

NO. 53

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

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WEDNESDAY, MAY 4, 2016  
(STATEWIDE SESSION)

**Wednesday, May 4, 2016**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The House assembled at 10:00 a.m.  
Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Isaiah 6:8: "Then I heard the voice of the Lord saying, 'Whom shall I send and who will go for us?' And I said, 'Here am I; send me!'"

Let us pray. We thank You, O Lord, for these Representatives and staff. You have called and they have answered to work in the vineyard of this earthly kingdom. Give them courage, wisdom, strength, and integrity as they labor for the good of the people of this State. Bless our Nation, President, State, Governor, Speaker, staff, and all who labor to produce results which will please You. Protect our defenders of freedom at home and abroad as they protect us. Heal the wounds, those seen and those hidden, of those who suffer and sacrifice for our freedom. Lord of grace, hear our prayers. Amen.

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

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

**MOTION ADOPTED**

Rep. RILEY moved that when the House adjourns, it adjourn in memory of Dr. Stuart Tinkler, which was agreed to.

**REPORTS OF STANDING COMMITTEE**

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 229 -- Senators Campbell and Turner: A BILL TO AMEND SECTION 48-1-90 OF THE 1976 CODE, RELATING TO REMEDIES FOR CAUSING OR PERMITTING POLLUTION OF THE ENVIRONMENT, TO CLARIFY THAT PERSONS WHO MAY FILE A PETITION WITH THE DEPARTMENT DOES NOT INCLUDE A

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DEPARTMENT, AGENCY, COMMISSION, DEPARTMENT, OR POLITICAL SUBDIVISION OF THE STATE, AND TO PROVIDE FOR DEPARTMENT DECISIONS THAT ARE NOT SUBJECT TO JUDICIAL REVIEW IN A CIVIL PROCEEDING; TO AMEND SECTION 6 OF ACT 198 OF 2012, RELATING TO THE SAVINGS CLAUSE, TO PROVIDE THAT THE SAVINGS CLAUSE OF ACT 198 APPLIES ONLY TO CASES FILED BEFORE JUNE 6, 2012, AND ANY FEDERAL PROJECT FOR WHICH A FINAL ENVIRONMENTAL IMPACT STATEMENT WAS ISSUED PRIOR TO JUNE 6, 2012, BUT NO RECORD OF DECISION WAS ISSUED PRIOR TO JUNE 6, 2012.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3133 -- Reps. Rutherford, G. R. Smith and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-462 SO AS TO PROVIDE THAT A COUNTY SOLICITOR MUST PETITION THE FAMILY COURT TO REQUIRE A PERSON TO CONTINUE TO REGISTER AS A SEX OFFENDER WHO IS A REGISTERED JUVENILE SEX OFFENDER, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE, OR HAS BEEN RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE PERSON MUST CONTINUE TO REGISTER AS A SEX OFFENDER IF THE FAMILY COURT DETERMINES THAT HE IS LIKELY TO OR POSES AN ONGOING THREAT TO THE PUBLIC, AND TO PROVIDE THAT IF NO PETITION IS FILED WITHIN NINETY DAYS FOLLOWING THE TWENTY-FIRST BIRTHDAY OF THE PERSON OR THE DATE OF HIS RELEASE FROM CUSTODY, OR IF THE FAMILY COURT DETERMINES THAT THE PERSON IS NOT LIKELY TO OR DOES NOT POSE A THREAT TO THE PUBLIC, THEN THE PERSON IS NO LONGER REQUIRED TO REGISTER AS A SEX OFFENDER AND HIS INFORMATION MUST BE DELETED FROM THE SEX OFFENDER REGISTRY.

Ordered for consideration tomorrow.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5311 -- Reps. Clary, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE MRS. LUCILLE GARRETT OF PICKENS COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5312 -- Reps. Anthony, Alexander, Allison, Anderson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse,

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Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA ASPHALT PAVEMENT ASSOCIATION ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO EXTEND BEST WISHES TO THE ORGANIZATION FOR CONTINUED SUCCESS IN THE YEARS AHEAD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5313 -- Rep. Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR GUNNERY SERGEANT LIXANDER HENRY, MARINE CORPS JUNIOR RESERVE OFFICER TRAINING CORPS INSTRUCTOR AT CHERAW HIGH SCHOOL, FOR HIS SERVICE TO OUR COUNTRY AND FOR THE SIGNIFICANT CONTRIBUTIONS HE HAS MADE INSTILLING A STANDARD OF EXCELLENCE AND PATRIOTISM IN STUDENTS ENROLLED IN THE PROGRAM.

The Resolution was adopted.

**ROLL CALL**

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

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bannister	Bingham
Bowers	Bradley	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Corley	H. A. Crawford	Crosby

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Daning	Delleney	Dillard
Duckworth	Erickson	Felder
Finlay	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Horne	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Murphy
Nanney	Newton	Norman
Ott	Parks	Pitts
Pope	Putnam	Ridgeway
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Tinkler	Weeks	Wells
Williams	Willis	Yow

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, May 4.

Justin Bamberg	Eric Bedingfield
Beth Bernstein	Douglas "Doug" Brannon
MaryGail Douglas	Dan Hamilton
Ralph Kennedy	David Mack
Harold Mitchell	V. Stephen Moss
Joseph Neal	Mandy Powers Norrell
Richard "Rick" Quinn	McLain R. "Mac" Toole
Jackson "Seth" Whipper	Brian White
William R. "Bill" Whitmire	

**Total Present--119**

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**STATEMENTS OF ATTENDANCE**

Reps. J. E. SMITH and QUINN signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, May 3.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. R. SMITH a leave of absence for the day.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert J. Tiller of Greenwood was the Doctor of the Day for the General Assembly.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Rep. GAGNON presented to the House the Abbeville High School Boys Varsity Basketball Team, coaches, and other school officials.

**SPECIAL PRESENTATION**

Reps. G. M. SMITH, WEEKS, G. A. BROWN, NEAL and RIDGEWAY presented to the House the Wilson Hall Boys Cross Country Team, coaches, and other school officials.

**SPECIAL PRESENTATION**

Reps. G. M. SMITH, WEEKS, G. A. BROWN, NEAL and RIDGEWAY presented to the House the Wilson Hall Boys Golf Team, coaches, and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its

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

**CO-SPONSOR ADDED**

Bill Number: H. 3078  
Date: ADD:  
05/04/16 HILL

**CO-SPONSOR ADDED**

Bill Number: H. 3229  
Date: ADD:  
05/04/16 GILLIARD

**CO-SPONSORS ADDED**

Bill Number: H. 4037  
Date: ADD:  
05/04/16 HILL and PUTNAM

**CO-SPONSORS ADDED**

Bill Number: H. 5299  
Date: ADD:  
05/04/16 HORNE, COLE, JEFFERSON and WILLIS

**CO-SPONSOR REMOVED**

Bill Number: H. 5226  
Date: REMOVE:  
05/04/16 V. S. MOSS

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**SENT TO THE SENATE**

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

H. 5275 -- Reps. Whipper, Stavrinakis and McCoy: A BILL RELATING TO THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO REALIGN THE BOUNDARY BETWEEN CHARLESTON COUNTY CONSTITUENT DISTRICTS 4 AND 20.

**H. 5195--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5195 -- Reps. R. L. Brown, Gilliard and Tinkler: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE GOVERNANCE OF THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THOSE PROCEDURES WHICH THE DISTRICT BOARD OF TRUSTEES MUST FOLLOW TO CLOSE A RURAL SCHOOL, TO DEFINE "RURAL SCHOOL", TO REQUIRE THE BOARD TO DOCUMENT THAT ANY SUCH CLOSING MUST RESULT IN A REDUCTION IN THE OPERATING EXPENSES OF THE DISTRICT TRANSLATED INTO AN ESTIMATED PROPERTY TAX MILLAGE REDUCTION THAT MUST BE REFLECTED BEGINNING FOR THE FIRST PROPERTY TAX YEAR AFTER THE CLOSING DATE, TO REQUIRE THE BOARD TO CONDUCT THREE PUBLIC HEARINGS IN THE AFFECTED COMMUNITY TO RECEIVE PUBLIC COMMENTS, TO SPECIFY OTHER CONSIDERATIONS RELATING TO TRAVEL TIME AND ADDITIONAL TRAVEL EXPENSES AND THE OVERALL BENEFIT TO STUDENTS AND THE DISTRICT FROM CLOSING THE SCHOOL, TO REQUIRE THE BOARD TO PREPARE A COMPREHENSIVE REPORT ON THESE ISSUES BEFORE MAKING A DECISION ON THE CLOSING AND REQUIRE THIS REPORT, ON COMPLETION, TO BE FORWARDED TO EACH MEMBER OF THE LEGISLATIVE DELEGATION REPRESENTING THE CHARLESTON COUNTY SCHOOL DISTRICT.

Rep. GOLDFINCH proposed the following Amendment No. 1 to H. 5195 (COUNCIL\DKA\5195C001.DKA.SA16), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by adding an appropriately lettered subitem to read:

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/ ( )Notwithstanding the provisions of this item, a school may be closed immediately if it is determined that the health and public safety of the students are in immediate danger. /

Renumber sections to conform.  
Amend title to conform.

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

The question then recurred to the passage of the Bill.

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

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bowers
Bradley	G. A. Brown	R. L. Brown
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Corley	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Duckworth	Erickson	Felder
Finlay	Fry	Funderburk
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hixon	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Limehouse
Loftis	Long	Lucas
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	Murphy	Nanney
Newton	Norman	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley

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Rivers	Robinson-Simpson	Ryhal
Sandifer	G. M. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Thayer
Tinkler	Toole	Weeks
Wells	White	Whitmire
Williams	Willis	Yow

**Total--99**

Those who voted in the negative are:

**Total--0**

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

**RECORD FOR VOTING**

I was temporarily out of the Chamber, meeting with the Abbeville High School "Panthers", and missed the vote on H. 5195. If I had been present, I would have voted in favor of the Bill.

Rep. Craig Gagnon

**SPEAKER IN CHAIR**

**SENT TO THE SENATE**

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

S. 788 -- Senator Campsen: A BILL TO AMEND SECTION 48-39-150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL OF PERMITS TO ALTER CRITICAL AREAS, SO AS TO ENACT THE "MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT", BY EXEMPTING PROPERTY THAT IS DEEMED ELIGIBLE UNDER A UNITED STATES ARMY CORP OF ENGINEERS' GENERAL PERMIT FROM PERMITTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES AND GRANTING ENFORCEMENT AUTHORITY TO THE COASTAL DIVISION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

[HJ]

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**S. 277--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF "BASIC LOCAL EXCHANGE TELEPHONE SERVICE" AND "CARRIER OF LAST RESORT"; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58-9-2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON

[HJ]

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LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

Reps. SANDIFER, HIOTT, WHITMIRE, HILL, H. A. CRAWFORD, RYHAL, HARDEE, OTT, MERRILL, CROSBY, WELLS, JEFFERSON, BAMBERG and GAMBRELL requested debate on the Bill.

**S. 1272--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 1272 -- Senator Hayes: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF EDUCATION TO CARRY FORWARD CERTAIN FUNDS APPROPRIATED IN THE 2015-2016 GENERAL APPROPRIATIONS ACT REGARDING SUPPLEMENTAL SUPPORT OF PROGRAMS AND SERVICES FOR STUDENTS WITH DISABILITIES SO AS TO MEET THE ESTIMATED MAINTENANCE OF EFFORT FOR THE INDIVIDUALS WITH DISABILITIES ACT (IDEA).

Rep. BINGHAM explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bingham
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Corley	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Duckworth	Erickson
Felder	Finlay	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch

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Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hill
Hiott	Hixon	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
M. S. McLeod	W. J. McLeod	D. C. Moss
V. S. Moss	Murphy	Nanney
Newton	Norman	Ott
Parks	Pitts	Pope
Ridgeway	Riley	Rivers
Robinson-Simpson	Ryhal	Sandifer
Simrill	G. M. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Whipper	White
Whitmire	Williams	Willis
Yow		

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on S. 1272. If I had been present, I would have voted in favor of the Bill.

Rep. Donna Hicks

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**S. 780--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 780 -- Senators McElveen and Campsen: A BILL TO AMEND SECTION 50-13-1630 (A) THROUGH (D) OF THE 1976 CODE, RELATING TO THE SALE AND TRAFFICKING IN FISH, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE RELEASE OR STOCKING OF STERILE WHITE AMUR, GRASS CARP, OR GRASS CARP HYBRIDS IN THIS STATE AND TO UPDATE NECESSARY TERMS.

Rep. HIXON explained the Bill.

Reps. LOWE, WHITE, PITTS, HUGGINS, TOOLE, LOFTIS, YOW, SANDIFER, FRY, CLEMMONS, WHITMIRE, RYHAL and HIXON requested debate on the Bill.

**S. 916--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 916 -- Senators Malloy, Fair and M. B. Matthews: A BILL TO AMEND SECTION 63-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JUVENILE JUSTICE CODE DEFINITIONS, SO AS TO PROVIDE THAT A "CHILD" OR "JUVENILE" MEANS A PERSON LESS THAN EIGHTEEN YEARS OF AGE, DOES NOT MEAN A PERSON SEVENTEEN YEARS OF AGE OR OLDER WHO IS CHARGED WITH A VIOLENT CRIME, AND THAT A PERSON SIXTEEN YEARS OF AGE WHO IS CHARGED WITH A CLASS A, B, C, OR D FELONY OR A FELONY WHICH PROVIDES FOR A MAXIMUM TERM OF IMPRISONMENT OF FIFTEEN YEARS OR MORE MUST BE PROVIDED THE RIGHT TO HAVE THE CASE REMANDED TO FAMILY COURT; AND TO AMEND SECTION 63-19-1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OVER A CASE INVOLVING A CHILD, SO AS TO PROVIDE THAT IF A CHILD WAS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME OF COMMITTING AN ALLEGED OFFENSE, THE CIRCUIT COURT SHALL TRANSFER THE CASE TO FAMILY COURT, THAT IF A CHILD BELOW EIGHTEEN YEARS OF AGE IS CHARGED WITH AN OFFENSE

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WHICH, IF COMMITTED BY AN ADULT, WOULD BE A VIOLENT CRIME, THE COURT MAY RETAIN JURISDICTION, AND THAT IF A CHILD UNDER THE AGE OF EIGHTEEN IS CHARGED WITH CERTAIN OFFENSES, THE COURT MAY BIND OVER THE CHILD TO A COURT WHICH WOULD HAVE TRIAL JURISDICTION OF THE OFFENSES IF COMMITTED BY AN ADULT.

Rep. WEEKS proposed the following Amendment No. 1 to S. 916 (COUNCIL\BH916C001.BH.VR16), which was adopted:

Amend the bill, as and if amended, by striking SECTION 12 in its entirety and inserting:

/SECTION 12. Section 10 of this act takes effect upon approval by the Governor. Sections 1 through 9 and Section 11 of this act take effect on July 1, 2019, contingent upon the Department of Juvenile Justice having received any funds that may be necessary for implementation. If the report submitted to the General Assembly on September 1, 2017, reflects any additional funds needed by the Department of Juvenile Justice to ensure implementation will be possible on July 1, 2019, the department shall include these funds in its budget requests to the General Assembly as part of Fiscal Years 2017-2018 and 2018-2019. Beginning on September 1, 2017, all state and local agencies and courts involved with the implementation of the provisions of this act may begin undertaking and executing any and all applicable responsibilities so that the provisions of this act may be fully implemented on July 1, 2019. /

Re-number sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Atwater
Ballentine	Bamberg	Bannister
Bedingfield	Bernstein	Bingham
Bowers	Bradley	Brannon

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G. A. Brown	R. L. Brown	Clary
Clemmons	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Duckworth	Erickson	Felder
Finlay	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hamilton	Hardee	Hart
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hiott	Hixon	Horne
Huggins	Jefferson	Johnson
Jordan	King	Kirby
Knight	Loftis	Long
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
V. S. Moss	Murphy	Nanney
Newton	Norman	Norrell
Parks	Pitts	Pope
Putnam	Quinn	Ridgeway
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Thayer	Tinkler
Toole	Weeks	Wells
Whipper	White	Whitmire
Williams	Willis	Yow

**Total--102**

Those who voted in the negative are:

**Total--0**

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

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**OBJECTION TO RECALL**

Rep. FUNDERBURK asked unanimous consent to recall S. 1233 from the Committee on Ways and Means.

Rep. PITTS objected.

**H. 5299--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. G. M. SMITH, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 5299 -- Reps. G. M. Smith, J. E. Smith, Herbkersman, Huggins, Merrill, Anderson, Spires, McCoy, Limehouse, Collins, Stavrinakis, Bernstein, Riley, Bannister, Finlay, Weeks, Bingham, Rutherford, Kennedy, Newton, Horne, Cole, Jefferson and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-445 SO AS TO GIVE THE GOVERNOR AUTHORITY IN TIMES OF EMERGENCY TO MAKE CERTAIN ACCOMMODATIONS FOR A PERSON TRANSPORTING GOODS, AND TO PROVIDE FOR A CERTIFICATION SYSTEM.

**OBJECTION TO RECALL**

Rep. HIOTT asked unanimous consent to recall S. 139 from the Committee on Judiciary.

Rep. BRANNON objected.

**OBJECTION TO RECALL**

Rep. ATWATER asked unanimous consent to recall H. 4793 from the Committee on Judiciary.

Rep. DELLENEY objected.

**OBJECTION TO RECALL**

Rep. GILLIARD asked unanimous consent to recall H. 4430 from the Committee on Labor, Commerce and Industry.

Rep. FINLAY objected.

**OBJECTION TO RECALL**

Rep. COBB-HUNTER asked unanimous consent to recall H. 3031 from the Committee on Labor, Commerce and Industry.

Rep. SANDIFER objected.

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**H. 3184--DEBATE ADJOURNED**

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

H. 3184 -- Reps. Pope, Cole, Anderson, Bales, G. A. Brown, Burns, Finlay, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Bernstein, Long, Douglas, Henderson, G. M. Smith, G. R. Smith, McCoy, McKnight, Clary, M. S. McLeod, Thayer, W. J. McLeod, Weeks, J. E. Smith and Stavrinakis: A BILL TO AMEND SECTION 8-13-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE ETHICS COMMISSION AND ITS MEMBERSHIP, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION EFFECTIVE JULY 1, 2015, TO CONSIST OF FOUR MEMBERS APPOINTED BY THE GOVERNOR, FOUR MEMBERS ELECTED BY THE SUPREME COURT, TWO MEMBERS ELECTED BY THE HOUSE OF REPRESENTATIVES, AND TWO MEMBERS ELECTED BY THE SENATE, RESPECTIVELY, TO PROVIDE FOR THE QUALIFICATIONS OF THESE MEMBERS, TO PROVIDE FOR OFFICERS OF THE COMMISSION, AND TO PROVIDE FOR THE MEMBERS' TERMS OF OFFICE AND MANNER OF THEIR REMOVAL UNDER CERTAIN CONDITIONS; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO REVISE THESE DUTIES, POWERS, AND PROCEDURES INCLUDING PROVISIONS TO VEST WITH THE COMMISSION THE ADDITIONAL RESPONSIBILITY TO INITIATE OR RECEIVE COMPLAINTS AGAINST MEMBERS OF THE GENERAL ASSEMBLY, ITS STAFF, AND CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, TO INITIATE OR RECEIVE COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM AND THEIR STAFFS, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST GENERAL ASSEMBLY MEMBERS, STAFF, AND CANDIDATES PURSUANT TO SPECIFIED PROCEDURES AND FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE APPROPRIATE HOUSE OR SENATE ETHICS COMMITTEES FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THERE IS

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PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OR THEIR STAFF PURSUANT TO SPECIFIED PROCEDURES AND, AFTER INVESTIGATION, FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE COMMISSION ON JUDICIAL CONDUCT AND THE SUPREME COURT FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED; TO AMEND SECTIONS 8-13-530 AND 8-13-540, BOTH AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES, SO AS TO REVISE THESE DUTIES, FUNCTIONS, AND PROCEDURES IN ORDER TO BE CONSISTENT WITH THE ABOVE PROVISIONS AND TO MAKE OTHER CHANGES; BY ADDING SECTION 8-13-545 SO AS TO AUTHORIZE THE HOUSE OR SENATE ETHICS COMMITTEES TO ISSUE FORMAL ADVISORY OPINIONS AND PROVIDE FOR THEIR EFFECT AND APPLICABILITY; AND BY ADDING ARTICLE 6 TO CHAPTER 13, TITLE 8 SO AS TO PROVIDE FOR JUDICIAL COMPLAINT PROCEDURES IN REGARD TO THE ABOVE PROVISIONS.

Rep. DELLENEY moved to adjourn debate upon the Senate Amendments until Tuesday, May 17, which was agreed to.

**H. 3186--DEBATE ADJOURNED**

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

H. 3186 -- Reps. Finlay, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G. R. Smith, G. M. Smith, McCoy, Clary, J. E. Smith, W. J. McLeod, Weeks, Whipper, Hicks, Atwater, Ballentine and Stavrinakis: A BILL TO AMEND SECTION 8-13-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO ETHICS AND GOVERNMENT ACCOUNTABILITY, SO AS TO REVISE THE DEFINITION OF "BUSINESS WITH WHICH HE IS ASSOCIATED"; AND TO AMEND SECTION 8-13-1120, AS

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AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS.

Rep. DELLENEY moved to adjourn debate upon the Senate Amendments until Tuesday, May 17, which was agreed to.

**H. 4717--SENATE AMENDMENTS CONCURRED IN AND  
BILL ENROLLED**

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

H. 4717 -- Reps. White, Lucas, Hiott, Simrill, G. M. Smith, Lowe, Whitmire, Taylor, George, V. S. Moss, J. E. Smith, M. S. McLeod, Bowers, Corley, Parks, McKnight, Douglas, Knight, Erickson, Sandifer, Willis, Kirby, Clary, Cobb-Hunter, Hardee, Duckworth, Johnson, Limehouse, Clyburn, Bales, Horne, Stavrinakis, Hayes, Yow, Neal, Kennedy, Newton, Tinkler, Riley, Howard, King, Henegan, Williams, Anthony, Clemmons, Crosby, Cole, Daning, Dillard, Forrester, Funderburk, Gambrell, Herbkersman, Hixon, Hosey, Loftis, Long, Pitts, Rivers, Rutherford, Ryhal, G. R. Smith, Wells, W. J. McLeod, Ridgeway, G. A. Brown, Bamberg, Hodges, Alexander, Thayer, McEachern, Gagnon, Whipper, R. L. Brown, Jefferson, Anderson, Spires and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-1-160 SO AS TO CREATE THE "SOUTH CAROLINA FARM AID FUND" TO ASSIST FARMERS WHO HAVE SUFFERED AT LEAST A FORTY PERCENT LOSS OF AGRICULTURAL COMMODITIES AS A RESULT OF A NATURAL DISASTER, TO CREATE THE FARM AID BOARD TO ADMINISTER THE FUND, AND TO SPECIFY ELIGIBILITY AND GRANT AMOUNTS.

**POINT OF ORDER**

Rep. HILL made the Point of Order that the Senate Amendments were improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to such reading.

The SPEAKER sustained the Point of Order.

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**RULE 5.10 WAIVED**

Rep. HIOTT moved to waive Rule 5.10, pursuant to Rule 5.15.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 10

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg
Bannister	Bernstein	Bingham
Bowers	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Duckworth	Erickson
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hiott	Hixon	Horne
Hosey	Jefferson	Johnson
Jordan	King	Kirby
Knight	Loftis	Long
Lowe	Lucas	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
V. S. Moss	Murphy	Newton
Norrell	Parks	Pitts
Pope	Putnam	Ridgeway
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
Sottile	Spires	Stavrinakis
Stringer	Tallon	Thayer
Tinkler	Wells	Whipper
White	Whitmire	Williams
Willis	Yow	

**Total--92**

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Those who voted in the negative are:

Atwater	Bedingfield	Bradley
Felder	Hamilton	Hill
Huggins	Nanney	Norman
Quinn		

**Total--10**

So, Rule 5.10 was waived, pursuant to Rule 5.15.

Rep. WHITE explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 85; Nays 2

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Ballentine	Bamberg
Bannister	Bernstein	Bingham
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Duckworth	Erickson
Felder	Fry	Funderburk
Gagnon	Gambrell	George
Goldfinch	Hamilton	Hardee
Hart	Hayes	Hicks
Hiott	Hixon	Horne
Huggins	Johnson	Jordan
Kennedy	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	M. S. McLeod
W. J. McLeod	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton
Norrell	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Ryhal	Sandifer	Simrill
G. M. Smith	Sottile	Spires

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Stavrinakis	Stringer	Tallon
Thayer	Tinkler	Wells
White	Whitmire	Willis
Yow		

**Total--85**

Those who voted in the negative are:

Hill	Norman
------	--------

**Total--2**

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

#### **RECORD FOR VOTING**

I was temporarily out of the Chamber meeting with constituents during the vote on H. 4717. If I had been present, I would have voted in favor of the Farm Aid Bill.

Rep. Bill Taylor

#### **LEAVE OF ABSENCE**

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

#### **MOTION PERIOD**

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

#### **H. 3868--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3868 -- Reps. Pitts, White, Goldfinch, Hardee, Bales, Gambrell and Gagnon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "WETLANDS CONSERVATION ACT"; TO AMEND SECTION 12-24-95, RELATING TO DEED RECORDING FEES, SO AS TO INCREASE THE PORTION OF A STATE DEED RECORDING FEE THAT MUST BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND FROM TWENTY-FIVE CENTS TO THIRTY CENTS; TO AMEND SECTION 48-59-60,

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RELATING TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, SO AS TO REQUIRE THAT ANY FUNDS COLLECTED BY THE SOUTH CAROLINA CONSERVATION BANK IN EXCESS OF THE AMOUNT AUTHORIZED IN THE ANNUAL APPROPRIATIONS BILL MUST BE TRANSFERRED TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-59-70, RELATING TO TRUST FUND GRANTS AND CONSERVATION CRITERIA, SO AS TO ADD ISOLATED WETLANDS AND CAROLINA BAYS TO THE CONSERVATION CRITERIA, TO ADD THE VALUE OF A PROPOSAL ON WILDLIFE MANAGEMENT AREAS OWNED AND MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES TO THE CONSERVATION CRITERIA, AND TO ALLOW THE BOARD TO AUTHORIZE UP TO EIGHT AND THIRTY-THREE ONE HUNDREDTHS PERCENT OF THE MONIES CREDITED TO THE TRUST FUND TO APPLICATIONS THAT SOLELY MEET THE NEW CONSERVATION CRITERIA AND LIMIT THE AWARD OF MONEY TO APPLICATIONS FOR ACQUISITION OF INTERESTS IN LAND SOLELY FOR THE SITES OF HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE; TO AMEND SECTION 48-59-75, RELATING TO RESTRICTIONS ON THE TRANSFER OF DEED RECORDING FEES TO THE TRUST FUND, SO AS TO PROVIDE THE TRANSFER OF RECORDING FEES AND OTHER APPROPRIATED FUNDS TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND MUST BE DECREASED BY TWICE THE AVERAGE PERCENTAGE REDUCTION OF APPROPRIATIONS TO EACH AGENCY AND DEPARTMENT IN A FISCAL YEAR WHEN THE GENERAL ASSEMBLY PROVIDES LESS APPROPRIATIONS THAN WHAT WAS PROVIDED FOR IN THE PREVIOUS YEAR TO AT LEAST ONE-HALF OF ALL STATE AGENCIES OR DEPARTMENTS.

Rep. PITTS moved to adjourn debate on the Bill until Thursday, May 5, which was agreed to.

**H. 3878--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes, Kirby, Bradley, Newton, Erickson and Long: A BILL TO

[HJ]

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AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Rep. PITTS moved to adjourn debate on the Bill until Thursday, May 5, which was agreed to.

**H. 3767--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3767 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-221 SO AS TO PROHIBIT THE LEVY OF CERTAIN PROPERTY TAXES ON REAL PROPERTY OWNED OR LEASED TO CERTAIN CHILDCARE PROVIDERS; TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, SO AS TO CLARIFY THE TYPES OF DAYTIME PROGRAMS AND DAY CAMPS TO WHICH THE DEFINITION APPLIES; BY ADDING SECTION 63-13-220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY CERTAIN CHILDCARE FACILITIES AND TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS ANNUALLY; AND BY ADDING SECTION 63-13-470 SO AS TO PROVIDE FOR LICENSING AND APPROVAL REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES.

Rep. PITTS moved to adjourn debate on the Bill until Thursday, May 5, which was agreed to.

**H. 3229--CONTINUED**

The following Bill was taken up:

H. 3229 -- Reps. Merrill, Stavrinakis, McCoy, G. R. Smith, Bales and Gilliard: A BILL TO AMEND SECTIONS 61-6-1140 AND 61-6-1150, BOTH RELATED TO TASTINGS AND RETAIL SALES OF ALCOHOLIC LIQUORS AT LICENSED PREMISES OF A MICRO-

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DISTILLERY OR MANUFACTURER, SO AS TO REVISE THE OUNCE AMOUNT OF ALCOHOLIC LIQUORS DISPENSED AT LICENSED PREMISES AND TO REVISE THE SALE AT RETAIL OF ALCOHOLIC LIQUORS AT LICENSED PREMISES AND TO ALLOW MIXERS TO BE USED IN TASTINGS.

Rep. HIOTT moved to continue the Bill, which was agreed to.

**S. 338--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 338 -- Senators S. Martin and Bryant: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS REGARDING PRISONERS, BY ADDING SECTION 24-13-180 TO PROVIDE THAT ANY PUBLIC, PRIVATE, OR NONPROFIT ENTITY WHICH IS ENGAGED IN HELPING TO REHABILITATE AND REINTRODUCE PAROLED PRISON INMATES INTO THE COMMUNITY AND WHICH AS A PART OF ITS PROGRAM PROVIDES RESIDENTIAL HOUSING IN THE COMMUNITY TO THESE PAROLEES MUST PROVIDE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY OF THE ADDRESSES WHERE THESE RESIDENTIAL HOUSING FACILITIES WILL BE LOCATED, AND ALSO MUST CONDUCT A PUBLIC HEARING REGARDING THE PROGRAM AND THE LOCATION OF THESE RESIDENTIAL HOUSING FACILITIES IN THE COMMUNITY WHERE THEY WILL BE LOCATED.

Rep. TALLON proposed the following Amendment No. 1 to S. 338 (COUNCIL\BBM\338C001.BBM.SA16), which was adopted:

Amend the bill, as and if amended, Section 24-13-180(A)(1) and (2) as contained in SECTION 1, pages 1 and 2, by deleting Section 24-13-180(A)(1) and (2) and inserting:

(1) The entity at least sixty days before locating any parolees in any type of residential facility including manufactured homes must publish a notice in a newspaper of general circulation in the community giving the date, time, and location of the public hearing, and the address of where the residential facility will be located and post a conspicuous notice at the proposed location. A separate notice is required each time such a facility is to be opened.

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(2) A public hearing must be conducted by the entity at least thirty days before the first residential facility opens in the community where all residents of the community must be given an opportunity to comment on the program and on the location of any or all of the proposed facilities which have been determined by the entity as of the date of the public hearing. The hearing is for informational purposes only and does not bind the decision-making authority of the entity. The entity solely is responsible for organizing and conducting the hearing. A separate public hearing is required each time a facility is to be opened if more than ninety days has transpired since the last public hearing.

Re-number sections to conform.

Amend title to conform.

Rep. TALLON explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bowers	Bradley
Brannon	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Douglas
Duckworth	Erickson	Felder
Finlay	Fry	Funderburk
Gagnon	Gambrell	George
Goldfinch	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Horne	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	Kennedy	Kirby

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Knight	Loftis	Long
Lowe	Lucas	Mack
McCoy	McEachern	M. S. McLeod
W. J. McLeod	Merrill	D. C. Moss
V. S. Moss	Murphy	Nanney
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Putnam	Quinn
Riley	Rivers	Ryhal
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Thayer	Toole	Wells
Whitmire	Williams	Willis
Yow		

**Total--100**

Those who voted in the negative are:

**Total--0**

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

**S. 1035--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1035 -- Senators Cleary and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TELEMEDICINE ACT" BY ADDING SECTION 40-47-37 SO AS TO FACILITATE THE USE OF TELEMEDICINE BY ESTABLISHING CERTAIN RECORDKEEPING REQUIREMENTS; TO AMEND SECTION 40-47-20, RELATING TO DEFINITIONS USED IN CHAPTER 47, TITLE 40, SO AS TO PROVIDE DEFINITIONS FOR "ASYNCHRONOUS STORE AND FORWARD TRANSFER" AND "TELEMEDICINE"; AND TO AMEND SECTION 40-47-113, RELATING TO THE REQUIREMENT OF A PHYSICIAN-PATIENT RELATIONSHIP BEFORE A PHYSICIAN MAY PRESCRIBE DRUGS FOR A PATIENT, SO AS TO ALLOW THE PRESCRIPTION

[HJ]

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**OF DRUGS WHEN THE PHYSICIAN-PATIENT RELATIONSHIP IS ESTABLISHED BY TELEMEDICINE.**

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to S. 1035 (COUNCIL\BH\1035C001.BH.VR16), which was tabled:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Article 1, Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Section 40-47-37. (A) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall adhere to the same standard of care as a licensee employing more traditional in-person medical care and be evaluated according to the standard of care applicable to the licensee’s area of specialty. A licensee shall not establish a physician-patient relationship by telemedicine pursuant to Section 40-47-113(B) for the purpose of prescribing medication when an in-person physical examination is necessary for diagnosis. The failure to conform to the appropriate standard of care is considered unprofessional conduct under Section 40-47-110(B)(9).

(B) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall generate and maintain medical records for each patient using such telemedicine services in compliance with any applicable state and federal laws, rules, and regulations, including this chapter, the Health Insurance Portability and Accountability Act (HIPAA), and the Health Information Technology for Economic and Clinical Health Act (HITECH). Such records shall be accessible to other practitioners and to the patient in a timely fashion when lawfully requested to do so by the patient or by a lawfully designated representative of the patient.

(C) In addition to those requirements set forth in subsections (A) and (B), a licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall:

(1) adhere to current standards for practice improvement and monitoring of outcomes and provide reports containing such information upon request of the board;

(2) provide an appropriate evaluation prior to diagnosing and/or treating the patient, which need not be done in-person if the licensee employs technology sufficient to accurately diagnose and treat the patient in conformity with the applicable standard of care; provided, that

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evaluations in which a licensee is at a distance from the patient, but a practitioner is able to provide various physical findings the licensee needs to complete an adequate assessment, is permitted; further, provided, that a simple questionnaire without an appropriate evaluation is prohibited;

(3) verify the identity and location of the patient and be prepared to inform the patient of the licensee's name, location, and professional credentials;

(4) establish a diagnosis through the use of accepted medical practices, which may include patient history, mental status evaluation, physical examination, and appropriate diagnostic and laboratory testing in conformity with the applicable standard of care;

(5) ensure the availability of appropriate follow-up care and maintain a complete medical record that is available to the patient and other treating health care practitioners, to be distributed to other treating health care practitioners only with patient consent and in accordance with applicable law and regulation;

(6) prescribe within a practice setting fully in compliance with this section and during an encounter in which threshold information necessary to make an accurate diagnosis has been obtained in a medical history interview conducted by the prescribing licensee; provided, however, that Schedule II and Schedule III prescriptions are not permitted except for those Schedule II and Schedule III medications specifically authorized by the board, which may include, but not be limited to, Schedule II-nonnarcotic and Schedule III-nonnarcotic medications; further, provided, that licensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44 of the 1976 Code; further, provided, that prescribing of lifestyle medications including, but not limited to, hormone replacement therapies, birth control, or erectile dysfunction drugs are not permitted unless approved by the board; further, provided, that prescribing abortion-inducing drugs is not permitted unless approved by the board; as used in this article 'abortion-inducing drug' means a medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will with reasonable likelihood cause the death of the unborn child. This includes off-label use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion, such as

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misoprostol (Cytotec), and methotrexate. This definition does not apply to drugs that may be known to cause an abortion, but which are prescribed for other medical indications, including, but not limited to, chemotherapeutic agents or diagnostic drugs. Use of such drugs to induce abortion is also known as ‘medical’, ‘drug-induced’, and/or ‘chemical abortion’;

(7) maintain a complete record of the patient’s care according to prevailing medical record standards that reflects an appropriate evaluation of the patient’s presenting symptoms; provided that relevant components of the telemedicine interaction be documented as with any other encounter;

(8) maintain the patient’s records’ confidentiality and disclose the records to the patient consistent with state and federal law; provided, that licensees practicing telemedicine shall be held to the same standards of professionalism concerning medical records transfer and communication with the primary care provider and medical home as licensees practicing via traditional means; further, provided, that if a patient has a primary care provider and a telemedicine provider for the same ailment, then the primary care provider’s medical record and the telemedicine provider’s record constitute one complete medical record;

(9) be licensed to practice medicine in South Carolina; provided, however, a licensee need not reside in South Carolina so long as he or she has a valid, current South Carolina medical license; further, provided, that a licensee residing in South Carolina who intends to practice medicine via telemedicine to treat or diagnose patients outside of South Carolina shall comply with other state licensing boards; and

(10) discuss with the patient the value of having a primary care medical home and, if the patient requests, provide assistance in identifying available options for a primary care medical home.

(D) A licensee, practitioner, or any other person involved in a telemedicine encounter must be trained in the use of the telemedicine equipment and competent in its operation.

(E) Notwithstanding any of the provisions of this section, the board shall retain all authority with respect to telemedicine practice as granted in Section 40-47-10(I) of this chapter.” /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY moved to table the amendment.

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Rep. HILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 81; Nays 26

Those who voted in the affirmative are:

Allison	Atwater	Bales
Ballentine	Bannister	Bedingfield
Bingham	Bradley	Brannon
G. A. Brown	Burns	Chumley
Clary	Clemmons	Collins
H. A. Crawford	Crosby	Daning
Delleney	Douglas	Duckworth
Erickson	Felder	Finlay
Fry	Funderburk	Gagnon
Gambrell	George	Goldfinch
Hamilton	Hardee	Hayes
Henderson	Herbkersman	Hicks
Hill	Hiott	Hixon
Horne	Huggins	Johnson
Jordan	Kennedy	Knight
Loftis	Long	Lowe
Lucas	McCoy	McKnight
Merrill	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton
Norman	Norrell	Ott
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Ryhal	Sandifer	Simrill
G. M. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Thayer	Toole	Wells
Whitmire	Willis	Yow

**Total--81**

Those who voted in the negative are:

Anderson	Bamberg	Bernstein
Bowers	R. L. Brown	Cobb-Hunter
Dillard	Gilliard	Govan
Hart	Henegan	Hosey
Howard	Jefferson	King

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Mack	M. S. McLeod	W. J. McLeod
Mitchell	Parks	Robinson-Simpson
J. E. Smith	Tinkler	Weeks
Whipper	Williams	

**Total--26**

So, the amendment was tabled.

Rep. RIDGEWAY proposed the following Amendment No. 2 to S. 1035 (COUNCIL\BH\1035C002.BH.VR16), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Article 1, Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Section 40-47-37. (A) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall adhere to the same standard of care as a licensee employing more traditional in-person medical care and be evaluated according to the standard of care applicable to the licensee’s area of specialty. A licensee shall not establish a physician-patient relationship by telemedicine pursuant to Section 40-47-113(B) for the purpose of prescribing medication when an in-person physical examination is necessary for diagnosis. The failure to conform to the appropriate standard of care is considered unprofessional conduct under Section 40-47-110(B)(9).

(B) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall generate and maintain medical records for each patient using such telemedicine services in compliance with any applicable state and federal laws, rules, and regulations, including this chapter, the Health Insurance Portability and Accountability Act (HIPAA), and the Health Information Technology for Economic and Clinical Health Act (HITECH). Such records shall be accessible to other practitioners and to the patient in a timely fashion when lawfully requested to do so by the patient or by a lawfully designated representative of the patient.

(C) In addition to those requirements set forth in subsections (A) and (B), a licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall:

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(1) adhere to current standards for practice improvement and monitoring of outcomes and provide reports containing such information upon request of the board;

(2) provide an appropriate evaluation prior to diagnosing and/or treating the patient, which need not be done in-person if the licensee employs technology sufficient to accurately diagnose and treat the patient in conformity with the applicable standard of care; provided, that evaluations in which a licensee is at a distance from the patient, but a practitioner is able to provide various physical findings the licensee needs to complete an adequate assessment, is permitted; further, provided, that a simple questionnaire without an appropriate evaluation is prohibited;

(3) verify the identity and location of the patient and be prepared to inform the patient of the licensee's name, location, and professional credentials;

(4) establish a diagnosis through the use of accepted medical practices, which may include patient history, mental status evaluation, physical examination, and appropriate diagnostic and laboratory testing in conformity with the applicable standard of care;

(5) ensure the availability of appropriate follow-up care and maintain a complete medical record that is available to the patient and other treating health care practitioners, to be distributed to other treating health care practitioners only with patient consent and in accordance with applicable law and regulation;

(6) prescribe within a practice setting fully in compliance with this section and during an encounter in which threshold information necessary to make an accurate diagnosis has been obtained in a medical history interview conducted by the prescribing licensee; provided, however, that Schedule II and Schedule III prescriptions are not permitted except for those Schedule II and Schedule III medications specifically authorized by the board, which may include, but not be limited to, Schedule II-nonnarcotic and Schedule III-nonnarcotic medications; further, provided, that licensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44; further, provided, that prescribing of lifestyle medications including, but not limited to, erectile dysfunction drugs is not permitted unless approved by the board; further, provided, that prescribing abortion-inducing drugs is not permitted; as used in this article 'abortion-inducing drug' means a medicine, drug, or any other

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substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will with reasonable likelihood cause the death of the unborn child. This includes off-label use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion, such as misoprostol (Cytotec), and methotrexate. This definition does not apply to drugs that may be known to cause an abortion, but which are prescribed for other medical indications including, but not limited to, chemotherapeutic agents or diagnostic drugs. Use of such drugs to induce abortion is also known as ‘medical’, ‘drug-induced’, and/or ‘chemical abortion’;

(7) maintain a complete record of the patient’s care according to prevailing medical record standards that reflects an appropriate evaluation of the patient’s presenting symptoms; provided that relevant components of the telemedicine interaction be documented as with any other encounter;

(8) maintain the patient’s records’ confidentiality and disclose the records to the patient consistent with state and federal law; provided, that licensees practicing telemedicine shall be held to the same standards of professionalism concerning medical records transfer and communication with the primary care provider and medical home as licensees practicing via traditional means; further, provided, that if a patient has a primary care provider and a telemedicine provider for the same ailment, then the primary care provider’s medical record and the telemedicine provider’s record constitute one complete medical record;

(9) be licensed to practice medicine in South Carolina; provided, however, a licensee need not reside in South Carolina so long as he or she has a valid, current South Carolina medical license; further, provided, that a licensee residing in South Carolina who intends to practice medicine via telemedicine to treat or diagnose patients outside of South Carolina shall comply with other state licensing boards; and

(10) discuss with the patient the value of having a primary care medical home and, if the patient requests, provide assistance in identifying available options for a primary care medical home.

(D) A licensee, practitioner, or any other person involved in a telemedicine encounter must be trained in the use of the telemedicine equipment and competent in its operation.

(E) Notwithstanding any of the provisions of this section, the board shall retain all authority with respect to telemedicine practice as granted in Section 40-47-10(I) of this chapter.” /

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Renumber sections to conform.  
Amend title to conform.

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

Reps. M.S. MCLEOD, HENEGAN, COBB-HUNTER AND HART proposed the following Amendment No. 3 to S. 1035 (COUNCIL\BH\1035C003.BH.VR16), which was tabled:

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

/ SECTION 1. This act may be cited as the “South Carolina Telemedicine Act”.

SECTION 2. Article 1, Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Section 40-47-37. (A) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall adhere to the same standard of care as a licensee employing more traditional in-person medical care and be evaluated according to the standard of care applicable to the licensee’s area of specialty. A licensee shall not establish a physician-patient relationship by telemedicine pursuant to Section 40-47-113(B) for the purpose of prescribing medication when an in-person physical examination is necessary for diagnosis. The failure to conform to the appropriate standard of care is considered unprofessional conduct under Section 40-47-110(B)(9).

(B) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall generate and maintain medical records for each patient using such telemedicine services in compliance with any applicable state and federal laws, rules, and regulations, including this chapter, the Health Insurance Portability and Accountability Act (HIPAA), and the Health Information Technology for Economic and Clinical Health Act (HITECH). Such records shall be accessible to other practitioners and to the patient in a timely fashion when lawfully requested to do so by the patient or by a lawfully designated representative of the patient.

(C) In addition to those requirements set forth in subsections (A) and (B), a licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall:

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(1) adhere to current standards for practice improvement and monitoring of outcomes and provide reports containing such information upon request of the board;

(2) provide an appropriate evaluation prior to diagnosing and/or treating the patient, which need not be done in-person if the licensee employs technology sufficient to accurately diagnose and treat the patient in conformity with the applicable standard of care; provided, that evaluations in which a licensee is at a distance from the patient, but a practitioner is able to provide various physical findings the licensee needs to complete an adequate assessment, is permitted; further, provided, that a simple questionnaire without an appropriate evaluation is prohibited;

(3) verify the identity and location of the patient and be prepared to inform the patient of the licensee's name, location, and professional credentials;

(4) establish a diagnosis through the use of accepted medical practices, which may include patient history, mental status evaluation, physical examination, and appropriate diagnostic and laboratory testing in conformity with the applicable standard of care;

(5) ensure the availability of appropriate follow-up care and maintain a complete medical record that is available to the patient and other treating health care practitioners, to be distributed to other treating health care practitioners only with patient consent and in accordance with applicable law and regulation;

(6) prescribe within a practice setting fully in compliance with this section and during an encounter in which threshold information necessary to make an accurate diagnosis has been obtained in a medical history interview conducted by the prescribing licensee; provided, however, that Schedule II and Schedule III prescriptions are not permitted except for those Schedule II and Schedule III medications specifically authorized by the board, which may include, but not be limited to, Schedule II-nonnarcotic and Schedule III-nonnarcotic medications; further, provided, that licensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44 of the 1976 Code; further, provided, that prescribing of lifestyle medications including, but not limited to, hormone replacement therapies, birth control, or erectile dysfunction drugs are not permitted unless approved by the board; further, for drugs intended to treat the symptoms of erectile dysfunction approved by the

board, a licensee also must comply with the provisions of subsection (D); further, provided, that prescribing abortion-inducing drugs is not permitted unless approved by the board; as used in this article ‘abortion-inducing drug’ means a medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will with reasonable likelihood cause the death of the unborn child. This includes off-label use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion, such as misoprostol (Cytotec), and methotrexate. This definition does not apply to drugs that may be known to cause an abortion, but which are prescribed for other medical indications, including, but not limited to, chemotherapeutic agents or diagnostic drugs. Use of such drugs to induce abortion is also known as ‘medical’, ‘drug-induced’, and/or ‘chemical abortion’;

(7) maintain a complete record of the patient’s care according to prevailing medical record standards that reflects an appropriate evaluation of the patient’s presenting symptoms; provided that relevant components of the telemedicine interaction be documented as with any other encounter;

(8) maintain the patient’s records’ confidentiality and disclose the records to the patient consistent with state and federal law; provided, that licensees practicing telemedicine shall be held to the same standards of professionalism concerning medical records transfer and communication with the primary care provider and medical home as licensees practicing via traditional means; further, provided, that if a patient has a primary care provider and a telemedicine provider for the same ailment, then the primary care provider’s medical record and the telemedicine provider’s record constitute one complete medical record;

(9) be licensed to practice medicine in South Carolina; provided, however, a licensee need not reside in South Carolina so long as he or she has a valid, current South Carolina medical license; further, provided, that a licensee residing in South Carolina who intends to practice medicine via telemedicine to treat or diagnose patients outside of South Carolina shall comply with other state licensing boards; and

(10) discuss with the patient the value of having a primary care medical home and, if the patient requests, provide assistance in identifying available options for a primary care medical home.

(D)(1) If the board authorizes the prescription of a drug intended to treat the symptoms of erectile dysfunction pursuant to subsection (C)(6), no person other than a physician licensee may issue the patient a

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prescription for such a drug. Before issuing a prescription for a drug intended to treat the symptoms of erectile dysfunction, a physician shall:

(a) refer the patient to a sexual therapist licensed by the State Board of Examiners in Psychology for an assessment of the possible causes of the patient's symptoms of erectile dysfunction and obtain a written report in which the therapist concludes that the patient's symptoms are not attributable solely to one or more psychological conditions;

(b) refer the patient to a health care provider for a cardiac stress test and obtain a result, described in writing, indicating that the patient's cardiac health is compatible with sexual activity;

(c) notify the patient in writing of the potential risks and complications associated with taking drugs intended to treat erectile dysfunction and obtain the patient's signature on a form acknowledging the patient's receipt of the notification; and

(d) provide a written statement, under penalty of perjury, that the drug the physician is prescribing is necessary to treat the patient's symptoms of erectile dysfunction, which includes the physician's medical rationale for issuing the prescription.

(2) A physician must not issue a prescription for a drug intended to treat symptoms of erectile dysfunction any sooner than twenty-four hours after the patient provides written acknowledgement of receipt of the notification required pursuant to item (1)(c).

(3) A physician shall place all documents described in item (1) in the patient's medical record and retain the documents as part of that record for not less than seven years.

(4) To ensure the continued health of a patient to whom a prescription for a drug intended to treat symptoms of erectile dysfunction has been issued, the physician, as part of the patient's course of treatment, including treatment by issuing a prescription for one or more refills of the drug originally prescribed to treat symptoms of erectile dysfunction, or the prescription of another drug for that purpose, shall:

(a) require the patient to undergo a cardiac stress test every ninety days while the patient is taking the drug to ensure that the patient's cardiac health continues to be compatible with sexual activity; and

(b) require the patient to attend three sessions of outpatient counseling within a period of not less than six months after the drug initially is prescribed to ensure the patient's understanding of the dangerous side effects of drugs intended to treat the symptoms of erectile dysfunction and which includes information on nonpharmaceutical

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treatments for erectile dysfunction, including sexual counseling and resources for patients to pursue celibacy as a viable lifestyle choice.

(5) The provisions of this subsection do not apply to a prescription for a drug intended to treat the symptoms of erectile dysfunction for a patient who has been diagnosed with or treated for prostate cancer.

(6) For purposes of this subsection, ‘erectile dysfunction’ means the persistent inability to achieve or maintain penile erection sufficient for satisfactory sexual performance.

(E) A licensee, practitioner, or any other person involved in a telemedicine encounter must be trained in the use of the telemedicine equipment and competent in its operation.

(F) Notwithstanding any of the provisions of this section, the board shall retain all authority with respect to telemedicine practice as granted in Section 40-47-10(I) of this chapter.”

SECTION 3. Section 40-47-20(52) through (55) of the 1976 Code is amended to read:

“(52) ‘Telemedicine’ means the practice of medicine using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening practitioner.

~~(52)~~(53) ‘Temporary license’ means a current, time-limited document that authorizes practice at the level for which one is seeking licensure.

~~(53)~~(54) ‘Unprofessional conduct’ means acts or behavior that fail to meet the minimally acceptable standard expected of similarly situated professionals including, but not limited to, conduct that may be harmful to the health, safety, and welfare of the public, conduct that may reflect negatively on one’s fitness to practice, or conduct that may violate any provision of the code of ethics adopted by the board or a specialty.

~~(54)~~(55) ‘Voluntary surrender’ means forgoing the authorization to practice by the subject of an initial or formal complaint pending further order of the board. It anticipates other formal action by the board and allows any suspension subsequently imposed to include this time.

~~(55)~~(56) ‘Volunteer license’ means authorization of a retired practitioner to provide medical services to others through an identified charitable organization without remuneration.”

SECTION 4. Section 40-47-110(B)(24)-(25) of the 1976 Code is amended to read:

“(24) improperly managed medical records, including failure to maintain timely, legible, accurate, and complete medical records; ~~or~~

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(25) provided false, deceptive, or misleading testimony as an expert witness in an administrative, civil, or criminal proceeding in this State;  
or

(26) failed to comply with the requirements of Section 40-47-37(D) regarding the prescription of drugs intended to treat symptoms of erectile dysfunction and courses of treatment for patients receiving prescriptions for those drugs.”

SECTION 5. Section 40-47-113(B) of the 1976 Code is amended to read:

“(B) Notwithstanding subsection (A), a licensee may prescribe for a patient whom the licensee has not personally examined under certain circumstances including, but not limited to, writing admission orders for a newly hospitalized patient, prescribing for a patient of another licensee for whom the prescriber is taking call, prescribing for a patient examined by a licensed advanced practice registered nurse, a physician assistant, or other physician extender authorized by law and supervised by the physician, ~~or~~ continuing medication on a short-term basis for a new patient ~~prior to~~ before the patient’s first appointment, or prescribing for a patient for whom the licensee has established a physician-patient relationship solely via telemedicine so long as the licensee complies with Section 40-47-37 of this act.”

SECTION 6. 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 7. This act takes effect upon approval by the Governor. /  
Re-number sections to conform.  
Amend title to conform.

Rep. M. S. MCLEOD explained the amendment.

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

[HJ]

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Rep. HART proposed the following Amendment No. 4 to S. 1035 (COUNCIL\BBM\1035C002.BBM.SD16), which was tabled:

To amend the bill, as and if amended, Section 40-47-37, by striking / birth control or erectile dysfunction drugs / as contained in subsection (C)(6), line 16, page 3 and inserting:

/ or birth control drugs / and by adding at the end of subsection (C)(6) the following:

erectile dysfunction drugs may be prescribed by a physician in the same manner other drugs that do not require special approval procedures may be prescribed including the general prescription procedures provided by this section. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. G. M. SMITH moved to table the amendment.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 80; Nays 28

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Ballentine	Bannister
Bedingfield	Bingham	Bradley
Brannon	R. L. Brown	Burns
Chumley	Clary	Clemmons
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Douglas	Duckworth	Erickson
Finlay	Fry	Funderburk
Gagnon	Gambrell	George
Goldfinch	Hamilton	Hardee
Hayes	Henderson	Hicks
Hill	Hiott	Hixon
Horne	Huggins	Johnson
Jordan	Kennedy	Loftis
Long	Lowe	Lucas
McCoy	Merrill	D. C. Moss
V. S. Moss	Murphy	Nanney

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Newton	Norman	Norrell
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Ryhal	Sandifer
Simrill	G. M. Smith	Sottile
Spire	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Toole	Wells	Whitmire
Willis	Yow	

**Total--80**

Those who voted in the negative are:

Anderson	Bamberg	Bernstein
Bowers	Cobb-Hunter	Dillard
Gilliard	Hart	Henegan
Howard	Jefferson	King
Kirby	Knight	Mack
McKnight	M. S. McLeod	W. J. McLeod
Mitchell	Neal	Ott
Parks	Robinson-Simpson	Rutherford
Tinkler	Weeks	Whipper
Williams		

**Total--28**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter

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Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Horne	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Loftis	Lowe
Lucas	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Murphy
Nanney	Neal	Newton
Norman	Norrell	Ott
Parks	Pitts	Pope
Putnam	Quinn	Ridgeway
Riley	Rivers	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	G. M. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Tinkler	Toole	Weeks
Wells	Whipper	Whitmire
Williams	Willis	Yow

**Total--111**

Those who voted in the negative are:

**Total--0**

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

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**S. 277--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF "BASIC LOCAL EXCHANGE TELEPHONE SERVICE" AND "CARRIER OF LAST RESORT"; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58-9-2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON

[HJ]

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LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 277 (COUNCIL\AGM\277C001.AGM.AB16):

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

/ SECTION 1. This act must be known and may be cited as the "State Telecom Equity in Funding Act".

SECTION 2. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

"Section 58-9-2515. Nothing in this article expands, diminishes, or otherwise affects any existing jurisdiction of the commission over any local exchange provider, prepaid wireless provider, CMRS provider, or VoIP provider; or any services provided by any such provider."

SECTION 3. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

"Section 58-9-2535. (A) A local exchange provider must collect the dual party relay charge established in Section 58-9-2530(A) on each local exchange access facility.

(1) For bills rendered on or after the effective date of this act, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier. The total number of dual party relay charges is subject to a maximum of fifty such charges for each account.

(2) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the local exchange provider. A local exchange provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

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(3) Local exchange providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the Office of Regulatory Staff as an administrative fee. Within forty-five days after the end of the month during which the charges were collected, each local exchange provider shall file with the Office of Regulatory Staff a return showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the Office of Regulatory Staff the charges collected for that month less the administrative fee.

(4) Dual party relay charges imposed under this subsection must be added to the billing by the local exchange provider to its subscriber and may be stated separately.

(B) A CMRS provider must collect the dual party relay charge established in Section 58-9-2530(A) for each CMRS connection for which there is a mobile identification number containing an area code assigned to this State by the North American Numbering Plan Administrator; however, trunks or service lines used to supply service to CMRS providers must not be subject to a dual party relay charge. Prepaid wireless telecommunications service is subject to subsection (D) and not to this subsection.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the CMRS provider. A CMRS provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

(2) CMRS providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges, every CMRS provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of charges collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall transfer all charges remitted to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the CMRS provider to its subscriber and may be stated separately.

(C) A VoIP provider must collect the dual party relay charge established in Section 58-9-2530(A) on each VoIP service line. This dual party relay charge must be sourced at the service address in the case of

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fixed VoIP service, or in the same manner as CMRS is sourced pursuant to the Mobile Telecommunications Sourcing Act, Public Law 106-252, codified at 4 U.S.C. Sections 116 through 126.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the VoIP provider. A VoIP provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed. For bills rendered on or after the effective date of this act, for any VoIP service line that is capable of simultaneously carrying multiple voice and data transmissions, a VoIP subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a VoIP service line in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the VoIP provider; or

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the VoIP provider. The total number of dual party relay charges is subject to a maximum of fifty such charges for each account.

(2) VoIP providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges, each VoIP provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the department the charges collected for that month less the administrative fee. The department shall transfer all charges remitted to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the VoIP provider to its subscriber and may be stated separately.

(D) A prepaid wireless seller must collect the dual party relay charge established in Section 58-9-2530(A) from a prepaid wireless consumer with respect to each prepaid wireless retail transaction occurring in this State. The amount of the dual party relay charge either must be separately stated on an invoice, receipt, or other similar document that is provided to the prepaid wireless consumer by the prepaid wireless seller; or otherwise disclosed to the prepaid wireless consumer. At the election of the prepaid wireless seller, the dual party relay charge may be combined with the USF contribution charge

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described in Section 58-9-280(E)(2)(b) into a single dual party relay and USF contribution charge for purposes of being stated on the invoice, receipt or other similar document or otherwise disclosed to the prepaid wireless consumer. The prepaid wireless seller shall notify the department as to how much of the amount remitted is for dual party relay and how much of the amount remitted is for USF.

(1) For the purposes of this subsection, a prepaid wireless retail transaction must be sourced as provided in Section 12-36-910(B)(5)(b).

(2) The dual party relay charge is the liability of the prepaid wireless consumer and not the prepaid wireless seller or of any prepaid wireless provider. However, the prepaid wireless seller is liable for remitting all dual party relay charges that the prepaid wireless seller collects from prepaid wireless consumers as provided in this subsection to the department.

(3) A prepaid wireless seller is entitled to retain three percent of the gross dual party relay charges remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the dual party relay charges collected to the department on or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges. The department shall transfer all charges remitted to the operating fund.

(4) The department shall establish procedures by which a prepaid wireless seller may document that a sale is not a prepaid wireless retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions pursuant to Section 12-36-950.

(E) If a billed subscriber purchases a service that is both a CMRS service and a VoIP service, and there is a single active mobile telephone number or successor dialing protocol associated with the service, then only the CMRS dual party relay charges that are subject to subsection (B) apply to the service. Similarly, if an exchange access facility is also a VoIP service line, then only the dual party relay charges that are subject to subsection (A) shall apply to the service.

(F) For services for which a bill is rendered prior to the effective date of this act, no subscriber or consumer is liable to any person or entity for a different dual party relay charge than the consumer or subscriber has been billed, and no local exchange provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller is liable to any person or entity for billing, collecting, or remitting a different dual party relay charge than is required by this article, or both.

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(G) Neither the State, any political subdivision of the State, nor an intergovernmental agency may require any service provider to impose, collect, or remit a tax, fee, surcharge, or other charge for dual party relay funding purposes other than the dual party relay charges set forth in this article.

(H) The dual party relay charge required to be remitted to the department must be administered and collected by the department in the same manner as taxes as defined in Section 12-60-30(27) are administered and collected by the department under the provisions of Title 12.”

SECTION 4. Section 58-9-10(9) and (10) of the 1976 Code, as last amended by Act 354 of 1996, is further amended to read:

“(9) The term ‘basic local exchange telephone service’ means for residential and single-line business customers, access to basic voice grade local service ~~with touchtone~~, access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent).

(10) The term ‘carrier of last resort’ means a facilities-based local exchange carrier, as determined by the commission, not inconsistent with the federal Telecommunications Act of 1996, which has the obligation to provide basic local exchange telephone service, upon reasonable request, to all residential and single-line business customers within a defined service or geographic area. A carrier of last resort may meet its obligation by using any available technology of equal or greater service quality than is required by applicable commission regulations as of the effective date of this act, including, but not limited to, the provision of a broadband connection that allows the customer to access basic voice grade local service from the carrier of last resort or other available voice provider of the customer’s choice. Notwithstanding any other provision of law, and regardless of the technology used, the basic voice grade local service provided to meet this obligation shall be subject to the commission’s jurisdiction with respect to service quality and rates, and shall be entitled to USF support. Initially, the incumbent LEC must be a carrier of last resort within its existing service area.”

SECTION 5. A. Section 58-9-280(E) of the 1976 Code, as last amended by Act 218 of 2006, is further amended to read:

“(E) In continuing South Carolina’s commitment to universally available basic local exchange telephone service at affordable rates and to assist with the alignment of prices ~~and/or~~ and cost recovery with costs, and consistent with applicable federal policies, the commission shall

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establish a universal service fund (USF) for distribution to a ~~carrier(s)~~ carrier of last resort. The commission shall issue its final order adopting such guidelines as ~~may be~~ necessary for the funding and management of the USF within twelve months of the effective date of this section except that the commission, upon notice, may extend that period up to an additional ninety days. These guidelines must not be inconsistent with applicable federal law and shall address, without limitation, the following:

(1) The USF ~~shall~~ must be administered by the Office of Regulatory Staff or a third party designated by the Office of Regulatory Staff under guidelines to be adopted by the commission.

(2) The commission shall require all telecommunications companies providing telecommunications services within South Carolina to contribute to the USF as previously determined by the commission and as modified by any orders the commission may enter pursuant to this subsection. All providers of CMRS services, as defined in Section 58-9-2510(2), and all VoIP providers as defined in Section 58-9-2510(22) shall contribute to the USF in the same manner as telecommunications companies, except that prepaid wireless sellers shall collect from prepaid wireless consumers a fixed per transaction fee determined annually by the Office of Regulatory Staff.

(a) Telecommunications companies and VoIP providers that provide VoIP service pursuant to a certificate issued by the commission must remit these contributions to the Office of Regulatory Staff in accordance with orders issued by the commission. All other VoIP providers and all CMRS providers that are required to contribute must remit these contributions to the Department of Revenue in the same manner as telecommunications companies and VoIP providers that provide VoIP service pursuant to a certificate issued by the commission remit these contributions to the Office of Regulatory Staff. The Department of Revenue monthly shall assess each CMRS provider and each VoIP provider that does not have a certificate issued by the commission, its contribution to the USF. The Office of Regulatory Staff shall certify to the Department of Revenue the USF factor and the amounts to be assessed. The Department of Revenue shall charge the assessments to the companies and collect the assessments as provided by law. The USF assessments, less the Department of Revenue actual incremental increase in the cost of administration, must be transferred to the USF administered by the Office of Regulatory Staff or third party administrator designated by the Office of Regulatory Staff.

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(b) USF contributions for prepaid wireless telecommunications service, as defined in Section 58-9-2510(17) must be collected pursuant to Section 58-9-280(E) from prepaid wireless consumers, as defined in Section 58-9-2510(13), by prepaid wireless sellers, as defined in Section 58-9-2510(16). The amount of the USF contribution charge to be collected with respect to each prepaid wireless retail transaction, as defined in Section 58-9-2510(15), must be a fixed per-transaction fee established annually by the Office of Regulatory Staff. Prepaid wireless sellers shall submit all necessary forms to the department to demonstrate that the USF contribution charges have been collected and remitted. An entity that remits funds in support of the USF may file a petition with the commission seeking a review of the fixed per-transaction fee as determined by the Office of Regulatory Staff. A decision by the commission in response to the petition only may be applied prospectively and must be implemented the next time that the Office of Regulatory Staff makes its annual determination of the fixed per-transaction fee.

(c) Telecommunications companies, VoIP providers, CMRS providers, and prepaid wireless providers shall provide information sufficient to permit the requirements of this subsection to be implemented, monitored, and enforced to the Office of Regulatory Staff. All information, records, documents, and their contents provided to the Office of Regulatory Staff by telecommunications companies, VoIP providers, providers of CMRS services, and prepaid wireless providers pursuant to this subsection must be maintained as confidential and are exempt from public disclosure under the South Carolina Freedom of Information Act. All information, records, documents, and their contents that are exchanged between the Office of Regulatory Staff and other state or federal agencies related to implementing, monitoring, and enforcing the requirements of this subsection must be maintained as confidential and are exempt from public disclosure under the South Carolina Freedom of Information Act. Except to the extent necessary to implement, monitor, and enforce contributions to the USF, the provisions of this subsection do not expand, diminish, or otherwise affect any existing jurisdiction of the commission over any telecommunications company, VoIP provider, CMRS provider, prepaid wireless provider, or any services provided by these providers.

(d) A prepaid wireless seller must collect the USF contribution from a prepaid wireless consumer with respect to each prepaid wireless retail transaction occurring in this State. The amount of the USF charge either must be separately stated on an invoice, receipt,

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or other similar document that is provided to the prepaid wireless consumer by the prepaid wireless seller; or otherwise disclosed to the prepaid wireless consumer. At the election of the prepaid wireless seller, the dual party relay charge, the USF contribution charge, and the 911 charge described in Title 23, chapter 47, may be combined into a single charge for purposes of being stated on the invoice, receipt, or other similar document or otherwise disclosed to the prepaid wireless consumer. The prepaid wireless seller shall notify the department as to how much of the amount remitted is for dual party relay and how much of the amount remitted is for USF.

(i) For the purposes of this subsection, a prepaid wireless retail transaction must be sourced as provided in Section 12-36-910(B)(5)(b).

(ii) A prepaid wireless seller is entitled to retain three percent of the gross USF contribution remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the USF contribution to the department on or before the twentieth day of the second month succeeding each monthly collection of the USF charges. The department shall transfer the USF contributions to the USF administered by the ORS or third party designated by the ORS.

(iii) The department shall establish procedures by which a prepaid wireless seller may document that a sale is not a prepaid wireless retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions pursuant to Section 12-36-950.

(e) The USF contribution required to be remitted to the department shall be administered and collected by the department in the same manner as taxes as defined in Code Section 12-60-30(27) are administered and collected by the department under the provisions of Title 12.

(3) The commission also shall require any company providing telecommunications service to contribute to the USF if, after notice and opportunity for hearing, the commission determines that the company is providing private local exchange services or radio-based local exchange services in this State that compete with a local telecommunications service provided in this State.

~~(4)(a) The size of the USF shall be determined by the commission and shall be the sum of the difference, for each carrier of last resort, between its costs of providing basic local exchange services and the maximum amount it may charge for the services. The commission may use estimates to establish the size of the USF on an~~

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annual basis, provided it establishes a mechanism for adjusting any inaccuracies in the estimates.

~~(5) Monies in the USF shall be distributed to a carrier of last resort upon application and demonstration of the amount of the difference between its cost of providing basic local exchange services and the maximum amount it may charge for such services.~~

~~(6) The commission shall require any carrier of last resort seeking reimbursement from the fund to file with the commission and provide to the Office of Regulatory Staff the information necessary to determine the costs of providing basic local exchange telephone services. In the event that a carrier of last resort does not currently conduct detailed cost studies relating to such services, the commission shall allow for an appropriate surrogate for such study. must be the sum of:~~

~~(i) the amount of USF support received by each carrier of last resort in 2015;~~

~~(ii) the amount of Interim LEC Fund support received by each local exchange carrier in 2015;~~

~~(iii) all amounts approved by the commission to provide state funding for the Lifeline program for low income subscribers; and~~

~~(iv) all amounts approved by the commission for administration of the USF.~~

~~(b) The size of the USF may be adjusted to reflect changes in USF support for those LECs that have made the election set out in Section 58-9-576(C).~~

~~(5) For local exchange carriers that have previously reduced rates and charges to be eligible to receive USF and that have not made the election set out in Section 58-9-576(C), money in the USF must be distributed to a local exchange carrier in the same amount distributed to the carrier from the Interim LEC fund in 2015 and to a carrier of last resort in the same amount distributed to the carrier of last resort in 2015 for so long as it continues to serve as a carrier of last resort. For any carrier that makes, or has made, an election under Section 58-9-576(C), its right to recover from the USF must be governed by the provisions of Section 58-9-576(C) and the amount it is entitled to recover must be adjusted in accordance with Section 58-9-576(C); provided, however, that nothing in this subsection restricts the ability of any carrier to withdraw from the State USF all amounts approved by the commission to provide state funding for the Lifeline program for low income subscribers.~~

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(6) For services for which a bill is rendered or a charge is applied before the effective date of this subsection, no subscriber or consumer is liable to any person or entity for a different universal service charge than the consumer or subscriber has been billed or charged, and no telecommunications company, VoIP provider, CMRS provider, or prepaid wireless provider is liable to any person or entity for billing, collecting, or remitting a different universal contribution amount than is required by this article.

(7) Subject to the provisions of items (2), (3), (4), and (5) the commission shall ~~have the authority to~~ may make ~~administrative~~ adjustments to the contribution or distribution levels based on yearly reconciliations ~~and to order further contributions or distributions as needed.~~

(8) ~~After notice and an opportunity for hearing to all affected carriers and the Office of Regulatory Staff, the commission by rule may expand the set of services within the definition of universal service based on a finding that the uniform statewide demand for such additional service is such that including the service within the definition of universal service will further the public interest; provided, however, that before implementing any such finding, the commission shall provide for recovery of unrecovered costs through the USF of such additional service by the affected carrier of last resort. A carrier of last resort authorized to receive funds from the USF is subject to random compliance audits and other investigations by the Office of Regulatory Staff, in accordance with Section 58-4-55.~~

(9) Nothing in subsection (G) of this section shall preclude the commission from assessing broadband service revenues for purposes of contributions to the USF, pursuant to this subsection.

(10) All carriers of last resort shall retain all records of operations within the jurisdiction of the Office of Regulatory Staff required to demonstrate that the support received was used to support the programs for which it was intended. This documentation must be maintained for at least 10 years from the receipt of the funding. All such documents shall be made available upon request to the Office of Regulatory Staff.

(11) In order to create an environment that ensures financial stability necessary to encourage long-term investment by carriers of last resort while providing for appropriate oversight:

(a) within two years after the effective date of this act, the Office of Regulatory Staff shall provide a report to the Public Utilities Review Committee (PURC) as to the State Universal Service Fund, the need for funding, and the appropriate level of distributions; and

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(b) every four years thereafter, the Office of Regulatory Staff shall provide a report to PURC as to the status of the State Universal Service Fund, provide recommendations, and provide such other information as the PURC deems appropriate.”

B. This entire section is void if any portion of this section is finally adjudicated invalid.

SECTION 6. Section 58-9-576(C)(2) of the 1976 Code is amended to read:

“(2)(a) Beginning on the date that the LEC’s election, pursuant to this subsection, becomes effective, the LEC may increase its rates for its stand alone basic residential lines that were in service on the preelection date on an annual basis by a percentage that does not exceed the percentage increase over the prior year in the Gross Domestic Product Price Index, as reported by the United States Department of Labor, Bureau of Labor Statistics. If the customer of record for a stand alone basic residential line that was in service on the preelection date dies or moves from the residence, the provisions of this subitem will continue to apply to the stand alone basic residential line at the residence if a spouse, family member, or cotenant of that customer of record provides documentation showing that he resided at the location and requests to have the stand alone basic residential line continued in his name. With the sole exception of ensuring the LEC’s compliance with the preceding sentences, the commission must not:

~~(a)(i)~~ impose any requirements related to the terms, conditions, rates, or availability of any of the LEC’s stand alone basic residential lines that were in service on the preelection date; or

~~(b)(ii)~~ otherwise regulate any of the LEC’s stand alone basic residential lines that were in service on the preelection date.

(b) Except as provided in subsection (C)(2)(c), for any LEC that elected to operate under section 58-9-576(C) prior to January 1, 2016, the commission must not:

(i) impose any requirements related to the terms, conditions, rates, or availability of any of the LEC’s stand alone basic residential lines that were in service on the preelection date; or

~~(b)(ii)~~ otherwise regulate any of the LEC’s stand alone basic residential lines that were in service on the preelection date.

(c)(i) As used in this subsection, ‘voice service’ means retail service provided through any technology or service arrangement that includes the applicable functionalities described in 47 C.F.R. sec. 54.101(a). Notwithstanding anything in subsection (C)(2)(b), the following provisions apply to each customer receiving a stand-alone

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basic residential line from any LEC described in subsection (C)(2)(b) both on the preelection date and on the effective date of this act. For a period ending four years after the effective date of this act, if the customer cannot receive voice service from any provider through any technology at the customer's residence where the customer received a stand-alone basic residential line, the customer may file a request for service with the commission. Following an investigation by the commission, if the commission determines a reasonable request for service has been made and that no voice service is available to the customer, the commission may:

(1) make a determination that the LEC is best able to provide voice service to the customer's residence and it may order the LEC to provide the voice service to the customer's residence. If ordered by the commission to provide voice service, the LEC shall do so directly or through an affiliate; or

(2) conduct a competitive procurement process to identify a willing provider of voice service to provide voice service to the customer's residence. The willing provider of voice service selected shall provide the voice service directly or through an affiliate.

(ii) The LEC or willing provider of voice service may provide the voice service through any voice technology.

(iii) Other than ordering the provision of voice service pursuant to this subsection, the commission may not regulate any aspect of the voice service. The commission shall issue a final order disposing of any request filed pursuant to this subsection within ninety days of the filing of the request, and all aspects of the commission's order shall expire four years after the effective date of the order and may not be renewed.

(iv) Before terminating service to a customer described in subsection (C)(2)(c) whose residence uses a stand-alone basic residential line, the LEC described shall provide written notice to the customer informing him of his rights under this subsection. This written notice shall direct the customer where to file the request and include the commission's contact information. The LEC shall provide this written notice at least ninety days prior to terminating service at the customer's residence."

SECTION 7. Section 58-9-2510 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

"Section 58-9-2510. As used in this article:

(1) 'CMRS connection' means each mobile number assigned to a CMRS customer.

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(2) 'Commercial Mobile Radio Service' (CMRS) means commercial mobile radio service under Sections 3(27) and 332(d), Federal Telecommunications Act of 1996, 47 U.S.C. Section 151, et seq., Federal Communications Commission Rules, and the Omnibus Budget Reconciliation Act of 1993. The term includes any wireless two-way communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional and/or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, or a network radio access line. The term does not include services that do not provide access to 911 service, a communication channel suitable only for data transmission, a wireless roaming service or other nonlocal radio access line service, or a private telecommunications system.

(3) 'Commission' means the Public Service Commission.

(24) 'Deaf person' means an individual who is unable to hear and understand oral communication, with or without the assistance of amplification devices.

(5) 'Department' means the Department of Revenue.

(36) 'Dual party relay system' or 'DPR' means a procedure in which a deaf, hearing, or speech impaired TDD user can communicate with an intermediary party, who then orally relays the first party's message or request to a third party, or a procedure in which a party who is not deaf or hearing or speech impaired can communicate with an intermediary party who then relays the message or request to a TDD user.

(3-57) 'Dual sensory impaired person' means an individual who is deaf/blind or has both a permanent hearing impairment and a permanent visual impairment.

(8) 'Exchange access facility' means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by the South Carolina Public Service Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, or wide area telecommunications service (wats), foreign exchange (fx), or incoming lines.

(49) 'Hard of hearing person' means an individual who has suffered a permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication.

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(§10) 'Hearing impaired person' means a person who is deaf or hard of hearing.

(11) 'Local exchange provider' means a local exchange telephone company operating in this State.

(~~6~~12) 'Operating fund' means the Dual Party Relay Service Operating Fund which is a specific fund to be created by the commission and established, invested, managed, and maintained for the exclusive purpose of implementing the provisions of this chapter according to commission regulations.

(13) 'Prepaid wireless consumer' means a person or entity that purchases prepaid wireless telecommunications service in a prepaid wireless retail transaction.

(14) 'Prepaid wireless provider' means a person or entity that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(15) 'Prepaid wireless retail transaction' means the purchase of prepaid wireless telecommunications service from a prepaid wireless seller for any purpose other than resale.

(16) 'Prepaid wireless seller' means a person or entity that sells prepaid wireless telecommunications service to another person or entity for any purpose other than resale.

(17) 'Prepaid wireless telecommunications service' means any commercial mobile radio service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in units or dollars which decline with use in a known amount.

~~(7) 'Regulatory staff' means the executive director or the executive director and the employees of the Office of Regulatory Staff.~~

(~~8~~18) 'Speech impaired person' means an individual who has suffered a loss of oral communication ability which prohibits normal use of a standard telephone handset.

(19) 'Subscriber' means any person, company, corporation, business, association, or party who is provided telephone (local exchange access facility) service or CMRS service or VoIP service.

(~~9~~20) 'Telecommunications device' or 'telecommunications device for the deaf, hearing, or speech impaired' or 'TDD' or 'TTY' means a keyboard mechanism attached to or in place of a standard telephone by some coupling device used to transmit or receive signals through telephone lines.

(21) 'Voice over Internet Protocol (VoIP) service' means interconnected VoIP service as that term is defined in 47 C.F.R. Section 9.3 as may be amended.

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(22) ‘Voice over Internet Protocol (VoIP) provider’ means a person or entity that provides VoIP service.

(23) ‘Voice over Internet Protocol (VoIP) subscriber’ means a person or entity that purchases VoIP service from a VoIP provider.

(24) ‘Voice over Internet Protocol (VoIP) service line’ means a VoIP service that offers an active telephone number or successor dialing protocol assigned by a VoIP service provider to a customer that has outbound calling capability.”

SECTION 8. Section 58-9-2530(A) of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“(A) The commission may require ~~all local exchange telephone companies~~ each local exchange provider, CMRS provider, and VoIP provider operating in this State to impose a monthly dual party relay charge not to exceed ~~twenty-five ten~~ cents on all residential and business local exchange access facilities, and each prepaid wireless seller to impose a dual party relay charge of the same amount on each wireless retail transaction, as necessary to fund the establishment and operation of a dual party relay system and a distribution system of TTY’s and other related telecommunications devices in this State. The amount of the dual party charge must be determined by the commission based upon the amount of funding necessary to accomplish the purposes of this article and provide dual party telephone relay services on a continuous basis, and the amount of the charge must be uniform among all local exchange providers, CMRS providers, VoIP providers, and prepaid wireless sellers. ~~If assessed, the local exchange companies shall collect the charge from their customers and transfer the~~ All dual party relay charge monies collected and remitted to the department in accordance with Section 58-9-2535 must be transferred to the operating fund, which must be administered by the Office of Regulatory Staff. The dual party relay charge collected and remitted ~~by the local exchange companies in accordance with this article~~ is not subject to any tax, fee, or assessment, nor may it be considered revenue of ~~the a~~ local exchange ~~companies~~ provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller. The commission may provide for the funding of the dual party relay system through contributions from other sources. The fund must be established, invested, and managed for the exclusive purpose of implementing the provisions of this article according to regulations promulgated by the commission.”

SECTION 9. Section 58-9-576(C)(1)(a) is amended to read:

“(a) ‘Single-line basic residential service’ means single-line residential flat rate basic voice grade local service ~~with touch-tone~~ within

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a traditional local calling area that provides access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent).”

SECTION 10. Beginning on the effective date of this act, the Office of Regulatory Staff and the Department of Revenue may take necessary action to accommodate full implementation of SECTIONS 3, 5.A., and 8 of this act, as soon as practicable, provided, however, that full implementation shall not occur earlier than January 1, 2017. The Office of Regulatory Staff and the Department of Revenue shall provide at least 30 days public notice of the full implementation date before the full implementation of these SECTIONS occurs, and no person or entity is required to bill, collect, remit, or pay any charges pursuant to SECTION 3, 5.A., or 8 of this act prior to the full implementation date.

SECTION 11. Section 58-9-2540 of the 1976 Code is repealed.

SECTION 12. This act takes effect upon approval by the Governor./  
Renummer sections to conform.  
Amend title to conform.

Rep. SANDIFER moved to adjourn debate on the amendment, which was agreed to.

Reps. SANDIFER and FORRESTER proposed the following Amendment No. 2 to S. 277 (COUNCIL\AGM\277C012.AGM.AB16), which was adopted:

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

/ SECTION 1. This act must be known and may be cited as the “State Telecom Equity in Funding Act”.

SECTION 2. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58-9-2515. Nothing in this article expands, diminishes, or otherwise affects any existing jurisdiction of the commission over any local exchange provider, prepaid wireless provider, CMRS provider, or VoIP provider; or any services provided by any such provider.”

SECTION 3. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58-9-2535. (A) A local exchange provider must collect the dual party relay charge established in Section 58-9-2530(A) on each local exchange access facility.

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(1) For bills rendered on or after the effective date of this section, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier. The total number of dual party relay charges is subject to a maximum of fifty such charges for each account.

(2) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the local exchange provider. A local exchange provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

(3) Local exchange providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the Office of Regulatory Staff as an administrative fee. Within forty-five days after the end of the month during which the charges were collected, each local exchange provider shall file with the Office of Regulatory Staff a return showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the Office of Regulatory Staff the charges collected for that month less the administrative fee.

(4) Dual party relay charges imposed under this subsection must be added to the billing by the local exchange provider to its subscriber and may be stated separately.

(B) A CMRS provider must collect the dual party relay charge established in Section 58-9-2530(A) for each CMRS connection for which there is a mobile identification number containing an area code assigned to this State by the North American Numbering Plan Administrator; however, trunks or service lines used to supply service to CMRS providers must not be subject to a dual party relay charge. Prepaid wireless telecommunications service is subject to subsection (D) and not to this subsection.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the CMRS provider. A CMRS provider has no obligation to take any legal action to

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enforce the collection of the dual party relay charges for which a subscriber is billed.

(2) CMRS providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges, every CMRS provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of charges collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall transfer all charges remitted to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the CMRS provider to its subscriber and may be stated separately.

(C) A VoIP provider must collect the dual party relay charge established in Section 58-9-2530(A) on each VoIP service line. This dual party relay charge must be sourced at the service address in the case of fixed VoIP service, or in the same manner as CMRS is sourced pursuant to the Mobile Telecommunications Sourcing Act, Public Law 106-252, codified at 4 U.S.C. Sections 116 through 126.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the VoIP provider. A VoIP provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed. For bills rendered on or after the effective date of this section, for any VoIP service line that is capable of simultaneously carrying multiple voice and data transmissions, a VoIP subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a VoIP service line in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the VoIP provider; or

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the VoIP provider. The total number of dual party relay charges is subject to a maximum of fifty such charges for each account.

(2) VoIP providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection

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of the dual party relay charges, each VoIP provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the department the charges collected for that month less the administrative fee. The department shall transfer all charges remitted to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the VoIP provider to its subscriber and may be stated separately.

(D) A prepaid wireless seller must collect the dual party relay charge established in Section 58-9-2530(A) from a prepaid wireless consumer with respect to each prepaid wireless retail transaction occurring in this State. The amount of the dual party relay charge either must be separately stated on an invoice, receipt, or other similar document that is provided to the prepaid wireless consumer by the prepaid wireless seller; or otherwise disclosed to the prepaid wireless consumer. At the election of the prepaid wireless seller, the dual party relay charge may be combined with the USF contribution charge described in Section 58-9-280(E)(2)(b) into a single dual party relay and USF contribution charge for purposes of being stated on the invoice, receipt or other similar document or otherwise disclosed to the prepaid wireless consumer. The prepaid wireless seller shall notify the department as to how much of the amount remitted is for dual party relay and how much of the amount remitted is for USF.

(1) For the purposes of this subsection, a prepaid wireless retail transaction must be sourced as provided in Section 12-36-910(B)(5)(b).

(2) The dual party relay charge is the liability of the prepaid wireless consumer and not the prepaid wireless seller or of any prepaid wireless provider. However, the prepaid wireless seller is liable for remitting all dual party relay charges that the prepaid wireless seller collects from prepaid wireless consumers as provided in this subsection to the department.

(3) A prepaid wireless seller is entitled to retain three percent of the gross dual party relay charges remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the dual party relay charges collected to the department on or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges. The department shall transfer all charges remitted to the operating fund.

(4) The department shall establish procedures by which a prepaid wireless seller may document that a sale is not a prepaid wireless

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retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions pursuant to Section 12-36-950.

(E) If a billed subscriber purchases a service that is both a CMRS service and a VoIP service, and there is a single active mobile telephone number or successor dialing protocol associated with the service, then only the CMRS dual party relay charges that are subject to subsection (B) apply to the service. Similarly, if an exchange access facility is also a VoIP service line, then only the dual party relay charges that are subject to subsection (A) shall apply to the service.

(F) For services for which a bill is rendered prior to the effective date of this sub-subitem, no subscriber or consumer is liable to any person or entity for a different dual party relay charge than the consumer or subscriber has been billed, and no local exchange provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller is liable to any person or entity for billing, collecting, or remitting a different dual party relay charge than is required by this article, or both.

(G) Neither the State, any political subdivision of the State, nor an intergovernmental agency may require any service provider to impose, collect, or remit a tax, fee, surcharge, or other charge for dual party relay funding purposes other than the dual party relay charges set forth in this article.

(H) The dual party relay charge required to be remitted to the department must be administered and collected by the department in the same manner as taxes as defined in Section 12-60-30(27) are administered and collected by the department under the provisions of Title 12.”

SECTION 4. Section 58-9-10(9) and (10) of the 1976 Code, as last amended by Act 354 of 1996, is further amended to read:

“(9) The term ‘basic local exchange telephone service’ means for residential and single-line business customers, access to basic voice grade local service ~~with touchtone~~, access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent).

(10) The term ‘carrier of last resort’ means a facilities-based local exchange carrier, as determined by the commission, not inconsistent with the federal Telecommunications Act of 1996, which has the obligation to provide basic local exchange telephone service, upon reasonable request, to all residential and single-line business customers within a defined service or geographic area. A carrier of last resort may

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meet its obligation by using any available technology of equal or greater service quality than is required by applicable commission regulations as of the effective date of this item, including, but not limited to, the provision of a broadband connection that allows the customer to access basic voice grade local service from the carrier of last resort or other available voice provider of the customer's choice. Notwithstanding any other provision of law, and regardless of the technology used, the basic voice grade local service provided to meet this obligation is subject to the commission's jurisdiction with respect to service quality and rates, and is entitled to USF support. Initially, the incumbent LEC must be a carrier of last resort within its existing service area."

SECTION 5.A. Section 58-9-280(E) of the 1976 Code, as last amended by Act 218 of 2006, is further amended to read:

"(E) In continuing South Carolina's commitment to universally available basic local exchange telephone service at affordable rates and to assist with the alignment of prices ~~and/or~~ and cost recovery with costs, and consistent with applicable federal policies, the commission shall establish a universal service fund (USF) for distribution to a ~~carrier(s)~~ carrier of last resort. The commission shall issue its final order adopting such guidelines as ~~may be~~ necessary for the funding and management of the USF within twelve months of the effective date of this section except that the commission, upon notice, may extend that period up to an additional ninety days. These guidelines must not be inconsistent with applicable federal law and shall address, without limitation, the following:

(1) The USF ~~shall~~ must be administered by the Office of Regulatory Staff or a third party designated by the Office of Regulatory Staff under guidelines to be adopted by the commission.

(2) The commission shall require all telecommunications companies providing telecommunications services within South Carolina to contribute to the USF as determined by the commission.

(a) Entities that provide service pursuant to a certificate issued by the commission must remit these contributions to the Office of Regulatory Staff. All other entities must remit these contributions to the Department of Revenue. The Department of Revenue monthly shall assess each provider that does not have such a certificate, the provider's contribution to the USF. The Office of Regulatory Staff shall certify to the Department of Revenue the USF factor and the amounts to be assessed. The USF assessments, less the Department of Revenue actual incremental increase in the cost of administration, must be transferred to

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the USF administered by the Office of Regulatory Staff or third party administrator designated by the Office of Regulatory Staff.

(b) USF contributions for service defined in Section 58-9-2510(17) must be collected pursuant to Section 58-9-280(E) from consumers, as defined in Section 58-9-2510(13), by persons or entities defined in Section 58-9-2510(16). The amount of the charge to be collected with respect to each retail transaction, as defined in Section 58-9-2510(15) must be a fixed per-transaction fee established annually by the Office of Regulatory Staff. Persons or entities defined in Section 58-9-2510(16) shall submit all necessary forms to the department to demonstrate that the charges have been collected and remitted. An entity that remits funds in support of the USF may file a petition with the commission seeking a review of the fixed per-transaction fee as determined by the Office of Regulatory Staff. A decision by the commission in response to the petition only may be applied prospectively and must be implemented the next time that the Office of Regulatory Staff makes its annual determination of the fixed per-transaction fee.

(c) Entities that are required to contribute shall provide information sufficient to permit the requirements of this subsection to be implemented, monitored, and enforced to the Office of Regulatory Staff. All information, records, documents, and their contents provided to the Office of Regulatory Staff pursuant to this subsection must be maintained as confidential and are exempt from public disclosure under the South Carolina Freedom of Information Act. All information, records, documents, and their contents that are exchanged between the Office of Regulatory Staff and other state or federal agencies related to implementing, monitoring, and enforcing the requirements of this subsection must be maintained as confidential and are exempt from public disclosure under the South Carolina Freedom of Information Act. Except to the extent necessary to implement, monitor, and enforce contributions to the USF, the provisions of this section do not expand, diminish, or otherwise affect any existing jurisdiction of the commission over any telecommunications company, VoIP provider, CMRS provider, prepaid wireless provider, or any services provided by these providers.

(d) A person or entity defined in Section 58-9-2510(16) must collect the USF contribution from a consumer defined in Section 58-9-2510(13) with respect to each retail transaction defined in Section 58-9-2510(15) occurring in this State. The amount of the charge either must be separately stated on an invoice, receipt, or other similar document that is provided to the consumer defined in Section

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58-9-2510(13) by the person or entity defined in Section 58-9-2510(16); or otherwise disclosed to the consumer defined in Section 58-9-2510(13). At the election of the person or entity defined in Section 58-9-2510(16), the dual party relay charge, the USF contribution charge, and the 911 charge described in Title 23, chapter 47, may be combined into a single charge for purposes of being stated on the invoice, receipt, or other similar document or otherwise disclosed to the consumer defined in Section 58-9-2510(13). The person or entity defined in Section 58-9-2510(16) shall notify the department as to how much of the amount remitted is for dual party relay and how much of the amount remitted is for USF.

(i) For the purposes of this subsection, a retail transaction defined in Section 58-9-2510(15) must be sourced as provided in Section 12-36-910(B)(5)(b).

(ii) A person or entity defined in Section 58-9-2510(16) is entitled to retain three percent of the gross USF contribution remitted to the department as an administrative fee. A person or entity defined in Section 58-9-2510(16) must remit the remainder of the USF contribution to the department on or before the twentieth day of the second month succeeding each monthly collection of the USF charges. The department shall transfer the USF contributions to the USF administered by the Office of Regulatory Staff or third party designated by the Office of Regulatory Staff. The amount of the USF contribution collected by a person or entity defined in Section 58-9-2510(16), whether or not such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer defined in Section 58-9-2510(13), may not be included in the base for measuring any tax, fee, USF contribution, or other charge that is imposed by this State, any political subdivision of this State, or any intergovernmental agency. This amount may not be considered revenue of the person or entity defined in Section 58-9-2510(16).

(iii) The department shall establish procedures by which a person or entity defined in Section 58-9-2510(16) may document that a sale is not a retail transaction defined in Section 58-9-2510(15), which procedures shall substantially coincide with the procedures for documenting sale for resale transactions pursuant to Section 12-36-950.

(e) The USF contribution required to be remitted to the department must be administered and collected by the department in the same manner as taxes as defined in Code Section 12-60-30(27) are administered and collected by the department under the provisions of Title 12.

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(3) The commission also shall require any company providing telecommunications service to contribute to the USF if, after notice and opportunity for hearing, the commission determines that the company is providing private local exchange services or radio-based local exchange services in this State that compete with a local telecommunications service provided in this State.

~~(4)(a) The size of the USF shall be determined by the commission and shall be the sum of the difference, for each carrier of last resort, between its costs of providing basic local exchange services and the maximum amount it may charge for the services. The commission may use estimates to establish the size of the USF on an annual basis, provided it establishes a mechanism for adjusting any inaccuracies in the estimates.~~

~~(5) Monies in the USF shall be distributed to a carrier of last resort upon application and demonstration of the amount of the difference between its cost of providing basic local exchange services and the maximum amount it may charge for such services.~~

~~(6) The commission shall require any carrier of last resort seeking reimbursement from the fund to file with the commission and provide to the Office of Regulatory Staff the information necessary to determine the costs of providing basic local exchange telephone services. In the event that a carrier of last resort does not currently conduct detailed cost studies relating to such services, the commission shall allow for an appropriate surrogate for such study. must be the sum of:~~

~~(i) the amount of USF support received by each carrier of last resort in 2015;~~

~~(ii) the amount of Interim LEC Fund support received by each local exchange carrier in 2015;~~

~~(iii) all amounts approved by the commission to provide state funding for the Lifeline program for low income subscribers; and~~

~~(iv) all amounts approved by the commission for administration of the USF.~~

~~(b) The size of the USF may be adjusted to reflect changes in USF support for those LECs that have made the election set out in Section 58-9-576(C).~~

~~(5) For local exchange carriers that have previously reduced rates and charges to be eligible to receive USF support and that have not made the election set out in Section 58-9-576(C), money in the USF must be distributed to a local exchange carrier in the same amount distributed to the carrier from the Interim LEC fund in 2015 and to a carrier of last~~

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resort in the same amount distributed to the carrier of last resort in 2015 for so long as it continues to serve as a carrier of last resort. For any carrier that makes, or has made, an election under Section 58-9-576(C), its right to recover from the USF must be governed by the provisions of Section 58-9-576(C) and the amount it is entitled to recover must be adjusted in accordance with Section 58-9-576(C); provided, however, that nothing in this subsection restricts the ability of any carrier to withdraw from the State USF all amounts approved by the commission to provide state funding for the Lifeline program for low income subscribers.

(6) For services for which a bill is rendered or a charge is applied before the effective date of this subsection, no subscriber or consumer is liable to any person or entity for a different universal service charge than the consumer or subscriber has been billed or charged, and no telecommunications company, VoIP provider, CMRS provider, or prepaid wireless provider is liable to any person or entity for billing, collecting, or remitting a different universal contribution amount than is required by this article.

(7) Subject to the provisions of items (2), (3), (4), and (5) the commission shall have the authority to ~~may~~ make administrative adjustments to the contribution or distribution levels based on yearly reconciliations and to order further contributions or distributions as needed.

(8) After notice and an opportunity for hearing to all affected carriers and the Office of Regulatory Staff, the commission by rule may expand the set of services within the definition of universal service based on a finding that the uniform statewide demand for such additional service is such that including the service within the definition of universal service will further the public interest; provided, however, that before implementing any such finding, the commission shall provide for recovery of unrecovered costs through the USF of such additional service by the affected carrier of last resort. A carrier of last resort authorized to receive funds from the USF is subject to random compliance audits and other investigations by the Office of Regulatory Staff, in accordance with Section 58-4-55.

(9) Nothing in subsection (G) of this section shall preclude the commission from assessing broadband service revenues for purposes of contributions to the USF, pursuant to this subsection.

(10) All carriers of last resort shall retain all records of operations within the jurisdiction of the Office of Regulatory Staff required to demonstrate that the support received was used to support the programs

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for which it was intended. This documentation must be maintained for at least 10 years from the receipt of the funding. All such documents must be made available upon request to the Office of Regulatory Staff.

(11) In order to create an environment that ensures financial stability necessary to encourage long-term investment by carriers of last resort while providing for appropriate oversight:

(a) within two years after the effective date of this subitem, the Office of Regulatory Staff shall provide a report to the Public Utilities Review Committee (PURC) as to the State Universal Service Fund, the need for funding, and the appropriate level of distributions; and

(b) every four years thereafter, the Office of Regulatory Staff shall provide a report to PURC as to the status of the State Universal Service Fund, provide recommendations, and provide such other information as the PURC deems appropriate.”

B. This entire section is void if any portion of this section is finally adjudicated invalid.

SECTION 6. Section 58-9-576(C)(2) of the 1976 Code is amended to read:

“(2)(a) Beginning on the date that the LEC’s election, pursuant to this subsection, becomes effective, the LEC may increase its rates for its stand alone basic residential lines that were in service on the preelection date on an annual basis by a percentage that does not exceed the percentage increase over the prior year in the Gross Domestic Product Price Index, as reported by the United States Department of Labor, Bureau of Labor Statistics. If the customer of record for a stand alone basic residential line that was in service on the preelection date dies or moves from the residence, the provisions of this subitem will continue to apply to the stand alone basic residential line at the residence if a spouse, family member, or cotenant of that customer of record provides documentation showing that he resided at the location and requests to have the stand alone basic residential line continued in his name. With the sole exception of ensuring the LEC’s compliance with the preceding sentences, the commission must not:

~~(a)(i)~~ impose any requirements related to the terms, conditions, rates, or availability of any of the LEC’s stand alone basic residential lines that were in service on the preelection date; or

~~(b)(ii)~~ otherwise regulate any of the LEC’s stand alone basic residential lines that were in service on the preelection date.

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(b) Except as provided in subsection (C)(2)(c), for any LEC that elected to operate under section 58-9-576(C) prior to January 1, 2016, the commission must not:

(i) impose any requirements related to the terms, conditions, rates, or availability of any of the LEC's stand alone basic residential lines that were in service on the preelection date; or

~~(b)~~(ii) otherwise regulate any of the LEC's stand alone basic residential lines that were in service on the preelection date.

(c)(i) As used in this subsection, 'voice service' means retail service provided through any technology or service arrangement that includes the applicable functionalities described in 47 C.F.R. sec. 54.101(a). Notwithstanding anything in subsection (C)(2)(b), the following provisions apply to each customer receiving a stand-alone basic residential line from any LEC described in subsection (C)(2)(b) both on the preelection date and on the effective date of this sub-subitem. For a period ending four years after the effective date of this sub-subitem, if the customer cannot receive voice service from any provider through any technology at the customer's residence where the customer received a stand-alone basic residential line, the customer may file a request for service with the commission. Following an investigation by the commission, if the commission determines a reasonable request for service has been made and that no voice service is available to the customer, the commission may:

(1) make a determination that the LEC is best able to provide voice service to the customer's residence and it may order the LEC to provide the voice service to the customer's residence. If ordered by the commission to provide voice service, the LEC shall do so directly or through an affiliate; or

(2) conduct a competitive procurement process to identify a willing provider of voice service to provide voice service to the customer's residence. The willing provider of voice service selected shall provide the voice service directly or through an affiliate.

(ii) The LEC or willing provider of voice service may provide the voice service through any voice technology.

(iii) Other than ordering the provision of voice service pursuant to this subsection, the commission may not regulate any aspect of the voice service. The commission shall issue a final order disposing of any request filed pursuant to this subsection within ninety days of the filing of the request, and all aspects of the commission's order shall expire four years after the effective date of the order and may not be renewed.

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(iv) Before terminating service to a customer described in subsection (C)(2)(c) whose residence uses a stand-alone basic residential line, the LEC described shall provide written notice to the customer informing him of his rights under this subsection. This written notice shall direct the customer where to file the request and include the commission's contact information. The LEC shall provide this written notice at least ninety days prior to terminating service at the customer's residence."

SECTION 7. Section 58-9-2510 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

"Section 58-9-2510. As used in this article:

(1) 'CMRS connection' means each mobile number assigned to a CMRS customer.

(2) 'Commercial Mobile Radio Service' (CMRS) means commercial mobile radio service under Sections 3(27) and 332(d), Federal Telecommunications Act of 1996, 47 U.S.C. Section 151, et seq., Federal Communications Commission Rules, and the Omnibus Budget Reconciliation Act of 1993. The term includes any wireless two-way communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional and/or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, or a network radio access line. The term does not include services that do not provide access to 911 service, a communication channel suitable only for data transmission, a wireless roaming service or other nonlocal radio access line service, or a private telecommunications system.

(3) 'Commission' means the Public Service Commission.

~~(24)~~ 'Deaf person' means an individual who is unable to hear and understand oral communication, with or without the assistance of amplification devices.

(5) 'Department' means the Department of Revenue.

~~(36)~~ 'Dual party relay system' or 'DPR' means a procedure in which a deaf, hearing, or speech impaired TDD user can communicate with an intermediary party, who then orally relays the first party's message or request to a third party, or a procedure in which a party who is not deaf or hearing or speech impaired can communicate with an intermediary party who then relays the message or request to a TDD user.

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~~(3-57)~~ 'Dual sensory impaired person' means an individual who is deaf/blind or has both a permanent hearing impairment and a permanent visual impairment.

(8) 'Exchange access facility' means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by the South Carolina Public Service Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, or wide area telecommunications service (wats), foreign exchange (fx), or incoming lines.

(49) 'Hard of hearing person' means an individual who has suffered a permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication.

(510) 'Hearing impaired person' means a person who is deaf or hard of hearing.

(11) 'Local exchange provider' means a local exchange telephone company operating in this State.

(612) 'Operating fund' means the Dual Party Relay Service Operating Fund which is a specific fund to be created by the commission and established, invested, managed, and maintained for the exclusive purpose of implementing the provisions of this chapter according to commission regulations.

(13) 'Prepaid wireless consumer' means a person or entity that purchases prepaid wireless telecommunications service in a prepaid wireless retail transaction.

(14) 'Prepaid wireless provider' means a person or entity that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(15) 'Prepaid wireless retail transaction' means the purchase of prepaid wireless telecommunications service from a prepaid wireless seller for any purpose other than resale.

(16) 'Prepaid wireless seller' means a person or entity that sells prepaid wireless telecommunications service to another person or entity for any purpose other than resale.

(17) 'Prepaid wireless telecommunications service' means any commercial mobile radio service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in units or dollars which decline with use in a known amount.

~~(7) 'Regulatory staff' means the executive director or the executive director and the employees of the Office of Regulatory Staff.~~

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(§18) ‘Speech impaired person’ means an individual who has suffered a loss of oral communication ability which prohibits normal use of a standard telephone handset.

(19) ‘Subscriber’ means any person, company, corporation, business, association, or party who is provided telephone (local exchange access facility) service or CMRS service or VoIP service.

(920) ‘Telecommunications device’ or ‘telecommunications device for the deaf, hearing, or speech impaired’ or ‘TDD’ or ‘TTY’ means a keyboard mechanism attached to or in place of a standard telephone by some coupling device used to transmit or receive signals through telephone lines.

(21) ‘Voice over Internet Protocol (VoIP) service’ means interconnected VoIP service as that term is defined in 47 C.F.R. Section 9.3 as may be amended.

(22) ‘Voice over Internet Protocol (VoIP) provider’ means a person or entity that provides VoIP service.

(23) ‘Voice over Internet Protocol (VoIP) subscriber’ means a person or entity that purchases VoIP service from a VoIP provider.

(24) ‘Voice over Internet Protocol (VoIP) service line’ means a VoIP service that offers an active telephone number or successor dialing protocol assigned by a VoIP service provider to a customer that has outbound calling capability.”

SECTION 8. Section 58-9-2530(A) of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“(A) The commission may require ~~all local exchange telephone companies~~ each local exchange provider, CMRS provider, and VoIP provider operating in this State to impose a monthly dual party relay charge not to exceed ~~twenty five ten~~ ten cents on all residential and business local exchange access facilities, and each prepaid wireless seller to impose a dual party relay charge of the same amount on each wireless retail transaction, as necessary to fund the establishment and operation of a dual party relay system and a distribution system of TTY’s and other related telecommunications devices in this State. The amount of the dual party charge must be determined by the commission based upon the amount of funding necessary to accomplish the purposes of this article and provide dual party telephone relay services on a continuous basis, and the amount of the charge must be uniform among all local exchange providers, CMRS providers, VoIP providers, and prepaid wireless sellers. ~~If assessed, the local exchange companies shall collect the charge from their customers and transfer the~~ All dual party relay charge monies collected and remitted to the department in accordance with Section

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58-9-2535 must be transferred to the operating fund, which must be administered by the Office of Regulatory Staff. The dual party relay charge collected and remitted ~~by the local exchange companies in accordance with this article~~ is not subject to any tax, fee, or assessment, nor may it be considered revenue of ~~the a local exchange companies provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller~~. The commission may provide for the funding of the dual party relay system through contributions from other sources. The fund must be established, invested, and managed for the exclusive purpose of implementing the provisions of this article according to regulations promulgated by the commission.”

SECTION 9. Section 58-9-576(C)(1)(a) is amended to read:

“(a) ‘Single-line basic residential service’ means single-line residential flat rate basic voice grade local service ~~with touch-tone~~ within a traditional local calling area that provides access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent).”

SECTION 10. Beginning on the effective date of this act, the Office of Regulatory Staff and the Department of Revenue may take necessary action to accommodate full implementation of SECTIONS 3, 5.A., and 8 of this act, as soon as practicable, provided, however, that full implementation shall not occur earlier than January 1, 2017. The Office of Regulatory Staff and the Department of Revenue shall provide at least 30 days public notice of the full implementation date before the full implementation of these SECTIONS occurs, and no person or entity is required to bill, collect, remit, or pay any charges pursuant to SECTION 3, 5.A., or 8 of this act prior to the full implementation date.

SECTION 11. Section 58-9-2540 of the 1976 Code is repealed.

SECTION 12. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Rep. MERRILL spoke against the amendment.

Rep. MERRILL spoke against the amendment.

Rep. MERRILL moved to recommit the Bill to the Committee on Labor, Commerce and Industry.

Rep. SANDIFER moved to table the motion.

[HJ]

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Rep. MERRILL demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 74; Nays 35

Those who voted in the affirmative are:

Allison	Anderson	Atwater
Bales	Ballentine	Bannister
Bedingfield	Bernstein	Bowers
Brannon	G. A. Brown	R. L. Brown
Clary	Clemmons	Clyburn
H. A. Crawford	Crosby	Delleney
Duckworth	Felder	Finlay
Fry	Funderburk	Gagnon
Gambrell	George	Goldfinch
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Hiott	Horne
Huggins	Jefferson	Johnson
Jordan	Kennedy	Kirby
Lowe	Lucas	McKnight
M. S. McLeod	D. C. Moss	V. S. Moss
Murphy	Neal	Norrell
Ott	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	Sottile	Spires
Stringer	Taylor	Thayer
Toole	Weeks	Wells
Whitmire	Willis	

**Total--74**

Those who voted in the negative are:

Bamberg	Bradley	Burns
Chumley	Cobb-Hunter	Cole
Collins	Daning	Dillard
Douglas	Erickson	Gilliard
Herbkersman	Hicks	Hill
Hosey	Howard	King
Loftis	Long	McCoy

[HJ]

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McEachern	W. J. McLeod	Merrill
Mitchell	Nanney	Newton
Norman	Rivers	Robinson-Simpson
Stavrinakis	Tallon	Tinkler
Whipper	Williams	

**Total--35**

So, the motion to recommit the Bill was tabled.

Rep. MERRILL moved to divide the question.

Rep. NORMAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 15; Nays 90

Those who voted in the affirmative are:

Bradley	Chumley	Crosby
Daning	Erickson	Herbkersman
Hill	Long	McCoy
W. J. McLeod	Merrill	Murphy
Rivers	Stavrinakis	Tinkler

**Total--15**

Those who voted in the negative are:

Alexander	Allison	Anderson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bowers	Brannon
G. A. Brown	R. L. Brown	Burns
Clary	Clemmons	Clyburn
Cole	Collins	H. A. Crawford
Delleney	Dillard	Duckworth
Felder	Finlay	Fry
Funderburk	Gagnon	George
Gilliard	Goldfinch	Govan
Hamilton	Hardee	Hart
Hayes	Henderson	Henegan
Hicks	Hiott	Hixon
Horne	Hosey	Huggins

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Jefferson	Johnson	Jordan
Kennedy	King	Kirby
Lowe	Lucas	McEachern
McKnight	M. S. McLeod	Mitchell
D. C. Moss	V. S. Moss	Nanney
Neal	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Ryhal	Sandifer	Simrill
G. M. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Thayer	Toole	Weeks
Wells	Whipper	Whitmire
Williams	Willis	Yow

**Total--90**

So, the motion to divide the question was not agreed to.

The question then recurred to the adoption of the amendment.  
The amendment was then adopted.

Rep. MERRILL proposed the following Amendment No. 3 to S. 277 (COUNCIL\DKA\277C001.DKA.SA16), which was tabled:

Amend the bill, as and if amended, by striking SECTION 5 in its entirety and inserting:

/ SECTION 5. Section 58-9-280(E)(2) and (G)(1) of the 1976 Code is amended to read:

“(2) The commission shall require all telecommunications companies providing telecommunications services within South Carolina to contribute to the USF as determined by the commission; provided, however, the commission may not impose, collect, or enforce such a charge on a commercial mobile radio service (CMRS) provider or a prepaid wireless telecommunications service provider.

(1) Competition exists for a particular service if, for an identifiable class or group of customers in an exchange, group of exchanges, or other clearly defined geographical area, the service, its functional equivalent, or a substitute service is available from two or more providers. The commission must not:

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(a) impose any requirements concerning a commercial mobile radio service (CMRS) provider or a prepaid wireless telecommunications service provider.

~~(a)~~(b) impose any requirements related to the terms, conditions, rates, or availability of broadband service; or

~~(b)~~(c) otherwise regulate broadband service; however, in order to facilitate the continued deployment of broadband service by rural telephone companies as defined in 47 U.S.C. Section 153 (37), facilities utilized by rural telephone companies for the provision of broadband service must continue to be treated by the commission in the same manner as they were treated as of January 1, 2003, so as not to impact the provision or pricing of regulated telecommunications services by rural telephone companies. The commission shall not regulate a service for which competition exists if the market for that service is sufficiently competitive to protect the public interest. If the commission finds that competition exists for a particular service, but that service is not sufficiently competitive to protect the public interest, the commission must provide appropriate regulatory and pricing flexibility to all providers of the service.” /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

Rep. MERRILL spoke in favor of the amendment.

Rep. SANDIFER spoke against the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 98; Nays 9

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bowers	G. A. Brown
R. L. Brown	Clary	Clemmons
Clyburn	Cole	Collins
H. A. Crawford	Crosby	Delleney
Dillard	Douglas	Duckworth

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Erickson	Felder	Finlay
Fry	Funderburk	Gagnon
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hiott	Hixon	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Limehouse	Long	Lowe
Lucas	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Mitchell
D. C. Moss	V. S. Moss	Murphy
Nanney	Neal	Newton
Norman	Norrell	Ott
Parks	Pitts	Pope
Quinn	Ridgeway	Riley
Robinson-Simpson	Rutherford	Ryhal
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Toole	Weeks	Wells
Whipper	Whitmire	Williams
Willis	Yow	

**Total--98**

Those who voted in the negative are:

Bradley	Chumley	Daning
Hill	McCoy	Merrill
Putnam	Rivers	Stavrinakis

**Total--9**

So, the amendment was tabled.

Rep. MERRILL proposed the following Amendment No. 4 to S. 277 (COUNCIL\DKA\277C008.DKA.SA16), which was tabled:

Amend the bill, as and if amended, Section 58-9-280(E)(8), as contained in SECTION 5.A., by striking the item and inserting:

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~~/ (8) After notice and an opportunity for hearing to all affected carriers and the Office of Regulatory Staff, the commission by rule may expand the set of services within the definition of universal service based on a finding that the uniform statewide demand for such additional service is such that including the service within the definition of universal service will further the public interest, provided, however, that before implementing any such finding, the commission shall provide for recovery of unrecovered costs through the USF of such additional service by the affected carrier of last resort. A carrier of last resort authorized to receive funds from the USF must submit to a compliance audit before receiving any funds, and subsequently is subject to random compliance audits and other investigations by the Office of Regulatory Staff, in accordance with Section 58-4-55. /~~

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

Rep. SANDIFER spoke against the amendment.

Rep. MERRILL spoke in favor of the amendment.

Rep. SANDIFER spoke against the amendment.

Rep. SANDIFER moved to table the amendment, which was agreed to, by a division vote of 73 to 27.

Rep. MERRILL proposed the following Amendment No. 6 to S. 277 (COUNCIL\AGM\277C007.AGM.AB16), which was tabled:

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

/ SECTION \_\_\_\_. Effective July 1, 2016, the Universal Service Fund (USF) is abolished, and the Public Service Commission shall return any remaining money in the fund to the providers who contributed to the fund during the preceding twelve-month period. /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

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

[HJ]

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Rep. MERRILL proposed the following Amendment No. 7 to S. 277 (COUNCIL\AGM\277C008.AGM.AB16), which was tabled:

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

/ SECTION \_\_\_\_ . Effective July 1, 2016, the Universal Service Fund (USF) heretofore shall be known as the “Universal Super-Secret Remittance (USSR) Tax Fund”. The Code Commissioner is directed to change references to the USF Fund to the USSR Fund. /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

Rep. MCKNIGHT moved to table the amendment, which was agreed to, by a division vote of 77 to 16.

Rep. KING proposed the following Amendment No. 8 to S. 277 (COUNCIL\DKA\277C009.DKA.SA16), which was ruled out of order:

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

/ SECTION \_\_\_\_ . Article 3, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58-9-255. Notwithstanding any other provisions of law, a wireless telecommunications provider may not require a contract as a condition to utilize the provider’s wireless service.” /

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

#### **POINT OF ORDER**

Rep. SANDIFER raised the Point of Order that under Rule 9.3 Amendment No. 8 to S. 277 was out of order in that it was not germane to the Bill.

The SPEAKER sustained the Point of Order and ruled the Amendment No. 8 to be non-germane.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 277 (COUNCIL\AGM\277C001.AGM.AB16), which was tabled:

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

/ SECTION 1. This act must be known and may be cited as the “State Telecom Equity in Funding Act”.

SECTION 2. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58-9-2515. Nothing in this article expands, diminishes, or otherwise affects any existing jurisdiction of the commission over any local exchange provider, prepaid wireless provider, CMRS provider, or VoIP provider; or any services provided by any such provider.”

SECTION 3. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58-9-2535. (A) A local exchange provider must collect the dual party relay charge established in Section 58-9-2530(A) on each local exchange access facility.

(1) For bills rendered on or after the effective date of this act, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier. The total number of dual party relay charges is subject to a maximum of fifty such charges for each account.

(2) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the local exchange provider. A local exchange provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

(3) Local exchange providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the Office of Regulatory Staff as an administrative fee. Within forty-five days after the end of the month during which the charges were collected, each local exchange provider shall file with the Office of Regulatory Staff a return showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the Office of Regulatory Staff the charges collected for that month less the administrative fee.

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(4) Dual party relay charges imposed under this subsection must be added to the billing by the local exchange provider to its subscriber and may be stated separately.

(B) A CMRS provider must collect the dual party relay charge established in Section 58-9-2530(A) for each CMRS connection for which there is a mobile identification number containing an area code assigned to this State by the North American Numbering Plan Administrator; however, trunks or service lines used to supply service to CMRS providers must not be subject to a dual party relay charge. Prepaid wireless telecommunications service is subject to subsection (D) and not to this subsection.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the CMRS provider. A CMRS provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

(2) CMRS providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges, every CMRS provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of charges collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall transfer all charges remitted to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the CMRS provider to its subscriber and may be stated separately.

(C) A VoIP provider must collect the dual party relay charge established in Section 58-9-2530(A) on each VoIP service line. This dual party relay charge must be sourced at the service address in the case of fixed VoIP service, or in the same manner as CMRS is sourced pursuant to the Mobile Telecommunications Sourcing Act, Public Law 106-252, codified at 4 U.S.C. Sections 116 through 126.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the VoIP provider. A VoIP provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed. For bills rendered on or after the effective date of this act, for any VoIP service line that is capable of simultaneously

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carrying multiple voice and data transmissions, a VoIP subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a VoIP service line in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the VoIP provider; or

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the VoIP provider. The total number of dual party relay charges is subject to a maximum of fifty such charges for each account.

(2) VoIP providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges, each VoIP provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the department the charges collected for that month less the administrative fee. The department shall transfer all charges remitted to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the VoIP provider to its subscriber and may be stated separately.

(D) A prepaid wireless seller must collect the dual party relay charge established in Section 58-9-2530(A) from a prepaid wireless consumer with respect to each prepaid wireless retail transaction occurring in this State. The amount of the dual party relay charge either must be separately stated on an invoice, receipt, or other similar document that is provided to the prepaid wireless consumer by the prepaid wireless seller; or otherwise disclosed to the prepaid wireless consumer. At the election of the prepaid wireless seller, the dual party relay charge may be combined with the USF contribution charge described in Section 58-9-280(E)(2)(b) into a single dual party relay and USF contribution charge for purposes of being stated on the invoice, receipt or other similar document or otherwise disclosed to the prepaid wireless consumer. The prepaid wireless seller shall notify the department as to how much of the amount remitted is for dual party relay and how much of the amount remitted is for USF.

(1) For the purposes of this subsection, a prepaid wireless retail transaction must be sourced as provided in Section 12-36-910(B)(5)(b).

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(2) The dual party relay charge is the liability of the prepaid wireless consumer and not the prepaid wireless seller or of any prepaid wireless provider. However, the prepaid wireless seller is liable for remitting all dual party relay charges that the prepaid wireless seller collects from prepaid wireless consumers as provided in this subsection to the department.

(3) A prepaid wireless seller is entitled to retain three percent of the gross dual party relay charges remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the dual party relay charges collected to the department on or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges. The department shall transfer all charges remitted to the operating fund.

(4) The department shall establish procedures by which a prepaid wireless seller may document that a sale is not a prepaid wireless retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions pursuant to Section 12-36-950.

(E) If a billed subscriber purchases a service that is both a CMRS service and a VoIP service, and there is a single active mobile telephone number or successor dialing protocol associated with the service, then only the CMRS dual party relay charges that are subject to subsection (B) apply to the service. Similarly, if an exchange access facility is also a VoIP service line, then only the dual party relay charges that are subject to subsection (A) shall apply to the service.

(F) For services for which a bill is rendered prior to the effective date of this act, no subscriber or consumer is liable to any person or entity for a different dual party relay charge than the consumer or subscriber has been billed, and no local exchange provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller is liable to any person or entity for billing, collecting, or remitting a different dual party relay charge than is required by this article, or both.

(G) Neither the State, any political subdivision of the State, nor an intergovernmental agency may require any service provider to impose, collect, or remit a tax, fee, surcharge, or other charge for dual party relay funding purposes other than the dual party relay charges set forth in this article.

(H) The dual party relay charge required to be remitted to the department must be administered and collected by the department in the same manner as taxes as defined in Section 12-60-30(27) are

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administered and collected by the department under the provisions of Title 12.”

SECTION 4. Section 58-9-10(9) and (10) of the 1976 Code, as last amended by Act 354 of 1996, is further amended to read:

“(9) The term ‘basic local exchange telephone service’ means for residential and single-line business customers, access to basic voice grade local service ~~with touchtone~~, access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent).

(10) The term ‘carrier of last resort’ means a facilities-based local exchange carrier, as determined by the commission, not inconsistent with the federal Telecommunications Act of 1996, which has the obligation to provide basic local exchange telephone service, upon reasonable request, to all residential and single-line business customers within a defined service or geographic area. A carrier of last resort may meet its obligation by using any available technology of equal or greater service quality than is required by applicable commission regulations as of the effective date of this act, including, but not limited to, the provision of a broadband connection that allows the customer to access basic voice grade local service from the carrier of last resort or other available voice provider of the customer’s choice. Notwithstanding any other provision of law, and regardless of the technology used, the basic voice grade local service provided to meet this obligation shall be subject to the commission’s jurisdiction with respect to service quality and rates, and shall be entitled to USF support. Initially, the incumbent LEC must be a carrier of last resort within its existing service area.”

SECTION 5. A. Section 58-9-280(E) of the 1976 Code, as last amended by Act 218 of 2006, is further amended to read:

“(E) In continuing South Carolina’s commitment to universally available basic local exchange telephone service at affordable rates and to assist with the alignment of prices ~~and/or~~ and cost recovery with costs, and consistent with applicable federal policies, the commission shall establish a universal service fund (USF) for distribution to a ~~carrier(s)~~ carrier of last resort. The commission shall issue its final order adopting such guidelines as ~~may be~~ necessary for the funding and management of the USF within twelve months of the effective date of this section except that the commission, upon notice, may extend that period up to an additional ninety days. These guidelines must not be inconsistent with applicable federal law and shall address, without limitation, the following:

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(1) The USF ~~shall~~ must be administered by the Office of Regulatory Staff or a third party designated by the Office of Regulatory Staff under guidelines to be adopted by the commission.

(2) The commission shall require all telecommunications companies providing telecommunications services within South Carolina to contribute to the USF as previously determined by the commission and as modified by any orders the commission may enter pursuant to this subsection. All providers of CMRS services, as defined in Section 58-9-2510(2), and all VoIP providers as defined in Section 58-9-2510(22) shall contribute to the USF in the same manner as telecommunications companies, except that prepaid wireless sellers shall collect from prepaid wireless consumers a fixed per transaction fee determined annually by the Office of Regulatory Staff.

(a) Telecommunications companies and VoIP providers that provide VoIP service pursuant to a certificate issued by the commission must remit these contributions to the Office of Regulatory Staff in accordance with orders issued by the commission. All other VoIP providers and all CMRS providers that are required to contribute must remit these contributions to the Department of Revenue in the same manner as telecommunications companies and VoIP providers that provide VoIP service pursuant to a certificate issued by the commission remit these contributions to the Office of Regulatory Staff. The Department of Revenue monthly shall assess each CMRS provider and each VoIP provider that does not have a certificate issued by the commission, its contribution to the USF. The Office of Regulatory Staff shall certify to the Department of Revenue the USF factor and the amounts to be assessed. The Department of Revenue shall charge the assessments to the companies and collect the assessments as provided by law. The USF assessments, less the Department of Revenue actual incremental increase in the cost of administration, must be transferred to the USF administered by the Office of Regulatory Staff or third party administrator designated by the Office of Regulatory Staff.

(b) USF contributions for prepaid wireless telecommunications service, as defined in Section 58-9-2510(17) must be collected pursuant to Section 58-9-280(E) from prepaid wireless consumers, as defined in Section 58-9-2510(13), by prepaid wireless sellers, as defined in Section 58-9-2510(16). The amount of the USF contribution charge to be collected with respect to each prepaid wireless retail transaction, as defined in Section 58-9-2510(15), must be a fixed per-transaction fee established annually by the Office of Regulatory Staff. Prepaid wireless sellers shall submit all necessary forms to the

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department to demonstrate that the USF contribution charges have been collected and remitted. An entity that remits funds in support of the USF may file a petition with the commission seeking a review of the fixed per-transaction fee as determined by the Office of Regulatory Staff. A decision by the commission in response to the petition only may be applied prospectively and must be implemented the next time that the Office of Regulatory Staff makes its annual determination of the fixed per-transaction fee.

(c) Telecommunications companies, VoIP providers, CMRS providers, and prepaid wireless providers shall provide information sufficient to permit the requirements of this subsection to be implemented, monitored, and enforced to the Office of Regulatory Staff. All information, records, documents, and their contents provided to the Office of Regulatory Staff by telecommunications companies, VoIP providers, providers of CMRS services, and prepaid wireless providers pursuant to this subsection must be maintained as confidential and are exempt from public disclosure under the South Carolina Freedom of Information Act. All information, records, documents, and their contents that are exchanged between the Office of Regulatory Staff and other state or federal agencies related to implementing, monitoring, and enforcing the requirements of this subsection must be maintained as confidential and are exempt from public disclosure under the South Carolina Freedom of Information Act. Except to the extent necessary to implement, monitor, and enforce contributions to the USF, the provisions of this subsection do not expand, diminish, or otherwise affect any existing jurisdiction of the commission over any telecommunications company, VoIP provider, CMRS provider, prepaid wireless provider, or any services provided by these providers.

(d) A prepaid wireless seller must collect the USF contribution from a prepaid wireless consumer with respect to each prepaid wireless retail transaction occurring in this State. The amount of the USF charge either must be separately stated on an invoice, receipt, or other similar document that is provided to the prepaid wireless consumer by the prepaid wireless seller; or otherwise disclosed to the prepaid wireless consumer. At the election of the prepaid wireless seller, the dual party relay charge, the USF contribution charge, and the 911 charge described in Title 23, chapter 47, may be combined into a single charge for purposes of being stated on the invoice, receipt, or other similar document or otherwise disclosed to the prepaid wireless consumer. The prepaid wireless seller shall notify the department as to

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how much of the amount remitted is for dual party relay and how much of the amount remitted is for USF.

(i) For the purposes of this subsection, a prepaid wireless retail transaction must be sourced as provided in Section 12-36-910(B)(5)(b).

(ii) A prepaid wireless seller is entitled to retain three percent of the gross USF contribution remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the USF contribution to the department on or before the twentieth day of the second month succeeding each monthly collection of the USF charges. The department shall transfer the USF contributions to the USF administered by the ORS or third party designated by the ORS.

(iii) The department shall establish procedures by which a prepaid wireless seller may document that a sale is not a prepaid wireless retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions pursuant to Section 12-36-950.

(e) The USF contribution required to be remitted to the department shall be administered and collected by the department in the same manner as taxes as defined in Code Section 12-60-30(27) are administered and collected by the department under the provisions of Title 12.

(3) The commission also shall require any company providing telecommunications service to contribute to the USF if, after notice and opportunity for hearing, the commission determines that the company is providing private local exchange services or radio-based local exchange services in this State that compete with a local telecommunications service provided in this State.

~~(4)(a) The size of the USF shall be determined by the commission and shall be the sum of the difference, for each carrier of last resort, between its costs of providing basic local exchange services and the maximum amount it may charge for the services. The commission may use estimates to establish the size of the USF on an annual basis, provided it establishes a mechanism for adjusting any inaccuracies in the estimates.~~

~~(5) Monies in the USF shall be distributed to a carrier of last resort upon application and demonstration of the amount of the difference between its cost of providing basic local exchange services and the maximum amount it may charge for such services.~~

~~(6) The commission shall require any carrier of last resort seeking reimbursement from the fund to file with the commission and~~

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~~provide to the Office of Regulatory Staff the information necessary to determine the costs of providing basic local exchange telephone services. In the event that a carrier of last resort does not currently conduct detailed cost studies relating to such services, the commission shall allow for an appropriate surrogate for such study. must be the sum of:~~

~~(i) the amount of USF support received by each carrier of last resort in 2015;~~

~~(ii) the amount of Interim LEC Fund support received by each local exchange carrier in 2015;~~

~~(iii) all amounts approved by the commission to provide state funding for the Lifeline program for low income subscribers; and~~

~~(iv) all amounts approved by the commission for administration of the USF.~~

~~(b) The size of the USF may be adjusted to reflect changes in USF support for those LECs that have made the election set out in Section 58-9-576(C).~~

~~(5) For local exchange carriers that have previously reduced rates and charges to be eligible to receive USF and that have not made the election set out in Section 58-9-576(C), money in the USF must be distributed to a local exchange carrier in the same amount distributed to the carrier from the Interim LEC fund in 2015 and to a carrier of last resort in the same amount distributed to the carrier of last resort in 2015 for so long as it continues to serve as a carrier of last resort. For any carrier that makes, or has made, an election under Section 58-9-576(C), its right to recover from the USF must be governed by the provisions of Section 58-9-576(C) and the amount it is entitled to recover must be adjusted in accordance with Section 58-9-576(C); provided, however, that nothing in this subsection restricts the ability of any carrier to withdraw from the State USF all amounts approved by the commission to provide state funding for the Lifeline program for low income subscribers.~~

~~(6) For services for which a bill is rendered or a charge is applied before the effective date of this subsection, no subscriber or consumer is liable to any person or entity for a different universal service charge than the consumer or subscriber has been billed or charged, and no telecommunications company, VoIP provider, CMRS provider, or prepaid wireless provider is liable to any person or entity for billing, collecting, or remitting a different universal contribution amount than is required by this article.~~

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(7) ~~Subject to the provisions of items (2), (3), (4), and (5) the commission shall have the authority to~~ may make administrative adjustments to the contribution or distribution levels based on yearly reconciliations ~~and to order further contributions or distributions as needed.~~

(8) ~~After notice and an opportunity for hearing to all affected carriers and the Office of Regulatory Staff, the commission by rule may expand the set of services within the definition of universal service based on a finding that the uniform statewide demand for such additional service is such that including the service within the definition of universal service will further the public interest; provided, however, that before implementing any such finding, the commission shall provide for recovery of unrecovered costs through the USF of such additional service by the affected carrier of last resort. A carrier of last resort authorized to receive funds from the USF is subject to random compliance audits and other investigations by the Office of Regulatory Staff, in accordance with Section 58-4-55.~~

(9) Nothing in subsection (G) of this section shall preclude the commission from assessing broadband service revenues for purposes of contributions to the USF, pursuant to this subsection.

(10) All carriers of last resort shall retain all records of operations within the jurisdiction of the Office of Regulatory Staff required to demonstrate that the support received was used to support the programs for which it was intended. This documentation must be maintained for at least 10 years from the receipt of the funding. All such documents shall be made available upon request to the Office of Regulatory Staff.

(11) In order to create an environment that ensures financial stability necessary to encourage long-term investment by carriers of last resort while providing for appropriate oversight:

(a) within two years after the effective date of the this act, the Office of Regulatory Staff shall provide a report to the Public Utilities Review Committee (PURC) as to the State Universal Service Fund, the need for funding, and the appropriate level of distributions; and

(b) every four years thereafter, the Office of Regulatory Staff shall provide a report to PURC as to the status of the State Universal Service Fund, provide recommendations, and provide such other information as the PURC deems appropriate.”

B. This entire section is void if any portion of this section is finally adjudicated invalid.

SECTION 6. Section 58-9-576(C)(2) of the 1976 Code is amended to read:

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“(2)(a) Beginning on the date that the LEC’s election, pursuant to this subsection, becomes effective, the LEC may increase its rates for its stand alone basic residential lines that were in service on the preelection date on an annual basis by a percentage that does not exceed the percentage increase over the prior year in the Gross Domestic Product Price Index, as reported by the United States Department of Labor, Bureau of Labor Statistics. If the customer of record for a stand alone basic residential line that was in service on the preelection date dies or moves from the residence, the provisions of this subitem will continue to apply to the stand alone basic residential line at the residence if a spouse, family member, or cotenant of that customer of record provides documentation showing that he resided at the location and requests to have the stand alone basic residential line continued in his name. With the sole exception of ensuring the LEC’s compliance with the preceding sentences, the commission must not:

~~(a)(i)~~ impose any requirements related to the terms, conditions, rates, or availability of any of the LEC’s stand alone basic residential lines that were in service on the preelection date; or

~~(b)(ii)~~ otherwise regulate any of the LEC’s stand alone basic residential lines that were in service on the preelection date.

(b) Except as provided in subsection (C)(2)(c), for any LEC that elected to operate under section 58-9-576(C) prior to January 1, 2016, the commission must not:

(i) impose any requirements related to the terms, conditions, rates, or availability of any of the LEC’s stand alone basic residential lines that were in service on the preelection date; or

~~(b)(ii)~~ otherwise regulate any of the LEC’s stand alone basic residential lines that were in service on the preelection date.

(c)(i) As used in this subsection, ‘voice service’ means retail service provided through any technology or service arrangement that includes the applicable functionalities described in 47 C.F.R. sec. 54.101(a). Notwithstanding anything in subsection (C)(2)(b), the following provisions apply to each customer receiving a stand-alone basic residential line from any LEC described in subsection (C)(2)(b) both on the preelection date and on the effective date of this act. For a period ending four years after the effective date of this act, if the customer cannot receive voice service from any provider through any technology at the customer’s residence where the customer received a stand-alone basic residential line, the customer may file a request for service with the commission. Following an investigation by the commission, if the commission determines a reasonable request for

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service has been made and that no voice service is available to the customer, the commission may:

(1) make a determination that the LEC is best able to provide voice service to the customer's residence and it may order the LEC to provide the voice service to the customer's residence. If ordered by the commission to provide voice service, the LEC shall do so directly or through an affiliate; or

(2) conduct a competitive procurement process to identify a willing provider of voice service to provide voice service to the customer's residence. The willing provider of voice service selected shall provide the voice service directly or through an affiliate.

(ii) The LEC or willing provider of voice service may provide the voice service through any voice technology.

(iii) Other than ordering the provision of voice service pursuant to this subsection, the commission may not regulate any aspect of the voice service. The commission shall issue a final order disposing of any request filed pursuant to this subsection within ninety days of the filing of the request, and all aspects of the commission's order shall expire four years after the effective date of the order and may not be renewed.

(iv) Before terminating service to a customer described in subsection (C)(2)(c) whose residence uses a stand-alone basic residential line, the LEC described shall provide written notice to the customer informing him of his rights under this subsection. This written notice shall direct the customer where to file the request and include the commission's contact information. The LEC shall provide this written notice at least ninety days prior to terminating service at the customer's residence."

SECTION 7. Section 58-9-2510 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

"Section 58-9-2510. As used in this article:

(1) 'CMRS connection' means each mobile number assigned to a CMRS customer.

(2) 'Commercial Mobile Radio Service' (CMRS) means commercial mobile radio service under Sections 3(27) and 332(d), Federal Telecommunications Act of 1996, 47 U.S.C. Section 151, et seq., Federal Communications Commission Rules, and the Omnibus Budget Reconciliation Act of 1993. The term includes any wireless two-way communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional and/or competitive equivalent

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of a radio-telephone communications line used in cellular telephone service, a personal communication service, or a network radio access line. The term does not include services that do not provide access to 911 service, a communication channel suitable only for data transmission, a wireless roaming service or other nonlocal radio access line service, or a private telecommunications system.

(3) 'Commission' means the Public Service Commission.

(24) 'Deaf person' means an individual who is unable to hear and understand oral communication, with or without the assistance of amplification devices.

(5) 'Department' means the Department of Revenue.

(36) 'Dual party relay system' or 'DPR' means a procedure in which a deaf, hearing, or speech impaired TDD user can communicate with an intermediary party, who then orally relays the first party's message or request to a third party, or a procedure in which a party who is not deaf or hearing or speech impaired can communicate with an intermediary party who then relays the message or request to a TDD user.

(3-57) 'Dual sensory impaired person' means an individual who is deaf/blind or has both a permanent hearing impairment and a permanent visual impairment.

(8) 'Exchange access facility' means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by the South Carolina Public Service Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, or wide area telecommunications service (wats), foreign exchange (fx), or incoming lines.

(49) 'Hard of hearing person' means an individual who has suffered a permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication.

(510) 'Hearing impaired person' means a person who is deaf or hard of hearing.

(11) 'Local exchange provider' means a local exchange telephone company operating in this State.

(612) 'Operating fund' means the Dual Party Relay Service Operating Fund which is a specific fund to be created by the commission and established, invested, managed, and maintained for the exclusive purpose of implementing the provisions of this chapter according to commission regulations.

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(13) 'Prepaid wireless consumer' means a person or entity that purchases prepaid wireless telecommunications service in a prepaid wireless retail transaction.

(14) 'Prepaid wireless provider' means a person or entity that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(15) 'Prepaid wireless retail transaction' means the purchase of prepaid wireless telecommunications service from a prepaid wireless seller for any purpose other than resale.

(16) 'Prepaid wireless seller' means a person or entity that sells prepaid wireless telecommunications service to another person or entity for any purpose other than resale.

(17) 'Prepaid wireless telecommunications service' means any commercial mobile radio service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in units or dollars which decline with use in a known amount.

~~(7) 'Regulatory staff' means the executive director or the executive director and the employees of the Office of Regulatory Staff.~~

(18) 'Speech impaired person' means an individual who has suffered a loss of oral communication ability which prohibits normal use of a standard telephone handset.

(19) 'Subscriber' means any person, company, corporation, business, association, or party who is provided telephone (local exchange access facility) service or CMRS service or VoIP service.

(20) 'Telecommunications device' or 'telecommunications device for the deaf, hearing, or speech impaired' or 'TDD' or 'TTY' means a keyboard mechanism attached to or in place of a standard telephone by some coupling device used to transmit or receive signals through telephone lines.

(21) 'Voice over Internet Protocol (VoIP) service' means interconnected VoIP service as that term is defined in 47 C.F.R. Section 9.3 as may be amended.

(22) 'Voice over Internet Protocol (VoIP) provider' means a person or entity that provides VoIP service.

(23) 'Voice over Internet Protocol (VoIP) subscriber' means a person or entity that purchases VoIP service from a VoIP provider.

(24) 'Voice over Internet Protocol (VoIP) service line' means a VoIP service that offers an active telephone number or successor dialing protocol assigned by a VoIP service provider to a customer that has outbound calling capability."

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SECTION 8. Section 58-9-2530(A) of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“(A) ~~The commission may require all local exchange telephone companies~~ each local exchange provider, CMRS provider, and VoIP provider operating in this State to impose a monthly dual party relay charge not to exceed twenty-five ten cents on all residential and business local exchange access facilities, and each prepaid wireless seller to impose a dual party relay charge of the same amount on each wireless retail transaction, as necessary to fund the establishment and operation of a dual party relay system and a distribution system of TTY’s and other related telecommunications devices in this State. The amount of the dual party charge must be determined by the commission based upon the amount of funding necessary to accomplish the purposes of this article and provide dual party telephone relay services on a continuous basis, and the amount of the charge must be uniform among all local exchange providers, CMRS providers, VoIP providers, and prepaid wireless sellers. ~~If assessed, the local exchange companies shall collect the charge from their customers and transfer the~~ All dual party relay charge monies collected and remitted to the department in accordance with Section 58-9-2535 must be transferred to the operating fund, which must be administered by the Office of Regulatory Staff. The dual party relay charge collected and remitted by the local exchange companies in accordance with this article is not subject to any tax, fee, or assessment, nor may it be considered revenue of ~~the a local exchange companies provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller.~~ The commission may provide for the funding of the dual party relay system through contributions from other sources. The fund must be established, invested, and managed for the exclusive purpose of implementing the provisions of this article according to regulations promulgated by the commission.”

SECTION 9. Section 58-9-576(C)(1)(a) is amended to read:

“(a) ‘Single-line basic residential service’ means single-line residential flat rate basic voice grade local service ~~with touch-tone~~ within a traditional local calling area that provides access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent).”

SECTION 10. Beginning on the effective date of this act, the Office of Regulatory Staff and the Department of Revenue may take necessary action to accommodate full implementation of SECTIONS 3, 5.A., and 8 of this act, as soon as practicable, provided, however, that full

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implementation shall not occur earlier than January 1, 2017. The Office of Regulatory Staff and the Department of Revenue shall provide at least 30 days public notice of the full implementation date before the full implementation of these SECTIONS occurs, and no person or entity is required to bill, collect, remit, or pay any charges pursuant to SECTION 3, 5.A., or 8 of this act prior to the full implementation date.

SECTION 11. Section 58-9-2540 of the 1976 Code is repealed.

SECTION 12. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 2

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Clary	Clemmons
Clyburn	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Douglas	Duckworth
Erickson	Felder	Finlay
Fry	Funderburk	Gagnon
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Horne	Hosey	Huggins
Jefferson	Johnson	Jordan
Kennedy	King	Kirby
Knight	Limehouse	Loftis
Long	Lowe	Lucas

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McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	D. C. Moss
V. S. Moss	Murphy	Nanney
Neal	Newton	Norman
Norrell	Ott	Parks
Pope	Putnam	Quinn
Ridgeway	Riley	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Thayer	Tinkler
Toole	Weeks	Wells
Whitmire	Williams	Willis
Yow		

**Total--103**

Those who voted in the negative are:

Chumley	Merrill
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**Total--2**

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

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on S. 277. If I had been present, I would have voted in favor of the Bill.

Rep. Gilda Cobb-Hunter

**RECURRENCE TO THE MORNING HOUR**

Rep. BALLENTINE moved that the House recur to the morning hour, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 4, 2016

Mr. Speaker and Members of the House:

[HJ]

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The Senate respectfully invites your Honorable Body to attend in the Senate Chamber the week of May 10, 2016, at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,  
President

On motion of Rep. CLYBURN the invitation was accepted.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 4, 2016

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1013:

S. 1013 -- Senators Alexander and Davis: A BILL TO AMEND CHAPTER 57, TITLE 40 OF THE 1976 CODE, RELATING TO THE LICENSURE AND REGULATION OF REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS, TO REORGANIZE THE PROVISIONS OF THIS CHAPTER; TO REVISE AND ADD CERTAIN DEFINITIONS OF TERMS USED IN THIS CHAPTER; TO SPECIFY THAT CERTAIN DUTIES AND RESPONSIBILITIES BELONG TO THE REAL ESTATE COMMISSION RATHER THAN TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO DELETE A LICENSE REINSTATEMENT FEE; TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT, USE, AND REPORTING REQUIREMENTS FOR THE SOUTH CAROLINA REAL ESTATE COMMISSION EDUCATION AND RESEARCH FUND; TO DELETE THE PROVISION REQUIRING LICENSURE APPLICANTS TO SUBMIT A CREDIT REPORT, AND TO REQUIRE APPLICANTS TO UNDERGO CRIMINAL RECORDS CHECKS; TO REVISE EDUCATION AND RELATED REQUIREMENTS OF CERTAIN LICENSEES; TO PROVIDE THAT AN INDIVIDUAL WHOSE LICENSE IS REVOKED MAY NOT REAPPLY FOR LICENSURE FOR THREE YEARS, RATHER THAN ONE YEAR; TO PROVIDE CIRCUMSTANCES IN WHICH THE COMMISSION MAY RECOGNIZE A REAL ESTATE LICENSE FROM ANOTHER STATE AND TO PROVIDE SPECIFIC

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REQUIREMENTS FOR NONRESIDENT LICENSEES; TO SPECIFY CONTINUING EDUCATION REQUIREMENTS FOR BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE; TO REQUIRE THE ELECTRONIC TRANSMISSION OF CERTAIN STUDENT CONTINUING EDUCATION AND QUALIFYING COURSE RECORDS TO THE COMMISSION, AND TO REQUIRE THE COMMISSION MAINTAIN A SECURE DATABASE OF THESE RECORDS; TO FURTHER SPECIFY ADVERTISING AND MARKETING REQUIREMENTS AND LICENSEE STATUS DISCLOSURE; TO CLARIFY AND FURTHER SPECIFY DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE CONCERNING TRUST FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE SUPERVISION AND INSTRUCTION OF LICENSEES REGARDING THESE MATTERS; TO PROVIDE THAT NO CAUSE OF ACTION ARISES IF AN OWNER OF REAL ESTATE OR A LICENSEE DOES NOT DISCLOSE THE LOCATION OF A REGISTERED SEX OFFENDER; TO FURTHER SPECIFY THE RELATIONSHIPS AND THE DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE, BROKERAGE FIRMS, AND LICENSEES TO THEIR CLIENTS, CUSTOMERS, AGENTS, OTHER LICENSEES, AND OTHER LICENSED INDIVIDUALS; TO FURTHER PROVIDE FOR GROUNDS FOR DENIAL OF LICENSURE OR FOR DISCIPLINARY ACTION AND TO AUTHORIZE THE COMMISSION TO REQUIRE A LICENSEE TO UNDERGO A CRIMINAL RECORDS CHECK AS PART OF AN INVESTIGATION OR DISCIPLINARY PROCEEDING; AND TO CLARIFY CONFIDENTIALITY REQUIREMENTS OF INFORMATION RECORDED FOR AN INVESTIGATION OR PROCEEDING; AND BY ADDING SECTION 27-32-85 SO AS TO PROVIDE THAT PURCHASE OF BENEFICIARY RIGHTS IN A TRUST BASED TIMESHARE, WHERE THE CONTRACT IS MADE IN THIS STATE, IS A REAL PROPERTY OWNERSHIP CONVEYANCE SUBJECT TO ALL CLOSING REQUIREMENTS CONTAINED IN THE TIME SHARING TRANSACTION PROCEDURES ACT.

and has ordered the Bill enrolled for ratification.

Very respectfully,  
President  
Received as information.

[HJ]

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**HOUSE RESOLUTION**

The following was introduced:

H. 5314 -- Reps. Neal, Huggins, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR FRANKLIN GOODWIN, JR., A FORMER HIGH SCHOOL BASKETBALL OFFICIAL WITH THE SOUTH CAROLINA HIGH SCHOOL LEAGUE, AND TO CONGRATULATE HIM FOR HIS INDUCTION INTO THE SOUTH CAROLINA BASKETBALL OFFICIALS ASSOCIATION HALL OF FAME.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5315 -- Rep. Mitchell: A HOUSE RESOLUTION TO CONGRATULATE MYRTLE MCDOWELL COPELAND OF SPARTANBURG ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5316 -- Reps. Bowers, Herbkersman, Newton and Erickson: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JOHN PAUL DETRICK OF HAMPTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 5317 -- Rep. Stringer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-35 SO AS TO ALLOW THE PAYMENT OF INSURANCE PREMIUMS AND OTHER COST SHARING BY THIRD PARTIES ON BEHALF OF INDIVIDUALS INSURED BY QUALIFIED HEALTH PLANS.

Referred to Committee on Labor, Commerce and Industry

H. 5318 -- Rep. Ballentine: A BILL TO AMEND SECTION 43-5-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD SUPPORT, SO AS TO REQUIRE THE USE OF ESTABLISHED CHILD SUPPORT GUIDELINES; TO AMEND SECTION 63-17-1210, RELATING TO THE EMPLOYER NEW HIRE REPORTING PROGRAM, SO AS TO REQUIRE EMPLOYERS TO PARTICIPATE IN THE PROGRAM, ADD EMPLOYER REPORTING REQUIREMENTS, AND MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 63-17-2310, AS AMENDED, RELATING TO INFORMATION TO BE PROVIDED BY CERTAIN ENTITIES TO THE CHILD SUPPORT SERVICES DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES TO ASSIST WITH CHILD SUPPORT COLLECTION, SO AS TO ADD REQUIREMENTS FOR UTILITIES AND ENTITIES WHICH ADMINISTER PUBLIC ASSISTANCE PROGRAMS AND ADD CERTAIN PENALTIES FOR THE FAILURE TO PROVIDE

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INFORMATION; TO AMEND SECTION 63-17-2320, RELATING TO INFORMATION TO BE PROVIDED BY FINANCIAL INSTITUTIONS TO THE DIVISION TO ASSIST WITH CHILD SUPPORT COLLECTION, SO AS TO REQUIRE FINANCIAL INSTITUTIONS TO ENCUMBER THE ASSETS OF A PERSON OWING CHILD SUPPORT UNDER CERTAIN CIRCUMSTANCES AND ADD PENALTIES FOR THE FAILURE TO ENCUMBER ASSETS; TO AMEND SECTIONS 63-17-2710, 63-17-2720, 63-17-2730, AND 63-17-2740, ALL RELATING TO CHILD SUPPORT ARREARAGE LIENS, SO AS TO RESOLVE AMBIGUITIES IN THE PROVISIONS AND ESTABLISH PENALTIES FOR THE FAILURE OF CERTAIN ENTITIES TO ENCUMBER OR SURRENDER PROPERTY OF A PERSON OWING CHILD SUPPORT; AND TO AMEND SECTIONS 63-17-3010 AND 63-17-3810, BOTH AS AMENDED, AND SECTION 63-17-3935, ALL RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, SO AS TO MAKE TECHNICAL CORRECTIONS AND CHANGES TO ENSURE COMPLIANCE WITH FEDERAL LAW.

Referred to Committee on Judiciary

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5305 -- Reps. Lucas, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith,

[HJ]

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G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE BOEING COMPANY ON THE OCCASION OF CELEBRATING ITS CENTENNIAL AND TO THANK THE COMPANY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF SOUTH CAROLINA AND TO THE CITIZENS OF SOUTH CAROLINA.

**ADJOURNMENT**

At 1:52 p.m. the House, in accordance with the motion of Rep. RILEY, adjourned in memory of Dr. Stuart Tinkler, to meet at 10:00 a.m. tomorrow.

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