section 62-6-401.

SECTION X. Section 62-6-101 of the S.C. Code is amended to read:

(1) “Account” means a contract of deposit between a depositor and a financial institution, and includes a checking account, savings account, certificate of deposit, share account, and other like arrangements.

(2) “Agent” means a person authorized to make account transactions for a party.

(3) “Beneficiary” means a person named as one to whom sums on deposit in an account are payable on request after the death of all parties or for whom a party is named as the trustee; or, as it relates to titled personal property, any party named as one to whom a title shall be reregistered and retitled on request after the death of all owners of titled personal property.

(4) “Financial institution” means any organization authorized to do business under state or federal laws relating to financial institutions, and includes a bank, trust company, savings bank, building and loan association, savings and loan company or association, and credit union.

(5) “Multiple-party account” means an account payable on request to one or more of two or more parties, whether or not a right of survivorship is mentioned including, but not limited to, joint accounts or POD accounts.

(6) “Net contribution of a party” means the sum of all deposits to an account made by or for the party, less all payments from the account made to or for the party which have not been paid to or applied to the use of another party and a proportionate share of any charges deducted from the account, plus a proportionate share of any interest or dividends earned, whether or not included in the current balance. The term includes deposit life insurance proceeds added to the account by reason of death of the party whose net contribution is in question.

(7) “Party” means a person who, by the terms of an account, has a present right, subject to request, to payment from the account other than as a beneficiary or agent.

(8) “Payment” of sums on deposit includes withdrawal, payment to a party, or third person pursuant to a check or other request, and a pledge

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of sums on deposit by a party, or a set-off, reduction, or other disposition of all or part of an account pursuant to a pledge.

(9) "Proof of death" includes a death certificate or record or report which is prima facie proof of death under Section 62-1-507.

(10) "POD designation" means the designation of: (i) a beneficiary in an account payable on request to one party during the party's lifetime and on the party's death to one or more beneficiaries, or to one or more parties during their lifetimes and on death of all of them to one or more beneficiaries, or (ii) a beneficiary in an account in the name of one or more parties as trustee for one or more beneficiaries if the relationship is established by the terms of the account and there is no subject of the trust other than the sums on deposit in the account, whether or not payment to the beneficiary is mentioned.

(11) "Receive" as it relates to notice to a financial institution, means receipt in the office or branch office of the financial institution in which the account is established, but if the terms of the account require notice at a particular place, in the place required.

(12) "Request" means a request for payment complying with all terms of the account, including special requirements concerning necessary signatures and regulations of the financial institution. However, for purposes of this subpart, if terms of the account condition payment on advance notice, a request for payment is treated as immediately effective and a notice of intent to withdraw is treated as a request for payment.

(13) "Sums on deposit" means the balance payable on an account including interest and dividends earned, whether or not included in the current balance, and any deposit life insurance proceeds added to the account by reason of the death of a party.

(14) "Terms of the account" includes the deposit agreement and other terms and conditions, including the form, of the contract of deposit.

(15) "Owner" as it relates to titled personal property, means one or more parties with titled personal property registered and titled in such parties' respective name or names.

(16) "Transfer on Death" or "TOD" means the designation of a beneficiary named on titled personal property for purposes of reregistering and retitling such titled personal property in such beneficiary's or beneficiaries' name or names upon the death of the last surviving owner of such titled personal property.

(17) "Titled personal property" means any vehicle, mobile home, watercraft, outboard motor, or any other similar personal property for which the Department of Motor Vehicles or Department of Natural Resources issues and administers legal titles.

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Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 4248 -- Reps. Rose and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION

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61-4-50, RELATING TO THE SALE OF BEER, ALE, PORTER, OR WINE TO UNDERAGED PERSONS, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE; AND BY AMENDING SECTION 61-6-4080, RELATING TO THE SALE OF ALCOHOLIC LIQUORS TO AN UNDERAGED PERSON, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY proposed the following amendment (SJ-4248.MF0005S), which was withdrawn:

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

SECTION X. The General Assembly finds and declares that:

(A) The State has a substantial interest in regulating beverages containing alcohol, including alcoholic liquor, beer, ale, porter, wine, and other similar malt or fermented beverages as defined and licensed for retail sale pursuant to Sections 61-4-10 and 61-6-20, collectively referenced as “beverages containing alcohol” in these legislative findings, of the S.C. Code; the activities of manufacturers, importers, wholesalers, and retailers; the safe delivery of beverages containing alcohol to the state's consumers; and the influences that affect the consumption levels of beverages containing alcohol by the people of the State.

(B) The State has a substantial interest in exercising its police powers to promote the public health, safety, and welfare of the State by regulating the business of retail sales and delivery of beverages containing alcohol in the manner and to the extent allowed by law to promote and preserve public health and safety through legitimate, nonprotectionistic measures, which include regulating and controlling transactions in this State involving beverages containing alcohol and the means and manner in which licensed retailers and third parties may deliver beverages containing alcohol to the state’s qualifying consumers.

(C) Selling and delivering beverages containing alcohol from retailers outside the State directly to residents of this State poses a serious threat to the state’s efforts to prevent underage drinking, to state revenue collections, and to the public health and safety of the state’s residents.

(D) By this act, the General Assembly intends to promote the public health, safety, and welfare of residents of this State with laws intended to strictly regulate beverages containing alcohol by preserving and promoting a robust, stable system of distribution of beverages containing alcohol to the public, that does not provide for economic protectionism.

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Excessive use of beverages containing alcohol has wide ranging deleterious health effects, including death. The General Assembly acknowledges that, according to the United States Centers for Disease Control, during the period from 2011-2015 an average of 1,679 of this state's residents suffered alcohol-attributed deaths due to excessive alcohol use and the rate of binge drinking in this State is ranked among the highest in the nation. The General Assembly acknowledges that, according to the National Highway Traffic Safety Administration, this State had 285 alcohol-impaired driving fatalities in 2019, which accounted for twenty-eight percent of the total traffic fatalities in the State. Attributed deaths due to alcohol-impaired driving in this State is ranked among the highest in the nation.

(E) This act has been enacted pursuant to the authority granted to the State by the Twenty-first Amendment to the Constitution of the United States, the powers reserved to the states under the Tenth Amendment to the United States Constitution, and the inherent powers of the State under the Constitution of the State of South Carolina, 1895, and the statutes promulgated thereunder. It is the intent of the General Assembly that this act does all of the following:

(1) further regulate and control transactions in this State as to beverages containing alcohol under the control and supervision of the Department of Revenue;

(2) strictly regulate transactions involving beverages containing alcohol by fostering moderation and responsibility in the use and consumption of beverages containing alcohol;

(3) promote and assure the public's interest in fair and efficient distribution and quality control of beverages containing alcohol in this State;

(4) promote orderly marketing of beverages containing alcohol;

(5) prevent unfair business practices, discrimination, and undue control of one segment of the alcoholic beverage industry by any other segment;

(6) foster vigorous and healthy competition in the alcoholic beverage industry, protect the interests of consumers against fraud and misleading practices in the sale of beverages containing alcohol, and avoid problems associated with indiscriminate price cutting and excessive advertising of beverages containing alcohol;

(7) provide for an orderly system of public revenues by facilitating the collection and accountability of state and local excise taxes;

(8) facilitate the collection of state and local revenue;

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(9) maintain trade stability and provide for the continuation of control and orderly processing by the State over the regulation of retail locations licensed to sell beverages containing alcohol and the process of selling and delivering beverages containing alcohol to the state's consumers;

(10) ensure that the Department of Revenue and State Law Enforcement Division are able to monitor licensed operations through onsite inspections to confirm compliance with state law and that any beverages containing alcohol shipped into, distributed, and sold throughout this State:

(a) have registered for sale in this State with the Department of Revenue, as prescribed by law;

(b) are not subject to a government-mandated or supplier-initiated recall;

(c) are not counterfeit;

(d) are labeled in conformance with applicable laws, rules, and regulations;

(e) can be inspected and tested by the Department of Revenue or the State Law Enforcement Division; and

(f) are not prohibited by this State;

(11) promote and maintain a sound, stable, and viable three tier system of distribution of beverages containing alcohol to the public; and

(12) ensure that statutes and regulations relating to beverages containing alcohol exist to serve the interests of the State of South Carolina and its citizens, rather than to serve or protect the interests of market participants by adopting protectionistic measures with no demonstrable connection to the state's legitimate interests in regulating beverages containing alcohol.

SECTION X. Section 61-2-170 of the S.C. Code is amended to read:

Section 61-2-170. Except as otherwise provided for in Section 61-4-45 and Section 61-6-1570, ~~The~~~~the~~ department may not generate license fees to be deposited in the general fund of the State through the issuance of licenses or permits for on or off premises consumption which authorize alcoholic liquors, beer, or wine to be sold on a drive-through or curbside service basis.

SECTION X. Article 1, Chapter 4, Title 61 of the S.C. Code is amended by adding:

Section 61-4-45. . (A) The department may issue a license or permit allowing a retailer to offer curbside delivery or pickup through curbside service of beer or wine if the retailer:

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(1) has a clearly designated curbside area abutting or adjacent to or in close proximity to its business;

(2) requires a customer to provide a valid government-issued identification at the time of pickup;

(3) prohibits the use of curbside delivery or curbside pickup service by an intoxicated person or a person under the age of twenty-one; and

(4) requires the employee delivering sealed containers of beer or wine to a customer's vehicle to be eighteen years or older and to undergo training to sell beer and wine as provided by the Department of Alcohol and Other Drug Abuse Services or as administered by the retailer or a Department of Alcohol and Other Drug Abuse Services-approved training program.

(B) This section may not be interpreted to authorize:

(1) the curbside delivery or pickup through curbside service of open containers of beer or wine;

(2) the delivery of beer or wine beyond the premises authorized in subsection (A)(1), including delivery through a third-party delivery service or the retailer;

(3) the drive-through pickup of beer or wine; or

(4) the curbside delivery or pick up through curbside service of containers of beer or wine that, at the time of delivery or service to a customer's vehicle, are chilled.

(C) As used in this section, "retailer" means a person or entity licensed under this title as a retailer authorized to sell beer, ale, porter, and wine in sealed containers for off-premises consumption or on-premises consumption and does not include a manufacturer or any other person or entity licensed to manufacture beer and wine.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Article 1, Chapter 4, Title 61 of the S.C. Code is amended by adding:

Section 61-4-280. (A) As used in this section:

(1) "Customer" means an individual who is at least twenty-one years of age and who purchases products from a licensed retail dealer through the use of the Internet, mobile applications, or other similar technology.

(2) "Delivery" means local delivery of beer or wine made by a retail dealer or delivery service employees or independent contractors. Delivery by a retail dealer or delivery service must be made on the same day the beer and wine are collected from the retail dealer and may not be interstate or further hired, including to a common carrier.

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(3) “Delivery service” means a third party that delivers items from a retail dealer to consumers for personal consumption and not for resale, using employees or independent contractors to facilitate the delivery. A “delivery service” also may facilitate delivery through technology services that connect customers with retail dealers through the use of the Internet, mobile applications, and other similar technology.

(4) “Recipient” means an individual who:

(a) is at least twenty-one years of age;

(b) produces valid government-issued identification and a signature when so prompted by the retail dealer or delivery service employee or independent contractor;

(c) is physically present at the address designated by the customer; and

(d) is receiving the intended delivery from the delivery service or retail dealer.

(5) “Retail dealer” means a person or entity licensed under this title as a retailer authorized to sell beer, ale, porter, and wine in sealed containers for off-premises consumption or on-premises consumption and does not include a manufacturer or any other person or entity licensed to manufacture beer or wine.

(6) “Sealed container” means a vessel containing beer or wine, which has not been opened, tampered with, uncapped, or unsealed subsequent to its original filling and airtight sealing by the manufacturer, importer, or retail dealer.

(7) “Third party” means any individual, partnership, association, company, limited liability company, corporation, or other entity or group who is licensed to do business in this State, regardless of the state of residency, that has a contractual relationship with at least one licensed retail dealer, and who is not an employee of the retail dealer.

(B) Notwithstanding any other provision of law, a retail dealer may hire a delivery service to deliver sealed packages of beer and wine for personal consumption and a retail dealer may itself deliver sealed packages of beer and wine for personal consumption. Delivery shall not occur on the premises of any church, school, or playground, as those terms are defined in Section 61-6-120, within any residence hall or dormitory on a college or university campus in this State, or within the premises of licensed on-premises retailers, excluding hotels. For purposes of determining whether the area for the delivery of beer and wine is permissible, the Department of Revenue shall make available the addresses of active licensed on-premises retailers upon which the

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delivery service or retail dealer may reasonably rely in furtherance of prohibiting such delivery.

(C) The delivery service or retail dealer must apply to the department for a biennial license which authorizes the delivery of beer and wine that has been purchased from a retailer through the three-tier distribution chain set forth in Sections 61-4-735 and 61-4-940. The department shall grant the license if the applicant:

(1) pays a nonrefundable, four-hundred-dollar license fee;

(2) is at least twenty-one years of age;

(3) affirms whether the applicant or any officer or director, as may be required to be disclosed in the license application, has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;

(4) except for applicants that are publicly traded companies or subsidiaries of the same, provides a criminal history background check conducted by the State Law Enforcement Division at the time of application. The background check must prove that the individual has not been convicted of any crime involving the sale or distribution of beer, wine, or alcoholic liquors within the last eight years and has not been convicted of any felony within the last ten years; and

(5) maintains a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the amount of at least one million dollars for the biennial period for which it is permitted.

(D) Nothing in this section shall be construed to require a company that only provides technology services to a retail dealer to obtain a delivery service license if the company does not employ or contract with delivery drivers, but merely provides software or an application that connects consumers and licensed retail dealers.

(E) A person with ownership or financial interest in a delivery service licensee may not hold or maintain concurrent ownership or financial interest in beer or wine business operations on the manufacturer tier-one, or tier-two wholesaler operations, except as provided in Section 61-4-735(D) or Section 61-4-940(D).

(F) Each individual who delivers beer and wine for a retail dealer or delivery service must be at least twenty-one years of age, must not have a felony conviction within the last ten years, as confirmed by a background check conducted by the delivery service prior to being hired, and must undergo training to deliver beer and wine as provided or approved by the Department of Alcohol and Other Drug Abuse Services and as administered by the retail dealer, delivery service, or a

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Department of Alcohol and Other Drug Abuse Services approved training program.

(G) A licensed retail dealer may market, receive, and process orders for beer and wine products under this section using electronic means owned, operated, and maintained by a third party, provided that:

(1) the retail dealer maintains ultimate control and responsibility over the sales transaction and transfer of physical possession of the beer and wine to the delivery service employee or independent contractor;

(2) the retail dealer retains the sole discretion to determine whether to accept and complete a sales transaction or reject it;

(3) the retail dealer retains the independence to determine which beer and wine are made available for ordering through electronic means, which beer and wine are made available for delivery to the recipient at the address designated by the customer, and to independently set the price of such products;

(4) the sales transaction takes place between the customer and the retail dealer, and the retail dealer appears as the merchant of record;

(5) any credit or debit card information provided by a customer to the third party for the purpose of transacting a purchase with a retail dealer is automatically directed to the retail dealer such that the retail dealer appears as the merchant of record at the time of purchase and on the receipt;

(6) the retail dealer, or an employee of the retail dealer, processes by the licensed premises that accepts the order, all payments initiated by a customer that is transacting a purchase with the retail dealer; and

(7) the beer and wine are in the possession of the retail dealer prior to the retail dealer's processing of payment for such products.

(H) Licensed retail dealers or third parties shall maintain records of beer and wine sales delivered by third parties for a period of three years. The records must document the chain of custody of the beer and wine sold by retail dealers and delivered by third parties and shall include the retail dealer's name, deliverer's name, recipient's name, date of birth, type and number of identification presented, delivery address and signature. Upon request, the records must be made available to the department, within a reasonable period of time, in the manner prescribed by the department.

(I) The retail dealer or delivery service shall assemble, package, and fulfill each order for delivery at the licensed premises of the retail dealer from inventory located at such licensed premises and shall not retrieve inventory from any other of the retail dealer's locations or of any other person or entity, including another retail dealer.

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(J) All beer, ale, porter, and wine that leave the licensed premises of the retail dealer for delivery:

(1) shall remain in the possession of the retail dealer or delivery service employee or independent contractor who removed it from the licensed premises for delivery and may not be transferred to any other person until the time of delivery in compliance with this section or the return to the retail dealer's licensed premises the same day removed if delivery is not made; and

(2) shall not be carried with, comingled with, stored with, or transported in any vehicle or other transportation device containing products or goods traveling in interstate commerce.

(K) A retail dealer must not deliver or sell for delivery and a delivery service must not deliver beer or wine to any location or recipient beyond the United States Postal Service five digit ZIP code or a contiguous ZIP code of the selling retail dealer's licensed premises.

(L) A retail dealer or delivery service licensee may only deliver beer and wine within the time allowed for lawful sales and consumption in the jurisdiction, subject to local option laws in the county for the licensed retail dealer, and as provided in Section 61-4-120. Also, at the time of delivery, a retail dealer or delivery service employee or independent contractor must: (i) use some form of electronic or current state-of-the-art age verification software technology requiring the recipient to provide photographic identification reflecting a date of birth to verify the recipient is at least twenty-one years of age, and must obtain the recipient's signature, or (ii) if the available software technology is not operable at the point of delivery, manually record or document the deliverer's name, the recipient's name, date of birth, type and number of identification presented, and signature before transferring possession of the beer and wine to the intended recipient.

(M) A retail dealer and delivery service shall refuse delivery and return the beer and wine to the retail dealer's licensed premises on the same date of collection and attempted delivery when the recipient is not present or:

- (1) is less than twenty-one years of age;
- (2) fails to produce valid identification;
- (3) appears to be intoxicated; or

(4) the retail dealer or delivery service employee or independent contractor is unable to scan and retain, or manually record or document the recipient's name, date of birth, type of identification presented, and signature.

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(N) Each retail dealer or delivery service that delivers beer and wine must monetarily incentivize its employees or independent contractors to return beer and wine to the retail dealer's licensed premises if the delivery is refused by the recipient or pursuant to subsection (M).

(O) A customer order made through a delivery service licensee or directly through a retail dealer shall result in a sale deemed to have been made on the retail dealer's licensed premises.

(P)(1) For violations of this section, and for a violation of any regulation pertaining to beer or wine, the department may, in its discretion, impose a monetary penalty upon a retail dealer or the holder of a delivery service license in lieu of suspension or revocation. The amount of any penalty imposed must be no less than twenty-five dollars and no more than one thousand dollars. The fine is subject to a hearing as provided in the South Carolina Revenue Procedures Act and the Administrative Procedures Act.

(2) The department in its discretion may suspend payment of a fine or a monetary penalty imposed under this section. Any fines collected pursuant to this section must be credited to the general fund.

(3) If the department imposes a monetary penalty under this section which is not paid or a contested case hearing is not requested within thirty days after demand by the department, the license or licenses may be suspended or revoked by the department.

(4) Penalties provided for in this section are in addition to any fines and penalties imposed by law or by any court of competent jurisdiction for violation of the laws of this State.

(5) In addition to the penalties provided in this subsection, the department may revoke the delivery license of an entity or person failing to comply with any requirements hereof.

SECTION X. Article 5, Chapter 6, Title 61 of the S.C. Code is amended by adding:

Section 61-6-1570. (A) The department may issue a license or permit allowing a retailer to offer curbside delivery or pickup through curbside service of alcoholic liquors if the retailer:

(1) has a clearly designated curbside area abutting or adjacent to or in close proximity to its business;

(2) requires a customer to provide a valid government-issued identification at the time of pick up;

(3) prohibits the use of curbside delivery or pickup service by an intoxicated person or a person under the age of twenty-one; and

(4) requires the employee delivering sealed containers of alcoholic liquors to a customer's vehicle to be twenty-one years or older.

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(5) requires the employee delivering sealed containers of alcoholic liquors to a customer's vehicle to undergo training to sell alcoholic liquors as provided or approved by the Department of Alcohol and Other Drug Abuse Services and as administered by the retailer or a Department of Alcohol and Other Drug Abuse Services-approved training program.

(B) This section may not be interpreted to authorize:

(1) the curbside delivery or pickup through curbside service of open containers of alcoholic liquors;

(2) the delivery of alcoholic liquors beyond the premises authorized in subsection (A)(1), including delivery through a third-party delivery service or the retailer;

(3) the drive-through pickup of alcoholic liquors; or

(4) the curbside delivery or pick up through curbside service of containers of alcoholic liquors that, at the time of delivery or service to a customer's vehicle, are chilled.

(C) As used in this section, "retailer" means a person or entity licensed under this title as a retailer authorized to sell alcoholic liquors in sealed containers for off-premises consumption and does not include a manufacturer or any other person or entity licensed to manufacture alcoholic liquors.

SECTION X. Article 5, Chapter 6, Title 61 of the S.C. Code is amended by adding:

Section 61-6-1580. As used in this section:

(1) "Customer" means an individual who is at least twenty-one years of age and who purchases products from a licensed retail dealer through the use of the Internet, mobile applications, or other similar technology.

(2) "Delivery" means local delivery of alcoholic liquors made by a retail dealer or delivery service employees or independent contractors. Delivery by a retail dealer or delivery service must be made on the same day the alcoholic liquor is collected from the retail dealer and may not be interstate or further hired, including to a common carrier.

(3) "Delivery service" means a third party that delivers items from a retail dealer to consumers for personal consumption and not for resale using employees or independent contractors to facilitate the delivery. A "delivery service" also may facilitate delivery through technology services that connect customers with retail dealers through the use of the Internet, mobile applications, and other similar technology.

(4) "Recipient" means an individual who:

(a) is at least twenty-one years of age;

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(b) produces valid government-issued identification and a signature when so prompted by the retail dealer or delivery service employee or independent contractor;

(c) is physically present at the address designated by the customer; and

(d) is receiving the intended delivery from the delivery service or retail dealer.

(5) “Retail dealer” means a person or entity licensed under this title as a retailer authorized to sell alcoholic liquors in sealed containers for off-premises consumption and does not include a manufacturer or any other person or entity licensed to manufacture alcoholic liquors.

(6) “Sealed container” means a vessel containing alcoholic liquors, which has not been opened, tampered with, uncapped, or unsealed subsequent to its original filling and airtight sealing by the manufacturer or importer.

(7) “Third party” means any individual, partnership, association, company, limited liability company, corporation, or other entity or group who is licensed to do business in this State, regardless of the state of residency, that has a contractual relationship with at least one licensed retail dealer, and who is not an employee of the retail dealer.

(B) Notwithstanding any other provision of law, a retail dealer may hire a delivery service to deliver sealed packages of alcoholic liquors for personal consumption and a retail dealer may itself deliver sealed packages of alcoholic liquors for personal consumption. Delivery shall not occur on the premises of any church, school, or playground, as those terms are defined in Section 61-6-120, within any residence hall or dormitory on a college or university campus in this State, or within the premises of licensed on-premises retailers, excluding hotels. For purposes of determining whether the area for the delivery of alcoholic liquors is permissible, the Department of Revenue shall make available the addresses of active licensed on-premises retailers upon which the delivery service or retail dealer may reasonably rely in furtherance of prohibiting such delivery.

(C) The delivery service or retail dealer must apply to the department for a biennial license, which authorizes the delivery of alcoholic liquors that have been purchased from a retailer that holds a retail dealer’s license as defined in Section 61-6-100(3) and that has purchased the alcoholic liquors from a wholesaler as required by this chapter. The department shall grant the license if the applicant:

- (1) pays a nonrefundable, four-hundred-dollar license fee;
- (2) is at least twenty-one years of age;

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(3) affirms whether the applicant or any officer or director, as may be required to be disclosed in the license application, has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;

(4) except for applicants that are publicly traded companies or subsidiaries of the same, provides a criminal history background check conducted by the State Law Enforcement Division at the time of application. The background check must prove that the individual has not been convicted of any crime involving the sale or distribution of beer, wine, or alcoholic liquors within the last eight years and has not been convicted of any felony within the last ten years; and

(5) maintains a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the amount of at least one million dollars for the biennial period for which it is permitted.

(D) Nothing in this section shall be construed to require a company that only provides technology services to a retail dealer to obtain a delivery service license if the company does not employ or contract with delivery drivers, but merely provides software or an application that connects consumers and licensed retail dealers.

(E) A person with ownership or financial interest in a delivery service licensee may not hold or maintain concurrent ownership or financial interest in a business operation that holds either a manufacturer's license or a wholesaler's license, except as authorized pursuant to any provision of this chapter.

(F) Each individual who delivers alcoholic liquors for a retail dealer or delivery service must be at least twenty-one years of age, must not have a felony conviction within the last ten years, as confirmed by a background check conducted by the delivery service prior to being hired, and must undergo training to deliver alcoholic liquors as provided or approved by the Department of Alcohol and Other Drug Abuse Services and as administered by the retail dealer, delivery service, or a Department of Alcohol and Other Drug Abuse Services approved training program.

(G)(1) A licensed retail dealer may market, receive, and process orders for alcoholic liquors under this section using electronic means owned, operated, and maintained by a third party, provided that:

(a) the retail dealer maintains ultimate control and responsibility over the sales transaction and transfer of physical possession of the alcoholic liquors to the delivery service employee or independent contractor;

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(b) the retail dealer retains the sole discretion to determine whether to accept and complete a sales transaction or reject it;

(c) the retail dealer retains the independence to determine which alcoholic liquors are made available for ordering through electronic means, which alcoholic liquors are made available for delivery to the recipient at the address designated by the customer, and to independently set the price of such products;

(d) the sales transaction takes place between the customer and the retail dealer, and the retail dealer appears as the merchant of record;

(e) any credit or debit card information provided by a customer to the third party for the purpose of transacting a purchase with a retail dealer is automatically directed to the retail dealer such that the retail dealer appears as the merchant of record at the time of purchase and on the receipt;

(f) the retail dealer, or an employee of the retail dealer, processes by the licensed premises that accepts the order, all payments initiated by a customer that is transacting a purchase with the retail dealer; and

(g) the alcoholic liquors are in the possession of the retail dealer prior to the retail dealer's processing of payment for such products.

(H) Licensed retail dealers or third parties shall maintain records of alcoholic liquor sales delivered by third parties for a period of three years. The records must document the chain of custody of the alcoholic liquors sold by retail dealers and delivered by third parties and shall include the retail dealer's name, deliverer's name, recipient's name, date of birth, type and number of identification presented, delivery address, and signature. Upon request, the records must be made available to the department, within a reasonable period of time, in the manner prescribed by the department.

(I) The retail dealer or delivery service shall assemble, package, and fulfill each order for delivery at the licensed premises of the retail dealer from inventory located at such licensed premises and shall not retrieve inventory from any other of the retail dealer's locations or of any other person or entity, including another retail dealer.

(J) All alcoholic liquors that leave the licensed premises of the retail dealer for delivery:

(1) shall remain in the possession of the retail dealer or delivery service employee or independent contractor who removed it from the licensed premises for delivery and may not be transferred to any other person until the time of delivery in compliance with this section or the return to the retail dealer's licensed premises the same day removed if delivery is not made; and

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(2) shall not be carried with, comingled with, stored with, or transported in any vehicle or other transportation device containing products or goods traveling in interstate commerce.

(K) A retail dealer must not deliver or sell for delivery and a delivery service must not deliver alcoholic liquors to any location or recipient beyond the United States Postal Service five-digit ZIP code or a contiguous ZIP code of the selling retail dealer's licensed premises.

(L) A retail dealer or delivery service licensee may only deliver alcoholic liquors within the time allowed for lawful sales and consumption in the jurisdiction, subject to local option laws in the county for the licensed retail dealer, and as provided in Section 61-6-1500 and Article VIII-A of the Constitution of the State of South Carolina. Also, at the time of delivery, a retail dealer or delivery service employee or independent contractor must: (i) use some form of electronic or current state-of the-art age verification software technology requiring the recipient to provide photographic identification reflecting a date of birth to verify the recipient is at least twenty-one years of age, and must obtain the recipient's signature, or (ii) if the available software technology is not operable at the point of delivery, manually record or document the deliverer's name, the recipient's name, date of birth, type and number of identification presented, and signature before transferring possession of the alcoholic liquors to the intended recipient.

(M) A retail dealer and delivery service shall refuse delivery and return the alcoholic liquors to the retail dealer's licensed premises on the same date of collection and attempted delivery when the recipient is not present or:

- (1) is less than twenty-one years of age;
- (2) fails to produce valid identification;
- (3) appears to be intoxicated; or

(4) the retail dealer or delivery service employee or independent contractor is unable to scan and retain, or manually record or document the recipient's name, date of birth, type of identification presented, and signature.

(N) Each retail dealer or delivery service that delivers alcoholic liquors must monetarily incentivize its employees or independent contractors to return alcoholic liquors to the retail dealer's licensed premises if the delivery is refused by the recipient or pursuant to subsection (M).

(O) A customer order made through a delivery service licensee or directly through a retail dealer shall result in a sale deemed to have been made on the retail dealer's licensed premises.

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(P)(1) For violations of this section, and for a violation of any regulation pertaining to alcoholic liquors, the department may, in its discretion, impose a monetary penalty upon a retail dealer or the holder of a delivery service license in lieu of suspension or revocation. The amount of any penalty imposed must be no less than twenty-five dollars and no more than one thousand dollars. The fine is subject to a hearing as provided in the South Carolina Revenue Procedures Act and the Administrative Procedures Act.

(2) The department in its discretion may suspend payment of a fine or a monetary penalty imposed under this section. Any fines collected pursuant to this section must be credited to the general fund.

(3) If the department imposes a monetary penalty under this section which is not paid or a contested case hearing is not requested within thirty days after demand by the department, the license or licenses may be suspended or revoked by the department.

(4) Penalties provided for in this section are in addition to any fines and penalties imposed by law or by any court of competent jurisdiction for violation of the laws of this State.

(5) In addition to the penalties provided in this subsection, the department may revoke the delivery license of an entity or person failing to comply with any requirements hereof.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. If any provision of this act, or its application to any person or circumstance, is determined by a court or other authority of competent jurisdiction to be invalid or unconstitutional, that provision must be stricken and the remaining provisions must be construed in accordance with the intent of the General Assembly to further limit rather than expand commerce in beverages containing alcohol, and with respect to such beverages, the remaining provisions must be construed to enhance strict regulatory control over the taxation, importation, production, distribution, sale, and delivery of beverages containing alcohol through the three-tier regulatory system and the licensing laws imposed by this act.

Amend the bill further, by striking SECTION 3 and inserting:

SECTION 3. This act takes effect one hundred and twenty days after approval by the Governor.

Re-number sections to conform.

Amend title to conform.

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On motion of Senator TALLEY, with unanimous consent, the amendment was withdrawn.

Senator CASH proposed the following amendment (SEDU-4248.DB0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 61-4-50(D), by adding an item to read:

(4) Conditional discharge may only be granted by the court in accordance with the provisions of this section upon approval of the circuit solicitor or prosecuting officer.

Amend the bill further, SECTION 2, Section 61-6-4080(D), by adding an item to read:

(4) Conditional discharge may only be granted by the court in accordance with the provisions of this section upon approval of the circuit solicitor or prosecuting officer.

Re-number sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (SR-4248.JG0007S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 61-4-50(D)(1) and (2) and inserting:

(1) Whenever any person who has not previously been convicted of any offense under this section, pleads guilty to or is found guilty of a sale in violation of this section, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires provided that one such condition must be that he complete the merchant education program described in subsection (C). Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section must be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon

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conviction of a crime, including the additional penalties imposed for second or subsequent convictions. However, a nonpublic record must be forwarded to and retained by the South Carolina Law Enforcement Division for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense under this section. The South Carolina Law Enforcement Division must produce this record upon subpoena or court order. Discharge and dismissal under this section may occur only once with respect to any person.

(2) Upon the dismissal of the person and discharge of the proceedings against him pursuant to item (1), the person may apply to the court for an order to expunge from all official records, other than the nonpublic records to be retained as provided in item (1), all recordation relating to his arrest, indictment or information, trial, finding of guilt, and dismissal and discharge pursuant to this section. If the court determines, after the hearing, that the person was dismissed and the proceedings against him discharged, it shall enter the order. The effect of the order is to restore the person, in the contemplation of the law, to the status he occupied before the arrest or indictment or information. No person as to whom the order has been entered may be held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose, except when the person is providing sworn statements or giving testimony under oath. A conditional discharge granted pursuant to this section does not preclude a person from availing themselves of subsequent pre-trial diversion options provided by law.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 32; Nays 12

AYES

Adams
Bennett

Alexander
Cromer

Allen
Davis

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Devine	Fanning	Gambrell
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Matthews
McElveen	McLeod	Rankin
Senn	Setzler	Stephens
Talley	Tedder	Turner
Williams	Young	

Total--32

NAYS

Campsen	Cash	Climer
Corbin	Garrett	Loftis
Martin	Massey	Peeler
Reichenbach	Rice	Verdin

Total--12

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4304 -- Reps. Connell, Mitchell, Yow, Murphy, Elliott, Robbins, Collins, Pope and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-75-30 SO AS TO PERMIT PARENTAL AND FILIAL CONSORTIUM CLAIMS.

The Senate proceeded to consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-4304.SW0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 15-75-30(A) and (B) and inserting:

(A) An unemancipated minor may maintain a civil action for damages from an intentional or tortious violation of the right to the companionship, aid, society, and services of his parent. Provided that such action shall not include any damages recovered prior thereto by the injured parent.

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(B) A parent or legal guardian of an unemancipated minor child may maintain a civil action for damages from an intentional or tortious violation of the right to companionship, aid, society, and services of his unemancipated minor. Provided that such action shall not include any damages recovered prior thereto by the injured unemancipated minor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 23; Nays 21

AYES

Alexander	Allen	Davis
Devine	Fanning	Goldfinch
Harpootlian	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Malloy
Matthews	McElveen	McLeod
Rankin	Senn	Setzler
Stephens	Talley	Tedder
Williams	Young	

Total--23

NAYS

Adams	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Gambrell	Garrett
Grooms	Gustafson	Hembree
Kimbrell	Loftis	Martin
Massey	Peeler	Reichenbach
Rice	Turner	Verdin

Total--21

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

AMENDED, READ THE SECOND TIME

H. 4563 -- Reps. Bernstein, J.L. Johnson and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-11-345 SO AS TO CLARIFY THE POWER OF SPECIAL PURPOSE DISTRICTS TO OWN, ACQUIRE, PURCHASE, HOLD, USE, LEASE, CONVEY, SELL, TRANSFER, OR OTHERWISE DISPOSE OF PROPERTY IN FURTHERANCE OF CERTAIN FUNCTIONS, TO PROVIDE THESE POWERS ARE IN ADDITION TO POWERS AND AUTHORIZATIONS PREVIOUSLY VESTED IN SUCH DISTRICTS, AND DEFINE NECESSARY TERMINOLOGY.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (SJ-4563.PB0001S), which was adopted:

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

SECTION X. Unless the General Assembly amends, reenacts, or otherwise extends Section 6-11-345 in any manner before the passing of three years after the effective date of this act, the provisions of Section 6-11-345, as added by this act, are repealed June 30, 2027.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

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Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4611 -- Reps. Hixon, Pope, Chapman, Taylor, Hardee, Brewer, Robbins, Gatch and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-11-785 SO AS TO PROHIBIT THE UNLAWFUL REMOVAL OR DESTRUCTION OF ELECTRONIC COLLARS OR OTHER ELECTRONIC DEVICES PLACED ON DOGS BY THEIR OWNERS AND TO PROVIDE PENALTIES.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-4611.BC0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by deleting Section 50-11-785(C).

Re-number sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

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The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4617 -- Reps. Hixon, Davis, M.M. Smith, Bannister, Pope, Wooten, Haddon, Brewer, Burns, Thayer, Kirby, Oremus, Hager, Hyde, Sessions, Carter, McDaniel, Magnuson, Hayes, W. Newton, Bauer, Trantham, J.L. Johnson, Henegan, Guffey, Chapman, Leber, Kilmartin, Robbins, Felder, Jefferson, Caskey, Ligon and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-230, RELATING TO SCHEDULE III CONTROLLED SUBSTANCES, SO AS TO ADD XYLAZINE AS A

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SCHEDULE III CONTROLLED SUBSTANCE, WITH EXCEPTIONS; AND BY ADDING SECTION 44-53-372 SO AS TO PROHIBIT THE PRODUCTION, MANUFACTURE, DISTRIBUTION, OR POSSESSION OF XYLAZINE, WITH EXCEPTIONS, AND TO ESTABLISH ASSOCIATED CRIMINAL PENALTIES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-4617.MB0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-230(c)13 and inserting:

13. Xylazine.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Section 44-53-373. Nothing in this article applies to veterinarians in connection with the practice of their profession and the legitimate use of xylazine within the veterinary practice, including:

(A) the distribution or possession of xylazine by a licensed veterinarian for use in legitimate veterinary practice;

(B) the possession of xylazine pursuant to a valid prescription from a licensed veterinarian; or

(C) the possession of xylazine in an injectable form for use in nonhuman species.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

Adams
Bennett

Alexander
Campsen

Allen
Cash

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Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpoottian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 4754 -- Reps. Sandifer and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 9 TO CHAPTER 57, TITLE 40 SO AS TO OUTLINE REQUIREMENTS FOR PROVIDERS OF PRELICENSING AND CONTINUING EDUCATION COURSES FOR REAL ESTATE BROKERS, BROKERS-IN-CHARGE, ASSOCIATES, AND PROPERTY MANAGERS; BY ADDING SECTION 40-57-725 SO AS TO ESTABLISH ADMINISTRATIVE CITATIONS AND PENALTIES AND APPEALS; AND BY AMENDING CHAPTER 57, TITLE 40, RELATING TO REAL ESTATE BROKERS, BROKERS-IN-CHARGE, ASSOCIATES, AND PROPERTY MANAGERS, SO AS TO, AMONG OTHER THINGS, DEFINE TERMS, MAKE CONFORMING CHANGES, DEFINE THE USE OF APPLICATION FEES, OUTLINE THE PROCEDURE FOR A LICENSE CLASSIFICATION CHANGE, ALLOW FOR RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS, PROHIBIT BAD FAITH AGREEMENTS, REDUCE THE AMOUNT

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OF REQUIRED CLASSROOM INSTRUCTION FOR BROKERS-IN-CHARGE, PROHIBIT ENGAGING IN, REPRESENTING OTHERS IN, OR ASSISTING OTHERS IN THE PRACTICE OF WHOLESALING, REGULATE TEAM MARKETING, AND ADDRESS LICENSING AFTER REVOCATION.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

Motion Adopted

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

There was no objection.

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

READ THE SECOND TIME

H. 4817 -- Reps. West and G.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-17-500, RELATING TO THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO MINORS WITHOUT PROOF OF AGE AND THE LOCATION OF VENDING MACHINES, SO AS TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS AND TO REQUIRE INDIVIDUALS SEEKING TO PURCHASE TOBACCO PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS TO PRESENT PROOF OF AGE UPON DEMAND, AND TO ALLOW THE PURCHASE OF TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS FROM VENDING MACHINES IN CERTAIN ESTABLISHMENTS.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

**COMMITTEE AMENDMENT WITHDRAWN
AMENDED, READ THE SECOND TIME**

H. 4820 -- Reps. Forrest, Hixon, Hayes, Chumley, Burns, Haddon, Magnuson, Chapman, McDaniel and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-580, RELATING TO THE SEASON FOR HUNTING AND TAKING MALE WILD TURKEYS, BAG LIMITS, TAKING FEMALE WILD TURKEYS, AND ANNUAL REPORTING, SO AS TO ADJUST THE HUNTING AND LIMIT FOR TAKING MALE WILD TURKEYS; AND TO PROVIDE A SUNSET PROVISION.

The Senate proceeded to a consideration of the Bill.

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The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-4820.BC0009S), which was carried over and subsequently withdrawn:

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

SECTION 1. Section 50-11-580 of the S.C. Code is amended to read:

Section 50-11-580. (A) The season for the hunting and taking ~~a~~of legal male wild turkey ~~turkeys~~ is April 1 through May 1:

~~— (1) in Game Zones 1 and 2, April 1 through May 10; and~~

~~— (2) in Game Zones 3 and 4, March 22 through April 30.~~

(B) The season bag limit for legal male wild turkeys is ~~three~~two statewide for residents and two statewide for nonresidents. The daily bag limit is one, provided that:

~~— (1) only one legal male wild turkey may be taken from April 1 through April 10 from within Game Zones 1 and 2; and~~

~~— (2) only one male wild turkey may be taken from March 22 through March 31 from within Game Zones 3 and 4.~~

(C) It is unlawful for a person to take a female wild turkey unless authorized by the department pursuant to Section 50-11-500(3).

(D) The department shall provide an annual report on wild turkey resources in South Carolina to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee.

SECTION 2. Section 50-11-500 of the S.C. Code is amended by adding:

(10) It is unlawful for a person to hunt, kill, or possess a male wild turkey with a beard less than six inches long and a tail fan that is not fully developed.

SECTION 3. Section 50-11-500 of the S.C. Code is amended by adding:

(11) It is unlawful for a person to hunt or stalk a wild turkey while holding or using for hunter concealment a tail fan, a partial or full decoy with a tail fan, or a tail fan mounted to a firearm.

SECTION 4. Section 50-11-590 of the S.C. Code is amended to read:

Section 50-11-590. (A) The Saturday and Sunday preceding April 1 ~~the start of a game zone turkey season~~ and the Saturday and Sunday following May 1 is declared to be a “Youth Turkey Hunting Weekend” ~~within the game zone~~ for youth turkey hunters under eighteen years of age.

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(B) A license or tag requirement is waived for a youth turkey hunter during a Youth Turkey Hunting Weekend.

(C) The total bag limit during Youth Turkey Hunting Weekend for the two Youth Turkey Hunting Weekends combined is one legal male wild turkey ~~for the weekend~~ that shall count toward the season bag limit. A turkey harvest must be reported to the electronic harvest reporting system pursuant to the provisions of Section 50-11-546.

(D) Youth turkey hunters who have not completed the hunter education program pursuant to Section 50-9-310, and who hunt during a Youth Turkey Hunting Weekend, must be accompanied by an adult who is at least twenty-one years of age. An adult may not harvest or attempt to harvest turkeys during a Youth Turkey Hunting Weekend but is permitted to call turkeys for a youth turkey hunter.

SECTION 5. Section 50-9-640 of the S.C. Code is amended to read:

Section 50-9-640. (A) For the privilege of hunting wild turkey, in addition to the required hunting license and big game permit, a person must possess a wild turkey tag issued in the person's name. The fee for a:

(1) resident is ~~five~~ twenty-five dollars for ~~three~~ two tags, one dollar of which may be retained by the license sales vendor; and

(2) nonresident is one hundred twenty-five dollars for two tags, one dollar of which may be retained by the license sales vendor.

(B) There is no cost for wild turkey tags for persons under the age of sixteen, lifetime licensees, and gratis licensees upon request to the department.

SECTION 6. This act is repealed on May 11, 2028, and the text amended by this act shall revert to the language contained in the South Carolina Code of Laws as of January 1, 2024.

SECTION 7. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

On motion of Senator CAMPSSEN, with unanimous consent, the amendment was withdrawn.

Senators CAMPSSEN, McELVEEN, YOUNG, and GOLDFINCH proposed the following amendment (SFGF-4820.BC0016S), which was adopted:

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

SECTION 1. Section 50-11-580 of the S.C. Code is amended to read:

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Section 50-11-580. (A) The season for the hunting and taking ~~a~~-of legal male wild ~~turkey~~turkeys is April 5 through May 5:

~~— (1) in Game Zones 1 and 2, April 1 through May 10; and~~

~~— (2) in Game Zones 3 and 4, March 22 through April 30.~~

(B) The season bag limit for legal male wild turkeys is ~~three~~two statewide for residents and two statewide for nonresidents. The daily bag limit is one, provided that:

~~— (1) only one legal male wild turkey may be taken from April 1 through prior to April 10 from within Game Zones 1 and 2; and~~

~~— (2) only one male wild turkey may be taken from March 22 through March 31 from within Game Zones 3 and 4.~~

(C) It is unlawful for a person to take a female wild turkey unless authorized by the department pursuant to Section 50-11-500(3).

(D) The department shall provide an annual report on wild turkey resources in South Carolina to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee, to include an itemized list of expenditures from the revenues generated from the sale of resident and nonresident wild turkey tags.

SECTION 2. Section 50-11-500 of the S.C. Code is amended by adding:

(10) It is unlawful for a person to hunt, kill, or possess a male wild turkey with a beard less than six inches long and a tail fan that is not fully developed.

SECTION 3. Section 50-11-500 of the S.C. Code is amended by adding:

(11) It is unlawful for a person to stalk a wild turkey while behind a decoy or tail fan. Tail fans include those made of real or synthetic feathers or an image or likeness of a tail fan applied to any material.

SECTION 4. Section 50-11-590 of the S.C. Code is amended to read:

Section 50-11-590. (A) The Saturday and Sunday preceding April 5 ~~the start of a game zone turkey season~~and the Saturday and Sunday following May 5 is declared to be a “Youth Turkey Hunting Weekend” ~~within the game zone~~ for youth turkey hunters under eighteen years of age.

(B) A license or tag requirement is waived for a youth turkey hunter during a Youth Turkey Hunting Weekend.

(C) The total bag limit during Youth Turkey Hunting Weekends for the two Youth Turkey Hunting Weekends combined is one legal male wild turkey ~~for the weekend~~ that shall count toward the season bag limit. A youth turkey hunter who has reached the season bag limit on or prior to

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May 5 must not harvest or attempt to harvest a turkey during the Youth Turkey Hunting Weekend following May 5 but is permitted to call turkeys for another youth turkey hunter. A turkey harvest must be reported to the electronic harvest reporting system pursuant to the provisions of Section 50-11-546.

(D) Youth turkey hunters who have not completed the hunter education program pursuant to Section 50-9-310, and who hunt during a Youth Turkey Hunting Weekend, must be accompanied by an adult who is at least twenty-one years of age. An adult ~~may~~must not harvest or attempt to harvest ~~turkeys~~a turkey during a Youth Turkey Hunting Weekend but is permitted to call turkeys for a youth turkey hunter.

SECTION 5. Section 50-9-640 of the S.C. Code is amended to read:

Section 50-9-640. (A) For the privilege of hunting wild turkey, in addition to the required hunting license and big game permit, a person must possess a wild turkey tag issued in the person's name. The fee for a:

(1) resident is ~~five~~twenty-five dollars for ~~three~~two tags, one dollar of which may be retained by the license sales vendor; -and

(2) nonresident is one hundred twenty-five dollars for two tags, one dollar of which may be retained by the license sales vendor.

(B) There is no cost for wild turkey tags for persons under the age of sixteen, lifetime licensees, and gratis licensees upon request to the department.

SECTION 6. The amendments contained in SECTIONS 1 and 4 of this act are repealed on May 11, 2028, and the text of these SECTIONS shall revert back to the language contained in the South Carolina Code of Laws as of January 1, 2024.

SECTION 7. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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Motion Adopted

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

There was no objection.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4825 -- Reprs. 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 VICTIM IS A MINOR, TO SPECIFICALLY PROVIDE FOR PUNISHMENT FOR ATTEMPTED KIDNAPPING OFFENSES, AND TO DEFINE THE TERM "MINOR".

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-4825.SW0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-910(A), (B), and (C) and inserting:

Whoever shall unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law, except when a minor is seized or taken by his parent, is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty years ~~unless sentenced for murder as provided in Section 16-3-20.~~

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 5, Title 63 of the S.C. Code is amended by adding:

Section 63-5-90. (A) As used in this section, the term:

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(1) “Child” means a person under sixteen years of age.

(2) “Conveyance” means any motor vehicle as defined in Section 56-1-10, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

(3) “Dwelling” means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by persons lodging together, including the surrounding area.

(4) “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, including the surrounding area.

(B) Unless the circumstances reasonably indicate that the child is in need of assistance, a person eighteen years of age or older who lures, entices, or attempts to lure or entice a child into a conveyance, dwelling, or structure without the consent, express or implied, of the child’s parent or legal guardian is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(C) Mistake of age is not a defense to prosecution pursuant to the provisions of this section. However, it is an affirmative defense to prosecution pursuant to the provisions of this section if the:

(1) person lured, enticed, or attempted to lure or entice, the child into the conveyance, dwelling, or structure for a lawful purpose; or

(2) person’s actions were otherwise reasonable under the circumstances, and he did not have the intent to harm the health, safety, or welfare of the child.

(D) The penalties provided in this section are in addition to other penalties as provided by law for kidnapping or any other offense, as warranted. The offense of luring a child is not intended to be a lesser included offense of kidnapping or any other offense.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 4867 -- Reps. Lawson, Hayes, G.M. Smith, Moss, Hiott, Blackwell, B.L. Cox, Caskey, M.M. Smith, Hart, Sandifer, J.E. Johnson, Brittain and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-23-45 SO AS TO REQUIRE ALL 911 TELECOMMUNICATORS WHO PROVIDE DISPATCH FOR EMERGENCY MEDICAL CONDITIONS TO BE TRAINED IN HIGH-QUALITY TELECOMMUNICATOR CARDIOPULMONARY RESUSCITATION (T-CPR).

The Senate proceeded to a consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-4867.SW0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 23-23-45(D) and inserting:

(D) Neither telecommunicators that provide dispatch for emergency medical conditions who have completed the training specified in subsection (A) nor the State or the agency, political subdivision, or governmental entity employing such telecommunicators shall be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers except acts or omissions amounting to gross negligence, recklessness, or willful, wanton, or intentional misconduct. Any civil cause of action for damages arising from the provision of T-CPR instructions and brought against the State, an agency, a political subdivision, or a governmental entity and its employee acting within the scope of his official duty must be brought pursuant to the South Carolina Tort Claims Act, Chapter 78, Title 15.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

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Setzler	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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

RECOMMITTED

H. 4874 -- Reps. Hixon, Chapman and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 17 TO TITLE 50 SO AS TO REGULATE CAPTIVE WILDLIFE BY DEFINING TERMS, OUTLINING THE PERMITTING PROCESS, LISTING EXCEPTIONS, AND PROVIDING PENALTIES FOR VIOLATIONS, AMONG OTHER THINGS; BY AMENDING SECTION 50-16-40, RELATING TO EXCEPTIONS TO THE PERMIT REQUIREMENT FOR WILDLIFE IMPORTED FOR EXHIBITION PURPOSES, SO AS TO LIMIT THE EXCEPTIONS; AND BY REPEALING SECTION 50-11-1180 RELATING TO THE AUTHORITY OF THE DEPARTMENT TO ISSUE PERMITS TO COLLECT PROTECTED WILDLIFE FOR SCIENTIFIC OR PROPAGATING PURPOSES.

On motion of Senator DAVIS, the Bill was recommitted to Committee on Fish, Game and Forestry.

AMENDED, READ THE SECOND TIME

H. 5042 -- Reps. B.L. Cox, J.L. Johnson, Murphy, Sessions, Cobb-Hunter, Kirby, Brewer, Garvin, Henegan, M.M. Smith, Jefferson, Rivers, McDaniel, Davis, Haddon, King, Gilliard, Stavrinakis, Bauer, West, Wetmore, T. Moore, Thigpen, Chapman, Schuessler, Pope, Guffey, Dillard, W. Jones, Pendarvis, G.M. Smith, Weeks, Wheeler, Williams, S. Jones, J. Moore, O'Neal, B. Newton, Neese, Lawson, Atkinson, Hayes, W. Newton, Bannister, Caskey, Hyde, J.E. Johnson, Hiott, Brittain, Hartnett, Mitchell, Yow, Gagnon, Carter, Guest, Gatch, Crawford, Ott, Rutherford, Leber, Hixon, Herbkersman, Anderson, Bailey, Elliott, Gilliam, Calhoon, Wooten, Forrest, Pedalino, Jordan,

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Bustos, Bamberg, Bernstein, Clyburn, Hosey, Henderson-Myers, Howard, Vaughan, Beach, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 10-1-185 SO AS TO ESTABLISH ON THE GROUNDS OF THE STATE HOUSE A ROBERT SMALLS MONUMENT, CREATE A COMMISSION TO DETERMINE THE DESIGN AND LOCATION OF THE MONUMENT, PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND SUNSET THE COMMISSION AT A DATE CERTAIN.

The Senate proceeded to a consideration of the Bill.

Senator ALEXANDER proposed the following amendment (SR-5042.KM0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 10-1-185(C)(1) and inserting:

(1) the director of the Department of Administration or his designee, to serve as chairman of the commission;

Amend the bill further, SECTION 1, by striking Section 10-1-185(D) and inserting:

(D) The commission shall consult with the South Carolina Department of Archives and History to determine and confirm the historical accuracy of the monument's engravings.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian

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Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Stephens	Talley
Tedder	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 5154 -- Reps. West and Sandifer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-5-1030, RELATING TO CIVIL PENALTIES, SO AS TO PROVIDE A GAS UTILITY WHICH VIOLATES SECTION 58-5-1020 OR A REGULATION UNDER ARTICLE 9 OF CHAPTER 5, TITLE 58 IS SUBJECT TO A CIVIL PENALTY NOT MORE THAN THE CIVIL PENALTY PROVIDED BY 49 U.S.C. SECTION 60122 AND 49 C.F.R. 190.233.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN explained the Bill.

The question being the second reading of the Bill.

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

Ayes 43; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpoottlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

Massey

Total--1

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

READ THE SECOND TIME

H. 5458 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING AMBULATORY SURGICAL FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5264, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to a consideration of the Resolution.

Senator VERDIN explained the Resolution.

The question being the second reading of the Resolution.

Motion Adopted

On motion of Senator VERDIN, with unanimous consent, to be taken up at the end of the third reading calendar.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 5459 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO MINIMUM STANDARDS FOR LICENSING HOSPITALS AND INSTITUTIONAL GENERAL INFIRMARIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5265, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

READ THE SECOND TIME

H. 5183 -- Reps. M.M. Smith, West, Hewitt, Chapman, B. Newton, Hiott, Sessions, Pope, Davis, Gagnon, Thayer and Carter: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-20, RELATING TO THE DEFINITION OF A CERTIFIED MEDICAL ASSISTANT, SO AS TO REVISE THE REQUIRED QUALIFICATIONS FOR CERTIFICATION; AND BY AMENDING SECTION 40-47-196, RELATING TO THE DELEGATION OF NURSING TASKS TO UNLICENSED ASSISTIVE PERSONNEL BY CERTAIN MEDICAL PROFESSIONALS, SO AS TO DESIGNATE ADDITIONAL TASKS THAT MAY BE DELEGATED.

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The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

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

H. 5183--Ordered to a Third Reading

On motion of Senator DAVIS, H. 5183 was ordered to receive a third reading on Thursday, May 9, 2023.

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RECOMMITTED

S. 634 -- Senators Kimbrell, Rice, Climer, Loftis, Corbin, M. Johnson, Peeler, Turner, Grooms, Adams, Gustafson, Verdin and Garrett: A SENATE RESOLUTION TO EXPRESS THE SENSE OF THE SENATE THAT PUBLIC FUNDS SHOULD NOT BE DEDICATED TO ECONOMIC DEVELOPMENT PROJECTS THAT BENEFIT A CORPORATION THAT IS ACTIVELY ENGAGED IN PROMOTING ENVIRONMENTAL, SOCIAL, OR POLITICAL GOALS, OBJECTIVES, OR OUTCOMES.

On motion of Senator KIMBRELL, the Resolution was recommitted to Committee on Finance.

ADOPTED

H. 3392 -- Rep. M.M. Smith: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 17 AND MELROSE DRIVE IN CHARLESTON COUNTY "DEPUTY SHERIFF JEREMY CHRISTOPHER LADUE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

S. 1314 -- Senators Senn and Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE ROUNDABOUT AT FORT JOHNSON ROAD AND HARBOR VIEW ROAD IN CHARLESTON COUNTY "INEZ BROWN CROUCH ROUNDABOUT" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

H. 4040 -- Reps. Gilliard and Stavrinakis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARDEN STREET FROM ITS INTERSECTION WITH HOFF AVENUE TO ITS INTERSECTION WITH HUNTLEY DRIVE IN THE CITY OF CHARLESTON IN CHARLESTON COUNTY "BILL SHARPE WAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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H. 4806 -- Reps. Rivers and Gilliard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF THE SEA ISLAND PARKWAY IN BEAUFORT COUNTY FROM ITS INTERSECTION WITH CHOWAN CREEK BLUFF TO ITS INTERSECTION WITH COWEN CREEK BRIDGE "MONTFORD POINT MARINES WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4904 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE BROAD RIVER ALONG SOUTH CAROLINA HIGHWAYS 49 AND 9 IN UNION COUNTY "1ST LT. ROY D. BRATTON MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS DESIGNATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4905 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 9 AND SOUTH CAROLINA HIGHWAY 49 IN UNION COUNTY "PFC FRANKLIN LEROY BARBER BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4906 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE LOCKHART CANAL ON SOUTH CAROLINA HIGHWAYS 49 AND 9 "SP5 WALTER 'BUBBA' BRANNON MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 5378 -- Reps. Thigpen, Howard, Garvin, Bernstein, Bauer, McDaniel and Rutherford: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF UNITED STATES HIGHWAY 21 (WILSON

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BOULEVARD) FROM STATE ROAD S-910 (PLUMBERS ROAD) TO ITS INTERSECTION WITH STATE ROAD S-130 (SHARPE ROAD) IN RICHLAND COUNTY “JAMES AND BARBARA MCLAWHORN BOULEVARD” AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

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

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

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 142 -- Senators Shealy, Gustafson, Goldfinch, Hutto, Jackson, Campsen, McLeod, Setzler and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-2010, RELATING TO THE DEFINITION OF “SEX TRAFFICKING”, SO AS TO EXPAND THE DEFINITION TO INCLUDE SEXUAL EXPLOITATION OF A MINOR AND PROMOTING OR PARTICIPATING IN PROSTITUTION OF A MINOR; AND BY AMENDING SECTION 16-3-2020, RELATING TO TRAFFICKING IN PERSONS, PENALTIES, MINOR VICTIMS AND DEFENSES, SO AS TO PROVIDE THAT A SEX TRAFFICKING VICTIM MAY RAISE DURESS AND COERCION AS AN AFFIRMATIVE DEFENSE TO NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, TO PROVIDE THAT A MINOR SEX TRAFFICKING VICTIM MAY NOT BE CONVICTED FOR NONVIOLENT OFFENSES COMMITTED AS A DIRECT RESULT OR INCIDENT TO THE TRAFFICKING, AND TO PROVIDE THAT

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A MINOR SEX TRAFFICKING VICTIM CANNOT BE FOUND IN VIOLATION OF OR BE THE SUBJECT OF A DELINQUENCY PETITION IF THE MINOR'S CONDUCT WAS A DIRECT RESULT OF OR INCIDENTAL TO OR RELATED TO TRAFFICKING; AND SO AS TO PROVIDE THAT THE PROVISIONS IN THIS ACT ARE RETROACTIVE.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (SEDU-142.DB0022S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 16-3-2020(F) and (G) and inserting:

(F) In a prosecution or adjudication of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution or adjudication, if the offenses were committed as a direct result of, or ~~incidental or related to,~~ interrelated to trafficking. A victim of trafficking in persons convicted or adjudicated delinquent of a violation of this article, ~~or~~ prostitution, or any other nonviolent misdemeanor or class F felony ~~-offenses may~~ motion the court to vacate the conviction and expunge the record of the conviction or adjudication for a nonviolent misdemeanor or class F felony offense committed as a direct result of, or interrelated to trafficking. The court may grant the motion on a finding by a preponderance of evidence that the person's participation in the offense was a direct result of ~~being a victim, or interrelated to being a victim of trafficking.~~ The court may consider any prior rulings made by a court on the petitioner's use of the affirmative defense provided in this section. An alleged victim of trafficking who files a motion to expunge the record pursuant to this subsection must file reasonable notice of the motion with the original prosecuting agency for the underlying offense and reasonable notice must be given or attempted to be given to any victims pursuant to the Victim's Bill of Rights. For purposes of this subsection, nonviolent misdemeanor offense or class F felony means all offenses listed in Section 16-1-20(A)(6)(7)(8) and (9).

(G) If the victim was a minor under the age of eighteen at the time of the offense, the victim of trafficking in persons may not be prosecuted in

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court ~~pursuant or adjudicated delinquent~~ for a violation of this article, ~~or~~ a prostitution offense, or for any other nonviolent misdemeanor or class F felony offense if it is determined after investigation that the victim committed the offense as a direct result of, or interrelated to~~incidental or related to~~, trafficking. For purposes of this subsection, nonviolent misdemeanor offense or class F felony means all offenses listed in Section 16-1-20(A)(6)(7)(8) and (9). ~~A person under the age of eighteen who is a victim of trafficking in persons in violation of this title shall not be found in violation of or be the subject of a delinquency petition if it is determined after investigation that the victim's conduct was a direct result of, or incidental or related to,~~ However, if the victim is still under the age of eighteen, the victim must be referred by law enforcement or the prosecuting agency to the Department of Social Services in accordance with Sections 63-7-20, 63-7-310, 63-7-630, 63-7-980 and 63-11-2400. The Department must assess the referral and proceed according to the provisions in Title 63.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

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Verdin

Williams

Young

Total--45

NAYS

Total--0

The amendment was adopted.

Senator SHEALY proposed the following amendment (SR-142.JG0024S), which was adopted:

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

SECTION X. Article 1, Chapter 25, Title 16 of the S.C. Code is amended by adding:

Section 16-25-130. (A) For the purposes of this section:

(1) "Address" means the residential street address, school address, or work address of an individual, as specified on the application for a program participant under this section.

(2) "Address confidentiality program" or "program" means the address confidentiality program established by this section.

(3) "Application assistant" means an employee of an agency or nonprofit organization who provides counseling, referral, shelter, or other specialized services to victims of domestic violence, dating violence, human trafficking, sexual offenses, stalking, or harassment and who has been designated by the Attorney General to assist persons with applications to participate in the address confidentiality program.

(4) "Designated address" means the address assigned to a program participant by the Attorney General pursuant to this section.

(5) "Domestic violence" means any act that is described in Chapter 25, Title 16.

(6) "Human trafficking" has the same meaning as provided in Article 19, Chapter 3, Title 16.

(7) "Mailing address" means an address that is recognized for delivery by the United States Postal Service.

(8) "Program participant" means a person certified by the Attorney General to participate in the program.

(9) "Sexual offense" means any act that is described in Articles 7 and 8 of Chapter 3, Title 16.

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(10) “Stalking” has the same meaning as provided in Article 17, Chapter 3, Title 16.

(11) “Harassment” has the same meaning as provided in Article 17, Chapter 3, Title 16.

(B) The address confidentiality program is established to protect victims of domestic violence, human trafficking, stalking, harassment, or sexual offenses by authorizing the use of designated addresses for such victims. The program is administered by the Attorney General under the following application and certification procedures:

(1) Upon the recommendation of an application assistant, the following persons may apply to the Attorney General for assignment of a designated address:

- (a) an individual;
- (b) a parent, guardian, custodian, legal counsel, or other appropriate adult acting on behalf of a minor; or
- (c) a guardian acting on behalf of an incapacitated person.

(2) The Attorney General may approve an application only if it is filed with the Office of the Attorney General in the manner established and on a form prescribed by the Attorney General. A completed application must contain:

(a) the application’s preparation date, the applicant’s signature, and the signature and victim service provider number of the application assistant who assisted the applicant in applying to be a program participant;

(b) a designation of the Attorney General as agent for the purposes of service of process and for receipt of first-class, certified or registered mail;

(c) the mailing address where the applicant may be contacted by the Attorney General or his designee and the telephone number or numbers at which the applicant may be called by the Attorney General or his designee; and

(d) one or more addresses or mailing addresses that the applicant requests be concealed, if disclosure may jeopardize the applicant’s safety or increase the risk of violence to the applicant or members of the applicant’s household.

(3) Upon receipt of a properly completed application, the Attorney General may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The Attorney General shall send notification of lapsing certification and a reapplication form to a program participant at least

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four weeks prior to the expiration of the program participant's certification.

(4) The Attorney General shall forward first-class, certified, or registered mail to the appropriate program participants.

(5)(a) An applicant may not file an application knowing that it:

(i) contains false or incorrect information; or

(ii) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant's children, or the minor or incapacitated person on whose behalf the application is made.

(b) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(i) contains false or incorrect information; or

(ii) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant's children, or the minor or incapacitated person on whose behalf the application is made.

(C) Certification for the program may be canceled if one or more of the following conditions apply:

(1) a program participant obtains a name change, unless the program participant provides the Attorney General with documentation of a legal name change within thirty business days of the name change;

(2) there is a change in a program participant's residential street address from the address listed on the application, unless the program participant provides the Attorney General with notice of the change in such manner as the Attorney General provides; or

(3) the applicant or program participant files an application knowing that it:

(a) contains false or incorrect information; or

(b) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant's children, or the minor or incapacitated person on whose behalf the application is made.

(D) Notwithstanding the provisions of subsection (E), state and local government agencies and the courts shall accept and use only the designated address as the program participant's address upon demonstration of a program participant's certification in the program.

(E) As the Attorney General determines appropriate, he may make a program participant's address or mailing address available for use by granting an exemption to:

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(1) a law enforcement agency, a commissioner or other chief administrator of a state or local government agency, or the commissioner's or administrator's designee, if:

(a) the agency has a bona fide statutory, administrative, or law enforcement need for the program participant's address or mailing address such that the agency is unable to fulfill its statutory duties and obligations without the address or mailing address; and

(b) the program participant's address or mailing address will be used only for those statutory, administrative, or law enforcement purposes and otherwise will be kept under seal and excluded from public inspection; or

(2) a person identified in a court order, if the Attorney General receives a court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure.

(F) A program participant's application and supporting materials, and the program's state email account, are not public record pursuant to Chapter 4, Title 30, the Freedom of Information Act, and must be kept confidential by the Attorney General.

(G) The Attorney General, his employees, application assistance agencies designated under this section, and the employees or volunteers of such agencies shall not be liable for any injury, loss, or damage resulting from any act or omission under this section, except if the injury, loss, or damage is caused by an act or omission pursuant to this section that is criminal, grossly negligent, intentional, or willful. The State asserts this immunity under Section 15-78-20.

(H) This section does not create, and shall not be construed to create, a new cause of action or substantive legal right against the State or an officer or employee thereof.

(I) A participant in the address confidentiality program may not be mailed an absentee ballot unless the participant has requested an absentee ballot pursuant to Section 7-15-330. The participant's absentee ballot must be the same ballot used in the precinct assigned to the participant's residential street address. The request for an absentee ballot submitted by the participant is not a public record pursuant to Chapter 4, Title 30, the Freedom of Information Act, and must be kept confidential by the county board of voter registration and elections to which the request was made.

SECTION X. Article 16, Chapter 3, Title 16 of the S.C. Code is amended by adding:

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Section 16-3-1656. (A) In order to ensure the safety of adult and child victims of domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses and their families, a nonprofit victim assistance organization whose mission is, at least in part, to end domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses and whose core services include counseling and other services to victims of domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses shall protect the confidentiality and privacy of persons receiving services.

(B) Except as provided in this section, a nonprofit victim assistance organization whose mission is, at least in part, to end domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses and whose core services include counseling and other services to victims of domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses must not:

(1) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or

(2) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person about whom information is sought; or in the case of an unemancipated minor, of the minor and the minor's parent or legal guardian; or in the case of an incapacitated person, of the legally appointed guardian of the incapacitated person. However, consent for release may not be given by the abuser or alleged abuser of the minor or incapacitated person, or the abuser or alleged abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

(C) If release of information protected by this section is compelled by statutory mandate or court order, the organization providing services shall:

(1) make reasonable attempts to provide notice to persons affected by the disclosure of information; and

(2) take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

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(D) A nonprofit victim assistance organization providing services of domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses may share:

(1) non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with federal, state, tribal, or territorial reporting, evaluation, or data collection requirements;

(2) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order or restraining order enforcement purposes; and

(3) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

(E) In no circumstance may a nonprofit victim assistance organization whose mission is, at least in part, to end domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses and whose core services include counseling or other services to victims of domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses require a person to provide a consent to release personally identifying information as a condition of eligibility for the services provided.

(F) Nothing in this section prohibits reporting by individuals who are mandated reporters under Sections 43-35-25 or 63-7-310.

SECTION X. Chapter 11, Title 19 of the S.C. Code is amended by adding:

Section 19-11-110. (A) For purposes of this section:

(1) “Advocate” means an employee, agent, or volunteer of a nonprofit victim assistance organization whose mission is, at least in part, to end domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses and whose core services include shelter, counseling, or other services to victims of domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses.

(2) “Client” means a person who consults a nonprofit victim assistance organization whose mission is, at least in part, to end domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses and whose core services include counseling or other services to victims of domestic violence, dating violence, human trafficking, stalking, harassment, or sexual offenses for the purpose of obtaining, on behalf of that person or someone else, advice, counseling, or other services concerning mental, physical, emotional, or other

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injuries, whether the client seeks or receives services within the criminal justice system, and whether a civil or criminal action arises as a result of the allegations.

(B) In any trial or inquiry in any suit, action, or proceeding in any court or before any person having, by law or consent of the parties, authority to examine witnesses or hear evidence, unless otherwise required by law, an advocate may not, without informed, written, and reasonably time-limited consent of the victim:

(1) be examined as to any communication made to the advocate by a client;

(2) disclose personally identifying information; or

(3) divulge records kept during the course of providing shelter, counseling, or other services to the client.

(C) This privilege belongs to the client and may not be waived, except by express consent. The privilege continues even if the client is unreachable. Consent may not be implied because the client is a party to a civil proceeding. The privilege terminates upon the death of the client.

SECTION 4. SECTION 1, SECTION 2, and SECTION 3 of this act take effect upon approval by the Governor. The remaining SECTIONS of this act take effect on July 1, 2025.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

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Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 124 -- Senators Hembree, Turner and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION, AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (SEDU-124.KG0007S), which was adopted:

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

SECTION 1. Article 11, Chapter 18, Title 59 of the S.C. Code is amended by adding:

Section 59-18-1115. (A) The Department of Education is directed to establish a pilot program by May 1, 2024, that will permit a school that has received an overall rating of “Excellent”, “Below Average”, or “Unsatisfactory” on its annual report card for at least two consecutive years, or is located in a critical geographic area as defined in Section 59-26-20(j), to hire noncertified teachers in a ratio of up to ten percent of its entire teaching staff. To effect the establishment of the pilot program and to ensure the program participants are prepared, the State Board of Education, through the Department of Education, shall approve guidelines that at a minimum include the following:

(1) a noncertified teacher must possess a suitable baccalaureate or graduate degree for the position he is hired to teach and must have at least five years of relevant workplace experience;

(2) procedures are provided for requiring noncertified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5);

(3) initial and ongoing training and support requirements; and

(4) a noncertified teacher must demonstrate enrollment in a certification program within three years of employment, including any state approved alternative or traditional route program.

(B) Participation in the pilot program is optional, and the decision to participate rests solely with the Department of Education and the school principal, upon approval of the district superintendent. Participating schools and districts are encouraged to collaborate on recruitment, training, and implementation of the pilot program and to assist the Department of Education with establishing best practices.

(C) The Department of Education shall establish a separate code in the professional coding system to capture noncertified teachers and shall continue to report this information on school report cards.

(D) Beginning November 1, 2025, the Department of Education shall submit an annual report that includes recommendations for improving, expanding, or continuing the pilot program to the General Assembly. At the end of the five-year pilot program, the annual status report shall include a recommendation regarding continuance of the program.

(E)(1) The Department of Education shall establish procedures for the registration and clearance of all noncertified teachers working in any public school pursuant to this section. Teachers shall submit the required

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documentation and fees to the Department of Education, which shall include, but are not limited to:

- (a) a completed registration form;
- (b) any associated fee;
- (c) transcripts, which shall be subject to review; and
- (d) FBI, South Carolina Law Enforcement Division, and National

Association of State Directors of Teacher Education and Certification Clearinghouse checks.

(2) An individual whose South Carolina educator certificate has been suspended or revoked shall not be employed as a noncertified teacher. If a noncertified teacher commits an offense covered by the Code of Conduct as promulgated by the State Board of Education, then the State Board of Education is authorized to revoke the non-certified teacher's registration.

SECTION 2. Nothing contained in this section may be construed to repeal, replace, or preclude application of any other statute.

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

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning, Climer, Stephens, Rankin, Loftis, Garrett, Matthews, Adams, Gustafson and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

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The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (SEDU-305.KG0024S), which was adopted:

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

SECTION 1. Chapter 25, Title 59 of the S.C. Code is amended by adding:

Section 59-25-60. (A) When reviewing an application by an individual for an educator certificate, the State Department of Education shall award years of experience on the educator certificate for occupational experience in, or related to, the content field of the certificate for which the individual qualifies. One year of experience credit may be awarded for every two years of full-time relevant work experience completed by the individual. Years of experience shall be awarded solely for the purpose of advancement on the teacher salary schedule. To be eligible for years of experience on the educator certificate, the individual must complete and submit a verification of relevant work experience form developed by the State Department of Education with the application for an educator certificate.

(B) Individuals that entered the teaching profession prior to July 1, 2023, with occupational experience in, or related to, the content field of their teaching certificate may complete and submit the verification of relevant work experience form to the State Department of Education to have additional years of experience added to their certificate for the purposes of advancing on the teacher salary schedule. If additional years of experience are awarded, the eligible individual is entitled to have their pay adjusted for the current school year to reflect the new experience step on the employing district's salary schedule. However, the individual is not entitled to retroactive pay for the increased years of experience during prior years of teaching or for any purpose other than advancement on the teacher salary schedule.

(C) Nothing in this section alters any existing requirements for receiving an educator certificate. Individuals with the work experience

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identified in subsection (A) must still meet all other existing requirements in order to receive an educator certificate.

(D) Nothing in this section shall be interpreted as allowing additional years of experience to be awarded for purposes other than advancement on the teacher salary schedule. Years of experience awarded pursuant to this section for relevant work experience are not considered service credit for the purposes of the state retirement or state health plans administered by PEBA.

SECTION 2. The State Department of Education shall make available the work experience verification form described in this act no later than ninety days after the approval by the Governor.

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

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT

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CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (SEDU-314.DB0019S), which was adopted:

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

SECTION 1. Section 2-47-30 of the S.C. Code is amended to read:

Section 2-47-30. ~~The committee is specifically charged with, but not limited to, the following responsibilities:~~

- ~~—(1) to review, prior to approval by the State Fiscal Accountability Authority, the establishment of any permanent improvement project and the source of funds for any such project not previously authorized specifically by the General Assembly;~~
- ~~—(2) to study the amount and nature of existing general obligation and institutional bond obligations and the capability of the State to fulfill such obligations based on current and projected revenues;~~
- ~~—(3) to recommend priorities of future bond issuance based on the social and economic needs of the State;~~
- ~~—(4) to recommend prudent limitations of bond obligations related to present and future revenue estimates;~~
- ~~—(5) to consult with independent bond counsel and other nonlegislative authorities on such matters and with fiscal officials of other states to gain in-depth knowledge of capital management and assist in the formulation of short and long term recommendations for the General Assembly;~~

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~~(6) to carry out all of the above assigned responsibilities in consultation and cooperation with the executive branch of government and the authority;~~

~~(7) to report its findings and recommendations to the General Assembly annually or more frequently if deemed advisable by the committee.~~

The committee is charged with responsibilities, without limitation, to:

(1) review, prior to any implementation by any agency the establishment of and the source of funds for any permanent improvement project not specifically authorized by the General Assembly;

(2) study the amount and nature of existing general obligation and institutional bond obligations, and the capability of the State to fulfill such obligations based on current and projected revenues;

(3) recommend priorities of future bond issuance based on the social and economic needs of the State;

(4) recommend prudent limitations of bond obligations related to present and future revenue estimates;

(5) consult with independent counsel, advisors, and other authorities and fiscal officials to develop a body of knowledge that promotes prudent and efficient administration and management of capital assets and investments, and assist in the formulation of short- and long-term recommendations for consideration by the General Assembly;

(6) carry out all of the above assigned responsibilities in consultation and cooperation with the executive branch of government; and

(7) report its findings and recommendations to the General Assembly on such matters and at such times as are appropriate and advisable.

SECTION 2. Section 2-47-35 of the S.C. Code is amended to read:

Section 2-47-35. No project authorized in whole or in part for capital improvement bond funding under the provisions of Act 1377 of 1968, as amended, may be implemented until funds ~~have been~~~~can be~~ made available and ~~until the Joint Bond Review Committee, in consultation with the authority,~~ has establisheds priorities for the funding of the projects. The Joint Bond Review Committee ~~shall~~~~must~~ report its priorities to the members of the General Assembly within thirty days of the establishment of the funding priorities.

SECTION 3. Section 2-47-40 of the S.C. Code is amended to read:

Section 2-47-40. (A) ~~To assist the authority and the Joint Bond Review Committee in carrying out their respective responsibilities, any~~ Any agency or institution requesting or receiving funds from any source ~~for use in the financing of to fund~~ any permanent improvement project, ~~as must provide, at a minimum, shall provide to the authority, and~~ in such

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form and at such times as the ~~authority, after review by~~ Department of Administration and the committee, may prescribe:

- (1) a complete description of the proposed project;
- (2) a statement of justification for the proposed project;
- (3) a statement of the purposes and intended uses of the proposed project;
- (4) the estimated total cost of the proposed project;
- (5) an estimate of the additional future annual operating costs associated with the proposed project;
- (6) a statement of the expected impact of the proposed project on the five-year operating plan of the agency or institution proposing the project;
- (7) a proposed plan of funding for financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and
- (8) ~~the specification of the~~ priority of each project among those proposed.

(B) All institutions of higher learning ~~must shall~~ submit to the Commission on Higher Education permanent improvement project proposal and justification statements for any permanent improvement project requiring review by the full committee pursuant to Section 2-47-52. ~~The to the authority, through the Commission on Higher Education, which shall forward all such statements and all supporting documentation received to the authority together with its comments and recommendations. The recommendations of the Commission on Higher Education must be made, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in accordance with higher education mission and goals as prescribed the order of priority deemed appropriate by Section 59-103-15, the Commission on Higher Education without regard to the sources of funds proposed for the~~ funding financing of the projects requested.

~~A~~ The authority shall forward a copy of each project proposal and justification statement, supporting documentation, and supporting documentation received together with the authority's recommendations on such projects to the committee for its review and action. The any recommendations of the Commission on Higher Education must shall be provided included in the materials forwarded to the committee by the authority.

(C) No provision in this section or elsewhere in this chapter, ~~is to shall~~ be construed to limit in any manner the prerogatives of the committee and the General Assembly with regard to recommending or authorizing

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permanent improvement projects and the funding such projects may require.

SECTION 4. Section 2-47-50 of the S.C. Code is amended to read:

Section 2-47-50. (A) ~~Each~~ ~~The authority shall establish formally each~~ permanent improvement project must be formally established in accordance with the provisions of this chapter before actions of any kind may be undertaken in any way to ~~sort which~~ implement the project. ~~No in any way may be undertaken and no expenditure of any funds for any services or for any other project purpose may be contracted for, delivered, or otherwise provided prior to the date of the formal action of the authority to establish the project, shall be approved. State agencies and institutions may advertise and interview for project architectural and engineering services for a pending project so long as the architectural and engineering contract is not awarded until after a state project number is assigned. Following review by~~ ~~After the committee, requests for~~ ~~has reviewed the form to be used to request the establishment of permanent improvement projects and has reviewed the time schedule for considering such requests as proposed by the authority, requests to establish permanent improvement projects shall~~ must be made in such form and at such times as the ~~authority~~ Department of Administration may require.

(B) Any proposal to ~~fund~~ ~~finance~~ all or any part of any project using any funds not previously authorized by the General Assembly specifically for the project, or otherwise by the General Assembly or using any funds not previously approved for the project, ~~must by the authority and reviewed by the committee~~ shall be referred to the committee for review prior to any approval required by the provisions of this chapter ~~authority~~.

(C) Any proposed revision of the scope or ~~of~~ the budget of an established permanent improvement project ~~deemed by the authority to be substantial~~ must ~~shall~~ be referred to the committee for its review prior to any final action implementing the revision. The ~~by the authority. In making their determinations regarding changes in project scope, the authority, and the committee shall utilize the permanent improvement project proposal, and justification statements, and together with any supporting documentation, considered at the time the project was originally authorized or established originally~~ must be utilized in making determinations regarding changes in project scope. Any proposal to increase the budget of a previously approved project using any funds not previously approved for the project ~~must by the authority and reviewed by the committee~~ shall in all cases be deemed to be a substantial revision

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of a project budget ~~and must~~~~which shall~~ be referred to the committee for review pursuant to the provisions of Section 2-47-52. The committee ~~must~~~~shall~~ be advised promptly of all actions taken to ~~by the authority~~ ~~which~~ approve revisions in the scope ~~of~~ or the budget of any previously established permanent improvement project not deemed to be substantial ~~by the authority~~.

(D) For purposes of this chapter, ~~a~~ ~~with regard to all institutions of higher learning,~~ permanent improvement or a permanent improvement project is any improvement meeting the definition of a capital improvement under generally accepted accounting principles, including without limitation ~~defined as:~~

~~(1) acquisition of land, regardless of cost, with staff level review of the committee and the State Fiscal Accountability Authority, up to two hundred fifty thousand dollars;~~

~~(2) acquisition, as opposed to the construction, of buildings or other structures, regardless of cost, with staff level review of the committee and the State Fiscal Accountability Authority, up to two hundred fifty thousand dollars;~~

~~(3) work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is one million dollars or more;~~

~~— (4) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not to be included;~~

~~— (5) capital lease purchase of anya facility acquisition or construction in which the total cost is one million dollars or more;~~

(4) new construction;

(5) work on existing facilities including their renovation, repair, maintenance, alteration, or demolition;

(6) architectural and engineering and other types of planning and design work that is intended to result in a permanent improvement project; excluding, however, master plans and feasibility studies;

~~— (7)(6) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project in which the total cost is one million dollars or more; and~~

(8)(7) any project new construction of a facility that exceeds a total cost of five hundred thousand dollars.

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~~(E) Any permanent improvement project that meets the above definition must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or by the General Assembly including without limitation any project funded by appropriated capital improvement bond funds, capital reserve funds, or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.~~

(E) Any capital improvement that meets the above definition must be established as a permanent improvement project in accordance with the provisions of this chapter, regardless of the source of funds.

~~(F) For purposes of establishing permanent improvement projects, Clemson University Public Service Activities (Clemson PSA) and South Carolina State University Public Service Activities (SC State PSA) are subject to the provisions of this chapter.~~

~~SECTION 5. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.~~

SECTION 5. Chapter 47, Title 2 of the S.C. Code is amended by adding:

Section 2-47-52. (A) For purposes of this chapter, except as provided in Section 2-47-52(B), permanent improvement projects are subject to review by the committee where the costs of the permanent improvements exceed one hundred thousand dollars; provided, however, that acquisitions of land, buildings or other structures, and capital lease purchases of facility acquisitions or construction as defined in items (1), (2), and (3) of Section 2-47-50(D) are subject to review by the committee regardless of cost.

(B) For purposes of this chapter, permanent improvement projects proposed by public universities of higher learning as defined in Section 59-103-5, including their related public service activities, are subject to review by the committee where the costs of the permanent improvements

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exceed five million dollars for research universities as identified in Section 11-51-30(5) or two million five hundred thousand dollars for all other public institutions of higher learning; provided, however, that acquisitions of land, buildings or other structures, and capital lease purchases of facility acquisitions or construction as defined in items (1), (2), and (3) of Section 2-47-50(D) are subject to review by the committee regardless of cost.

(C) State agencies and institutions may advertise, interview, and engage the services of professional firms for architectural, engineering, planning, and design work as defined in item (6) of Section 2-47-50(D) to inform the project estimate prior to the review of the committee; provided, however, that the costs of such engagements do not exceed five million dollars for research universities as identified in Section 11-51-30(5), two million five hundred thousand dollars for all other public institutions of higher learning, or one hundred thousand dollars for all other agencies subject to the provisions of this chapter.

(D) Notwithstanding any other provision of this section, the committee may establish reporting and other requirements, and may authorize review of permanent improvement projects by committee staff, at such levels as the committee may determine are appropriate.

(E) Where the funding for a proposed permanent improvement project includes proceeds from the issuance of bonds or other indebtedness, including any obligation for an agency or institution to make payments pursuant to a lease or other agreement securing indebtedness in connection with or on behalf of the permanent improvement project, approval of the permanent improvement project is the responsibility of the Department of Administration, and approval of the issuance of bonds, where required pursuant to the applicable bond enabling act, or other indebtedness in accordance with the provisions of this subsection, is the responsibility of the State Fiscal Accountability Authority.

SECTION 6. Section 2-47-55 of the S.C. Code is amended to read:

Section 2-47-55. ~~(A) All state agencies responsible for providing and maintaining physical facilities are required to submit a Comprehensive Permanent Improvement Plan (CPIP) to the Joint Bond Review Committee and the authority. The CPIP must include all of the agency's permanent improvement projects anticipated and proposed over the next five years beginning with the fiscal year starting July first after submission. The purpose of the CPIP process is to provide the authority and the committee with an outline of each agency's permanent improvement activities for the next five years. Agencies must submit a CPIP to the committee and the authority on or before a date to be~~

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determined by the committee and the authority. The CPIP for each higher education agency, including the technical colleges, must be submitted through the Commission on Higher Education which must review the CPIP and provide its recommendations to the authority and the committee. The authority and the committee must approve the CPIP after submission and may develop policies and procedures to implement and accomplish the purposes of this section.

—(B) The State shall define a permanent improvement only in terms of capital improvements, as defined by generally accepted accounting principles, for reporting purposes to the State.

All state agencies responsible for providing and maintaining physical facilities are required to submit a Comprehensive Permanent Improvement Plan to the committee. The plan must include all of the permanent improvement projects proposed and anticipated by the agency over the next five years beginning with the fiscal year starting July first after submission. The purpose of this planning process is to develop a comprehensive statewide plan reflecting permanent improvements proposed and anticipated by each agency for the next five years. Agencies must submit a plan to the committee through the Department of Administration on or before a date to be determined by the Department of Administration. The plan for each higher education agency, including the technical colleges, must also be submitted to the Commission on Higher Education which must review the plan and provide its recommendations to the committee. The committee must review the plan after submission and may develop policies and procedures to implement and accomplish the purposes of this section.

SECTION 7. Section 2-47-56 of the S.C. Code is amended to read:

~~Section 2-47-56. Each state agency and institution may accept gifts-in-kind for architectural and engineering services and construction of a value less than two hundred fifty thousand dollars with the approval of the Commission of Higher Education or its designated staff, the director of the department, and the Joint Bond Review Committee or its designated staff. No other approvals or procedural requirements, including the provisions of Section 11-35-10, may be imposed on the acceptance of such gifts.~~

For purposes of this chapter, the term “source of funds” includes without limitation gifts, gifts-in-kind, and donations; and when used as a financial resource to defray any cost of a permanent improvement project, the amount of the source of funds from such gifts, gifts-in-kind, and donations is the value of the gift, gift-in-kind, or donation. Each state agency and institution may accept gifts-in-kind for architectural and

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engineering services and construction following review by the committee or its designated staff in accordance with the provisions of Section 2-47-52. Such gifts are exempt from the provisions of Section 11-35-10.

SECTION 8. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 9. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

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

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TRAINING AS A PORTION OF THE TOTAL CONTINUING EDUCATION REQUIREMENT.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator SHEALY explained the House amendments.

Senator SHEALY proposed the following amendment (SR-408.JG0027S), which was adopted:

Amend the bill, after the title but before the enacting words, by deleting page 1, lines 19-41; page 2, lines 1-36; page 3, lines 1-36; page 4, lines 1-36; and page 5, lines 1-30.

Amend the bill further, by deleting SECTIONS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.A, 23.B, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37.A, 37.B, 38, 39, 40, 41, 42, 43, 44, and 45.

Re-number sections to conform.

Amend title to conform.

Senator SHEALY explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

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Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 610 -- Senators Cromer, Shealy and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROFESSIONAL COUNSELING COMPACT ACT" BY ADDING ARTICLE 6 TO CHAPTER 75, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS FOR THE COMPACT.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator DAVIS explained the House amendments.

Senator DAVIS proposed the following amendment (LC-610.HA0007S), which was adopted:

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

SECTION 1. This act may be cited as the "Professional Counseling Compact Act".

SECTION 2. Chapter 75, Title 40 of the S.C. Code is amended by adding:

Article 6
Professional Counseling Compact

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Section 40-75-910. (A) The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of the states to protect public health and safety through the current system of state licensure.

(B) This compact is designed to achieve the following objectives:

(1) increase public access to professional counseling services by providing for the mutual recognition of other member-state licenses;

(2) enhance the states' ability to protect the public's health and safety;

(3) encourage the cooperation of member states in regulating multistate practice for licensed professional counselors;

(4) support spouses of relocating active duty military personnel;

(5) enhance the exchange of licensure, investigative, and disciplinary information among member states;

(6) allow for the use of telehealth technology to facilitate increased access to professional counseling services;

(7) support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits;

(8) invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time of care is rendered through the mutual recognition of member-state licenses;

(9) eliminate the necessity for licenses in multiple states; and

(10) provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

Section 40-75-920. As used in this compact, and except as otherwise provided, the following definitions shall apply:

(1) "Active-duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active-duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

(2) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a licensed professional counselor, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance

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on licensure affecting a licensed professional counselor's authorization to practice, including issuance of a cease and desist action.

(3) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a professional counseling licensing board to address impaired practitioners.

(4) "Continuing competence/education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

(5) "Counseling compact commission or commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(6) "Current significant investigative information" means:

(a) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the licensed professional counselor to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) investigative information that indicates that the licensed professional counselor represents an immediate threat to public health and safety regardless of whether the licensed professional counselor has been notified and had the opportunity to respond.

(7) "Data system" means a repository of information about licensees including, but not limited to, continuing education, examination, licensure, investigative, privilege to practice, and adverse action information.

(8) "Encumbered license" means a license in which an adverse action restricts the practice of licensed professional counseling by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

(9) "Encumbrance" means a revocation of, suspension of, or any limitation on, the full and unrestricted practice of licensed professional counseling by a licensing board.

(10) "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them, by the commission.

(11) "Home state" means the member state that is the licensee's primary state of residence.

(12) "Impaired practitioner" means an individual who has conditions that may impair their ability to practice as a licensed professional counselor without some type of intervention and may

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include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

(13) “Investigative information” means information, records, and documents received or generated by a professional counseling licensing board pursuant to an investigation.

(14) “Jurisprudence requirement” if required by a member state, means the assessment of an individual’s knowledge of the laws and rules governing the practice of professional counseling in the state.

(15) “Licensed professional counselor” means a counselor licensed by a member state regardless of the title used by that state, to independently assess, diagnose, and treat behavioral health conditions.

(16) “Licensee” means an individual who currently holds an authorization from the state to practice as a licensed professional counselor.

(17) “Licensing board” means the agency of a state, or equivalent, that is responsible for the licensing and regulation of licensed professional counselors.

(18) “Member state” means a state that has enacted the compact.

(19) “Privilege to practice” means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in a remote state.

(20) “Professional counseling” means the assessment, diagnosis, and treatment of behavioral health conditions by a licensed professional counselor.

(21) “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice.

(22) “Rule” means a regulation promulgated by the commission that has the force of law.

(23) “Single-state license” means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(24) “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of professional counseling.

(25) “Telehealth” means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose, and treat behavioral health conditions.

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(26) “Unencumbered license” means a license that authorizes a licensed professional counselor to engage in the full and unrestricted practice of professional counseling.

Section 40-75-930. (A) To participate in the compact, a state must currently:

(1) license and regulate licensed professional counselors;
(2) require licensees to pass a nationally recognized exam approved by the commission;

(3) require licensees to have a sixty semester hours (or ninety quarter hours) master’s degree in counseling or sixty semester hours (or ninety quarter hours) of graduate course work including the following topic areas:

- (a) professional counseling orientation and ethical practice;
- (b) social and cultural diversity;
- (c) human growth and development;
- (d) career development;
- (e) counseling and helping relationships;
- (f) group counseling and group work;
- (g) diagnosis and treatment; assessment, and testing;
- (h) research and program evaluation; and
- (i) other areas as determined by the commission;

(4) require licensees to complete a supervised postgraduate professional experience as defined by the commission; and

(5) have a mechanism in place for receiving and investigating complaints about licensees.

(B) A member state shall:

(1) participate fully in the commission’s data system, including using the commission’s unique identifier as defined in rules;

(2) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(3) implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state’s criminal records;

(a) a member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving

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the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions;

(b) communication between a member state, the commission and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544;

(4) comply with the rules of the commission;

(5) require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

(6) grant the privilege to practice to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules; and

(7) provide for the attendance of the state's commissioner to the counseling compact commission meetings.

(C) Member states may charge a fee for granting the privilege to practice.

(D) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting a privilege to practice professional counseling in any other member state.

(E) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

(F) A license issued to a licensed professional counselor by a home state to a resident in that state shall be recognized by each member state as authorizing a licensed professional counselor to practice professional counseling, under a privilege to practice, in each member state.

Section 40-75-940. (A) To exercise the privilege to practice under the terms and provisions of the compact, the licensee shall:

(1) hold a license in the home state;

(2) have a valid United States social security number or national practitioner identifier;

(3) be eligible for a privilege to practice in any member state in accordance with subsections (D), (G), and (H);

(4) have not had any encumbrance or restriction against any license or privilege to practice within the previous two years;

(5) notify the commission that the licensee is seeking the privilege to practice within a remote state;

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(6) pay any applicable fees, including any state fee, for the privilege to practice;

(7) meet any continuing competence/education requirements established by the home state;

(8) meet any jurisprudence requirements established by the remote state in which the licensee is seeking a privilege to practice; and

(9) report to the commission any adverse action, encumbrance, or restriction on a license taken by any nonmember state within thirty days from the date the action is taken.

(B) The privilege to practice is valid until the expiration date of the home-state license. The licensee must comply with the requirements of subsection (A) to maintain the privilege to practice in the remote state.

(C) A licensee providing professional counseling in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

(D) A licensee providing professional counseling services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's privilege to practice in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a privilege to practice in any member state until the specific time for removal has passed and all fines are paid.

(E) If a home-state license is encumbered, the licensee shall lose the privilege to practice in any remote state until the following occur:

(1) the home-state license is no longer encumbered; and

(2) have not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

(F) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (A) to obtain a privilege to practice in any remote state.

(G) If a licensee's privilege to practice in any remote state is removed, the individual may lose the privilege to practice in all other remote states until the following occur:

(1) the specific period of time for which the privilege to practice was removed has ended;

(2) all fines have been paid; and

(3) have not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

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(H) Once the requirements of subsection (G) have been met, the licensee must meet the requirements in subsection (A) to obtain a privilege to practice in a remote state.

Section 40-75-950. (A) A licensed professional counselor may hold a home-state license, which allows for a privilege to practice in other member states, in only one member state at a time.

(B) If a licensed professional counselor changes primary state of residence by moving between two member states:

(1) The licensed professional counselor shall file an application for obtaining a new home-state license based on a privilege to practice, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission.

(2) Upon receipt of an application for obtaining a new home-state license by virtue of a privilege to practice, the new home state shall verify that the licensed professional counselor meets the pertinent criteria outlined in Section 40-75-940 via the data system, without need for primary source verification except for:

(a) a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Public Law 92-544;

(b) other criminal background check as required by the new home state; and

(c) completion of any requisite jurisprudence requirements of the new home state.

(3) The former home-state shall convert the former home-state license into a privilege to practice once the new home state has activated the new home-state license in accordance with applicable rules adopted by the commission.

(4) Notwithstanding any other provision of this compact, if the licensed professional counselor cannot meet the criteria in Section 40-75-940, the new home state may apply its requirements for issuing a new single-state license.

(5) The licensed professional counselor shall pay all applicable fees to the new home state in order to be issued a new home-state license.

(C) If a licensed professional counselor changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single-state license in the new state.

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(D) Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states, however for the purposes of this compact, a licensee shall have only one home state license.

(E) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

Section 40-75-960. Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state, or through the process outlined in Section 40-75-950.

Section 40-75-970. (A) Member states shall recognize the right of a licensed professional counselor, licensed by a home state in accordance with Section 40-75-930 and under rules promulgated by the commission, to practice professional counseling in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

(B) A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

Section 40-75-980. (A) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) take adverse action against a licensed professional counselor's privilege to practice within that member state;

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located; and

(3) only the home state shall have the power to take adverse action against a licensed professional counselor's license issued by the home state.

(B) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member

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state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(C) The home state shall complete any pending investigations of a licensed professional counselor who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(D) A member state, if otherwise permitted by state law, may recover from the affected licensed professional counselor the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensed professional counselor.

(E) A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

(F) Joint investigations:

(1) In addition to the authority granted to a member state by its respective professional counseling practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(G) If adverse action is taken by the home state against the license of a licensed professional counselor, the licensed professional counselor's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against the license of a licensed professional counselor shall include a statement that the licensed professional counselor's privilege to practice is deactivated in all member states during the pendency of the order.

(H) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(I) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

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Section 40-75-990. (A) The compact member states hereby create and establish a joint public agency known as the Counseling Compact Commission:

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(B) Membership, voting, and meetings:

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be either:

(a) a current member of the licensing board at the time of appointment, who is a licensed professional counselor or public member; or

(b) an administrator of the licensing board.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member-state licensing board shall fill any vacancy occurring on the commission within sixty days.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(8) The commission shall by rule establish a term of office for delegates and may by rule establish term limits.

(C) The commission shall have the following powers and duties:

(1) establish the fiscal year of the commission;

(2) establish bylaws;

(3) maintain its financial records in accordance with the bylaws;

(4) meet and take such actions as are consistent with the provisions of this compact and the bylaws;

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(5) promulgate rules which shall be binding to the extent and in the manner provided for in the compact;

(6) bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

(7) purchase and maintain insurance and bonds;

(8) borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

(9) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(10) accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(11) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

(12) sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(13) establish a budget and make expenditures;

(14) borrow money;

(15) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(16) provide and receive information from, and cooperate with, law enforcement agencies;

(17) establish and elect an executive committee; and

(18) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of professional counseling licensure and practice.

(D) The executive committee:

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive committee shall be composed of up to eleven members:

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(a) seven voting members who are elected by the commission from the current membership of the commission;

(b) up to four ex officio, nonvoting members from four recognized national professional counselor organizations; and

(c) The ex officio members will be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in the bylaws.

(4) The executive committee shall meet at least annually.

(5) The executive committee shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the privilege to practice;

(b) Ensure compact administration services are appropriately provided, contractual or otherwise;

(c) prepare and recommend the budget;

(d) maintain financial records on behalf of the commission;

(e) monitor compact compliance of member states and provide compliance reports to the commission;

(f) establish additional committees as necessary; and

(g) other duties as provided in the rules or bylaws.

(E) Meetings of the commission:

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 40-75-1010.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(a) noncompliance of a member state with its obligations under the compact;

(b) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) current, threatened, or reasonably anticipated litigation;

(d) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(e) accusing any person of a crime or formally censuring any person;

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(f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(g) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) disclosure of investigative records compiled for law enforcement purposes;

(i) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(j) matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(F) Financing of the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

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(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(G) Qualified immunity, defense, and indemnification:

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or wilful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or wilful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties,

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or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or wilful or wanton misconduct of that person.

Section 40-75-1000. (A) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(B) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- (1) identifying information;
- (2) licensure data;
- (3) adverse actions against a license or privilege to practice;
- (4) nonconfidential information related to alternative program participation;
- (5) any denial of application for licensure, and the reason for such denial;
- (6) current significant investigative information; and
- (7) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(C) Investigative information pertaining to a licensee in any member state will only be available to other member states.

(D) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(E) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(F) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

Section 40-75-1010. (A) The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force or effect.

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(B) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(C) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(D) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(E) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) on the website of the commission or other publicly accessible platform; and

(2) on the website of each member-state professional counseling licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(F) The notice of proposed rulemaking shall include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(G) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(H) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) at least twenty-five persons;

(2) a state or federal governmental subdivision or agency; or

(3) an association having at least twenty-five members.

(I) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the

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commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings will be recorded. A copy of the recording will be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(J) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(K) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(L) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(M) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or member-state funds;

(3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) protect public health and safety.

(N) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject

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to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Section 40-75-1020. (A) Oversight:

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(B) Default, technical assistance, and termination:

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

(b) provide remedial training and specific technical assistance regarding the default.

(C) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(D) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission

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to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(E) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(F) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(G) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(H) Dispute resolution:

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(I) Enforcement:

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Section 40-75-1030. (A) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and

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exercise rulemaking powers necessary to the implementation and administration of the compact.

(B) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(C) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's professional counseling licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(D) Nothing contained in this compact shall be construed to invalidate or prevent any professional counseling licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(E) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Section 40-75-1040. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

Section 40-75-1050. (A) A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations, including scope of practice, of the remote state.

(B) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

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(C) Any laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(D) Any lawful actions of the commission, including all rules and bylaws properly promulgated by the commission, are binding upon the member states.

(E) All permissible agreements between the commission and the member states are binding in accordance with their terms.

(F) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

SECTION 3. Section 40-75-220 of the S.C. Code is amended to read:

Section 40-75-220. (A) To be licensed by the board as a professional counselor, marriage and family therapist, or addiction counselor, an individual must:

(1) pay the appropriate fees and pass an examination approved by the board;

(2) complete forms prescribed by the board; and

(3) complete the following educational requirements:

(a) for licensed professional counselor or marriage and family therapist, successfully complete a minimum of a master's degree or higher degree program and have been awarded a graduate degree as provided in regulation, provided all course work, including any additional core coursework, must be taken at a college or university accredited by a national educational accrediting body, or one that follows similar educational standards and by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a post-degree program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or a regionally accredited institution of higher learning subsequent to receiving the graduate degree; or

(b) for licensed addiction counselor, successfully complete a minimum of a master's degree or higher degree program and have been awarded a graduate degree as provided in regulation, provided all course work, including any additional core coursework, must be taken at a college or university accredited by a national educational accrediting body, or one that follows similar standards and the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, the National Addiction Studies

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Accreditation Commission, other board-approved educational institution, or a regionally accredited institution of higher learning.

(B) In addition to other requirements established by law, a person applying to be a licensed professional counselor, as defined in Section 40-75-20(13), must undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain the fingerprints for identification and certification purposes and for notification of the department regarding criminal charges. Cost of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed to the board as may be necessary to support the administrative action. The results of these criminal record checks must not be shared outside the department.

(C) In addition to other requirements established by law, a licensed professional counselor applying to enter the compact via a privilege to practice must undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain the fingerprints for identification and certification purposes and for notification of the department regarding criminal charges. Cost of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed to the board as may be necessary to support the administrative action. The results of these criminal record checks must not be shared outside the department.

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

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

The House returned the Bill with amendments.

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The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator CROMER explained the House amendments.

Senator CROMER proposed the following amendment (SR-962.KM0003S), which was adopted:

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

SECTION 1. Section 38-71-2330(A)(1) of the S.C. Code is amended to read:

(1) ~~act as a fiduciary to a pharmacy and~~ perform its duties to a pharmacy exercising good faith and fair dealing;

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

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

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Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

Message from the House

Columbia, S.C., May 8, 2024

Mr. President and Senators:

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

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

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

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

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

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

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TO PROVIDE FOR EDUCATIONAL AND PRE-SERVICE TRAINING REQUIREMENTS.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator YOUNG explained the House amendments.

Senator SHEALY proposed the following amendment (SR-862.JG0006S), which was adopted:

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

SECTION 1. Section 63-13-30 of the S.C. Code is amended to read:

Section 63-13-30. (A) A caregiver who begins employment in a licensed or approved childcare center in South Carolina after June 30, 1994, must have at least a high school diploma ~~or~~ General Educational Development (GED), Certificate of Completion, or a South Carolina High School Employability Credential ~~and at least six months' experience as a caregiver in a licensed or approved childcare facility. If a caregiver does not meet the experience requirements, the caregiver must be directly supervised for six months by a staff person with at least one year experience as a caregiver in a licensed or approved childcare facility. Within six three months~~ five days of being employed, a caregiver must ~~have six clock hours of training in child growth and development and early childhood education or shall continue to be under the direct supervision of a caregiver who has at least one year of experience as a caregiver in a licensed or approved childcare facility~~ complete fifteen hours of health and safety service provider training. The caregiver shall be directly supervised by a staff person with at least one year experience as a caregiver in a licensed or approved childcare facility until such time as the caregiver has completed the required health and safety service provider training, provided the caregiver is also in compliance with Section 63-13-40 relating to required background checks.

(B) A caregiver who has ~~two years'~~ a high school diploma, General Educational Development (GED), Certificate of Completion, or a South Carolina High School Employability Credential ~~and at least six months'~~ experience as a caregiver in a licensed or approved facility and is employed as of July 1, 1994, in a licensed or approved childcare center

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in South Carolina is exempt from the ~~high school diploma and General Educational Development (GED)~~ requirements of subsection (A).

SECTION 2. This act takes effect five business days after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

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Message from the House

Columbia, S.C., May 8, 2024

Mr. President and Senators:

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

S. 1017 -- Senators M. Johnson, Peeler, Climer, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE THAT THE EXEMPTION FOR CERTAIN PROPERTY OF A NONPROFIT HOUSING CORPORATION ONLY APPLIES TO THE PERCENTAGE OF PROPERTY THAT EQUALS THE CORPORATION'S OWNERSHIP INTEREST IN THE PROPERTY, TO PROVIDE AN EXCEPTION, AND TO PROVIDE CERTAIN CERTIFICATION AND NOTICE REQUIREMENTS; AND BY ADDING SECTION 12-37-160 SO AS TO PROVIDE THAT CERTAIN PROPERTY ASSESSED AS AGRICULTURAL OR RELATED THERETO MAY NOT BE ANNEXED BY A MUNICIPALITY.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

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

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

S. 1017 -- Senators M. Johnson, Peeler, Climer, Setzler and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE THAT THE EXEMPTION FOR CERTAIN PROPERTY OF A NONPROFIT HOUSING CORPORATION ONLY APPLIES TO THE PERCENTAGE OF PROPERTY THAT EQUALS THE CORPORATION'S OWNERSHIP INTEREST IN THE PROPERTY, TO PROVIDE AN EXCEPTION,

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AND TO PROVIDE CERTAIN CERTIFICATION AND NOTICE REQUIREMENTS; AND BY ADDING SECTION 12-37-160 SO AS TO PROVIDE THAT CERTAIN PROPERTY ASSESSED AS AGRICULTURAL OR RELATED THERETO MAY NOT BE ANNEXED BY A MUNICIPALITY.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator VERIN explained the amendments.

On motion of Senator VERDIN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 8, 2024

Mr. President and Senators:

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

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian, McLeod and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY

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COMMISSION AND PUBLICATION OF VACANCIES, SO AS TO PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY AMENDING SECTION 2-19-70, RELATING TO THE PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

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

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

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**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian, McLeod and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY COMMISSION AND PUBLICATION OF VACANCIES, SO AS TO PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY AMENDING SECTION 2-19-70, RELATING TO THE PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE

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RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator MASSEY explained the House amendments.

Senator MASSEY proposed the following amendment (SJ-1046.PB0093S), which was adopted:

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

SECTION 1. Section 2-19-10 of the S.C. Code is amended to read:

Section 2-19-10. (A) Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a Judicial Merit Selection Commission, composed of ~~ten~~ twelve members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the candidates. The Judicial Merit Selection Commission shall meet at least once annually and at other times as may be designated by the chairman. The commission, at its first meeting and then annually, shall elect a chairman and a vice chairman who shall serve for a term of one year and until their successors are elected and qualified, and adopt rules necessary to the purposes of the commission. These rules shall address, among other things:

- (1) the confidentiality of records and other information received concerning candidates for judicial office;
- (2) the conduct of proceedings before the commission;
- (3) receipt of public statements in support of or in opposition to any of the candidates;
- (4) procedures to review the qualifications of retired judges for continued judicial service;

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(5) contacting incumbent judges regarding their desire to seek re-election;

(6) prohibition against candidates communicating with individual members of the commission concerning the qualifications of candidates unless specifically authorized by the commission; and

(7) format and use of anonymous surveys by the commission.

~~A member may succeed himself as chairman or vice chairman.~~
Six Seven members of the commission constitute a quorum at all meetings.

(B) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

(1) ~~five~~ four members appointed by the Speaker of the House of Representatives, ~~and of these appointments:~~

~~(a) three members must be serving members of the General Assembly; and~~

~~(b) two members must be selected from the general public;~~

(2) ~~three~~ two members appointed by the Chairman of the Senate Judiciary Committee and two members appointed by the President of the Senate, who must be serving members of the Senate; and

(3) ~~two~~ four members, appointed by the ~~President of the Senate, who must be selected from the general public~~ Governor, and of these appointments:

(a) one member must be a lawyer with substantial experience in the area of criminal law;

(b) one member must be a lawyer with substantial experience in the area of civil law;

(c) one member must be a lawyer with substantial experience in the area of family law; and

(d) one member must be a retired judge from the Supreme Court, court of appeals, circuit court, or family court who is not serving in an active retired status.

(C) In making appointments to the commission, the Governor must consider race, gender, national origin, and other demographic factors ~~should be considered~~ to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(D)(1) The term of office of a member of the commission who is appointed by the Governor ~~not a member of the General Assembly~~ shall be for four years subject to a right of removal at any time by the ~~person appointing him~~ Governor, ~~and until his successor is appointed and qualifies.~~ ~~A member of the commission who is a serving member of the~~

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General Assembly shall serve for the term of office to which he has been elected. Members of the commission shall serve for a term of no more than four years and may not serve successive terms. A member may be reappointed to the commission after rotating off the commission for at least four years. However, the term of a member of the Senate or the House of Representatives who ceases to serve as a member of the General Assembly shall terminate upon the end of his service in the General Assembly creating a vacancy that must be filled pursuant to subsection (E).

(2) The legislative members may be removed from the commission for incapacity, misconduct, or neglect of duty by a resolution adopted by their respective chamber. In order to be considered, any such resolution must be proposed by at least ten members and requires the affirmative vote of a majority of the membership in the appropriate chamber.

(E) A vacancy on the Judicial Merit Selection Commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection. A member appointed to fill a vacancy may serve a full term after the expiration of the unexpired term to which he was appointed.

(F) No member of the commission shall receive any compensation for commission services, except those set by law for travel, board, and lodging expenses incurred in the performance of commission duties.

(G) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division while serving on the commission and for a period of one year thereafter. If a candidate is a family member of a member of the commission, the member must resign. For the purposes of this subsection, "family member" means a spouse, parent, brother, sister, child, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

SECTION 2. Section 2-19-30(E) of the S.C. Code is amended to read:

(E) A candidate may withdraw at any stage of the proceedings and in this event no further inquiry or consideration of his candidacy shall be made time prior to the public hearing or after the draft report is issued to members of the General Assembly. All materials concerning that candidate including his report, transcript, application, materials, and other information gathered during the commission's investigation must be kept confidential and destroyed as soon as possible after the candidate's written notification to the commission of his withdrawal. The

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information concerning a withdrawn candidate also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

SECTION 3. Section 2-19-30 of the S.C. Code is amended by adding:

(F) All of the commission's public hearings shall be live streamed except for the portions of the hearings conducted in executive session.

SECTION 4. Section 2-19-70(C), (D), and (E) of the S.C. Code is amended to read:

(C) No ~~candidate for judicial office~~person may seek directly or indirectly the pledge of a member of the General Assembly's vote or, directly or indirectly, contact a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. No member of the General Assembly may offer his pledge to any person until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than ~~forty-eight hours~~twelve days after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the commission. Prior to the formal release of the report as to the qualifications of judicial candidates, a person may not request that a member of the General Assembly, nor may a member of the General Assembly offer to, act on behalf of a candidate in furtherance of the candidate's candidacy in any capacity including, but not limited to, acting as a vote counter for a candidate. The prohibitions of this section do not extend to an announcement of candidacy by ~~the candidate~~a person and statements by the candidate detailing the candidate's qualifications.

(D) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates now or in the future, in exchange for another member's pledge to vote for a candidate for judicial office or as an inducement for a candidate to withdraw.

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(E) Violations of this section may be considered by the merit selection commission when it considers the candidate's qualifications and until the time set for election of candidates. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22-3-545.

SECTION 5. Section 2-19-80(A) of the S.C. Code is amended to read:

(A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court, court of appeals, circuit court, family court, and the administrative law judge division. It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of ~~the three~~not more than six candidates whom it considers best qualified for the judicial office under consideration. If fewer than ~~three-six~~ persons apply to fill a vacancy or if the commission concludes there are fewer than ~~three-six~~ candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than ~~three-six~~ names.

SECTION 6. Section 2-19-80(D) of the S.C. Code is amended to read:

(D) The commission shall accompany its nominations to the General Assembly with reports or recommendations as to the qualifications of particular candidates and the particular reasons a candidate or candidates were not found qualified.

SECTION 7. Section 2-19-80(E) of the S.C. Code is amended to read:

(E) A period of at least ~~two weeks~~twenty-two days must elapse between the date of the commission's nominations to the General Assembly and the date the General Assembly conducts the election for these judgeships.

SECTION 8. Section 2-19-90 of the S.C. Code is amended to read:

Section 2-19-90. (A) The General Assembly shall meet in joint session for the election of judges. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the Judicial

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Merit Selection Commission. The Chairman of the Judicial Merit Selection Commission shall announce the commission's nominees for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly.

(B) In order to be elected, a candidate must receive a majority of the vote of the members of the General Assembly Senate and a majority vote of the members of the House of Representatives voting in joint session.

(C) If no candidate receives the requisite vote necessary for election on the first ballot, the General Assembly shall proceed to a vote on a second ballot. The three candidates receiving the most votes on the first ballot shall be the only candidates on the second ballot. If no candidate receives the requisite vote necessary for election on the second ballot, the General Assembly shall carry over the election for that judicial seat. The General Assembly shall reconvene in seven days to complete the elections that were carried over.

SECTION 9. Section 2-19-20(C) of the S.C. Code is amended to read:

(C) The Judicial Merit Selection Commission shall announce and publicize vacancies and forthcoming vacancies in the administrative law judge division, on the family court, circuit court, court of appeals, and Supreme Court. A person who desires to be considered for nomination as justice or judge may make application to the commission. ~~No person may concurrently seek more than one judicial vacancy.~~ The commission shall announce the names of those persons who have applied.

SECTION 10. Section 2-19-40 of the S.C. Code is repealed.

SECTION 11. (A) The initial terms for members of the Judicial Merit Selection Commission appointed pursuant to this act shall be as follows:

(1) One member appointed by the President of the Senate and one member appointed by the Chairman of the Senate Judiciary Committee shall serve an initial term of two years.

(2) Two members appointed by the Speaker of the House of Representatives shall serve an initial term of two years.

(3) Two members appointed by the Governor shall serve an initial term of two years.

(B) Members of the Judicial Merit Selection Commission serving on the effective date of this act who have served more than four years on the commission are not eligible for appointment to the commission pursuant to the provisions of this act except for the current chairman and vice chairman who can serve a two-year term but then may not serve a successive term.

SECTION 12. This act takes effect July 1, 2024.

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Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

Senators ALEXANDER and MALLOY proposed the following amendment (SR-1046.KM0092S), which was adopted:

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

SECTION X. Section 2-1-180 of the S.C. Code is amended to read:

Section 2-1-180. (A) The regular annual session of the General Assembly shall adjourn sine die each year not later than five o'clock p.m. on the second Thursday in May. The regular annual session of the General Assembly can be extended:

— (a)(1) if the House of Representatives fails to give a third reading to the annual general appropriations bill by March thirty first, the date of sine die adjournment is extended by one statewide day for each statewide day after March thirty first that the House of Representatives fails to give the bill third reading if the general appropriations bill or Capital Reserve Fund resolution is not completed by the sine die adjournment date, the President of the Senate and the Speaker of the House of Representatives may call their respective bodies into session at any time after the date of sine die adjournment and until the first Thursday in June to complete those matters; or

— (b)(2) if a forecast reduction is submitted by the Board of Economic Advisors pursuant to Section 11-9-880 after April tenth for the next fiscal year, the adjournment date for the General Assembly may be extended up to two weeks with the agreement of the Speaker of the House and the President of the Senate; or

(e)(3) if a concurrent resolution is adopted by a two-thirds vote of both the Senate and House of Representatives not later than five o'clock p.m. on the second Thursday in May. During the time between five o'clock p.m. on the second Thursday in May and the extended sine die adjournment date, as set forth herein, no legislation or other business may be considered ~~except the general appropriations bill and any matters approved for consideration by a concurrent resolution adopted by two-thirds vote in both houses.~~

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(B) The running of the one-hundred twenty day legislative review period for promulgated regulations submitted to the General Assembly for review pursuant to the Administrative Procedures Act is tolled beginning at five o'clock on the second Thursday in May each year until noon on the second Tuesday of January the following year.

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

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**HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 1005 -- Senators Kimbrell and Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-25-1320, RELATING TO MOTOR RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROVIDE THAT A BOAT, WATERCRAFT, OR OTHER TYPE OF VESSEL POWERED BY AN OUTDRIVE OR INBOARD MOTOR HAVING AN ENGINE AUTOMOTIVE HORSEPOWER RATING IN EXCESS OF TWO HUNDRED HORSEPOWER IS PERMITTED AND THAT PERSONAL WATERCRAFT MAY NOT EXCEED ONE HUNDRED NINETY HORSEPOWER; AND BY AMENDING SECTION 50-25-1350, RELATING TO WATER SKIING AND TOWING RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROHIBIT THE OPERATION OF PERSONAL WATERCRAFT, SPECIALTY PROPCRAFT, OR VESSELS IN EXCESS OF IDLE SPEED WITHIN ONE HUNDRED FEET OF A WHARF, DOCK, BULKHEAD, OR PIER OR WITHIN FIFTY FEET OF A MOORED OR ANCHORED VESSEL OR PERSON IN THE WATER.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator CAMPSSEN explained the House amendments.

Senator CAMPSSEN proposed the following amendment (SR-1005.KM0003S), which was adopted:

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

SECTION 1. Section 50-25-1320(3) and (4) of the S.C. Code is amended to read:

(3) No boat, watercraft, or any other type of vessel powered by an outdrive or inboard motor having an engine automotive horsepower rating in excess of ~~one hundred ninety~~ two hundred horsepower is permitted. This restriction does not apply to towboats which have been approved by the American Waterski Association or any Coast Guard approved boat commonly referred to as an inboard boat designed by the manufacturer for towing water skiers with the motor or engine located near the midpoint of the boat between the bow and stern, propeller driven

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by a single rod drive shaft extending through the hull with the propeller located under the boat in front of a rudder. V-Drive towboats will not be permissible.

(4) Personal watercraft may not exceed one hundred ninety horsepower.

~~(4)~~(5) There is no minimum or maximum restriction on length of boats, watercraft, or any other type of vessel. Boats, watercraft, and other vessels operated for law enforcement, emergency medical services, or dam maintenance and repair are exempted from the restrictions in items (1) and (3) of this section.

SECTION 2. Section 50-25-1350 of the S.C. Code is amended to read:

Section 50-25-1350. On Lake William C. Bowen it is unlawful to:

~~(1) waterski or tow rafts, discs, or other similar floating devices within three hundred feet of any bridge or within one hundred feet of public dock facilities of the Spartanburg Water System~~ operate a personal watercraft, specialty procraft, or vessel in excess of idle speed within one hundred feet of a wharf, dock, bulkhead, or pier or within fifty feet of a moored or anchored vessel or person in the water;

(2) waterski and tow rafts, discs, or other similar floating devices upstream and west of the Interstate Highway 26 bridge which crosses over Lake William C. Bowen;

(3) pull more than two ~~skiers~~ persons at one time from any boat or to waterski while carrying one or more persons piggyback;

(4) operate any boat, watercraft, or any other type of a vessel between midnight and one hour before sunrise.

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning

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Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Senn
Setzler	Shealy	Stephens
Talley	Tedder	Turner
Verdin	Williams	Young

Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 1031 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING CHAPTER 11 OF TITLE 35, RELATING TO ANTI-MONEY LAUNDERING, SO AS TO INCORPORATE THE UNIFORM MONEY SERVICES ACT, TO PROTECT THE PUBLIC FROM FINANCIAL CRIME, STANDARDIZE THE TYPES OF ACTIVITIES THAT ARE SUBJECT TO LICENSING, AND MODERNIZE SAFETY AND SOUNDNESS REQUIREMENTS TO ENSURE FUNDS ARE PROTECTED IN AN ENVIRONMENT THAT SUPPORTS INNOVATIVE AND COMPETITIVE BUSINESS PRACTICES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator YOUNG explained the House amendments.

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Senator Young proposed the following amendment (SR-1031.JG0008S), which was adopted:

Amend the bill, as and if amended, by striking page 1, lines 18-41; page 2, lines 1-36; page 3, lines 1-36; page 4, lines 1-36; and page 5, lines 1-28.

Amend the bill further by striking all after the enacting words and inserting:

SECTION 1. Chapter 11, Title 35 of the S.C. Code is amended to read:

CHAPTER 11

South Carolina ~~Anti-Money Laundering~~ Uniform Money Services Act

Article 1

General Provisions

Section 35-11-100. This chapter may be cited as the “South Carolina ~~Anti-Money Laundering~~ Uniform Money Services Act”.

Section 35-11-105. As used in this chapter:

(1) “Acting in concert” means persons knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

~~(1)(2) “Applicant” means a person that files an application for a license pursuant to this act.~~

~~(2)(3) “Authorized delegate” means a person a licensee designates to provide money services on behalf of the licensee.~~

~~(3) “Bank” means an institution organized under federal or state law which:~~

~~—(a) accepts demand deposits or deposits that the depositor may use for payment to third parties and which engages in the business of making commercial loans; or~~

~~—(b) engages in credit card operations and maintains only one office that accepts deposits, does not accept demand deposits or deposits that the depositor may use for payments to third parties, does not accept a savings or time deposit less than one hundred thousand dollars, and does not engage in the business of making commercial loans.~~

(4) “Average daily money transmission liability” means the amount of the licensee’s outstanding money transmission obligations in this State at the end of each day in a given period of time, added together, and divided by the total number of days in the given period of time. For purposes of calculating average daily money transmission liability under this chapter for any licensee required to do so, the given period of time must be the quarters ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first.

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(5) “Bank Secrecy Act” means the Bank Secrecy Act, 31 U.S.C. Section 5311, et seq., and its implementing regulations, as amended and recodified from time to time.

(6) “Closed loop stored value” means stored value that is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value.

~~(4)~~(7) “Commissioner” means the South Carolina Attorney General.

~~(5)~~(8)(a) “Control” means:

~~(a)(i) ownership of, or the power to vote, directly or indirectly, at least twenty-five percent of a class of voting securities—the outstanding voting shares~~ or voting interests of a licensee or person in control of a licensee;

~~(b)(ii) the power to elect or appoint a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or person in control of a licensee; or~~

~~(e)(iii) the power to exercise directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.~~

(b)(i) A person is presumed to exercise a controlling influence when the person holds the power to vote, directly or indirectly, at least ten percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee.

(ii) A person presumed to exercise a controlling influence as defined by this subitem can rebut the presumption of control if the person is a passive investor.

(c) For purposes of determining the percentage of a person controlled by any other person, the person’s interest must be aggregated with the interest of any other immediate family member, including the person’s spouse, parents, children, siblings, mothers- and fathers-in-law, sons- and daughters-in-law, brothers- and sisters-in-law, and any other person who shares such person’s home.

~~(6)~~(9) “Currency exchange” means receipt of revenues from the exchange of money of one government for money of another government.

(10) “Eligible rating” means a credit rating of any of the three highest rating categories provided by an eligible rating service, whereby each category may include rating modifiers such as “plus” or “minus” for S&P, or the equivalent for any other eligible rating service. Long-term credit ratings are considered to be eligible if the rating is equal to A- or

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higher by S&P, or the equivalent from any other eligible rating service. Short-term credit ratings are deemed eligible if the rating is equal to or higher than A-2 or SP-2 by S&P, or the equivalent from any other eligible rating service. In the event that ratings differ among eligible rating services, the highest rating shall apply when determining whether a security bears an eligible rating.

(11) “Eligible rating service” means any Nationally Recognized Statistical Rating Organization (NRSRO) as defined by the U.S. Securities and Exchange Commission, and any other organization designated by the Commissioner by rule or order.

~~(7)~~(12) “Executive officer” means a president, chairperson of the executive committee, chief financial officer, responsible individual, or other individual who performs similar functions.

(13) “Federally insured depository financial institution” means a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company organized under the laws of the United States or any state of the United States, when such bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company has federally insured deposits.

(14) “In this State” means at a physical location within this State for a transaction requested in person. For a transaction requested electronically or by phone, the provider of the money transmission may determine if the person requesting the transaction is “in this State” by relying on other information provided by the person regarding the location of the individual’s residential address or a business entity’s principal place of business or other physical address location, and any records associated with the person that the provider of money transmission may have that indicate such location including, but not limited, to an address associated with an account.

(15) “Individual” means a natural person.

(16) “Key individual” means any individual ultimately responsible for establishing or directing policies and procedures of the licensee, such as an executive officer, manager, director, or trustee.

~~(8)~~(17) “Licensee” means a person licensed pursuant to this act.

(18) “Material litigation” means litigation, that according to United States generally accepted accounting principles, is significant to a person’s financial health and would be required to be disclosed in the person’s annual audited financial statements, report to shareholders, or similar records.

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~~(9)~~(19) “Monetary value” means a medium of exchange, whether or not redeemable in money.

~~(10)~~(20) “Money” means a medium of exchange that is authorized or adopted by the United States or a foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments.

~~(11)~~(21) “Money services” means money transmission or currency exchange.

~~(12)~~(22)(a) “Money transmission” means any of the following:

(i) selling or issuing payment instruments to a person located in this State;

(ii) selling or issuing stored value to a person located in this State; or

(iii) receiving money or ~~monetary value~~ for transmission in this State.

(b) The term does not include the provision solely of delivery, online or telecommunications services, or network access.

(23) “MSB accredited state” means a state agency that is accredited by the Conference of State Bank Supervisors and Money Transmitter Regulators Association for money transmission licensing and supervision.

(24) “Multistate licensing process” means any agreement entered into by and among state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations, or notice and information requirements for a change of key individuals.

(25) “NMLS” means the Nationwide Multistate Licensing System and Registry developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry, LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries.

~~(13)~~(26) “Outstanding money transmission obligation”, ~~with respect to a payment instrument, means issued or sold by or for the licensee and reported as sold but not yet paid by or for the licensee~~ is established and extinguished in accordance with applicable state law and means:

(a) any payment instrument or stored value issued or sold by the licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee, or escheated in accordance with applicable abandoned property laws; or

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(b) any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender or escheated in accordance with applicable abandoned property laws.

(c) For purposes of this subsection, “in the United States” includes, to the extent applicable, a person in any state, territory, or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico; or a U.S. military installation that is located in a foreign country.

(27) “Passive investor” means a person that:

(a) does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a person in control of a licensee;

(b) is not employed by and does not have any managerial duties of the licensee or person in control of a licensee;

(c) does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

(d) either:

(i) attests to subitems (a), (b), and (c), in a form and in a medium prescribed by the Commissioner; or

(ii) commits to the passivity characteristics of subitems (a), (b), and (c), in a written document.

(14)(28) “Payment instrument” means a written or electronic check, draft, money order, traveler’s check, or other written or electronic instrument for the transmission or payment of money or monetary value, whether or not negotiable. The term does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services, stored value or any instrument that (A) is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value; or (B) not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.

(29) “Payroll processing services” means delivering wages or salaries on behalf of employers to employees or facilitating the payment of payroll taxes to state and federal agencies, making payments relating to employee benefit plans, making distributions of other authorized deductions from wages or salaries, transmitting other funds on behalf of an employer in connection with transactions related to employees, an

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employer performing payroll processing services on its own behalf or on behalf of its affiliate, or a professional employment organization subject to regulation under other applicable state law.

~~(15)~~(30) “Person” means an individual, corporation, ~~business trust, estate, trust, general partnership, limited partnership, limited-liability company, association, joint venture~~stock corporation, ~~government, governmental subdivision, agency or instrumentality, public corporation, or another legal or commercial entity~~ or other corporate entity identified by the Commissioner.

~~(16)~~(31) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(17)~~(32) “Responsible individual” means ~~an individual who is employed by a licensee and has principal managerial authority over the provision of money services by the licensee in this State.~~ “Receiving money for transmission” or “money received for transmission” means receiving money or monetary value in the United States for transmission within or outside the United States by electronic or other means.

~~(18)~~(33) “State” means a state, ~~of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory, or insular possession subject to the jurisdiction of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.~~

~~(19)~~(34) “Stored value” means monetary value ~~that is evidenced by an electronic record representing a claim against the issuer evidenced by an electronic or digital record, and that is intended and accepted for use as a means of redemption for money or monetary value, or payment for goods or services. The term includes, but is not limited to, “prepaid access” as defined by 31 C.F.R. Section 1010.100, as amended or recodified from time to time. Notwithstanding the foregoing, the term “stored value” does not include a payment instrument or closed loop stored value, or stored value not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.~~

~~(35)~~ “Tangible net worth” means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States generally accepted accounting principles.

~~(20)~~(36) “Unsafe or unsound practice” means a practice or conduct by a person licensed to engage in money transmission or an authorized delegate of such a person, which creates the likelihood of material loss, insolvency, or dissipation of the licensee’s assets, or otherwise materially prejudices the interests of its customers.

Section 35-11-110. (A) This chapter does not apply to:

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(1) the United States or a department, agency, or instrumentality of the United States thereof, or its agent;

(2) money transmission by the United States Postal Service or by a contractor on behalf of an agent of the United States Postal Service;

(3) a state, county, city, or another any other governmental agency or governmental subdivision or instrumentality of a state, or its agent;

(4) a bank, bank holding company, office of an international banking corporation, branch of a foreign bank, corporation organized pursuant to the Bank Service Corporation Act, 12 U.S.C. Section 1861-1867 (Supp. V 1999), or corporation organized under the Edge Act, 12 U.S.C. Section 611-633 (1994 & Supp. V 1999), under the laws of a state or the United States if it does not issue, sell, or provide payment instruments or stored value through an authorized delegate who is not such a person a federally insured depository financial institution, bank holding company, office of an international banking corporation, foreign bank that establishes a federal branch pursuant to the International Bank Act, 12 U.S.C. Section 3102, as amended or recodified from time to time, corporation organized pursuant to the Bank Service Corporation Act, 12 U.S.C. Sections 1861-1867, as amended or recodified from time to time, or corporation organized under the Edge Act, 12 U.S.C. Sections 611-633, as amended or recodified from time to time;

(5) electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality of the United States thereof, or on behalf of a state or governmental subdivision, agency, or instrumentality of a state thereof;

(6) a board of trade designated as a contract market under the federal Commodity Exchange Act, 7 U.S.C. Section 1-25 (1994) as amended or recodified from time to time, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for a board of trade;

(7) a registered futures commission merchant under the federal commodities laws to the extent of its operation as a futures commission merchant;

~~(8) a person who provides clearance or settlement services pursuant to a registration as a clearing agency or an exemption from that registration granted under the federal securities laws to the extent of its operation as a provider of clearance or settlement services;~~

~~(9)~~(8) an operator of a payment system to the extent that it provides processing, clearing, or settlement services, between or among persons excluded-exempted by this section, in connection with wire transfers,

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credit card transactions, debit card transactions, stored-value transactions, automated clearing house transfers, or similar funds transfers;

~~(10)(9)~~ a person registered as a securities broker-dealer under federal or state securities laws to the extent of his operation as a securities broker-dealer; ~~or~~

~~(11)(10) a credit union regulated and insured by the National Credit Union Association;~~ an individual employed by a licensee, authorized delegate, or any person exempted from the licensing requirements of this chapter when acting within the scope of employment and under the supervision of the licensee, authorized delegate, or exempted person as an employee and not as an independent contractor;

(11) a person expressly appointed as a third-party service provider to, or agent of, an entity exempt under Section 35-11-110 (A)(4), solely to the extent that:

(a) such service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; and

(b) the exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent;

(12) a person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission itself, provided to the payor by the payee, provided that:

(a) there exists a written agreement between the payee and the agent directing the agent to collect and process payments from payors on the payee's behalf;

(b) the payee holds the agent out to the public as accepting payments for goods or services on the payee's behalf; and

(c) payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payor's obligation is extinguished and there is no risk of loss to the payor if the agent fails to remit the funds to the payee;

(13) a person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender, and the sender's designated recipient, provided that the entity:

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(a) is properly licensed or exempt from licensing requirements under this chapter;

(b) provides a receipt, electronic record, or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(c) bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender's designated recipient; or

(14) a person exempt by regulation or order if the Commissioner finds such exemption to be in the public interest and that the regulation of such person is not necessary for the purposes of this chapter.

(15) payroll processing services.

(B) The Commissioner may require that a person claiming to be exempt from licensing pursuant to this section provide information and documentation to the Commissioner demonstrating that it qualifies for any claimed exemption.

Article 2

Money Transmission Licenses

Section 35-11-200. (A) A person may not engage in the business of money transmission or advertise, solicit, or hold himself out as providing money transmission unless the person is:

(1) licensed under this ~~chapter or approved to engage in money transmission pursuant to Section 35-11-210~~ article;

(2) an authorized delegate of a person licensed pursuant to this article; or

(3) ~~an authorized delegate of a person approved to engage in money transmission pursuant to Section 35-11-210~~ exempted under Section 35-11-110.

(B) A license issued pursuant to this chapter is not transferable or assignable.

Section 35-11-205. (A) ~~In this section, "material litigation" means litigation that according to generally accepted accounting principles is significant to an applicant's or a licensee's financial health and would be required to be disclosed in the applicant's or licensee's annual audited financial statements, report to shareholders, or similar records.~~

~~(B)~~ A person applying for a license pursuant to this article shall do so in a form and in a medium prescribed by the Commissioner. Each form must contain content as set forth by regulation, order, instruction, or procedure of the Commissioner and may be changed or updated by the Commissioner in accordance with

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applicable law in order to carry out the purposes of this chapter and maintain consistency with NMLS licensing standards and practices. The application must state or contain:

(1) the legal name, residential and business addresses of the applicant, and any fictitious or trade name used by the applicant in conducting its business;

(2) a list of any criminal convictions of the applicant and any material litigation in which the applicant has been involved in the ten-year period next preceding the submission of the application;

(3) a description of any money services previously provided by the applicant and the money services that the applicant seeks to provide in this State;

(4) a list of the applicant's proposed authorized delegates and the locations in this State where the applicant and the applicant's authorized delegates propose to engage in money transmission or provide other money services;

(5) a list of other states in which the applicant is licensed to engage in money transmission or provide other money services and any license revocations, suspensions, or other disciplinary action taken against the applicant in another state;

(6) information concerning a bankruptcy or receivership proceeding affecting the licensee or a person in control of a licensee;

(7) a sample form of contract for authorized delegates, if applicable; ~~and;~~

~~(8) a sample form of payment instrument or instrument upon which stored value is recorded, if applicable;~~

~~(8)(9) the name and address of any bank—federally insured depository financial institution through which the applicant's payment instruments and stored value will be paid~~applicant plans to conduct money transmission; and

~~(9) a description of the source of money and credit to be used by the applicant to provide money services; and~~

(10) other information the commissioner reasonably requires with respect to the applicant.

~~(C)~~(B) If an applicant is a corporation, limited liability company, partnership, or other legal entity, the applicant also shall provide:

(1) the date of the applicant's incorporation or formation and state or country of incorporation or formation;

(2) if applicable, a certificate of good standing from this State and the state or country in which the applicant is incorporated or formed;

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(3) a brief description of the structure or organization of the applicant, including a parent entity or subsidiary of the applicant, and whether a parent entity or subsidiary is publicly traded;

(4) the legal name, a fictitious or trade name, all business and residential addresses, and the employment, in the ten-year period next preceding the submission of the application of each executive officer, manager, director, or person who has control of the applicant;

(5) a list of criminal convictions and material litigation in which an executive officer, a manager, director, or person in control of, the applicant has been involved in the ten-year period next preceding the submission of the application;

(6) a copy of the applicant's audited financial statements for the most recent fiscal year and, if available, for the two-year period next preceding the submission of the application or, if determined to be acceptable to the Commissioner, certified unaudited financial statements for the most recent fiscal year or other period acceptable to the Commissioner;

~~(7) a copy of the applicant's unconsolidated financial statements for the current fiscal year, whether audited or not, and, if available, for the two year period next preceding the submission of the application~~ certified copy of unaudited financial statements of the applicant for the most recent fiscal quarter;

(8) if the applicant is publicly traded, a copy of the most recent report filed with the United States Securities and Exchange Commission pursuant to Section 13 of the federal Securities Exchange Act of 1934, 15 U.S.C. Section 78m ~~(1994 & Supp. V 1999)~~ as amended or recodified from time to time;

(9) if the applicant is a wholly owned subsidiary of a:

(a) corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed pursuant to Section 13 of the federal Securities Exchange Act of 1934, 15 U.S.C. Section 78m ~~(1994 & Supp. V 1999)~~ as amended or recodified from time to time; or

(b) corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

(10) ~~if the applicant has a registered agent in this State,~~ the name and address of the applicant's registered agent in this State; and

(11) other information the ~~commissioner~~ Commissioner reasonably requires with respect to the applicant.

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~~(D)~~(C) A nonrefundable application fee of one thousand five hundred dollars and a license fee of ~~seven hundred fifty~~one thousand six hundred dollars must accompany an application for a license pursuant to this article. The license fee must be refunded if the application is denied.

~~(E)~~(D) The ~~commissioner~~Commissioner may waive one or more requirements of subsections ~~(B)~~(A) and ~~(C)~~(B) or permit an applicant to submit other information in lieu of the required information.

Section 35-11-210. ~~(A) A person who is licensed to engage in money transmission in at least one other state, with the approval of the commissioner and in accordance with this section, may engage in money transmission and currency exchange in this State without being licensed pursuant to Section 35-11-205 if the:~~

~~— (1) state in which the person is licensed has enacted the Uniform Money Services Act or the commissioner determines that the money transmission laws of that state are substantially similar to those imposed by the law of this State;~~

~~— (2) person submits to, and in the form required by, the commissioner:~~

~~— (a) in a record, an application for approval to engage in money transmission and currency exchange in this State without being licensed pursuant to Section 35-11-205;~~

~~— (b) a nonrefundable fee of one thousand dollars; and~~

~~— (c) a certification of license history in the other state.~~

~~(B) When an application for approval pursuant this section is complete, the commissioner shall promptly notify the applicant in a record, of the date on which the request was determined to be complete and:~~

~~— (1) the commissioner shall approve or deny the request within one hundred twenty days after that date; or~~

~~— (2) if the request is not approved or denied within one hundred twenty days after that date the:~~

~~— (a) request is approved; and~~

~~— (b) approval takes effect as of the first business day after expiration of the one hundred twenty-day period.~~

~~(C) A person who engages in money transmission and currency exchange in this State pursuant to this section shall comply with the requirements of, and is subject to the sanctions provided in this chapter, as if the person were licensed pursuant to Section 35-11-220. Any individual in control of a licensee or applicant, any individual that seeks to acquire control of a licensee, and each key individual shall furnish to the Commissioner through NMLS the following items:~~

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(1) the individual's fingerprints for submission to the Federal Bureau of Investigation and the Commissioner for purposes of a national criminal history background check unless the person currently resides outside of the United States and has resided outside of the United States for the last ten years; and

(2) personal history and experience in a form and in a medium prescribed by the Commissioner, to obtain the following:

(a) an independent credit report from a consumer reporting agency unless the individual does not have a Social Security number, in which case, this requirement must be waived;

(b) information related to any criminal convictions or pending charges; and

(c) information related to any regulatory or administrative action and any civil litigation involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty, or breach of contract.

(B) If the individual has resided outside of the United States at any time in the last ten years, the individual also shall provide an investigative background report prepared by an independent search firm that meets the following requirements:

(1) at a minimum, the search firm shall:

(a) demonstrate that it has sufficient knowledge, resources, and employs accepted and reasonable methodologies to conduct the research of the background report; and

(b) not be affiliated with or have an interest with the individual it is researching;

(2) at a minimum, the investigative background report must be written in the English language and must contain the following:

(a) if available in the individual's current jurisdiction of residency, a comprehensive credit report, or any equivalent information obtained or generated by the independent search firm to accomplish such report, including a search of the court data in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked;

(b) criminal records information for the past ten years including, but not limited to, felonies, misdemeanors, or similar convictions for violations of law in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked;

(c) employment history;

(d) media history, including an electronic search of national and local publications, wire services, and business applications; and

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(e) financial services-related regulatory history including, but not limited to, money transmission, securities, banking, insurance, and mortgage-related industries.

~~Section 35-11-215. (A) Except as otherwise provided in subsection (B),~~An applicant for a money transmission license must provide, and a licensee at all times must maintain, security consisting of a surety bond, letter of credit, or other similar security in a form acceptable to the commissioner~~Commissioner~~in the amount of fifty thousand dollars plus ten thousand dollars for each location, not exceeding a total addition of two hundred fifty thousand dollars, must accompany an application for a license.

~~(B) Security must be in a form satisfactory to the commissioner and payable to the State for the benefit of a claimant against the licensee to secure the faithful performance of the obligations of the licensee with respect to money transmission. The amount of the required security must be:~~

(1) the greater of one hundred thousand dollars or an amount equal to one hundred percent of the licensee's average daily money transmission liability in this State calculated for the most recently completed three-month period, up to a maximum of five hundred thousand dollars; or

(2) in the event that the licensee's tangible net worth exceeds ten percent of total assets, the licensee shall maintain a surety bond of one hundred thousand dollars.

~~(C) The aggregate liability on a surety bond may not exceed the principal sum of the bond. A claimant against a licensee may maintain an action on the bond, or the commissioner may maintain an action on behalf of the claimant. A licensee that maintains a bond in the maximum amount provided for in Section 35-11-215(B)(1) or (2) may not be required to calculate its average daily money transmission liability for purposes of this section.~~

~~(D) A surety bond must cover claims for so long as the commissioner specifies, but for at least five years after the licensee ceases to provide money services in this State. However, the commissioner may permit the amount of security to be reduced or eliminated before the expiration of that time to the extent the amount of the licensee's payment instruments or stored value obligations outstanding in this State is reduced. The commissioner may permit a licensee to substitute another form of security acceptable to the commissioner for the security effective at the time the licensee ceases to provide money services in this State.~~

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licensee may exceed the maximum required bond amount pursuant to Section 35-11-605(A)(5).

~~—(E) In lieu of the security prescribed in this section, an applicant for a license or a licensee may provide security in a form prescribed by the commissioner.~~

~~—(F) The commissioner may increase the amount of security required to a maximum of one million dollars if the financial condition of a licensee so requires, as evidenced by reduction of net worth, financial losses, or other relevant criteria.~~

Section 35-11-220. (A) When an application for an original license is filed and considered complete pursuant to this article, the ~~commissioner~~ Commissioner shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The ~~commissioner~~ Commissioner may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant must pay. The ~~commissioner~~ Commissioner shall issue a license to an applicant pursuant to this article if the ~~commissioner~~ Commissioner finds that all of the following conditions have been fulfilled:

(1) the applicant has complied with Sections 35-11-205, 35-11-215, and 35-11-230; and

(2) the financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant; and the competence, experience, character, and general fitness of the executive officers, managers, directors, and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in money transmission.

(B) When an application for an original license pursuant to this article is complete, the ~~commissioner~~ Commissioner promptly shall notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the ~~commissioner~~ Commissioner shall approve or deny the application within one hundred twenty days after that date; or

(2) if the application is not approved or denied within one hundred twenty days after that date the:

(a) application is considered approved; and

(b) ~~commissioner~~ Commissioner shall issue the license pursuant to this article, to take effect as of the first business day after expiration of the one hundred twenty-day period.

(C) The ~~commissioner~~ Commissioner may for good cause extend the application period.

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(D) A determination by the Commissioner that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items, including the Criminal Background Check response from the FBI, and addresses all of the matters that are required, and is not an assessment of the substance of the application or of the sufficiency of the information provided.

(E) The Commissioner shall issue a formal written notice of the denial of a license application. The Commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the ~~commissioner~~ Commissioner pursuant to this ~~article~~ section may ~~appeal~~ request a hearing, within thirty days after receipt of the written notice of the denial, ~~from the denial and request a hearing pursuant to Section 35-11-710.~~

(F) The initial license term begins on the day the application is approved. The license expires on December thirty-first of the year in which the license term began, unless the initial license date is between November first and December thirty-first, in which instance the initial license term runs through December thirty-first of the following year.

Section 35-11-225. (A) A ~~person licensed pursuant to this article shall pay an annual renewal fee of seven hundred fifty dollars no later than thirty days before the anniversary of the issuance of the license or, if the last day is not a business day, on the next business day.~~ license issued under this chapter must be renewed annually.

(1) An annual renewal fee of one thousand six hundred dollars must be paid no more than sixty days before the license expiration.

(2) The renewal term must be for a period of one year and begins on January first of each year after the initial license term and expires on December thirty-first of the year the renewal term begins.

(B) A licensee under this article shall submit a renewal report with the renewal fee, in a form and in a medium prescribed by the ~~commissioner~~ Commissioner. The renewal report must state or contain:

— (1) ~~a copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the licensee's most recent audited consolidated annual financial statement;~~

— (2) ~~the number and monetary amount of payment instruments and stored value sold by the licensee in this State which have not been included in a renewal report, and the monetary amount of payment instruments and stored value currently outstanding;~~

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~~—(3) a description of each material change in information submitted by the licensee in its original license application which has not been reported to the commissioner~~ Commissioner on a required report;

~~—(4) a list of the licensee's permissible investments and a certification that the licensee continues to maintain permissible investments pursuant to the requirements set forth in Sections 35-11-600 and 35-11-605;~~

~~—(5) proof that the licensee continues to maintain adequate security as required by Section 35-11-215; and~~

~~—(6) a list of the locations in this State where the licensee or an authorized delegate of the licensee engages in money transmission or provides other money services.~~

~~(C) If a licensee does not file a renewal report or pay its renewal fee by the renewal date or an extension of time granted by the commissioner, the commissioner shall send the licensee a notice of suspension. Unless the licensee files the report and pays the renewal fee before expiration of ten days after the notice is sent, the licensee's license is suspended ten days after the commissioner sends the notice of suspension. The suspension must be lifted if, within twenty days after its license is suspended, the licensee:~~

~~—(1) files the report and pays the renewal fee; and~~

~~—(2) pays one hundred dollars for each day after suspension that the commissioner did not receive the renewal report and the renewal fee.~~

~~—(D) The commissioner~~ Commissioner for good cause may grant an extension of the renewal date.

(D) The Commissioner is authorized and encouraged to utilize NMLS to process license renewals provided that such functionality is consistent with this section.

~~Section 35-11-230. A person licensed pursuant to this article shall maintain a net worth of at least two hundred fifty thousand dollars determined in accordance with generally accepted accounting principles.~~ (A) A licensee under this chapter shall maintain at all times a tangible net worth of the greater of one hundred thousand dollars or three percent of total assets for the first one hundred million dollars, two percent of additional assets for one hundred million dollars to one billion dollars, and one half of one percent of additional assets for over one billion dollars.

(B) Tangible net worth must be demonstrated at initial application by the applicant's most recent audited or unaudited financial statements pursuant to Section 35-11-205(B)(6).

(C) Notwithstanding the foregoing provisions of this section, the Commissioner shall have the authority, for good cause shown, to exempt,

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in whole or in part, from the requirements of this section any applicant or licensee.

Section 35-11-235. (A) If a licensee does not continue to meet the qualifications or satisfy the requirements that apply to an applicant for a new money transmission license, the Commissioner may suspend or revoke the licensee's license pursuant to Section 35-11-700 or 35-11-710 or other applicable state law for such suspension or revocation.

(B) An applicant for a money transmission license must demonstrate that it meets or will meet, and a money transmission licensee must at all times meet, the requirements in Sections 35-11-215, 35-11-230 and 35-11-600 of this chapter.

Article 3

Currency Exchange Licenses

Section 35-11-300. (A) A person may not engage in currency exchange or advertise, solicit, or hold himself out as providing currency exchange for which the person receives revenues equal or greater than five percent of total revenues unless the person is:

(1) licensed pursuant to this ~~chapter~~ article;

(2) licensed for money transmission pursuant to Article 2, ~~or approved to engage in money transmission pursuant to Section 35-11-210; or~~

(3) an authorized delegate of a person licensed pursuant to Article 2; ~~or~~

~~— (4) an authorized delegate of a person approved to engage in money transmission pursuant to Section 35-11-210.~~

(B) A license issued pursuant to this chapter is not transferable or assignable.

Section 35-11-305. (A) A person applying for a license pursuant to this article shall do so in a form and in a medium prescribed by the ~~commissioner~~ Commissioner. The application shall state or contain:

(1) the legal name and residential and business addresses of the applicant, if the applicant is an individual or, if the applicant is not an individual, the name of each partner, executive officer, manager, and director;

(2) the location of the principal office of the applicant;

(3) complete addresses of other locations in this State where the applicant proposes to engage in currency exchange, including all limited stations and mobile locations; and

~~— (4) a description of the source of money and credit to be used by the applicant to engage in currency exchange; and~~

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~~(5)~~(4) other information the ~~commissioner~~ Commissioner reasonably requires with respect to the applicant, but not more than the ~~commissioner~~ Commissioner may require pursuant to Article 2.

(B) A nonrefundable application fee of one thousand five hundred dollars and a license fee of ~~seven hundred fifty~~ one thousand six hundred dollars must accompany an application for a license pursuant to this article. The license fee must be refunded if the application is denied.

(C) The Commissioner may waive one or more requirements of subsection (A) or permit an applicant to submit other information in lieu of the required information.

Section 35-11-310. (A) When a person applies for a license pursuant to this article, the ~~commissioner~~ Commissioner shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The ~~commissioner~~ Commissioner may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant must pay. The ~~commissioner~~ Commissioner shall issue a license to an applicant pursuant to this article if the ~~commissioner~~ Commissioner finds that all of the following conditions have been fulfilled:

(1) the applicant has complied with Section 35-11-305; and

(2) the financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant; and the competence, experience, character, and general fitness of the executive officers, managers, directors, and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in currency exchange.

(B) When an application for an original license pursuant to this article is complete, the ~~commissioner~~ Commissioner promptly shall notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the ~~commissioner~~ Commissioner shall approve or deny the application within one hundred twenty days after that date; or

(2) if the application is not approved or denied within one hundred twenty days after that date the:

(a) application is considered approved; and

(b) ~~commissioner~~ Commissioner shall issue the license pursuant to this article, to take effect as of the first business day after expiration of the period.

(C) The ~~commissioner~~ Commissioner may for good cause extend the application period.

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(D) The Commissioner shall issue a formal written notice of the denial of a license. The Commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied a license by the commissioner-Commissioner pursuant to this article may ~~appeal~~request a hearing, within thirty days after receipt of the written notice of the denial pursuant to Section 35-11-710, from the denial and request a hearing.

Section 35-11-315. (A) ~~A person licensed pursuant to this article shall pay a biennial renewal fee of seven hundred fifty dollars no later than thirty days before each biennial anniversary of the issuance of the license or, if the last day is not a business day, on the next business day. All licenses issued pursuant to this article expire on December thirty-first of each year. A person licensed pursuant to this article shall pay a renewal fee of one thousand six hundred dollars on or before December first of each year.~~

(B) A person licensed pursuant to this article shall submit a renewal report with the renewal fee, in a form and in a medium prescribed by the ~~commissioner~~Commissioner. The renewal report must state or contain a:

(1) description of each material change in information submitted by the licensee in its original license application which has not been reported to the ~~commissioner~~Commissioner on a required report; and

(2) list of the locations in this State where the licensee or an authorized delegate of the licensee engages in currency exchange, including limited stations and mobile locations.

~~—(C) If a licensee does not file a renewal report and pay its renewal fee by the renewal date or an extension of time granted by the commissioner, the commissioner shall send the licensee a notice of suspension. Unless the licensee files the report and pays the renewal fee before expiration of ten days after the notice is sent, the licensee's license is suspended ten days after the commissioner sends the notice of suspension.~~

~~(D)~~(C) The ~~commissioner~~Commissioner for good cause may grant an extension of the renewal date.

Article 4

Authorized Delegates

Section 35-11-400. (A) In this section, “remit” means to make direct payments of money to a licensee or its representative authorized to receive money or to deposit money in a bank in an account specified by the licensee.

(B) ~~A contract between a licensee and an authorized delegate must require the authorized delegate to operate in full compliance with this chapter. For such contracts initiated on or after the effective date of this~~

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~~act, the licensee shall provide to each authorized delegate information sufficient for compliance with this chapter. Before a licensee is authorized to conduct business through an authorized delegate or allows a person to act as the licensee's authorized delegate, the licensee must:~~

~~(1) adopt, and update as necessary, written policies and procedures reasonably designed to ensure that the licensee's authorized delegates comply with applicable state and federal law;~~

~~(2) enter into a written contract that complies with Section 35-11-400(D); and~~

~~(3) conduct a reasonable risk-based background investigation sufficient for the licensee to determine whether the authorized delegate has complied and will likely comply with applicable state and federal law.~~

~~(C) An authorized delegate shall remit all money owing to the licensee in accordance with the terms of the contract between the licensee and the authorized delegate. An authorized delegate must operate in full compliance with this chapter.~~

~~(D) If a license is suspended or revoked or a licensee does not renew its license, the commissioner shall notify all authorized delegates of the licensee whose names are in a record filed with the commissioner of the suspension, revocation, or nonrenewal. After notice is sent or publication is made, an authorized delegate shall immediately cease to provide money services as a delegate of the licensee. The written contract required by Section 35-11-400(B) must be signed by the licensee and the authorized delegate and, at a minimum, must:~~

~~(1) appoint the person signing the contract as the licensee's authorized delegate with the authority to conduct money transmission on behalf of the licensee;~~

~~(2) set forth the nature and scope of the relationship between the licensee and the authorized delegate and the respective rights and responsibilities of the parties;~~

~~(3) require the authorized delegate to agree to fully comply with all applicable state and federal laws, rules, and regulations pertaining to money transmission, including this chapter and regulations implementing this chapter, relevant provisions of the Bank Secrecy Act and the USA Patriot Act;~~

~~(4) require the authorized delegate to remit and handle money and monetary value in accordance with the terms of the contract between the licensee and the authorized delegate;~~

~~(5) impose a trust on money and monetary value net of fees received for money transmission for the benefit of the licensee;~~

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(6) require the authorized delegate to prepare and maintain records as required by this chapter or regulations implementing this chapter, or as reasonably requested by the Commissioner;

(7) acknowledge that the authorized delegate consents to examination or investigation by the Commissioner;

(8) state that the licensee is subject to regulation by the Commissioner and that, as part of that regulation, the Commissioner may suspend or revoke an authorized delegate designation or require the licensee to terminate an authorized delegate designation; and

(9) acknowledge receipt of the written policies and procedures required under Section 35-11-400(B)(1).

~~(E) An authorized delegate may not provide money services outside the scope of activity permissible under the contract between the authorized delegate and the licensee, except activity in which the authorized delegate is authorized to engage in pursuant to Article 2 of this chapter. An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If the licensee's license is suspended, revoked, surrendered, or expired, the licensee must, within five business days, provide documentation to the Commissioner that the licensee has notified all applicable authorized delegates of the licensee whose names are in a record filed with the Commissioner of the suspension, revocation, surrender, or expiration of a license. Upon suspension, revocation, surrender, or expiration of a license, applicable authorized delegates shall immediately cease to provide money transmission as an authorized delegate of the licensee.~~

(F) An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If any authorized delegate commingles any funds received from money transmission with any other funds or property owned or controlled by the authorized delegate, all commingled funds and other property shall be considered held in trust in favor of the licensee in an amount equal to the amount of money net of fees received from money transmission.

~~(F)(G) An authorized delegate may not use a subdelegate to conduct money services on behalf of a licensee.~~

Section 35-11-405. A person may not provide money services on behalf of a person not licensed pursuant to this chapter or not exempt pursuant to Section 35-11-110. A person that engages in that activity provides money services to the same extent as if the person were a licensee and is jointly and severally liable with the unlicensed or nonexempt person.

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Article 5

Examinations, Reports, and Records

Section 35-11-500. (A) ~~The commissioner~~ Commissioner may conduct an ~~annual~~ examination or investigation of a licensee or of any of the licensee's authorized delegates ~~on a forty-five day notice in a record to the licensee~~ or otherwise take independent action authorized by this chapter or by a rule or order issued under this chapter as reasonably necessary or appropriate to administer and enforce this chapter, regulations implementing this chapter, and other applicable law, including the Bank Secrecy Act and the USA Patriot Act. The Commissioner may:

(1) conduct an examination either on-site or off-site as the Commissioner may reasonably require;

(2) conduct an examination in conjunction with an examination conducted by representatives of other state agencies or agencies of another state or of the federal government;

(3) accept the examination report of another state agency or an agency of another state or of the federal government, or a report prepared by an independent accounting firm, which on being accepted is considered for all purposes as an official report of the Commissioner; and

(4) summon and examine under oath a key individual or employee of a licensee or authorized delegate and require the person to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.

~~(B) The commissioner may examine a licensee or its authorized delegate, at any time, without notice, if the commissioner has reason to believe that the licensee or authorized delegate is engaging in an unsafe or unsound practice or has violated or is violating this chapter or a rule adopted or an order issued pursuant to this chapter. A licensee or authorized delegate shall provide, and the Commissioner shall have full and complete access to, all records the Commissioner may reasonably require to conduct a complete examination. The records must be provided at the location and in the format specified by the Commissioner, provided, the Commissioner may utilize multistate record production standards and examination procedures when such standards will reasonably achieve the requirements of this section.~~

~~(C) If the commissioner~~ Commissioner concludes that an ~~on-site~~ examination is necessary pursuant to subsection (A), the licensee shall pay the reasonable cost of the examination.

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(D) Information obtained during an examination pursuant to this chapter may be disclosed only as provided in Section 35-11-530.

~~Section 35-11-505. The commissioner may consult and cooperate with other state money services regulators in enforcing and administering this act. They jointly may pursue examinations and take other official action that they are otherwise empowered to take.~~ (A) To efficiently and effectively administer and enforce this chapter and to minimize regulatory burden, the Commissioner is authorized and encouraged to participate in multistate supervisory processes established between states and coordinated through the Conference of State Bank Supervisors, Money Transmitter Regulators Association, and affiliates and successors thereof for all licensees that hold licenses in this State and other states. As a participant in multistate supervision, the Commissioner shall:

(1) cooperate, coordinate, and share information with other state and federal regulators in accordance with Section 35-11-530;

(2) enter into written cooperation, coordination, or information-sharing contracts or agreements with organizations the membership of which is made up of state or federal governmental agencies; and

(3) cooperate, coordinate, and share information with organizations the membership of which is made up of state or federal governmental agencies, provided that the organizations agree in writing to maintain the confidentiality and security of the shared information in accordance with Section 35-11-530.

(B) The Commissioner may not waive, and nothing in this section constitutes a waiver of, the Commissioner's authority to conduct an examination or investigation or otherwise take independent action authorized by this chapter, or a rule adopted or order issued under this chapter, to enforce compliance with applicable state or federal law.

(C) A joint examination or investigation, or acceptance of an examination or investigation report, does not waive an examination assessment provided for in this chapter.

~~Section 35-11-510. (A) A licensee shall file with the commissioner~~ Commissioner ~~within fifteen business days any material changes in information provided in a licensee's application as prescribed by the commissioner.~~ Commissioner.

~~(B) A licensee shall file with the commissioner within forty five days after the end of each fiscal quarter a current list of all authorized delegates, and locations in this State where the licensee or an authorized delegate of the licensee provides money services, including limited~~

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stations and mobile locations. The licensee shall state the name and street address of each location and authorized delegate. Each licensee shall submit a report of authorized delegates within forty-five days of the end of the calendar quarter. The Commissioner is authorized and encouraged to utilize NMLS for the submission of the report required by this subsection provided that such functionality is consistent with the requirements of this subsection. The authorized delegate report must include, at a minimum, each authorized delegate's:

- (1) company legal name;
- (2) taxpayer employer identification number;
- (3) principal provider identifier;
- (4) physical address;
- (5) mailing address;
- (6) any business conducted in other states;
- (7) any fictitious or trade name;
- (8) contact person's name, phone number, and email;
- (9) start date as licensee's authorized delegate;
- (10) end date acting as licensee's authorized delegate, if applicable;

and

- (11) any other information the Commissioner reasonably requires with respect to the authorized delegate.

(C) A licensee shall file a report with the ~~commissioner~~ Commissioner within ~~three one~~ business days ~~day~~ after the licensee has reason to know of the occurrence of any of the following events:

(1) the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110 ~~(1994 & Supp. V 1999)~~ as amended or recodified from time to time, for bankruptcy or reorganization;

(2) the filing of a petition by or against the licensee for receivership, the commencement of another judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of its creditors; or

(3) the commencement of a proceeding to revoke or suspend its license in a state or country in which the licensee engages in business or is licensed;

~~(4) the cancellation or other impairment of the licensee's bond or other security;~~

(D) A licensee shall file a report with the Commissioner within three business days after the licensee has reason to know of the occurrence of any of the following events:

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~~(5)(1)~~ a charge or conviction of the licensee or of ~~an executive officer, manager, director,~~ a key individual or person in control of the licensee for a felony; or

~~(6)(2)~~ a charge or conviction of an authorized delegate for a felony.

(E) Each licensee shall submit a report of condition within forty-five days of the end of the calendar quarter, or within any extended time as the Commissioner may prescribe. The report of condition must include:

(1) financial information at the licensee level;

(2) nationwide and state-specific money transmission transaction information in every jurisdiction in the United States where the licensee is licensed to engage in money transmission;

(3) permissible investments report;

(4) transaction destination country reporting for money received for transmission, if applicable, which shall only be included in a report of condition submitted within forty-five days of the end of the fourth calendar quarter; and

(5) any other information the Commissioner reasonably requires with respect to the licensee. The Commissioner is authorized and encouraged to utilize NMLS for the submission of the report required by this subsection and is authorized to change or update as necessary the requirements of this subsection to carry out the purposes of this chapter and maintain consistency with NMLS reporting.

(F) Each licensee, within ninety days after the end of each fiscal year, or within any extended time as the Commissioner may prescribe, shall file with the Commissioner:

(1) an audited financial statement of the licensee for the fiscal year prepared in accordance with United States generally accepted accounting principles, prepared by an independent certified public accountant or independent public accountant who is satisfactory to the Commissioner, which must include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant that is satisfactory in form and content to the Commissioner. If the certificate or opinion is qualified, the Commissioner may order the licensee to take any action as the Commissioner may find necessary to enable the independent or certified public accountant or independent public accountant to remove the qualification; and

(2) any other information as the Commissioner may reasonably require.

Section 35-11-515. (A) ~~A licensee shall:~~

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~~—(1) give the commissioner notice in a record of a proposed change of control within fifteen days after learning of the proposed change of control;~~

~~—(2) request approval of the acquisition; and~~

~~—(3) submit a nonrefundable fee of one thousand dollars with the notice.~~

~~—(B) After review of a request for approval pursuant to subsection (A), the commissioner may require the licensee to provide additional information concerning the proposed persons in control of the licensee. The additional information must be limited to the same types required of the licensee or persons in control of the licensee as part of its original license or renewal application.~~

~~—(C) The commissioner shall approve a request for change of control pursuant to subsection (A) if, after investigation, the commissioner determines that the person or group of persons requesting approval has the competence, experience, character, and general fitness to operate the licensee or person in control of the licensee in a lawful and proper manner and that the public interest will not be jeopardized by the change of control.~~

~~—(D) When an application for a change of control pursuant to this article is complete, the commissioner shall notify the licensee in a record of the date on which the request was determined to be complete and:~~

~~—(1) the commissioner shall approve or deny the request within one hundred twenty days after that date; or~~

~~—(2) if the request is not approved or denied within one hundred twenty days after that date:~~

~~—(a) the request is considered approved; and~~

~~—(b) the commissioner shall permit the change of control under this section to take effect as of the first business day after expiration of the period.~~

~~—(E) The commissioner, by rule of order, may exempt a person from any of the requirements of subsection (A)(2) and (3) if it is in the public interest to do so.~~

~~—(F) Subsection (A) does not apply to a public offering of securities.~~

~~—(G) Before filing a request for approval to acquire control of a licensee or person in control of a licensee, a person may request in a record a determination from the commissioner as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the commissioner determines that the person would not be a person in control of a licensee, the commissioner shall enter an order to that effect and the proposed person and transaction is~~

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not subject to the requirements of subsections (A) through (C). Any person, or group of persons acting in concert, seeking to acquire control of a licensee shall obtain the written approval of the Commissioner prior to acquiring control. An individual is not deemed to acquire control of a licensee and is not subject to these acquisition of control provisions when that individual becomes a key individual in the ordinary course of business.

(B) A person, or group of persons acting in concert, seeking to acquire control of a licensee, in cooperation with the licensee, shall:

(1) submit an application in a form and in a medium prescribed by the Commissioner; and

(2) submit a nonrefundable fee of one thousand dollars with the request for approval.

(C) Upon request, the Commissioner may permit a licensee or the person, or group of persons acting in concert, to submit some or all information required by the Commissioner pursuant to Section 35-11-515(B)(1) without using NMLS.

(D) The application required by Section 35-11-515(B)(1) must include information required by Section 35-11-210 for any new key individuals that have not previously completed the requirements of Section 35-11-210 for a licensee.

(E) When an application for acquisition of control under this section appears to include all the items and addresses all of the matters that are required, the application must be considered complete and the Commissioner shall promptly notify the applicant in a record of the date on which the application was determined to be complete and:

(1) the Commissioner shall approve or deny the application within sixty days after the completion date; or

(2) if the application is not approved or denied within sixty days after the completion date:

(a) the application is approved;

(b) the person, or group of persons acting in concert, are not prohibited from acquiring control; and

(c) the Commissioner may for good cause extend the application period.

(F) A determination by the Commissioner that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items and address all of the matters that are required, and is not an assessment of the substance of the application or of the sufficiency of the information provided.

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(G) When an application is filed and considered complete under subsection (E), the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character, and general fitness of the person, or group of persons acting in concert, seeking to acquire control. The Commissioner shall approve an acquisition of control pursuant to this section if the Commissioner finds that all of the following conditions have been fulfilled:

(1) the requirements of subsections (B) and (D) have been met, as applicable; and

(2) the financial condition and responsibility, financial and business experience, competence, character, and general fitness of the person, or group of persons acting in concert, seeking to acquire control; and the competence, experience, character, and general fitness of the key individuals and persons that would be in control of the licensee after the acquisition of control indicate that it is in the interest of the public to permit the person, or group of persons acting in concert, to control the licensee.

(H) The Commissioner shall issue a formal written notice of the denial of an application to acquire control within thirty days of the decision to deny the application. The Commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the Commissioner under this section may request a hearing within thirty days after receipt of the written notice of the denial pursuant to Section 35-11-710.

(I) The requirements of subsections (A) and (B) do not apply to any of the following:

(1) a person that acts as a proxy for the sole purpose of voting at a designated meeting of the shareholders or holders of voting shares or voting interests of a licensee or a person in control of a licensee;

(2) a person that acquires control of a licensee by devise or descent;

(3) a person that acquires control of a licensee as a personal representative, custodian, guardian, conservator, or trustee, or as an officer appointed by a court of competent jurisdiction or by operation of law;

(4) a person that is exempt under Section 35-11-110(A)(4);

(5) a person that the Commissioner determines is not subject to subsection (A) based on the public interest;

(6) a public offering of securities of a licensee or a person in control of a licensee; or

(7) an internal reorganization of a person in control of the licensee where the ultimate person in control of the licensee remains the same.

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(J) Persons in subsection (I)(2), (3), (4), (6), and (7), in cooperation with the licensee, shall notify the Commissioner within fifteen days after the acquisition of control.

(K)(1) The requirements of subsections (A) and (B) do not apply to a person that has complied with and received approval to engage in money transmission under this chapter or was identified as a person in control in a prior application filed with and approved by the Commissioner or by an MSB-accredited state pursuant to a multistate licensing process, provided that:

(a) the person has not had a license revoked or suspended or controlled a licensee that has had a license revoked or suspended while the person was in control of the licensee in the previous five years;

(b) if the person is a licensee, the person is well managed and has received at least a satisfactory rating for compliance at its most recent examination by an MSB-accredited state if such rating was given;

(c) the licensee to be acquired is projected to meet the requirements of Sections 35-11-215, 35-11-230, and 35-11-600 after the acquisition of control is completed, and if the person acquiring control is a licensee, that licensee is also projected to meet the requirements of Sections 35-11-215, 35-11-230, and 35-11-600 after the acquisition of control is completed;

(d) the licensee to be acquired will not implement any material changes to its business plan as a result of the acquisition of control, and if the person acquiring control is a licensee, that licensee also will not implement any material changes to its business plan as a result of the acquisition of control; and

(e) the person provides notice of the acquisition in cooperation with the licensee and attests to subsection (K)(1)(a), (b), (c), and (d) in a form and in a medium prescribed by the Commissioner.

(2) If the notice is not disapproved within thirty days after the date on which the notice was determined to be complete, the notice is deemed approved.

(L) Before filing an application for approval to acquire control of a licensee a person may request in writing a determination from the Commissioner as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the Commissioner determines that the person would not be a person in control of a licensee, the proposed person and transaction is not subject to the requirements of subsections(A) and (B).

(M)(1) A licensee adding or replacing any key individual shall:

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(a) provide notice in a manner prescribed by the Commissioner within fifteen days after the effective date of the key individual's appointment; and

(b) provide information as required by Section 35-11-210 within forty-five days of the effective date.

(2) Within ninety days of the date on which the notice provided pursuant to item (1) was determined to be complete, the Commissioner may issue a notice of disapproval of a key individual if the competence, experience, character, or integrity of the individual would not be in the best interest of the public or the customers of the licensee to permit the individual to be a key individual of such licensee.

(3) A notice of disapproval must contain a statement of the basis for disapproval and must be sent to the licensee and the disapproved individual. A licensee may request a hearing regarding a notice of disapproval, within thirty days after receipt of such notice of disapproval pursuant to Section 35-11-710.

(4) If the notice provided pursuant to item (1) is not disapproved within ninety days after the date on which the notice was determined to be complete, the key individual is deemed approved.

Section 35-11-520.(A) A licensee shall maintain the following records for determining its compliance with this ~~act~~ chapter for at least three years:

(1) a record of each ~~payment instrument or stored value~~ outstanding money transmission obligation sold;

(2) a general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts;

(3) bank statements and bank reconciliation records;

(4) records of outstanding ~~payment instruments and stored value~~ money transmission obligations;

(5) records of each ~~payment instrument and stored value~~ money transmission obligation paid within the three-year period;

(6) a list of the last known names and addresses of all of the licensee's authorized delegates; and

(7) other records the ~~commissioner~~ Commissioner reasonably requires by rule.

(B) The items specified in subsection (A) may be maintained in any form of record.

(C) Records may be maintained outside this State if they are made accessible to the ~~commissioner~~ Commissioner on a seven business-day notice that is sent in a record.

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(D) All records maintained by the licensee as required in subsections (A) through (C) are open to inspection by the ~~commissioner~~ Commissioner pursuant to Section 35-11-500.

Section 35-11-525. (A) A licensee and an authorized delegate shall file with the ~~commissioner~~ Commissioner all reports required by federal currency reporting, record keeping, and suspicious transaction reporting requirements as set forth in ~~31 U.S.C. Section 5311 (1994), 31 C.F.R. Section 103 (2000)~~ the Bank Secrecy Act and other federal and state laws pertaining to money laundering.

(B) The timely filing of a complete and accurate report required pursuant to subsection (A) with the appropriate federal agency is in compliance with the requirements of subsection (A), unless the ~~commissioner~~ Commissioner notifies the licensee that reports of this type are not being regularly and comprehensively transmitted by the federal agency to the ~~commissioner~~ Commissioner.

Section 35-11-530. (A) ~~Unless otherwise specified in this section, all information filed with the Securities Commissioner shall be available for public inspection pursuant to rules promulgated by the commissioner consistent with state and federal law governing the disclosure of public information. Except as otherwise provided in subsection (B), all information or reports obtained by the Commissioner from an applicant, licensee, or authorized delegate, and all information contained in or related to an examination, investigation, operating report, or condition report prepared by, on behalf of, or for the use of the Commissioner, or financial statements, balance sheets, or authorized delegate information, are confidential and are not subject to disclosure under Section 30-4-10, et seq.~~

(B) ~~Except for reasonably segregable portions of information and records that by law would routinely be made available to a party other than an agency in litigation with the commissioner, the commissioner shall not publish or make available:~~

~~— (1) information contained in reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an investigation, examination, or inspection of the books and records of a person;~~

~~— (2) interagency or intra-agency memoranda or letters, including without limitation:~~

~~— (a) records that reflect discussions between or consideration by the commissioner or members of the commissioner's staff, or both, of an action taken or proposed to be taken by the commissioner or by a member of the commissioner's staff; and~~

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~~— (b) reports, summaries, analyses, conclusions, or any other work product of the commissioner or of attorneys, accountants, analysts, or other members of the commissioner's staff, prepared in the course of an:~~

~~— (i) inspection of the books or records of a person whose affairs are regulated by the commissioner; or~~

~~— (ii) examination, investigation, or litigation conducted by or on behalf of the commissioner;~~

~~— (3) personnel files, medical files, and similar files if disclosure would constitute a clearly unwarranted invasion of personal privacy, including without limitation:~~

~~— (a) information concerning all employees of the South Carolina Securities Division and all persons subject to regulation by the division; and~~

~~— (b) personal information reported to the commissioner under the division's rules concerning registration about employees of applicants, licensees, or their agents;~~

~~— (4)(a) investigatory records compiled for law enforcement purposes to the extent that production of the records would:~~

~~— (i) interfere with enforcement proceedings;~~

~~— (ii) deprive a person of a right to a fair trial or an impartial adjudication; or~~

~~— (iii) disclose the identity of a confidential source;~~

~~— (b) the commissioner also may withhold investigatory records that would:~~

~~— (i) constitute an unwarranted invasion of personal privacy;~~

~~— (ii) disclose investigative techniques and procedures; or~~

~~— (iii) endanger the life or physical safety of law enforcement personnel;~~

~~— (c) as used in this section, "investigatory records" includes:~~

~~— (i) all documents, records, transcripts, correspondence, and related memoranda and work products concerning examinations and other investigations and related litigation as authorized by law that pertain to or may disclose the possible violation by a person of a provision of the statutes or rules administered by the commissioner; and~~

~~— (ii) all written communications from or to a person confidentially complaining or otherwise furnishing information about a possible violation, as well as all correspondence and memoranda in connection with the confidential complaint or information;~~

~~— (5) information contained in or related to examinations, operating reports, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial~~

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~~institutions, check issuers, money transmitters, money services providers, or money service businesses;~~

~~—(6)(a) financial records of an applicant, licensee, or the agent of an applicant or licensee obtained during or as a result of an examination by the commissioner;~~

~~—(b) when a record is required to be filed pursuant to this article with the commissioner as part of an application for license, annual renewal, or otherwise, the record, including financial statements prepared by certified public accountants, must be public information unless sections of the information are bound separately and are marked “confidential” by the applicant, licensee, or agent upon filing;~~

~~—(c) information pursuant to subitem (b) bound separately and marked “confidential” must be considered nonpublic until ten days after the commissioner has given the applicant, licensee, or agent notice that an order will be entered finding the material public information.~~

~~—(d) an applicant, licensee, or agent may seek an injunction from the Richland County Circuit Court ordering the commissioner to withhold the information as nonpublic pending a final order from a court of competent jurisdiction if the order of the commissioner pursuant to subitem (c) is appealed under applicable law;~~

~~—(7) trade secrets obtained from a person; or~~

~~—(8) another record that is required to be closed to the public and is not considered open to public inspection under other law. The Commissioner may disclose information not otherwise subject to disclosure under subsection (A) to representatives of state or federal agencies who promise in a record that they will maintain the confidentiality of the information or where the Commissioner finds that the release is reasonably necessary for the protection and interest of the public in accordance with Section 30-4-10, et seq.~~

~~—(C) The commissioner may disclose information not otherwise subject to disclosure pursuant to subsection (A) to representatives of state or federal agencies who promise in a record that they will maintain the confidentiality of the information; or the commissioner finds that the release is reasonably necessary for the protection of the public and in the interests of justice, and the licensee has been given previous notice by the commissioner of the commissioner’s intent to release the information.~~

~~(D)(C)~~ This section does not prohibit the commissioner from disclosing to the public a list of persons licensed under this chapter or the aggregated financial data concerning those licensees.

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(D) Information contained in the records of the Commissioner that is not confidential and may be made available to the public either on the Commissioner's website, upon receipt by the Commissioner of a written request, or in NMLS must include:

(1) the name, business address, telephone number, and unique identifier of a licensee;

(2) the business address of a licensee's registered agent for service;

(3) the name, business address, and telephone number of all authorized delegates;

(4) the terms of or a copy of any bond filed by a licensee, provided that confidential information including, but not limited to, prices and fees for such bond is redacted;

(5) copies of any nonconfidential final orders of the Commissioner relating to any violation of this chapter or regulations implementing this chapter; and

(6) imposition of an administrative fine or penalty under this chapter.

Section 35-11-535.(A) Every licensee shall forward all money received for transmission in accordance with the terms of the agreement between the licensee and the sender unless the licensee has a reasonable belief or a reasonable basis to believe that the sender may be a victim of fraud or that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur.

(B) If a licensee fails to forward money received for transmission in accordance with this section, the licensee must respond to inquiries by the sender with the reason for the failure unless providing a response would violate a state or federal law, rule, or regulation.

Section 35-11-540.(A) This section does not apply to:

(1) money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, Subpart B, as amended or recodified from time to time; or

(2) money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

(B) Every licensee shall refund to the sender within ten days of receipt of the sender's written request for a refund of any and all money received for transmission unless any of the following occurs:

(1) the money has been forwarded within ten days of the date on which the money was received for transmission;

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(2) instructions have been given committing an equivalent amount of money to the person designated by the sender within ten days of the date on which the money was received for transmission;

(3) the agreement between the licensee and the sender instructs the licensee to forward the money at a time that is beyond ten days of the date on which the money was received for transmission. If funds have not yet been forwarded in accordance with the terms of the agreement between the licensee and the sender, the licensee shall issue a refund in accordance with the other provisions of this section;

(4) the refund is requested for a transaction that the licensee has not completed based on a reasonable belief or a reasonable basis to believe that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur; or

(5) the refund request does not enable the licensee to:

(a) identify the sender's name and address or telephone number;

or

(b) identify the particular transaction to be refunded in the event the sender has multiple transactions outstanding.

Section 35-11-545. (A) This section does not apply to:

(1) money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, Subpart B, as amended or recodified from time to time;

(2) money received for transmission that is not primarily for personal, family, or household purposes;

(3) money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee; or

(4) payroll processing services.

(B) For purposes of this article, "receipt" means a paper receipt, electronic record, or other written confirmation. For a transaction conducted in person, the receipt may be provided electronically if the sender requests or agrees to receive an electronic receipt. For a transaction conducted electronically or by phone, a receipt may be provided electronically. All electronic receipts shall be provided in a retainable form.

(C) Every licensee or its authorized delegate shall provide the sender a receipt for money received for transmission.

(1) The receipt must contain the following information, as applicable:

(a) the name of the sender;

(b) the name of the designated recipient;

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- _____ (c) the date of the transaction;
- _____ (d) the unique transaction or identification number;
- _____ (e) the name of the licensee, NMLS Unique ID, the licensee's business address, and the licensee's customer service telephone number;
- _____ (f) the amount of the transaction in United States dollars;
- _____ (g) any fee charged by the licensee to the sender for the transaction; and
- _____ (h) any taxes collected by the licensee from the sender for the transaction.

(2) The receipt required by this section shall be in English and in the language principally used by the licensee or authorized delegate to advertise, solicit, or negotiate, either orally or in writing, for a transaction conducted in person, electronically or by phone, if other than English.

Section 35-11-550. Every licensee or authorized delegate shall include on a receipt or disclose on the licensee's website or mobile application the name and phone number of the South Carolina Office of Attorney General and a statement that the licensee's customers can contact the Commissioner with complaints about the licensee's money transmission services.

Article 6

Permissible Investments

Section 35-11-600. (A) A licensee shall maintain at all times permissible investments that have a market value computed in accordance with generally accepted accounting principles of not less than the aggregate amount of all of its outstanding ~~payment instruments and store value obligations issued or sold in all states and money transmitted from all states by the licensee~~ money transmission obligation.

(B) Except for permissible investments enumerated in Section 35-11-605(A), ~~The commissioner~~ the Commissioner, with respect to a any licensee, may, by rule or order, limit the extent to which a ~~type of specific investment maintained by a licensee~~ within a class of permissible investments may be considered a permissible investment, ~~except for money and certificates of deposit issued by a bank. The commissioner by rule may prescribe or by order allow other types of investments that the commissioner determines to have a safety substantially equivalent to other permissible investments~~ if the specific investment represents undue risk to customers, not reflected in the market value of the investments.

(C) Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's ~~outstanding payment instruments and~~

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stored value money transmission obligations in the event of bankruptcy or receivership of the licensee insolvency, the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization, the filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or in the event of an action by a creditor against the licensee who is not a beneficiary of this statutory trust. No permissible investments impressed with a trust pursuant to this section may be subject to attachment, levy of execution, or sequestration by order of any court, except for a beneficiary of this statutory trust.

(D) Upon the establishment of a statutory trust in accordance with subsection (C) or when any funds are drawn on a letter of credit pursuant to Section 35-11-605(A)(4), the Commissioner shall notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice is deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in this State, and other states, as applicable. Any statutory trust established hereunder must be terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

(E) The Commissioner, by regulation or by order, may allow other types of investments that the Commissioner determines are of sufficient liquidity and quality to be a permissible investment. The Commissioner is authorized to participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

Section 35-11-605. (A) Except to the extent otherwise limited by the commissioner pursuant to Section 35-11-600, the following investments are permissible pursuant to Section 35-11-600:

(1) cash, a certificate of deposit, or senior debt obligation of an insured depository institution, as defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. Section 1813 (1994 & Supp. V 1999) cash, including demand deposits, savings deposits, and funds in

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such accounts held for the benefit of the licensee's customers in a federally insured depository financial institution, and cash equivalents including ACH items in transit to the licensee and ACH items or international wires in transit to a payee, cash in transit via armored car, cash in smart safes, cash in licensee-owned locations, debit card or credit card-funded transmission receivables owed by any bank, or money market mutual funds rated "AAA" by S&P, or the equivalent from any eligible rating service;

~~(2) banker's acceptance or bill of exchange that is eligible for purchase upon endorsement by a member bank of the Federal Reserve System and is eligible for purchase by a Federal Reserve Bank~~certificates of deposit or senior debt obligations of an insured depository institution, as defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. Section 1813, as amended or recodified from time to time, or as defined under the federal Credit Union Act, 12 U.S.C. Section 1781, as amended or recodified from time to time;

~~(3) an investment bearing a rating of one of the three highest grades as defined by a nationally recognized organization that rates securities~~an obligation of the United States or a commission, agency, or instrumentality thereof; an obligation that is guaranteed fully as to principal and interest by the United States; or an obligation of a state or a governmental subdivision, agency, or instrumentality thereof;

~~(4) an investment security that is an obligation of the United States or a department, agency, or instrumentality of the United States; an investment in an obligation that is guaranteed fully as to principal and interest by the United States; or an investment in an obligation of a State or a governmental subdivision, agency, or instrumentality of a state~~the full drawable amount of an irrevocable standby letter of credit for which the stated beneficiary is the Commissioner that stipulates that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds up to the letter of credit amount within seven days of presentation of the items required by subsection (A)(4)(c).

(a) The letter of credit must:

(i) be issued by a federally insured depository financial institution, a foreign bank that is authorized under federal law to maintain a federal agency or federal branch office in a state or states, or a foreign bank that is authorized under state law to maintain a branch in a state that bears an eligible rating or whose parent company bears an eligible rating and is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks, credit unions, and trust companies;

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_____ (ii) be irrevocable, unconditional, and indicate that it is not subject to any condition or qualifications outside of the letter of credit;

_____ (iii) not contain reference to any other agreements, documents, or entities, or otherwise provide for any security interest in the licensee; and

_____ (iv) contain an issue date and expiration date, and expressly provide for automatic extension, without a written amendment, for an additional period of one year from the present or each future expiration date, unless the issuer of the letter of credit notifies the Commissioner in writing by certified or registered mail or courier mail or other receipted means, at least sixty days prior to any expiration date, that the irrevocable letter of credit will not be extended.

_____ (b) In the event of any notice of expiration or nonextension of a letter of credit issued under subsection (A)(4)(a)(iv), the licensee is required to demonstrate to the satisfaction of the Commissioner, fifteen days prior to expiration, that the licensee maintains and will maintain permissible investments in accordance with Section 35-11-600(A) upon the expiration of the letter of credit. If the licensee is not able to do so, the Commissioner may draw on the letter of credit in an amount up to the amount necessary to meet the licensee's requirements to maintain permissible investments in accordance with Section 35-11-600(A). Any such draw must be offset against the licensee's outstanding money transmission obligations. The drawn funds must be held in trust by the Commissioner or the Commissioner's designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations.

_____ (c) The letter of credit must provide that the issuer of the letter of credit will honor, at sight, a presentation made by the beneficiary to the issuer of the following documents on or prior to the expiration date of the letter of credit:

_____ (i) the original letter of credit, including any amendments; and

_____ (ii) a written statement from the beneficiary stating that any of the following events have occurred:

_____ (A) the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization;

_____ (B) the filing of a petition by or against the licensee for receivership, or the commencement of any other judicial or administrative proceeding for its dissolution or reorganization;

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(C) the seizure of assets of a licensee by a commissioner pursuant to an emergency order issued in accordance with applicable law, on the basis of an action, violation, or condition that has caused or is likely to cause the insolvency of the licensee; or

(D) the beneficiary has received notice of expiration or nonextension of a letter of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments in accordance with Section 35-11-600(A) upon the expiration or nonextension of the letter of credit.

(d) The Commissioner may designate an agent to serve on the Commissioner's behalf as beneficiary to a letter of credit so long as the agent and letter of credit meet requirements established by the Commissioner. The Commissioner's agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of this section are assigned to the Commissioner.

(e) The Commissioner is authorized and encouraged to participate in multistate processes designed to facilitate the issuance and administration of letters of credit including, but not limited to, services provided by the NMLS and State Regulatory Registry, LLC; and

~~(5) receivables that are payable to a licensee from its authorized delegates, in the ordinary course of business, pursuant to contracts that are not past due or doubtful of collection if the aggregate amount of receivables under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not hold at one time receivables under this item in any one person aggregating more than ten percent of the licensee's total permissible investments; and~~

~~(6) a share or a certificate issued by an open end management investment company that is registered with the United States Securities and Exchange Commission under the Investment Companies Act of 1940, 15 U.S.C. Section 80a-1-64 (1994 & Supp. V 1999), and whose portfolio is restricted by the management company's investment policy to investments specified in items (1) through (4). one hundred percent of the surety bond or deposit provided for under Section 35-11-215 that exceeds the average daily money transmission liability in this State.~~

(B) Unless permitted by the Commissioner by regulation or order to exceed the limit as set forth herein, The the following investments are permissible pursuant to Section 35-11-600, but only to the extent specified:

~~(1) an interest bearing bill, note, bond, or debenture of a person whose equity shares are traded on a national securities exchange or on a~~

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~~national over the counter market, if the aggregate of investments under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not at one time hold investments under this item in any one person aggregating more than ten percent of the licensee's total permissible investments~~receivables that are payable to a licensee from its authorized delegates in the ordinary course of business that are less than seven days old, up to fifty percent of the aggregate value of the licensee's total permissible investments;

~~(2) a share of a person traded on a national securities exchange or a national over the counter market or a share or a certificate issued by an open end management investment company that is registered with the United States Securities and Exchange Commission under the Investment Companies Act of 1940, 15 U.S.C. Section 80a-1-64 (1994 & Supp. V 1999), and whose portfolio is restricted by the management company's investment policy to shares of a person traded on a national securities exchange or a national over the counter market, if the aggregate of investments under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not at one time hold investments in any one person aggregating more than ten percent of the licensee's total permissible investments~~of the receivables permissible under item (1), receivables that are payable to a licensee from a single authorized delegate in the ordinary course of business may not exceed ten percent of the aggregate value of the licensee's total permissible investments;

~~(3) a demand borrowing agreement made to a corporation or a subsidiary of a corporation whose securities are traded on a national securities exchange if the aggregate of the amount of principal and interest outstanding under demand borrowing agreements under this item does not exceed twenty percent of the total permissible investments of a licensee and the licensee does not at one time hold principal and interest outstanding under demand borrowing agreements under this item with any one person aggregating more than ten percent of the licensee's total permissible investments~~the following investments are permissible up to twenty percent for each category and combined up to fifty percent of the aggregate value of the licensee's total permissible investments:

(a) a short-term, up to six months, investment bearing an eligible rating;

(b) commercial paper bearing an eligible rating;

(c) a bill, note, bond, or debenture bearing an eligible rating;

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(d) U.S. tri-party repurchase agreements collateralized at one hundred percent or more with U.S. government or agency securities, municipal bonds, or other securities bearing an eligible rating;

(e) money market mutual funds rated less than “AAA” and equal to or higher than “A-” by S&P, or the equivalent from any other eligible rating service; and

(f) a mutual fund or other investment fund composed solely and exclusively of one or more permissible investments listed in subsection (A)(1) through (A)(3); and

(4) another investment the commissioner designates, to the extent specified by the commissioner, cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee’s customers, at foreign depository institutions are permissible up to ten percent of the aggregate value of the licensee’s total permissible investments if the licensee has received a satisfactory rating in its most recent examination and the foreign depository institution:

(a) has an eligible rating;

(b) is registered under the Foreign Account Tax Compliance Act;

(c) is not located in any country subject to sanctions from the Office of Foreign Asset Control; and

(d) is not located in a high-risk or noncooperative jurisdiction as designated by the Financial Action Task Force.

~~—(C) The aggregate of investments pursuant to subsection (B) may not exceed fifty percent of the total permissible investments of a licensee calculated pursuant to Section 35-11-600.~~

Article 7

Enforcement

Section 35-11-700. (A) ~~The commissioner~~ Commissioner may suspend or revoke a license or order a licensee to revoke the designation of an authorized delegate if:

(1) the licensee violates this chapter or a ~~rule adopted regulation~~ or an order issued pursuant to this ~~act~~ chapter;

(2) the licensee does not cooperate with an examination or investigation by the ~~commissioner~~ Commissioner;

(3) the licensee engages in fraud, intentional misrepresentation, or gross negligence;

(4) an authorized delegate is convicted of a violation of a state or federal anti-money laundering statute, or violates a ~~rule adopted regulation~~ or an order issued pursuant to this chapter, as a result of the licensee’s wilful misconduct or wilful blindness;

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(5) the competence, experience, character, or general fitness of the licensee, authorized delegate, person in control of a licensee, or ~~responsible person~~ key individual of the licensee or authorized delegate indicates that it is not in the public interest to permit the person to provide money services;

(6) the licensee engages in an unsafe or unsound practice;

(7) the licensee is insolvent, suspends payment of its obligations, or makes a general assignment for the benefit of its creditors; ~~or~~

(8) the licensee does not remove an authorized delegate after the ~~commissioner~~ Commissioner issues and serves upon the licensee a final order including a finding that the authorized delegate has violated this chapter; ~~or~~

(9) the licensee is the subject of a final order, including a denial, suspension, or revocation, by this or any other state or federal financial services regulator, including a state or federal money services regulator, that was entered against the licensee within the past five years.

(B) In determining whether a licensee is engaging in an unsafe or unsound practice, the ~~commissioner~~ Commissioner may consider the size and condition of the licensee's money transmission, the magnitude of the loss, the gravity of the violation of this ~~act~~ chapter or a regulation or order issued pursuant to this chapter, and the previous conduct of the person involved.

(C) In determining whether to suspend or revoke a license under subsection (A)(9), the Commissioner may consider if the licensee subject to the final order is currently licensed to conduct business in the jurisdiction where the order was entered.

(D) The Commissioner shall issue a formal written notice of the suspension or revocation. The Commissioner shall set forth in the order the specific reasons for the suspension or revocation. A licensee may request a hearing within thirty days after receipt of the written notice of suspension or revocation pursuant to Section 35-11-710.

Section 35-11-705. (A) The ~~commissioner~~ Commissioner may issue an order suspending or revoking the designation of an authorized delegate, if the ~~commissioner~~ Commissioner finds that the:

(1) authorized delegate violated this chapter or a ~~rule~~ adopted regulation or an order issued pursuant to this chapter;

(2) authorized delegate did not cooperate with an examination or investigation by the ~~commissioner~~ Commissioner;

(3) authorized delegate engaged in fraud, intentional misrepresentation, or gross negligence;

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(4) authorized delegate is convicted of a violation of a state or federal anti-money laundering statute;

(5) competence, experience, character, or general fitness of the authorized delegate or a person in control of the authorized delegate indicates that it is not in the public interest to permit the authorized delegate to provide money services; or

(6) authorized delegate is engaging in an unsafe or unsound practice.

(B) In determining whether an authorized delegate is engaging in an unsafe or unsound practice, the ~~commissioner~~ Commissioner may consider the size and condition of the authorized delegate's provision of money services, the magnitude of the loss, the gravity of the violation of this chapter or a ~~rule adopted~~ regulation or order issued pursuant to this chapter, and the previous conduct of the authorized delegate.

(C) The Commissioner shall issue a formal written notice of the suspension or revocation. The Commissioner shall set forth in the order the specific reasons for the suspension or revocation. An authorized delegate may apply for relief from a suspension or revocation of designation as an authorized delegate according to procedures prescribed by the commissioner request a hearing within thirty days after receipt of the written notice of suspension or revocation pursuant to Section 35-11-710.

Section 35-11-710. (A) ~~If the commissioner determines that a violation of this chapter or of a rule adopted or an order issued pursuant to this chapter by a licensee or authorized delegate is likely to cause immediate and irreparable harm to the licensee, its customers, or the public as a result of the violation, or cause insolvency or significant dissipation of assets of the licensee, the commissioner may issue an order requiring the licensee or authorized delegate to cease and desist from the violation. The order becomes effective upon service of it upon the licensee or authorized delegate.~~ If the Commissioner determines that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this chapter or a regulation or order issued under this chapter, the Commissioner may:

(1) issue an order directing the person to cease and desist from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with this chapter;

(2) issue an order against a licensee to cease and desist from providing money services through an authorized delegate that is the subject of a separate order by the Commissioner; or

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(3) issue an order under Sections 35-11-220(E), 35-11-235(A), 35-11-310(D), 35-11-515(H), 35-11-515(M), 35-11-700, and 35-11-705.

(B) ~~The commissioner may issue an order against a licensee to cease and desist from providing money services through an authorized delegate that is the subject of a separate order by the commissioner.~~ An order under subsection (A) is effective on the date of issuance. Upon issuance of the order, the Commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement of any civil penalty or costs of investigation the Commissioner will seek, a statement of the reasons for the order, and notice that, within fifteen days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the Commissioner within thirty days after the date of service of the order, the order, which may include a civil penalty or costs of the investigation if a civil penalty or costs were sought, becomes final as to that person by operation of law. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

(C) ~~An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to Section 35-11-700 or 35-11-705.~~ If a hearing is requested or ordered pursuant to subsection (B), a hearing must be held. A final order may not be issued unless the Commissioner makes findings of fact and conclusions of law in a record. The final order may make final, vacate, or modify the order issued under subsection (A).

(D) In a final order under subsection (C), the Commissioner may impose a civil penalty against a person that violates this chapter or a regulation or order issued pursuant to this chapter in an amount not to exceed one thousand dollars per day for each day the violation is outstanding, plus this state's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney fees.

(E) If a petition for judicial review of a final order is not filed in accordance with Section 35-11-830, the Commissioner may file a certified copy of the final order with the clerk of court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(F) If a person does not comply with an order under this section, the Commissioner may petition a court of competent jurisdiction to enforce

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the order. The court may not require the Commissioner to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the person for contempt in an amount not less than five hundred dollars but not greater than five thousand dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(G) A hearing in an administrative proceeding under this chapter must be conducted in public unless the Commissioner, for good cause consistent with this chapter, determines that the hearing will not be so conducted.

Section 35-11-715. ~~The commissioner~~ Commissioner may enter into a consent order at any time with a person to resolve a matter arising pursuant to this chapter or a ~~rule adopted~~ regulation or order issued pursuant to this chapter. A consent order must be signed by the person to whom it is issued or by the person's authorized representative, and must indicate agreement with the terms contained in the order. A consent order may provide that it does not constitute an admission by a person that this chapter or a ~~rule adopted~~ regulation or an order issued pursuant to this chapter has been violated.

Section 35-11-720. ~~The commissioner may assess a civil penalty against a person that violates this chapter or a rule adopted or an order issued pursuant to this chapter in an amount not to exceed one thousand dollars per day for each day the violation is outstanding, plus this state's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney fees~~ Reserved.

Section 35-11-725. (A) A person who intentionally makes a false statement, misrepresentation, or false certification in a record filed or required to be maintained pursuant to this chapter, who intentionally makes a false entry or omits a material entry in that record, or violates a rule promulgated or order issued pursuant to this chapter is guilty of a Class B felony.

(B) A person who knowingly engages in an activity for which a license is required pursuant to this chapter without being licensed pursuant to this chapter and who receives more than five hundred dollars in compensation within a thirty-day period from this activity is guilty of a Class B felony.

(C) A person who knowingly engages in an activity for which a license is required pursuant to this chapter without being licensed pursuant to this chapter and who receives no more than five hundred dollars in

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compensation within a thirty-day period from this activity is guilty of a Class A misdemeanor.

~~Section 35-11-730. (A) If the commissioner~~Commissioner has reason to believe that a person ~~has violated or is violating Section 35-11-200 or 35-11-300, the commissioner may issue an order to show cause why an order to cease and desist should not be issued requiring the person to cease and desist from the violation of Section 35-11-200 or 35-11-300.~~engaged or is about to engage in an act or practice constituting a violation of this chapter or a regulation or order issued pursuant to this chapter, the Commissioner may summarily issue an order to cease and desist pursuant to Section 35-11-710.

~~(B) In an emergency, the commissioner may petition the Richland County Circuit Court for the issuance of a temporary restraining order ex parte pursuant to the rules of civil procedure. The Commissioner may apply to the Richland County Court of Common Pleas to:~~

- (1) temporarily or permanently enjoin an act or practice that violates this chapter or a regulation or order issued pursuant to this chapter; or
- (2) enforce compliance with this chapter or a regulation or order issued or pursuant to this chapter.

~~(C) An order to cease and desist becomes effective upon service of the order on the person. A person that is served with an order to cease and desist for violating Section 35-11-200 or 35-11-300 may petition the Richland County Court of Common Pleas for a judicial order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of an administrative proceeding pursuant to Section 35-11-710.~~

~~(D) An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to Sections 35-11-800 and 35-11-805.~~

Section 35-11-735. (A) Whenever a licensee has refused or is unable to pay its obligations generally as they become due or whenever it appears to the ~~commissioner~~Commissioner that a licensee is in an unsafe or unsound condition, the ~~commissioner~~Commissioner may apply to the Richland County ~~Circuit Court of Common Pleas~~ or to the circuit court of any county in which the licensee is located for the appointment of a receiver for the licensee. The court may require the receiver to post a bond in an amount that appears necessary to protect claimants of the licensee.

(B) The receiver, subject to the approval of the court, shall take possession of the books, records, and assets of the licensee and shall take an action with respect to employees, agents, or representatives of the

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licensee or other action that may be necessary to conserve the assets of the licensee or ensure payment of instruments issued by the licensee pending further disposition of its business as provided by law. The receiver shall sue and defend, compromise, and settle all claims involving the licensee and exercise the powers and duties that are necessary and consistent with the laws of this State applicable to the appointment of receivers.

(C) The receiver, from time to time, but in no event less frequently than once each calendar quarter, shall report to the court with respect to all acts and proceedings in connection with the receivership.

Section 35-11-740. (A)(1) A person who, knowing that the property involved in a financial transaction represents the proceeds of, or is derived directly or indirectly from the proceeds of unlawful activity, conducts or attempts to conduct such a financial transaction that in fact involves the proceeds:

(a) with the intent to promote the carrying on of unlawful activity;

or

(b) knowing that the transaction is designed in whole or in part to conceal or disguise the nature, location, sources, ownership, or control of the proceeds of unlawful activity is guilty of a felony and, upon conviction, must be punished as follows:

(i) for a Class F felony if the transactions exceed three hundred dollars but are less than twenty thousand dollars in a twelve-month period;

(ii) for a Class E felony for transactions that total or exceed twenty thousand dollars but are less than one hundred thousand dollars in a twelve-month period; or

(iii) for a Class C felony for transactions that total or exceed one hundred thousand dollars in a twelve-month period.

In addition to penalties, a person who is found guilty of or who pleads guilty or nolo contendere to having violated this section may be sentenced to pay a fine not to exceed two hundred fifty thousand dollars, or twice the value of the financial transactions, whichever is greater; however, for a second or subsequent violation of this section, the fine may be up to five hundred thousand dollars, or quintuple the value of the financial transactions, whichever is greater.

(2) A person who transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in South Carolina to or through a place outside the United States or to a place in South Carolina from or through a place outside the United States:

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(a) with the intent to promote the carrying on of unlawful activity;

or

(b) knowing that the monetary instrument or funds involved in the transportation represent the proceeds of unlawful activity and knowing that the transportation is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds of unlawful activity is guilty of a felony and, upon conviction, must be punished as follows:

(i) for a Class F felony if the transactions exceed three hundred dollars but are less than twenty thousand dollars in a twelve-month period;

(ii) for a Class E felony for transactions that total or exceed twenty thousand dollars but are less than one hundred thousand dollars in a twelve-month period; or

(iii) for a Class C felony for transactions that total or exceed one hundred thousand dollars in a twelve-month period.

In addition to penalties, a person who is found guilty of or who pleads guilty or nolo contendere to having violated this section may be sentenced to pay a fine not to exceed two hundred fifty thousand dollars or twice the value of the financial transactions, whichever is greater; however, for a second or subsequent violation of this section, the fine may be up to five hundred thousand dollars, or quintuple the value of the financial transactions, whichever is greater.

(3) A person with the intent:

(a) to promote the carrying on of unlawful activity; or

(b) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of unlawful activity, conducts or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be the proceeds of unlawful activity, or property used to conduct or facilitate unlawful activity is guilty of a felony and, upon conviction, must be punished as follows:

(i) for a Class F felony if the transactions exceed three hundred dollars but are less than twenty thousand dollars in a twelve-month period;

(ii) for a Class E felony for transactions that total or exceed twenty thousand dollars but are less than one hundred thousand dollars in a twelve-month period; or

(iii) for a Class C felony for transactions that total or exceed one hundred thousand dollars in a twelve-month period.

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In addition to penalties, a person who is found guilty of or who pleads guilty or nolo contendere to having violated this section may be sentenced to pay a fine not to exceed two hundred fifty thousand dollars or twice the value of the financial transactions, whichever is greater; however, for a second or subsequent violation of this section, the fine may be up to five hundred thousand dollars or quintuple the value of the financial transactions, whichever is greater.

For purposes of this subitem, the term “represented” means a representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a state official authorized to investigate or prosecute violations of this section.

(B) A person who conducts or attempts to conduct a transaction described in subsection (A)(1), or transportation described in subsection (A)(2), is liable to the State for a civil penalty of not more than the greater of:

- (1) the value of the property, funds, or monetary instruments involved in the transaction; or
- (2) ten thousand dollars.

A court may issue a pretrial restraining order or take another action necessary to ensure that a bank account or other property held by the defendant in the United States is available to satisfy a civil penalty under this section.

(C) As used in this section:

(1) the term “conducts” includes initiating, concluding, or participating in initiating or concluding a transaction;

(2) the term “transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition and, with respect to a financial institution, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of a stock, bond, certificate of deposit, or other monetary instrument, or another payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

(3) the term “financial transaction” means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments;

(4) the term “monetary instruments” means coin or currency of the United States or of another country, travelers’ checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in that form that title to it passes upon delivery, and negotiable instruments in bearer form or otherwise in that form that title to it passes upon delivery;

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(5) the term “financial institution” has the definition given that term in Section 5312(a)(2), Title 31, United States Code, and the regulations promulgated thereunder.

(D) Nothing in this section supersedes a provision of law imposing criminal penalties or affording civil remedies in addition to those provided for in this section, and nothing in this section precludes reliance in the appropriate case upon the provisions set forth in Section 44-53-475.

Section 35-11-745. (A) The Commissioner may:

(1) conduct public or private investigations within or outside of this State which the Commissioner considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this chapter or a regulation or order issued pursuant to this chapter, or to aid in the enforcement of this chapter or in the adoption of rules and forms under this chapter;

(2) require or permit a person to testify, file a statement, or produce a record, under oath or otherwise as the Commissioner determines, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted; and

(3) publish a record concerning an action, proceeding, or an investigation under, or a violation of, this chapter or a regulation or order issued pursuant to this chapter if the Commissioner determines it is necessary or appropriate in the public interest.

(B) For the purpose of an investigation under this chapter, the Commissioner or its designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the Commissioner considers relevant or material to the investigation.

(C) If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the Commissioner under this chapter, the Commissioner may apply to the Richland County Court of Common Pleas or a court of another state to enforce compliance. The court may:

(1) hold the person in contempt;

(2) order the person to appear before the Commissioner;

(3) order the person to testify about the matter under investigation or in question;

(4) order the production of records;

(5) grant injunctive relief;

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(6) impose a civil penalty of not less than five hundred dollars and not greater than five thousand dollars for each violation; and

(7) grant any other necessary or appropriate relief.

(D) This section does not preclude a person from applying to the Richland County Court of Common Pleas for relief from a request to appear, testify, file a statement, produce records, or obey a subpoena.

Article 8

Administrative Procedures

~~Section 35-11-800. All administrative proceedings pursuant to this chapter must be conducted in accordance with Article 3, Chapter 23, Title 4.~~ In order to carry out the purposes of this chapter, the Commissioner may, subject to the provisions of Section 35-11-530:

(1) enter into agreements or relationships with other governmental officials or federal and state regulatory agencies and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures, and sharing resources, records, or related information obtained under this chapter;

(2) use, hire, contract, or employ analytical systems, methods, or software to examine or investigate any person subject to this chapter;

(3) accept, from other state or federal governmental agencies or officials, licensing, examination, or investigation reports made by such other state or federal governmental agencies or officials; and

(4) accept audit reports made by an independent certified public accountant or other qualified third-party auditor for an applicant or licensee and incorporate the audit report in any report of examination or investigation.

~~Section 35-11-805. Except as otherwise provided in Sections 35-11-225(C), 35-11-315(C), 35-11-710, and 35-11-730, the commissioner~~ The Commissioner may not suspend or revoke a license, issue an order to cease and desist, suspend or revoke the designation of an authorized delegate, or assess a civil penalty without notice and an opportunity to be heard pursuant to Section 35-11-710. ~~The commissioner~~ Commissioner also shall hold a hearing when requested to do so by an applicant whose application for a license is denied.

~~Section 35-11-810. This chapter is administered by the commissioner~~ Commissioner who may employ such additional assistants as he deems necessary. ~~The commissioner~~ Commissioner may delegate any or all of his duties pursuant to this chapter to members of his staff, as he deems necessary or appropriate.

~~Section 35-11-815. The commissioner may promulgate and amend regulations or issue orders necessary to carry out the purposes of this~~

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chapter in order to provide for the protection of the public and to assist licensees in interpreting and complying with this chapter.

Section 35-11-820. The Commissioner may establish reasonable fees for filings required or permitted by regulation or order adopted pursuant to this chapter, and other miscellaneous filings for which no fees are otherwise specified by law.

Section 35-11-825. The Commissioner may retain all fees, assessments, and fines received under this chapter for the administration of this chapter.

Section 35-11-830. A person aggrieved by a final order of the Commissioner may obtain a review of the order in the Richland County Court of Common Pleas by filing in the court, within thirty days after entry of the order, a written petition praying that the order may be modified or set aside in whole or in part. The aggrieved person, upon filing a petition, may move before the court in which the petition is filed to stay the effectiveness of the Commissioner's final order until such time as the court has reviewed the order. If the court orders a stay, the aggrieved person must post any bond set by the court in which a petition is filed. A copy of the petition must be served upon the Commissioner, and the Commissioner shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. The findings of the Commissioner as to the facts, if supported by competent, material, and substantial evidence, are conclusive.

Article 9

Miscellaneous Provisions

Section 35-11-900. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 35-11-905. (A) A person licensed in this State to engage in the business of money transmission may not be subject to the amended provisions of this chapter, to the extent that they conflict with the prior law or establish new requirements not imposed under the prior law, until the first January first after the effective date of this chapter.

(B) Notwithstanding subsection (A), a licensee only must be required to amend its authorized delegate contracts for contracts entered into or amended after the effective date of the amendments to this chapter or the completion of any transition period contemplated under subsection (A). Nothing herein may be construed as limiting an authorized delegate's

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obligations to operate in full compliance with this chapter as required by Section 35-11-400(C).

SECTION 2. Section 39-73-10(1) of the S.C. Code is amended to read:

(1) "Administrator" means the South Carolina ~~Secretary of State~~ Attorney General.

SECTION 3. Section 39-73-40(D) of the S.C. Code is amended to read:

(D) The administrator, by order, may deny, suspend, revoke, or place limitations on the authority to engage in business as a qualified seller under item (2) of subsection (A) if the administrator finds that the order is in the public interest and that the person, the person's officers, directors, partners, agents, servants, or employees, a person occupying a similar status or performing similar functions, or a person who directly or indirectly controls or is controlled by the seller, or his affiliates or subsidiaries:

(1) has filed a notice of intention under subsection (C) with the administrator or the designee of the administrator which was incomplete in material respect or contained a statement which was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(2) within the last ten years, has pled guilty or nolo contendere to, or been convicted of a crime indicating a lack of fitness to engage in the investment commodity business;

(3) has been enjoined permanently or temporarily by a court of competent jurisdiction from engaging in or continuing conduct or a practice which injunction indicates a lack of fitness to engage in the investment commodities business;

(4) is the subject of an order of the administrator denying, suspending, or revoking the person's license as a securities broker-dealer, agent, sales representative, ~~or investment advisor~~, or investment advisor representative;

(5) is the subject of one or more of the following orders which currently are effective and which were issued within the last five years:

(a) an order by a securities agency or an administrator of another state, Canadian province or territory, the Securities and Exchange Commission, or the Commodity Futures Trading Commission entered after notice and opportunity for hearing, denying, suspending, or revoking the person's registration as a futures commission merchant, commodity trading adviser, commodity pool operator, securities broker-

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dealer, agent, sales representative, ~~or~~ investment adviser, or investment adviser representative, or the substantial equivalent of the foregoing;

(b) suspension or expulsion from membership in, or association with, a self-regulatory organization registered under the Securities Exchange Act of 1934 or the Commodity Exchange Act;

(c) a United States Postal Service fraud order;

(d) a cease and desist order entered after notice and opportunity of hearing by the administrator or a securities agency or an administrator of another state, Canadian province or territory, the Securities and Exchange Commission, or the Commodity Futures Trading Commission;

(e) an order entered by the Commodity Futures Trading Commission denying, suspending, or revoking registration under the Commodity Exchange Act;

(6) has engaged in an unethical or a dishonest act or practice in the investment commodities or securities business; or

(7) has failed reasonably to supervise sales representatives or employees.

SECTION 4. Section 39-73-60 of the S.C. Code is amended to read:

Section 39-73-60. No person, directly or indirectly, in or in connection with the purchase or sale of, the offer to sell, the offer to purchase, the offer to enter into, or the entry into of, a commodity contract or commodity option subject to Sections 39-73-20, 39-73-340, or 39-73-40(A)(2) or (4), may:

(1) cheat or defraud or attempt to cheat or defraud a person or employ a device, a scheme, or an artifice to defraud a person;

(2) make a false report, enter a false record, or make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading;

(3) engage in a transaction, an act, a practice, or a course of business, including without limitation a form of advertising or solicitation which operates or would operate as a fraud or deceit upon a person; or

(4) misappropriate or convert the funds, security, or property of a person.

SECTION 5. Section 39-73-80 of the S.C. Code is amended to read:

Section 39-73-80. Nothing in this chapter impairs, derogates, or otherwise, affects the authority or powers of the ~~administrator~~ South Carolina Attorney General under state securities law or the application of this chapter to a person or transaction subject to state securities law.

SECTION 6. Section 39-73-315 of the S.C. Code is amended to read:

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Section 39-73-315. (A) ~~If the administrator believes, whether or not based upon an investigation conducted under Section 39-73-310, determines that a person has engaged, is engaging, or is about to engage in an act, or a practice, or course of business constituting a violation of this chapter or a related regulation rule adopted or order issued under this chapter, the administrator may:~~

~~(1) issue an order directing the person to cease and desist order from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with the chapter;~~

~~(2) issue an order imposing a civil penalty of not more than ten thousand dollars for a single violation or one hundred thousand dollars for multiple violations in a single proceeding or a series of related proceedings; or~~

~~(3) initiate the actions specified in Section 39-73-320-subsection (B).~~

~~(B) The administrator may institute one or more of the following actions in the appropriate courts of this State or in the appropriate courts of another state in addition to legal or equitable remedies otherwise available:~~

~~— (1) a declaratory judgment;~~

~~— (2) an action for a prohibitory or mandatory injunction to enjoin the violation and to ensure compliance with this chapter or a regulation or order of the administrator;~~

~~— (3) an action for disgorgement;~~

~~— (4) an action for appointment of a receiver or conservator for the defendant or the defendant's assets. An order issued pursuant to subsection (A) is effective on the date of issuance. Upon issuance of the order, the administrator shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement of any civil penalty or costs of investigation the administrator will seek, a statement of the reasons for the order, and notice that, within thirty days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the administrator within thirty days after the date of service of the order, the order, which may include a civil penalty or any costs of the investigation if a civil penalty or costs were sought, becomes final as to that person by operation of law. If a hearing is requested or ordered, the administrator, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.~~

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(C) If a hearing is requested or ordered pursuant to subsection (B), a hearing must be held. A final order may not be issued unless the administrator makes findings of fact and conclusions of law in a record. The final order may make final, vacate, or modify the order issued under subsection (A).

(D) In a final order under subsection (C), the administrator may impose a civil penalty in an amount not to exceed ten thousand dollars for each violation.

(E) In a final order, the administrator may charge the actual cost of an investigation or proceeding for a violation of this chapter or a rule adopted or order issued under this chapter.

(F) If a petition for judicial review of a final order is not filed in accordance with this chapter, the administrator may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(G) If a person does not comply with an order under this section, the administrator may petition a court of competent jurisdiction to enforce the order. The court may not require the administrator to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the person for contempt in an amount not less than five hundred dollars but not greater than five thousand dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(H) All orders issued under this section are public documents subject to the Freedom of Information Act and must be published on the Attorney General's website searchable by the name of the parties involved.

SECTION 7. Section 39-73-320 of the S.C. Code is amended to read:

~~Section 39-73-320. (A)(1) Upon a proper showing by the administrator that a person has violated or is about to violate this chapter or a regulation or order of the administrator, the court may grant appropriate legal or equitable remedies.~~

~~(2) Upon a showing of a violation of this chapter or a regulation or order of the administrator, the court, in addition to traditional legal and equitable remedies, including temporary restraining orders, permanent or temporary prohibitory or mandatory injunctions, and writs of prohibition or mandamus, may grant the following special remedies:~~

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~~_____ (a) imposition of a civil penalty of not more than ten thousand dollars for a single violation or one hundred thousand dollars for multiple violations in a single proceeding or a series of related proceedings;~~

~~_____ (b) disgorgement;~~

~~_____ (c) declaratory judgment;~~

~~_____ (d) restitution to investors wishing restitution;~~

~~_____ (e) appointment of a receiver or conservator for the defendant or the defendant's assets.~~

~~_____ (3) Appropriate remedies when the defendant is shown only about to violate this chapter or a regulation or order of the administrator is limited to:~~

~~_____ (a) temporary restraining order;~~

~~_____ (b) temporary or permanent injunction;~~

~~_____ (c) writ of prohibition or mandamus; or~~

~~_____ (d) order appointing a receiver or conservator for the defendant or the defendant's assets.~~If the administrator believes that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this chapter or a rule adopted or order issued under this chapter or that a person has, is, or is about to engage in an act, practice, or course of business that materially aids a violation of this chapter or a rule adopted or order issued under this chapter, the administrator may maintain an action in the Richland County Court of Common Pleas to enjoin the act, practice, or course of business and to enforce compliance with this chapter or a rule adopted or order issued under this chapter.

~~(B) The court may not require the administrator to post a bond in an official action under this chapter.~~In an action pursuant to this section and on a proper showing, the court may:

~~(1) issue a permanent or temporary injunction, restraining order, or declaratory judgment;~~

~~(2) order other appropriate or ancillary relief, which might include:~~

~~_____ (a) an asset freeze, accounting, writ or attachment, writ of general or specific execution, and appointment of a receiver or conservator, that may be the administrator, for the defendant or the defendant's assets;~~

~~_____ (b) ordering the administrator to take charge and control of a defendant's property, including investment accounts and accounts in a depository institution, rents, and profits; to collect debts; and to acquire and dispose of property;~~

~~_____ (c) imposing a civil penalty in an amount not to exceed ten thousand dollars for each violation; an order of rescission, restitution, or disgorgement directed to a person that has engaged in an act, practice, or~~

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course of business constituting a violation of this chapter or the or a rule adopted or order issued under this chapter; and

(d) ordering the payment of prejudgment and post-judgment interest; or

(3) order such other relief as the court considers appropriate.

(C) The administrator may not be required to post a bond in an action or proceeding under this chapter.

(D)(1) Upon a proper showing by the administrator or securities or commodity agency of another state that a person, other than a government or governmental agency or instrumentality, has violated, or is about to violate, the commodity code of that state or a regulation or order of the administrator or securities or commodity agency of that state, the court may grant appropriate legal and equitable remedies.

(2) Upon showing of a violation of the securities or commodity act of the foreign state or a regulation or order of the administrator or securities or commodity agency of the foreign state, the court, in addition to traditional legal or equitable remedies, including temporary restraining orders, permanent or temporary prohibitory or mandatory injunctions, and writs of prohibition or mandamus, may grant the following special remedies:

(a) disgorgement;

(b) appointment of a receiver, conservator, or ancillary receiver or conservator for the defendant or the defendant's assets located in this State.

(3) Appropriate remedies when the defendant is shown only about to violate the securities or commodity act of the foreign state or a regulation or order of the administrator or securities or commodity agency of the foreign state is limited to:

(a) temporary restraining order;

(b) temporary or permanent injunction;

(c) writ or prohibition or mandamus; or

(d) order appointing a receiver, conservator, or ancillary receiver or conservator for the defendant or the defendant's assets located in this State.

SECTION 8. Section 39-73-325 of the S.C. Code is amended to read:

Section 39-73-325. (A) A person who wilfully violates this chapter or a regulation or order of the administrator under this chapter, upon conviction, must be fined not more than twenty thousand dollars, or imprisoned not more than ten years, or both, for each violation.

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(B) A person convicted of violating this chapter or a regulation or order under this chapter may be fined but must not be imprisoned if the person proves he had no knowledge of the rule or order.

(C) The administrator may refer evidence available concerning violations of this chapter or a regulation or order of the administrator to the appropriate division of the Attorney General's office or the appropriate solicitor or other appropriate prosecution, law enforcement, or licensing authorities who, with or without a reference from the administrator, may institute the appropriate criminal proceedings under this chapter.

SECTION 9. Section 39-73-330 of the S.C. Code is amended to read:

Section 39-73-330. (A) This chapter must be administered by the ~~South Carolina Secretary of State~~ Attorney General.

(B) The administrator and his employees may not use information filed with or obtained by the administrator which is not public information for personal gain or benefit and may not conduct securities or commodity dealings based upon the information, even though public, if there has not been sufficient time for the securities or commodity markets to assimilate the information.

(C)(1) Except as provided in item (2), all information collected, assembled, or maintained by the administrator is public information and is available for examination by the public.

(2) The following information is confidential and an exception to item (1):

(a) information obtained in private investigations pursuant to Section 39-73-310;

(b) information made confidential by the Freedom of Information Act;

(c) information obtained from federal agencies which must not be disclosed under federal law.

(3) The administrator in his discretion may disclose information made confidential under subsection (C)(2)(a) to persons identified in Section 39-73-335(A).

(4) This chapter does not create or derogate a privilege which exists at common law, by statute, or otherwise when documentary or other evidence is sought under subpoena directed to the administrator or his employees.

SECTION 10. Section 39-73-340(A) of the S.C. Code is amended to read:

(A) In addition to specific authority granted elsewhere in this chapter, the administrator may make, amend, or rescind regulations, forms, and

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orders as are necessary to carry out this chapter. The regulations or forms must include, but are not limited to, regulations defining terms, whether or not used in this chapter. The definitions must not be inconsistent with this chapter. For the purpose of regulations or forms the administrator may classify commodities and commodity contracts, persons, and matters within the administrator's jurisdiction.

SECTION 11. Section 39-73-350 of the S.C. Code is amended to read:

Section 39-73-350. (A) Sections 39-73-20, 39-73-50, and 39-73-60 apply to persons who:

- (1) sell or offer to sell when an offer to:
 - (a) sell is made in this State; or
 - (b) buy is made and accepted in this State;
- (2) buy or offer to buy when an offer to:
 - (a) buy is made in this State; or
 - (b) sell is made and accepted in this State.

(B) For the purpose of this section, an offer to sell or buy is made in this State, whether or not either party is then present in this State, when the offer:

- (1) originates from this State; or
- (2) is directed by the offeror to this State and received at the place to which it is directed, or at a post office in this State for a mailed offer.

(C) For the purpose of this section, an offer to buy or sell is accepted in this State when acceptance:

- (1) is communicated to the offeror in this State; or
- (2) previously has not been communicated to the offeror, orally or in writing, outside this State, and acceptance is communicated to the offeror in this State, whether or not either party is then present in this State, when the offeree directs it to the offeror in this State, reasonably believing the offeror to be in this State and it is received at the place to which it is directed or at a post office in this State for a mailed acceptance.

(D) An offer to sell or to buy is not made in this State when ~~one or both of the following exist:~~

— (1) ~~T~~the publisher circulates or there is circulated on his behalf in this State a bona fide newspaper or other publication of general, regular, and paid circulation which is not published in this State or which is published in this State but has had more than two-thirds of its circulation outside this State during the past twelve months or when a radio or television program or other electronic communication originating outside this State is received in this State. A radio or television program, or other electronic communication, is considered as having originated in

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this State if either the broadcast studio or the originating source of transmission is located in this State, unless:

(1) the program or communication is syndicated and distributed from outside this State for redistribution to the general public in this State;

(2) the program or communication is supplied by a radio, television, or other electronic network with the electronic signal originating from outside this State for redistribution to the general public in this State;

(3) the program or communication is an electronic communication that originates outside this State and is captured for redistribution to the general public in this State by a community antenna or cable, radio, cable television, or other electronic system; or

(4) the program or communication consists of an electronic communication that originates in this State, but which is not intended for distribution to the general public in this State.

~~— (2) A radio or television program originating outside this State is received in this State.~~

SECTION 12. Section 39-73-360 of the S.C. Code is amended to read:

Section 39-73-360. (A) A person aggrieved by a final order of the administrator may obtain a review of the order in the Richland County Court of Common Pleas by filing in the court, within thirty days after entry of the order, a written petition praying that the order may be modified or set aside, in whole or in part. The aggrieved person, upon filing a petition, may move before the court in which the petition is filed to stay the effectiveness of the administrator's final order until such time as the court has reviewed the order. If the court orders a stay, the aggrieved person must post any bond set by the court in which a petition is filed. A copy of the petition must be served upon the administrator, and the administrator shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. The findings of the administrator regarding the facts, if supported by competent, material, and substantial evidence, are conclusive.~~of the administrator may obtain a review of the order in court by filing, within sixty days after the entry of the order, a written petition requesting the order be modified or set aside in whole or in part. A copy of the petition for review must be served upon the administrator.~~

~~— (B) Upon the filing of a petition for review, except where the taking of additional evidence is ordered by the court pursuant to subsection (E)~~

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or (F), the court shall have exclusive jurisdiction of the matter, and the administrator may not modify or set aside the order, in whole or in part.

~~—(C) The filing of a petition for review under subsection (A), unless specifically ordered by the court, does not operate as a stay of the administrator's order, and the administrator may enforce or ask the court to enforce the order pending the outcome of the review proceedings.~~

~~—(D) Upon receipt of the petition for review, the administrator shall certify and file in the court a copy of the order and the transcript or record of the evidence upon which it was based. If the order became final by operation of law under Section 39-73-355(D), the administrator shall certify and file in court the summary order and evidence of its source upon the parties to it and an affidavit certifying that no hearing has been held and the order became final pursuant to Section 39-73-355(D).~~

~~—(E) If the aggrieved party or the administrator applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court there were reasonable grounds for failure to adduce the evidence in the hearing before the administrator or other good cause, the court may order the additional evidence to be taken by the administrator under conditions the court considers proper.~~

~~—(F) If new evidence is ordered taken by the court, the administrator may modify the findings and order by reason of the additional evidence and shall file in the court the additional evidence with modified or new findings or order.~~

~~—(G) The court shall review the petition based upon the original record before the administrator as amended under subsections (E) and (F). The findings of the administrator as to the facts, if supported by competent, material, and substantive evidence, are conclusive. Based upon this review, the court may affirm, modify, enforce, or set aside the order, in whole or in part.~~

~~—(H) The judgment of the court is subject to review by the court.~~

SECTION 13. Section 39-73-370 of the S.C. Code is amended to read:

Section 39-73-370. It is a defense in a complaint, information, indictment, a writ, or a proceeding brought under this chapter alleging a violation of Section 39-73-20 based solely on the failure in an individual case to make physical delivery within the applicable time under Section 39-73-10(5) or Section 39-73-40(A)(2) if:

(1) failure to make physical delivery was due solely to factors beyond the control of the seller, the seller's officers, directors, partners, agents, servants, or employees, persons occupying a similar status or performing similar functions, persons who directly or indirectly control or are

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controlled by the seller, or the seller's affiliates, subsidiaries, or successors; or

(2) physical delivery was completed within a reasonable time under the applicable circumstances.

SECTION 14. Chapter 73, Title 39 of the S.C. Code is amended by adding:

Section 39-73-375. The Office of the Attorney General may retain the first seven hundred fifty thousand dollars in fines and penalties received in a fiscal year in settlement of litigation enforcement actions and reimbursements of expenses arising from violations under this chapter to offset investigative, prosecutorial, and administrative costs of enforcing this chapter, after which any excess fines and penalties received in a fiscal year must be deposited into the general fund. The Attorney General shall issue an annual report to the President of the Senate, the Speaker of the House, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, and the Chairman of the House Labor, Commerce and Industry Committee. This report shall include the total amount of civil penalties collected by the Attorney General's Office for violations of the Commodities Code, the amount of restitution and disgorgement ordered to be paid for violations of the Commodities Code, the amount of fines and penalties retained by the Attorney General's Office pursuant to this section, and the amount of excess fines and penalties that were deposited into the general fund pursuant to this section.

SECTION 15. Chapter 73, Title 39 of the S.C. Code is amended by adding:

Article 4

Severability Clause

Section 39-73-400. If any provision of this chapter or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 16. Section 39-73-355 of the S.C. Code is repealed.

SECTION 17. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date

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of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 18. 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 19. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 45; Nays 0

AYES

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

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Talley
Verdin

Tedder
Williams

Turner
Young

Total--45

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

Message from the House

Columbia, S.C., May 8, 2024

Mr. President and Senators:

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

H. 5100 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

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

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

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NONCONCURRENCE

H. 5100 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator PEELER explained the amendments.

On motion of Senator PEELER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 8, 2024

Mr. President and Senators:

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

H. 5101 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2023-2024, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

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

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The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

NONCONCURRENCE

H. 5101 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2023-2024, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The House returned the Resolution with amendments, the question being concurrence in the House amendments.

Senator PEELER explained the amendments.

On motion of Senator PEELER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 10:30 A.M.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 8, 2024, at 10:00 A.M. and the following Acts and Joint Resolutions were ratified:

(R129, S. 621) -- Senators Reichenbach, Stephens, Cromer, Kimbrell, M. Johnson, Fanning, Setzler, Bennett, Shealy, Rice, Williams, Allen, Garrett, Loftis, Sabb and Gustafson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 79 TO TITLE 39 SO AS TO CREATE THE "SOUTH CAROLINA-IRELAND TRADE COMMISSION", TO PROVIDE FOR THE MEMBERS OF THE TRADE COMMISSION, AND TO ESTABLISH THE DUTIES OF THE COMMISSION.

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(R130, S. 845) -- Senators Rankin, Sabb, Talley and Malloy: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-3-108, RELATING TO PROBATE, TESTACY, APPOINTMENT PROCEEDINGS, AND ULTIMATE TIME LIMIT, SO AS TO ALLOW APPROPRIATE APPOINTMENT PROCEEDINGS IN RELATION TO AN INDIVIDUAL'S ESTATE, REGARDLESS OF THE INDIVIDUAL'S DATE OF DEATH, FOR THE SOLE PURPOSE OF ALLOWING A CLAIM TO BE MADE PURSUANT TO THE "SERGEANT FIRST CLASS HEATH ROBINSON HONORING OUR PROMISE TO ADDRESS COMPREHENSIVE TOXICS ACT OF 2022".

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(R131, S. 916) -- Senator Cromer: AN ACT TO AMEND SECTION 1(C) OF ACT 485 OF 1998, RELATED TO THE NEWBERRY COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT ALL PERSONS DESIRING TO QUALIFY AS A CANDIDATE FOR THE BOARD OF TRUSTEES MUST FILE A STATEMENT OF INTENTION OF CANDIDACY WITH THE COUNTY ELECTION COMMISSION INSTEAD OF FILING A PETITION.

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(R132, S. 971) -- Senator Hutto: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-100, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BARNWELL COUNTY, SO AS TO IDENTIFY THE VOTING PLACE FOR CERTAIN PRECINCTS.

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(R133, S. 972) -- Senator Garrett: AN ACT TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF TRUSTEES IN GREENWOOD COUNTY SCHOOL DISTRICT 50, SO AS TO REAPPORTION THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH THE TRUSTEES ARE ELECTED, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THESE REAPPORTIONED DISTRICTS.

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(R134, S. 1025) -- Senators Young, Massey, Setzler and Hutto: AN ACT TO AMEND ACT 588 OF 1986, AS AMENDED, RELATING TO THE ESTABLISHMENT OF SINGLE-MEMBER ELECTION DISTRICTS FOR THE SCHOOL BOARD OF AIKEN COUNTY, SO AS TO REAPPORTION THE DISTRICTS BEGINNING WITH THE SCHOOL BOARD ELECTIONS IN 2024, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS MAY BE FOUND, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REAPPORTIONED ELECTION DISTRICTS.
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(R135, S. 1047) -- Senator Hutto: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-53-610, RELATING TO DENMARK TECHNICAL COLLEGE AREA COMMISSION MEMBERS, SO AS TO PROVIDE THAT THE MANNER BY WHICH COMMISSIONERS ARE APPOINTED SHALL BE BY APPOINTMENT OF THE GOVERNOR UPON THE RECOMMENDATION OF A MAJORITY OF THE MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING ALLENDALE, BAMBERG, AND BARNWELL COUNTIES.
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(R136, S. 1126) -- Senators Kimbrell, Peeler, Rice, M. Johnson, Adams, Climer, Garrett, Cash, Young, Alexander, Reichenbach, Shealy, Grooms, Cromer, Turner, Loftis, Fanning, Gustafson, Goldfinch, Massey, Campsen, Bennett, Martin, Corbin and Verdin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO VOTER QUALIFICATIONS, SO AS TO PROVIDE THAT ONLY A CITIZEN OF THE UNITED STATES AND OF THIS STATE OF THE AGE OF EIGHTEEN AND UPWARDS WHO IS PROPERLY REGISTERED IS ENTITLED TO VOTE AS PROVIDED BY LAW.
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(R137, S. 1266) -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE WORKERS' COMPENSATION COMMISSION, RELATING TO PAYMENT OF COMPENSATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5266, PURSUANT TO THE PROVISIONS OF ARTICLE

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1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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(R138, S. 1285) -- Senator Malloy: AN ACT TO AMEND ACT 259 OF 1961, RELATING TO THE HARTSVILLE COMMUNITY CENTER BUILDING COMMISSION, SO AS TO INCREASE THE COMMISSION'S MEMBERSHIP FROM THREE TO FIVE MEMBERS AND TO DELETE REFERENCES TO INITIAL BOARD MEMBERS.

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(R139, H. 3121) -- Reps. Hyde, Carter, B. Newton, Neese, T. Moore, Pope, Bauer, Davis, M.M. Smith, Willis, Brewer, Robbins, Felder, Stavrinakis, Wetmore and Caskey: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO A PROPERTY OWNER WHO ENCUMBERS HIS PROPERTY WITH A PERPETUAL RECREATIONAL TRAIL EASEMENT.

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(R140, H. 3248) -- Reps. Collins and Carter: AN ACT TO AMEND ACT 609 OF 1984, AS AMENDED, RELATING TO REIMBURSEMENT FOR EXPENSES INCURRED IN PERFORMANCE OF OFFICIAL DUTIES OF SCHOOL BOARD TRUSTEES, SO AS TO ALLOW THE BOARD TO DETERMINE THE STIPEND AMOUNT.

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(R141, H. 3255) -- Reps. Jefferson, Henegan, Anderson, Sandifer, Rivers and Gilliard: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-63-110 SO AS TO PROHIBIT ISSUERS OF INDIVIDUAL LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38-65-130 SO AS TO PROHIBIT ISSUERS OF GROUP LIFE INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; BY ADDING SECTION 38-71-105 SO AS TO PROHIBIT ISSUERS OF DISABILITY INCOME INSURANCE POLICIES FROM DISCRIMINATING AGAINST LIVING ORGAN DONORS; AND BY ADDING SECTION 38-72-110 SO AS TO PROHIBIT ISSUERS OF

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LONG-TERM CARE INSURANCE POLICIES FROM
DISCRIMINATING AGAINST LIVING ORGAN DONORS.
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(R142, H. 3295) -- Reps. Collins, Erickson, Bradley and Alexander:
AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS
BY ADDING SECTION 59-1-210 SO AS TO PROVIDE NECESSARY
DEFINITIONS; BY ADDING SECTION 59-39-290 SO AS TO
DIRECT THE STATE BOARD OF EDUCATION TO ADOPT,
ESTABLISH, AND PROMULGATE NECESSARY RULES AND
REGULATIONS; BY ADDING SECTION 59-19-360 SO AS TO
PROVIDE A PROCESS FOR EXEMPTING COMPETENCY-BASED
SCHOOLS FROM CERTAIN APPLICABLE LAWS AND
REGULATIONS, TO PROVIDE REQUIREMENTS FOR
IMPLEMENTING COMPETENCY-BASED EDUCATION IN
SCHOOLS, AND TO PROVIDE RELATED REQUIREMENTS FOR
THE STATE DEPARTMENT OF EDUCATION AND THE
COMMISSION ON HIGHER EDUCATION; BY AMENDING
SECTION 59-1-425, RELATING TO THE STATUTORY ANNUAL
SCHOOL CALENDAR AND INSTRUCTION TIME
REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES;
AND BY AMENDING SECTION 59-39-100, RELATING TO
REQUIRED UNITS FOR A HIGH SCHOOL DIPLOMA, SO AS TO
MAKE CONFORMING CHANGES.
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(R143, H. 3309) -- Reps. Gilliam, Pope, Erickson, Bradley, Davis,
Caskey and M.M. Smith: AN ACT TO AMEND THE SOUTH
CAROLINA CODE OF LAWS BY ENACTING THE "SEIZURE
SAFE SCHOOLS ACT" BY ADDING SECTION 59-10-215 SO AS TO
PROVIDE EACH SCHOOL DISTRICT AND CHARTER SCHOOL
SHALL ADOPT A SEIZURE TRAINING PROGRAM AND TO
PROVIDE THE PURPOSES AND REQUIREMENTS OF THE
PROGRAMS; AND BY AMENDING SECTION 59-63-80,
RELATING TO INDIVIDUAL HEALTH CARE PLANS FOR
STUDENTS WITH SPECIAL HEALTH CARE NEEDS, SO AS TO
MAKE CONFORMING CHANGES.
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(R144, H. 3355) -- Reps. Moss and Lawson: AN ACT TO AMEND
THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION

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56-5-4072 SO AS TO PROVIDE THE CIRCUMSTANCES IN WHICH VEHICLE OPERATORS UTILIZING FIFTH WHEEL ASSEMBLIES MAY TOW AN ADDITIONAL TRAILING VEHICLE.
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(R145, H. 3518) -- Reps. Felder and Williams: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO THE SUSPENSION OF LICENSES OR PERMITS OR THE DENIAL OF ISSUANCE OF LICENSES OR PERMITS TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE PERSONS, AFTER THE ISSUANCE OF NOTICES OF SUSPENSIONS, MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, TO PROVIDE THE PERIOD OF TIME THE IGNITION INTERLOCK MUST BE MAINTAINED ON TEMPORARY ALCOHOL LICENSES, TO PROVIDE THE CIRCUMSTANCES WHEN PERSONS CAN OBTAIN TEMPORARY ALCOHOL LICENSES WITHOUT INTERLOCK RESTRICTIONS, AND TO PROVIDE, IF SUSPENSIONS ARE UPHeld, THE PERSONS MUST ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM; AND BY AMENDING SECTION 56-5-2951, RELATING TO SUSPENSIONS OF LICENSES FOR THE REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN ALCOHOL CONCENTRATIONS, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE PERSONS MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AFTER THE ISSUANCE OF THE NOTICES OF SUSPENSION, TO PROVIDE FEES ASSESSED UNDER THIS PROVISION MUST BE HELD IN TRUST UNTIL THE FINAL DISPOSITIONS OF CONTESTED HEARINGS, TO PROVIDE IF SUSPENSIONS ARE UPHeld AT CONTESTED HEARINGS, THE PERSONS MUST ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND TO PROVIDE IF THE SUSPENSIONS ARE OVERTURNED, THE FEES MUST BE REIMBURSED TO THE PERSONS AND THEIR DRIVING PRIVILEGES MUST BE REINSTATED.
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(R146, H. 3563) -- Reps. Cobb-Hunter, Pace, Collins, Bauer, Dillard, W. Jones, Wheeler, Hart, J.L. Johnson, Henegan, Williams, Trantham, Oremus, Cromer, Beach and Henderson-Myers: AN ACT TO AMEND

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THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO PROVIDE FOR AN EXEMPTION FOR FEMININE HYGIENE PRODUCTS.
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(R147, H. 3592) -- Reps. Hyde and Carter: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO REMOVE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-43-86, RELATING TO COMPOUNDING OF MEDICATIONS BY PHARMACIES, SO AS TO REVISE REQUIREMENTS FOR COMPOUNDING PHARMACIES; BY AMENDING SECTION 40-43-87, RELATING TO NUCLEAR/RADIOLOGIC PHARMACY PRACTICES, SO AS TO REMOVE REQUIREMENTS CONCERNING NUCLEAR PHARMACY FACILITIES; BY AMENDING SECTION 40-43-88, RELATING TO STANDARDS FOR PREPARATION, LABELING, AND DISTRIBUTION OF STERILE PRODUCTS BY PHARMACIES, SO AS TO REMOVE CERTAIN STANDARDS; BY ADDING SECTION 40-43-197 SO AS TO PROVIDE PERSONS OR ENTITIES AUTHORIZED TO DISPENSE DRUGS MAY ACQUIRE CERTAIN DRUGS COMPOUNDED OR REPACKAGED BY AN OUTSOURCING FACILITY DIRECTLY FROM THE OUTSOURCING FACILITY WITHOUT AN ORDER AND MAY DISPENSE THE DRUGS TO THE SAME EXTENT AS AUTHORIZED FOR OTHER AUTHORIZED MEANS; AND TO PROVIDE THE BOARD OF PHARMACY MUST PROMULGATE CERTAIN RELATED REGULATIONS.
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(R148, H. 3608) -- Reps. Hixon, Bailey and Brittain: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-39-260, RELATING TO RECORDS OF SALES OR CONVEYANCES AND RESULTING CHANGES IN DUPLICATES AND ENDORSEMENT OF DEEDS BY AUDITORS, SO AS TO PROVIDE GUIDELINES FOR THE RECORDS OF COUNTY REAL PROPERTY SALES AND TO REMOVE COUNTY AUDITOR FEES; BY AMENDING SECTION 30-5-120, RELATING TO THE VALIDATION OF CERTAIN CONVEYANCES NOT ENDORSED BY A COUNTY AUDITOR, SO AS TO PROVIDE

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THAT ANY CONVEYANCE MEETING THE STATUTORY PREREQUISITES FOR RECORDING ARE VALID AND BINDING; BY REPEALING SECTION 30-5-80 RELATING TO THE REQUIREMENT OF THE AUDITOR'S ENDORSEMENT BEFORE THE RECORDATION OF DEEDS; AND BY REPEALING SECTION 8-21-130 RELATING TO FEES COLLECTED BY COUNTY AUDITORS FOR AN ENDORSEMENT ON A DEED.
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(R149, H. 3811) -- Rep. Elliott: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3585, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO PROVIDE FOR AN INCREASE IN THE AGGREGATE CREDIT FROM NINE MILLION TO TWELVE MILLION DOLLARS FOR TAX YEARS AFTER 2022.
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(R150, H. 3880) -- Reps. M.M. Smith, Herbkersman, Davis, Elliott, B.J. Cox, B.L. Cox and Pace: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-21-2420, RELATING TO THE ADMISSIONS TAX, SO AS TO PROVIDE THAT NO TAX MAY BE CHARGED OR COLLECTED ON ANNUAL OR MONTHLY DUES PAID TO A GOLF CLUB.
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(R151, H. 3992) -- Reps. Blackwell, McGinnis, Sandifer, Ligon, Cromer, Magnuson, White, Pace and Burns: AN ACT 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 SPECIFIED ANNUAL STATUTORY RATE, AND TO PROVIDE FOR THE AUTOMATIC REVERSION OF THIS RATE UPON FAILURE TO TIMELY COMPLY WITH THE PAYMENT AGREEMENT.
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(R152, H. 4002) -- Reps. G.M. Smith, W. Newton, Hiott, Davis, B. Newton, Erickson, Bannister, Haddon, Sandifer, Thayer, Hixon, Carter, Robbins, Blackwell, Forrest and Pope: AN ACT TO AMEND THE

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SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CAPTAIN ROBERT JOHNSON ACT" BY ADDING SECTION 24-3-980 SO AS TO PROVIDE IT IS UNLAWFUL FOR INMATES UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS TO POSSESS TELECOMMUNICATION DEVICES UNLESS AUTHORIZED BY THE DIRECTOR, TO DEFINE THE TERM "TELECOMMUNICATION DEVICE", AND TO PROVIDE PENALTIES.

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(R153, H. 4042) -- Reps. Bernstein, Gilliard, Wheeler, Wetmore, King, Howard, Henegan, Stavrinakis, Bauer, Rutherford, W. Newton, Jordan, Pope, Bannister, J.E. Johnson, Brittain, Elliott and Jefferson: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 27 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE A FRAMEWORK IN WHICH ANTISEMITISM IS CONSIDERED REGARDING ALL LAWS PROHIBITING DISCRIMINATORY ACTS.

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(R154, H. 4113) -- Reps. Herbkersman, Sandifer, Jefferson, M.M. Smith, Kirby and Gilliard: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 9 TO CHAPTER 6 OF TITLE 44 SO AS TO CREATE AN AMBULANCE ASSESSMENT FEE FOR PRIVATE AMBULANCE SERVICES; TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND CHARGE AMBULANCE SERVICES A UNIFORM FEE; TO ESTABLISH AN AMBULANCE FEE TRUST FUND AND TO PROVIDE FOR THE AUTHORIZED USES OF THE FUND; TO ALLOW THE DEPARTMENT TO IMPOSE PENALTIES AGAINST AMBULANCE SERVICES THAT FAIL TO PAY ASSESSED FEES; AND FOR OTHER PURPOSES.

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(R155, H. 4333) -- Reps. M.M. Smith, King, Davis, Pace, B.L. Cox, McDaniel, Henderson-Myers and Weeks: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-37-20, RELATING TO DEFINITIONS CONCERNING THE PRACTICE OF OPTOMETRY, SO AS TO PROVIDE A NECESSARY DEFINITION; AND BY AMENDING SECTION 40-37-320,

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RELATING TO SITE AND SERVICE LIMITATIONS ON MOBILE OPTOMETRY UNITS AND CERTAIN ASSOCIATED DISCIPLINARY ACTION LIMITATIONS, SO AS TO INCLUDE CERTAIN SITES OF ORGANIZATIONS THAT SERVE CHILDREN FROM LOW-INCOME COMMUNITIES DURING THE SUMMER.
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(R156, H. 4349) -- Rep. Bannister: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-53-1500, RELATING TO THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO REMOVE OBSOLETE REFERENCES, TO REVISE RESIDENCY REQUIREMENTS FOR CERTAIN COMMISSION SEATS, AND TO REVISE THE ABSENCE POLICY FOR COMMISSION MEMBERS, AMONG OTHER THINGS.
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(R157, H. 4376) -- Reps. B.J. Cox, M.M. Smith, Caskey, T. Moore, Wooten, J.L. Johnson, Davis, Sessions, Guffey, Ligon, O'Neal, Pope, Hart and J. Moore: AN ACT 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.
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(R158, H. 4387) -- Rep. Forrest: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-13-230,

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RELATING TO STRIPED BASS LIMITS, SO AS TO INCLUDE REFERENCES TO HYBRID BASS.
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(R159, H. 4612) -- Reps. Hixon, Pope, Chapman, Taylor, Hartnett, Hardee, Brewer, Robbins, Gatch, Murphy, Connell, Mitchell, Hager, Caskey, Forrest, Wooten, Elliott, B.J. Cox and Bannister: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 55-3-110, RELATING TO HUNTING ANIMALS FROM AIRCRAFT, SO AS TO PROVIDE PERSONS POSSESSING A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES MAY HUNT FROM AIRCRAFT; AND BY ADDING SECTION 50-11-1190 SO AS TO PROVIDE THE DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE TAKING OF FERAL HOGS WHILE AIRBORNE IN A HELICOPTER UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION.
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(R160, H. 4642) -- Reps. Mitchell, Gilliam, Pope, Sessions, Caskey and Hart: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-1-20, RELATING TO THE ACCEPTANCE OF ACT OF CONGRESS, SO AS TO DISALLOW CONFLICTS; BY AMENDING SECTION 25-1-40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO REMOVE PROVISIONS; BY AMENDING SECTION 25-1-2420, RELATING TO THE MILITARY CODE DEFINITIONS, SO AS TO REVISE THE DEFINITION OF "MILITARY FORCES"; BY AMENDING SECTION 25-1-2430, RELATING TO PERSONS SUBJECT TO CODE OF MILITARY JUSTICE, SO AS TO PROVIDE FOR WHAT JURISDICTION DUTY STATUS INCLUDES; BY AMENDING SECTION 25-1-2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO PROVIDE THAT A CERTAIN DELEGATION MAY BE MADE; BY AMENDING SECTION 25-1-2530, RELATING TO TYPES OF COURTS-MARTIAL, SO AS TO PROVIDE FOR WHOM A SPECIAL COURT-MARTIAL CONSISTS; BY AMENDING SECTION 25-1-2550, RELATING TO THE JURISDICTION OF GENERAL COURTS-MARTIAL, SO AS TO REMOVE FORFEITURE OF PAY; BY AMENDING SECTION 25-1-2560,

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RELATING TO THE JURISDICTION OF SPECIAL COURTS-MARTIAL, SO AS TO REMOVE FORFEITURE OF PAY; BY AMENDING SECTION 25-1-2570, RELATING TO THE JURISDICTION OF SUMMARY COURTS-MARTIAL, SO AS TO PROVIDE FOR PUNISHMENTS; BY AMENDING SECTION 25-1-2620, RELATING TO DETAIL AND DESIGNATION OF MILITARY JUDGES, SO AS TO PROVIDE THE AUTHORITY CONVENING A SUMMARY COURT-MARTIAL; BY AMENDING SECTION 25-1-2765, RELATING TO VOTING AND RULINGS, SO AS TO REMOVE CERTAIN REFERENCES TO THE PRESIDENT OF A COURT MARTIAL; BY AMENDING SECTION 25-1-2780, RELATING TO RECORD OF TRIAL, SO AS TO INCLUDE THE ADJUTANT GENERAL; BY AMENDING SECTION 25-1-2795, RELATING TO FORFEITURE OF PAY, SO AS TO REMOVE THE SENTENCE OF FORFEITURE OF PAY; BY AMENDING SECTION 25-1-2805, RELATING TO THE REDUCTION IN PAY GRADE AND THE RESTORATION OF BENEFITS, SO AS TO INCLUDE THE ADJUTANT GENERAL; BY AMENDING SECTION 25-1-2865, RELATING TO THE REMISSION OR SUSPENSION OF A SENTENCE, SO AS TO REPLACE FORFEITURES WITH FINES; BY AMENDING SECTION 25-1-2985, RELATING TO THE IMPROPER USE OR DISCLOSURE OF PAROLE OR COUNTERSIGN, SO AS TO INCLUDE WHEN THE USE OF MILITARY FORCE HAS BEEN AUTHORIZED BY CERTAIN INDIVIDUALS; BY AMENDING SECTION 25-1-3140, RELATING TO WRIT WHEN FINE HAS NOT BEEN PAID, SO AS TO UPDATE DATES; BY AMENDING SECTION 25-1-3145, RELATING TO WRIT OF SENTENCE OF CONFINEMENT, SO AS TO UPDATE DATES; AND BY AMENDING SECTION 25-1-3160, RELATING TO CONSTRUCTION OF CODE OF MILITARY JUSTICE, SO AS TO PROVIDE THAT THE UNIFORM CODE OF MILITARY JUSTICE IS NOT BINDING ON THE SOUTH CAROLINA CODE OF MILITARY JUSTICE.

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(R161, H. 4673) -- Reps. Erickson, Gilliam, Williams and Henegan:
AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-50, RELATING TO BEGINNERS' PERMITS, HOURS, AND CONDITIONS OF VEHICLE OPERATION, RENEWAL AND FEES, DRIVERS' TRAINING COURSES, AND ELIGIBILITY FOR FULL LICENSURE, SO AS TO

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MAKE TECHNICAL CHANGES, EXEMPT ADDITIONAL PERSONS FROM OBTAINING BEGINNERS' PERMITS BEFORE OPERATING CERTAIN MOTOR VEHICLES, TO PROVIDE CERTAIN PERSONS AT LEAST FIFTEEN YEARS OF AGE MUST HOLD A BEGINNER'S PERMIT BEFORE BEING ELIGIBLE FOR FULL LICENSURE, AND TO PROVIDE PERSONS AT LEAST EIGHTEEN YEARS OLD MAY TAKE THE DRIVING TEST AFTER MAINTAINING A BEGINNER'S PERMIT FOR AT LEAST THIRTY DAYS TO OPERATE CERTAIN MOTOR VEHICLES.

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(R162, H. 4720) -- Rep. Bannister: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2024-2025 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

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(R163, H. 4819) -- Reps. Felder, Bernstein and Calhoon: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-1960, RELATING IN PART TO PARKING PLACARDS FOR HANDICAPPED PERSONS, SO AS TO ALLOW APPLICANTS FOR HANDICAPPED PARKING PLACARDS TO PROVIDE A PHOTOGRAPH FOR THE PLACARD SUBJECT TO THE DEPARTMENT OF MOTOR VEHICLE'S APPROVAL.

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(R164, H. 4871) -- Reps. Haddon, Ligon and Forrest: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 47-9-420 SO AS TO PROHIBIT THE INTERFERENCE OR INTERACTION WITH FARM ANIMALS BEING TRANSPORTED BY A MOTOR VEHICLE WITHOUT PERMISSION.

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(R165, H. 4875) -- Reps. Ott, Brewer, Atkinson and Caskey: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-1910, RELATING TO THE SALE OF DEER OR DEER PARTS, SO AS TO ALLOW A PROCESSOR TO PROCESS A LEGALLY TAKEN DOE DONATED BY A HUNTER AND RECOVER THE FEES OF PROCESSING FROM SOMEONE

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OTHER THAN THE HUNTER WHO DONATED THE DOE, AND TO INCREASE PENALTIES.

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(R166, H. 4909) -- Reps. B. Newton, Neese, Mitchell and Yow: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REMOVE ONE PRECINCT AND REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.

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(R167, H. 4928) -- Reps. Davis, B.J. Cox, Hart, Jefferson, J. Moore, Caskey and Williams: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-10, RELATING TO THE ESTABLISHMENT OF THE 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.

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(R168, H. 4937) -- Reps. Collins, Hiott and Carter: AN ACT 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.

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(R169, H. 4953) -- Reps. B.J. Cox, Davis, M.M. Smith, Bustos, Hart, Williams, Henegan, Caskey, Jefferson, J. Moore and Rivers: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-11-80, RELATING TO STATE VETERANS' CEMETERIES, SO AS TO REMOVE A RESIDENCY REQUIREMENT.

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(R170, H. 5007) -- Reps. Caskey and Hixon: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-13-230, RELATING TO STRIPED BASS LIMITS, SO AS TO RESTRICT PERMITTED HOOK SIZE IN THE LOWER SALUDA RIVER.

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(R171, H. 5079) -- Rep. W. Newton: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.

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(R172, H. 5153) -- Reps. West, Thayer, Chapman, Beach, Gagnon and Cromer: AN ACT TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF TRUSTEES OF ANDERSON COUNTY SCHOOL DISTRICT 2, SO AS TO REPLACE THE TWO MULTI-MEMBER DISTRICTS WITH FOUR SINGLE-MEMBER RESIDENCY AREAS AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE RESIDENCY AREAS ARE DELINEATED.

L:\COUNCIL\ACTS\5153.DOCX

(R173, H. 5168) -- Reps. Connell, Mitchell, B. Newton and Wheeler: AN ACT TO AMEND ACT 930 OF 1970, AS AMENDED, RELATING TO THE SCHOOL DISTRICT BOARD OF TRUSTEES FOR KERSHAW COUNTY, SO AS TO REVISE THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD ARE ELECTED, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THESE DISTRICTS.

L:\COUNCIL\ACTS\5168.DOCX

(R174, H. 5231) -- Rep. Bamberg: AN ACT TO AMEND ACT 104 OF 2021, RELATING TO THE ESTABLISHMENT OF THE CONSOLIDATED BAMBERG COUNTY SCHOOL DISTRICT AND ITS NINE MEMBER BOARD OF TRUSTEES, SO AS TO PROVIDE

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THAT SEVEN MEMBERS OF THE BOARD ARE TO BE ELECTED FROM SINGLE-MEMBER DISTRICTS WHICH CORRESPOND WITH THE BAMBERG COUNTY COUNCIL DISTRICTS, AND TWO ADDITIONAL MEMBERS ARE TO BE ELECTED FROM THE COUNTY AT-LARGE.

L:\COUNCIL\ACTS\5231.DOCX

(R175, H. 5267) -- Rep. Forrest: AN ACT TO AMEND ACT 307 OF 2012, RELATING TO THE ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE SALUDA COUNTY SCHOOL DISTRICT MUST BE ELECTED, SO AS TO REAPPORTION THESE DISTRICTS, TO PROVIDE DEMOGRAPHIC INFORMATION IN REGARD TO THESE DISTRICTS, AND TO UPDATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED.

L:\COUNCIL\ACTS\5267.DOCX

(R176, H. 5395) -- Reps. B. Newton, Mitchell, Yow and Neese: AN ACT TO AMEND ACT 879 OF 1954, AS AMENDED, RELATING TO THE CREATION OF THE LANCASTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CLARIFY PER DIEM PROVISIONS APPLICABLE TO MEMBERS OF THE BOARD OF DIRECTORS AND TO DELETE THE REQUIREMENT THAT ALL UNENCUMBERED REVENUES FROM THE SYSTEM BE PAID OVER TO THE MUNICIPALITIES SERVED BY THE AUTHORITY AND TO PROVIDE THAT THESE FUNDS MUST BE USED INSTEAD TO EXPAND THE SYSTEM OR TO REDUCE CUSTOMER RATES.

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Motion Adopted

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

ADJOURNMENT

At 7:25 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:30 A.M.

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