

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

TUESDAY, MAY 17, 2016
(STATEWIDE SESSION)

Tuesday, May 17, 2016
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Jonah 4:2: “For I know you are a gracious God and merciful, slow to anger, and abounding in steadfast love.”

Let us pray. Heavenly Father, teach us to watch and listen so that we may be wise servants to our people and to You, O Lord. We thank You for the love and mercy You have given to these men and women during this Session. Provide for them the steadfast love and mercy they will need to help the people they serve. Give them the tools to accomplish the work at hand. Bless our Nation, President, State, Governor, Speaker, staff, and all who contribute to the success of this House. 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, in Your mercy, hear our prayers. Amen.

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

After corrections to the Journal of the proceedings of Friday, May 6, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. RIDGEWAY moved that when the House adjourns, it adjourn in memory of Kerrie Ilease Cribb, which was agreed to.

SILENT PRAYER

The House stood in silent prayer in memory of Maggie Dozier, mother-in-law of Representative Clyburn.

RATIFICATION OF ACTS

At 4:30 p.m. on Wednesday, May 11, 2016, the House attended in the Senate Chamber, where the following Acts and Joint Resolution were duly ratified:

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(R. 174, S. 339) -- Senators Lourie and Scott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT "HOPE'S LAW" BY ADDING SECTION 44-115-160 SO AS TO REQUIRE MAMMOGRAM PROVIDERS TO PROVIDE A MAMMOGRAM REPORT TO PATIENTS ABOUT BREAST DENSITY AND TO REQUIRE THESE PROVIDERS TO INCLUDE A CONSPICUOUS NOTICE WHEN A MAMMOGRAM SHOWS THE PRESENCE OF DENSE BREAST TISSUE.

(R. 175, S. 780) -- Senators McElveen and Campsen: AN ACT TO AMEND SECTION 50-13-1630, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE AND TRAFFICKING IN FISH, SO AS TO MAKE TECHNICAL CHANGES, 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 PROVIDE THAT THE DEPARTMENT MAY ISSUE PERMITS FOR THE IMPORTATION, BREEDING, AND POSSESSION OF GRASS CARP.

(R. 176, S. 863) -- Senators Scott and Jackson: AN ACT TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REAPPORTION THE FOUR SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

(R. 177, S. 1013) -- Senators Alexander and Davis: AN ACT TO AMEND CHAPTER 57, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REAL ESTATE BROKERS, SALESMEN, AND PROPERTY MANAGERS, SO AS TO RETITLE THE CHAPTER "REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS", AND TO REVISE THE CHAPTER IN ITS ENTIRETY; TO PROVIDE FOR THE CONTINUITY OF EXISTING REGULATIONS PROMULGATED UNDER AUTHORIZATION OF THE CHAPTER REGARDLESS OF

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WHETHER THEIR RESPECTIVE AUTHORIZING PROVISIONS ARE REDESIGNATED.

(R. 178, S. 1016) -- Senators Cleary, Jackson, J. Matthews, Campbell, Davis, Scott, Turner, Rankin, Alexander and McElveen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “EYE CARE CONSUMER PROTECTION LAW” BY ADDING CHAPTER 24 TO TITLE 40 SO AS TO ESTABLISH CERTAIN REQUIREMENTS TO DISPENSE SPECTACLES OR CONTACT LENSES.

(R. 179, S. 1238) -- Senators Leatherman and Williams: AN ACT TO AMEND ACT 806 OF 1952, AS AMENDED, RELATING TO THE ANNUAL BUDGET FOR FLORENCE COUNTY SCHOOL DISTRICT TWO, SO AS TO ONLY REQUIRE A SEPARATE MEETING OF THE CITIZENS IF THE PROPOSED BUDGET REQUIRES A MILLAGE INCREASE.

(R. 180, 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).

(R. 181, H. 3036) -- Reps. Cobb-Hunter, Bamberg and McKnight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-75 SO AS TO DECLARE JANUARY SEVENTEENTH OF EACH YEAR AS “EARTHA KITT DAY” IN SOUTH CAROLINA IN HONOR OF THE LATE EARTHA MAE KITT, NATIONALLY AND INTERNATIONALLY KNOWN ACTRESS, SINGER, AND NATIVE SOUTH CAROLINIAN AND TO PROMOTE CULTURAL TOURISM IN THE STATE IN ORDER TO ENHANCE THE ECONOMIC WELL-BEING AND IMPROVE THE QUALITY OF LIFE OF ALL SOUTH CAROLINIANS.

(R. 182, H. 4717) -- Reps. White, Lucas, Hiott, Simrill, G.M. Smith, Lowe, Whitmire, Taylor, George, V.S. Moss, J.E. Smith, M.S. McLeod,

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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: AN ACT 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 THE OCTOBER 2015 FLOOD, TO PROVIDE THAT THE FUND MUST BE ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE, TO CREATE A FARM AID ADVISORY BOARD TO MAKE RECOMMENDATIONS, TO SPECIFY ELIGIBILITY AND GRANT AMOUNTS, TO APPROPRIATE FUNDS FROM THE CAPITAL RESERVE FUND TO THE FUND, AND TO PROVIDE FOR THE DISSOLUTION OF THE FUND.

(R. 183, H. 5100) -- Rep. Fry: AN ACT TO AMEND SECTION 38-71-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ACCESS TO EMERGENCY MEDICAL CARE ACT, SO AS TO REVISE THE DEFINITION OF "EMERGENCY MEDICAL PROVIDER" TO INCLUDE ORAL SURGEONS AND DENTISTS LICENSED BY THE STATE BOARD OF DENTISTRY; AND BY ADDING SECTION 38-71-1545 SO AS TO EXCLUDE APPLICATION OF THE ARTICLE TO CERTAIN INSURANCE POLICIES.

REPORT RECEIVED

The following was received:

State Regulation of Public Utilities Review Committee

May 11, 2016

Members of the South Carolina General Assembly
Columbia, South Carolina

[HJ]

TUESDAY, MAY 17, 2016

Dear Fellow Members:

Enclosed is the State Regulation of Public Utilities Review Committee's Report as to Qualifications of Candidates for Seats 1, 3, 5, and 7 of the Public Service Commission (commission). The report is designed to provide you information on the candidates nominated and qualified by the Review Committee. The Review Committee is charged with nominating up to three candidates for each seat on the commission. In accordance with this mandate, the Review Committee thoroughly investigated each candidate with respect to his or her suitability for service on the commission.

The PSC Screening Subcommittee of the Review Committee held public hearings on April 18, 2016 to question the candidates. A transcript of the oral examination of the candidates is appended to this report by reference. You can access the transcript on the General Assembly's website:

www.scstatehouse.gov/CommitteeInfo/PublicUtilitiesReviewComm/2016PublicServiceCommissionScreeningInformation/FinalizedTranscriptApril282016.pdf.

The Review Committee met on May 3, 2016 to consider the qualifications of the candidates. The Review Committee's finding that a candidate is qualified and nominated means that the candidate satisfies the constitutional and statutory criteria for service on the commission and the Review Committee's evaluative criteria. The enclosed report explains the Review Committee's evaluative criteria and details each candidate's qualifications as they relate to the evaluative criteria.

Candidates are prohibited from asking for your commitment until 12:00 noon, Friday, May 13, 2016. Members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, or statements detailing a candidate's qualifications on behalf of a candidate, and are not permitted to offer a pledge to vote for a candidate until 12:00 noon on May 13, 2016. If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Heather Anderson at (803) 212-6208 or Jamey Goldin at (803) 734-3019. Pursuant to Canon 5 of the Judicial Code of Conduct, candidates must not attend political gatherings, including legislative caucus meetings.

Sincerely,
Thomas C. Alexander

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**PSC Review Committee Report as to the Qualifications
of Candidates for Seats 1, 3, 5, and 7**

Introduction

Act No. 175 of 2004 created the State Regulation of Public Utilities Review Committee ("Review Committee") and charged the Review Committee with, among other duties, the duty to nominate candidates for the members of the South Carolina Public Service Commission ("commission"). The terms for Seats 1, 3, 5, and 7 expire on June 30, 2016. The Review Committee issued a press release announcing the vacancies on January 2, 2016. The Review Committee received applications from 12 persons. Three persons withdrew prior to the public hearing and two persons withdrew after the public hearing.

The PSC Screening Subcommittee ("subcommittee") conducted background investigations of each candidate, including credit, driver's license, and law enforcement checks. It gave a written examination to determine the level of knowledge that each candidate has with respect to substantive public utility issues, ethical constraints applicable to the commission, and the operations of the commission. The subcommittee also obtained attendance records at commission meetings and hearings for the commissioners. The subcommittee held a public hearing on April 18, 2016 at which all candidates were questioned and given an opportunity to make statements as to their qualifications and desire to serve as a commissioner.

Legal Qualifications

Pursuant to Section 58-3-20(A), members of the commission must have the following qualifications:

- (1) a baccalaureate or more advanced degree; and
- (2) a background of substantial duration and an expertise in at least one of the following areas:
 - (a) energy;
 - (b) telecommunications;
 - (c) consumer protection and advocacy;
 - (d) water and wastewater;
 - (e) finance, economics, and statistics;
 - (f) accounting;
 - (g) engineering; or
 - (h) law.

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The Review Committee may find a candidate qualified even though he or she does not have a background of substantial duration and expertise in at least one of the above areas if three-fourths of the Review Committee vote to qualify the candidate.

The Review Committee is also required to consider: “(1) the ability, dedication, compassion, common sense, and integrity of the candidates; and (2) the race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.” S.C. Code Ann. §58-3-560. The determination of legal qualifications includes a determination of the candidate’s residence in the appropriate Public Service Commission district as established by Section 58-3-20, the candidate’s eligibility for election as determined by Section 58-3-24, and the candidate’s compliance with constitutional provisions limiting election to those persons eligible to be electors of this State.

Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of commissioners seeking reelection must be made a part of the commissioner’s record for consideration if the commissioner seeks reelection. The incumbent commissioners’ Review Committee evaluations since their last screening are included after each commissioner’s summary of qualifications.

General Qualifications

To determine fitness beyond mere legal qualifications, the Review Committee considered each candidate’s experience, temperament, compliance with and knowledge of legal and ethical constraints on public service, knowledge of commission operations, demonstrated or potential aptitude for meaningful leadership and/or service at the commission, and demonstrated integrity, including the handling of personal financial affairs. The Review Committee then considered each candidate as a whole and formulated an overall recommendation.

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Experience

Section 58-3-20 requires that commissioners have a background of substantial duration and an expertise in energy; telecommunications; consumer protection and advocacy; water and wastewater; finance, economics, and statistics; accounting; engineering; or law. The Review Committee considered not only whether a candidate has succeeded in one of these fields but also whether the candidate has the capability of transferring this success and knowledge to the operations of the commission. As for incumbent commissioners, the Review Committee focused on each incumbent commissioner's success as a commissioner and his or her initiative in gaining experience in a variety of ways, including attendance at public utility seminars and workshops, judicial training, and committee work with national and regional organizations. The subcommittee's transcript contains each applicant's background and employment history.

Temperament

The Review Committee sought to determine whether a candidate's sense of the role he or she is to fill on the commission is such that his or her work will be productive, proactive, and protective of the interests of all South Carolinians.

Compliance with and Knowledge of Legal and Ethical Constraints

Section 58-3-30 requires that commissioners adhere to the State Ethics Act and the Judicial Code of Conduct. The Review Committee believes that not only must the candidates be aware of the legal and ethical constraints, they must have conducted and comported themselves with the highest regard for ethics in their actions.

Potential Aptitude for Meaningful Leadership and/or
Service at the Public Service Commission

Given the history that led to the enactment of Act 175, the Review Committee considered whether a candidate showed an aptitude for service as a commissioner, whether as a leader, or a follower, or both. In its May 2002 report on the candidates, the 2002 Screening Committee found that an absence of leadership at the commission led to problems such as prohibited *ex parte* communications, tension between commissioners and staff, and the lack of a coherent agency vision. The Review Committee believes that the commission should have strong leadership, work toward common goals, have a positive influence on employees, and ensure that parties and persons appearing before the

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commission are treated fairly and impartially. The Review Committee therefore sought to gauge each candidate's potential aptitude to serve as a leader and/or as a commissioner supporting the goals and mission of the agency.

Integrity

Candidates must assure the Review Committee that their word is their bond. Particular attention is given to the way candidates have managed their financial affairs.

Substantive Knowledge of Commission Operations

The Review Committee believes that every candidate, whether incumbent or non-incumbent, must demonstrate some basic understanding of the role of the commission and its operations. It would be unfair, however, to require non-incumbents to have accumulated a wealth of knowledge about commission operations specifically, or regulated utilities generally. Unlike incumbent commissioners, challengers have not had the benefit of a compensated opportunity to educate themselves in hearings or through conversations with commission staff. The Review Committee expects incumbents and others who have substantial experience appearing before the commission to be able to discuss these matters with a greater fluency than those persons who have, to date, committed themselves to other employment. The Review Committee emphasizes that the substantive knowledge findings contained in this report are a measure of a candidate's knowledge at the time of his candidacy. The findings are not necessarily indicative of a candidate's ability to subsequently master commission operations and the multitude of issues relating thereto.

FINDINGS AS TO QUALIFICATIONS AND NOMINATIONS

The Review Committee finds the following candidates qualified and nominates them for election to the South Carolina Public Service Commission:

SEAT 1: John E. "Butch" Howard
Carolyn L. "Carolee" Williams

SEAT 3: Comer "Randy" Randall III

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SEAT 5: William "Billy" Hagner
Swain E. Whitfield

SEAT 7: G. O'Neal Hamilton

CANDIDATES FOR SEAT 1

John E. "Butch" Howard
Address: 108 Waterfront Drive
Moncks Corner, South Carolina 20461

Overall Recommendation:

Mr. Howard was evaluated as OUTSTANDING qualification to serve on the Public Service Commission.

Personal Information, Educational Background, and Work Experience:

Mr. Howard received his Bachelor of Science degree in Business Administration from the University of South Carolina in 1973.

Mr. Howard was initially elected to the Public Service Commission in 2004. He is a member of the National Association of Regulatory Utility Commissioners (NARUC) and the Southeastern Association of Regulatory Utility Commissioners. He is on the NARUC Board of Directors, and he previously served on this board from 2010-2013. Mr. Howard also serves as Chairman for the NARUC Subcommittee on Education and Research, the Water Research Foundation Public Council Advisory Board, the New Mexico State University Center of Public Utilities Advisory Board, the Government Coordinating Council Water Sector, and the Financial Research Institute Advisory Board with the University of Missouri's College of Business. He is also involved in a number of community organizations.

Prior to serving on the Commission, Mr. Howard worked in a number of sales positions. From 2000-2004, he was employed by Wulburn & Koval, and from 1998-2000, he was employed by Corporate Express. Both of these positions dealt with office supplies and office furniture. From 1984-1998, Mr. Howard worked in trucking sales for aggregate and hazard waste with the following companies: Ford Brother Sales (1993-1998), Williams Trucking Company (1991-1993), Felder Trucking Company (1989-1991), and Sheppard Trucking Company (1984-1989). From 1981-1984, Mr. Howard was the part owner and vice-president of sales for Williams & Howard Printing. From 1977-1981, he was a sales manager for Ashley/Comprint. From 1966-1977, Mr. Howard was a print manager with RL Bryan.

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Test Score:

Mr. Howard received an overall score of 88.

General Qualifications:

- Mr. Howard was evaluated to be of ABOVE AVERAGE TO OUTSTANDING experience to serve on the commission.
- Mr. Howard was evaluated to be of APPROPRIATE temperament to serve on the commission.
- Mr. Howard was evaluated to have OUTSTANDING knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mr. Howard was evaluated as having OUTSTANDING demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mr. Howard was evaluated as being ADEQUATE in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mr. Howard was evaluated to have OUTSTANDING substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee
Performance Evaluation

John E. "Butch" Howard
South Carolina Public Service Commission
Seat: First Congressional District
Review Period: July 1, 2014 - June 30, 2015

Commissioner Howard was initially elected to the Commission on March 3, 2004 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard is an active member of NARUC and SEARUC; he serves on the following NARUC committees: Education and Research Subcommittee (vice-chair), Clean Coal Committee, and the Water Committee. As a member of the Education and Research Subcommittee, he serves as the liason between NARUC and Michigan State for their rate schools. He is a member of the New Mexico State University Current Issues Advisory Council, which develops the curriculum for the Current Issues Forum. Commissioner Howard also serves as a member of the Water Research Foundation Public Advisory Board and on the Office of Homeland

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Security's Government Coordinating Council - Water Sector as a NARUC representative.

Commissioner Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars. He attended the following educational programs and events:

- NARUC meetings (summer, annual, and winter);
- SEARUC annual meeting and Commissioners Only Conference;
- NAWC Water Policy Forum;
- Emerging Issues Policy Forum;
- Critical Consumer Issues Forum;
- ACLP of the New York School of Law, which meets annually to discuss current utility issues and the impact these issues and related actions would have on states;
- EUCI Southern Clean Power Conference, during which he spoke about the implementation of Act 236;
- New England Conference of Regulatory Utility Commissioners, during which he moderated a panel on state water plans;
- Two sessions of the rate schools for NARUC and Michigan State;
- Various training sessions, including statutorily required ethics training.

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Howard.

State Regulation of Public Utilities Review Committee
Performance Evaluation

John E. "Butch" Howard

South Carolina Public Service Commission

Seat: First Congressional District

Review Period: July 1, 2013 - June 30, 2014

Commissioner Howard was initially elected to the commission on March 3, 2004 and was most recently reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard is an active member of NARUC and SEARUC. He serves on the following

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NARUC committees: Clean Coal, Education & Research, and International Relations. Commissioner Howard is on the Public Policy Advisory Board of the Water Research Foundation. He is the former chairman of the NARUC Committee on Water and a former member of the NARUC Board of Directors.

Commissioner Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars. He attended the following educational programs and events:

- SNL Power Evaluation, which covered various gas and electric rate and regulatory issues;
- NARUC meetings (summer, annual and winter);
- Emerging Issues Policy Forum;
- Department of Energy Efficiency Workshop;
- NAWC Water Summit;
- NARUC Rate School, for which he serves as the liaison for NARUC on the rate school faculty;
- Advanced Communication Law Policy of the New York School of Law conference;
- EUCI Southern Clean Power Conference, in which he participated by describing South Carolina's role in clean energy;
- NAWC Commissioners Only conference;
- Wall Street Dialogue seminar;
- Critical Consumers Issues Forum, during which the focus was on distributive electric generation; and
- Various ex parte briefings, workshops and seminars, including statutory required sessions on ethics.

Commissioner Howard received a Certificate of Continuing Regulatory Education from NARUC and Michigan State University. This is a new certificate, of which Commissioner Howard is the first NARUC Commissioner to receive this designation.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Howard.

State Regulation of Public Utilities Review Committee
Performance Evaluation

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John E. "Butch" Howard

South Carolina Public Service Commission

Seat: First Congressional District

Review Period: July 1, 2012 - June 30, 2013

Commissioner Howard was initially elected to the commission on March 3, 2004 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard is an active member of NARUC and SEARUC; serves on the following NARUC committees: Clean Coal, Education & Research, and International Relations. He is the former chairman of the NARUC Committee on Water and a former member of the NARUC Board of Directors.

Commissioner Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars. He attended the following educational programs and events:

- NARUC meetings;
- Declining Water Consumption, a "think tank" to discuss declining water consumption and its impact on declining revenues;
- NAWC Water Summit;
- NARUC Water Rate Schools, in which he represented NARUC's Education and Research Committee on the faculty;
- Critical Consumer Issues Forum;
- SEARUC Commissioners Only conference, during which he moderated a panel on issues facing small water systems;
- Commissions Chat, sponsored by Barclay Investors, during which he participated on a panel;
- SEARUC conference; and
- Numerous ex parte briefings, workshops and seminars, including ethics, held in Columbia.

Commissioner Howard serves on the Current Issues Advisory Council, which is sponsored by New Mexico State University. He is a NARUC appointee to the Water Research Foundation and to the Government Coordinating Council-Water Sector.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission.

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The subcommittee's review revealed no evidence of unethical behavior by Commissioner Howard.

Carolyn L. "Carolee" Williams

Address: 7 Beverly Road
Charleston, South Carolina 29407

Overall Recommendation:

Ms. Williams was evaluated as ABOVE AVERAGE qualification to serve on the Public Service Commission.

Personal Information, Educational Background, and Work Experience:

Ms. Williams graduated from Wake Forest University in 1979 with a Bachelor of Arts degree in History. Ms. Williams then obtained a Master degree in Urban and Environmental Planning from the University of Virginia in 1982.

Ms. Williams has been Project Manager for the Department of Planning, Preservation and Sustainability for the City of Charleston since 1992. In her capacity as Project Manager, she is involved in a number of areas, including, but not limited to, representing the City of Charleston on the Bureau of Ocean Energy Management's Renewable Energy Task Force, representing the City of Charleston in its Resilience Initiatives, and managing Charleston's "Green Business Challenge," which supports businesses as they work to reduce waste, and energy and water use, as well as coordinated Charleston's green initiatives. From 1986-1992, Ms. Williams served as the Planning Administrator for the Department of Planning and Urban Development for the City of Charleston. From 1989-1992, she was an instructor in urban planning for the College of Charleston. From 1985-1986, she was a planner for the City Planning Department of Cincinnati, Ohio. From 1982-1985, she was employed as a planner for Charleston's Department of Planning and Urban Development.

Ms. Williams is a member of the American Planning Association, the American Institute of Certified Planners, and the Southeast Sustainability Director's Network. She is also a Board Member on the Southeastern Sustainability Director's Network. She is also involved in a number of community organizations.

Test Score:

Ms. Williams received an overall score of 90.

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General Qualifications:

- Ms. Williams was evaluated to be of ABOVE AVERAGE experience to serve on the commission.
- Ms. Williams was evaluated to be of APPROPRIATE temperament to serve on the commission.
- Ms. Williams was evaluated to have ABOVE AVERAGE knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Ms. Williams was evaluated as having OUTSTANDING demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Ms. Williams was evaluated as being ADEQUATE in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Ms. Williams was evaluated to have ABOVE AVERAGE substantive knowledge of the operations of the commission.

CANDIDATE FOR SEAT 3

Comer H. “Randy” Randall III

Address: 306 West Maple St.
Clinton, South Carolina 29325

Overall Recommendation:

Mr. Randall was evaluated as OUTSTANDING qualification to serve on the Public Service Commission.

Personal Information, Educational Background, and Work Experience:

Mr. Randall received a Bachelor of Science degree from Presbyterian College in 1975. In 1979, Mr. Randall received his Master of Education degree from the University of Georgia.

Mr. Randall has served on the Public Service Commission since 2013. He is a member of the National Association of Utility Regulatory Commissioners (NARUC) and the Southeastern Association of Regulatory Utility Commissioners. Mr. Randall serves on NARUC’s Water Committee, Subcommittee on Nuclear Issues-Waste Disposal, and Task Force on Transportation. He is also involved in community organizations.

Prior to serving on the Commission, Mr. Randall had been employed by Presbyterian College from 1992-2013. During this time, Mr. Randall served as director in various positions regarding student activities and alumni relations, including the Executive Director of Alumni and

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Community Relations. From 1990-1992, Mr. Randall was a sales representative with Jacobs Press. From 1977-1989, he served in a number of positions at Presbyterian College.

Mr. Randall was the mayor of Clinton from 2003-2013. He also served on the Clinton City Council from 1996-2003. Mr. Randall was a member of the Piedmont Municipal Power Agency Board from 2004-2013, and served as its chairman for three of those years. He was a member of the American Public Power Association Policy Makers Council from 2006-2013 and served as its National Chairman, as well as on the Board of Directors, from 2011-2012. Mr. Randall also served as Chair of the Clinton Newberry Natural Gas Authority from 2003-2013.

Test Score:

Mr. Randall received an overall score of 94.

General Qualifications:

- Mr. Randall was evaluated to be of ABOVE AVERAGE TO OUTSTANDING experience to serve on the commission.
- Mr. Randall was evaluated to be of APPROPRIATE temperament to serve on the commission.
- Mr. Randall was evaluated to have OUTSTANDING knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mr. Randall was evaluated as having OUTSTANDING demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mr. Randall was evaluated as being ADEQUATE in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mr. Randall was evaluated to have OUTSTANDING substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee
Performance Evaluation

Comer "Randy" Randall III

South Carolina Public Service Commission
Seat: Third Congressional District
Review Period: July 1, 2014 - June 30, 2015

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Commissioner Randall was initially elected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. During the review period, Commissioner Randall was an active member of NARUC and SEARUC. He serves on the NARUC Committee on Water and the Subcommittee on Nuclear Issues - Waste Disposal.

Commissioner Randall attended various educational programs and events during this review period, including:

- NARUC meetings (summer, annual, and winter);
- Camp NARUC, during which he received a certificate of completion for the advanced studies program;
- NARUC Grid School;
- SEARUC Commissioners Only Summit;
- SEARUC Annual Meeting, during which he participated on a panel on water issues;
- National Association of Water Companies (NAWC) National Water Summit, during which he gave a presentation on water issues relevant to South Carolina;
- Emerging Issues Policy Forum, during which he gave a presentation on electricity issues;
- NAWC Commissioners Water Policy Forum, during which he served on a panel regarding water issues;
- Courses towards a Certificate of Continuing Regulatory Education;
- Various training sessions and workshops, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Randall is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Randall.

State Regulation of Public Utilities Review Committee
Performance Evaluation

Comer "Randy" Randall III
South Carolina Public Service Commission
Seat: Third Congressional District
Review Period: July 1, 2013 - June 30, 2014

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Commissioner Randall was initially elected May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. During the review period, Commissioner Randall was an active member of NARUC and SEARUC. He serves on the NARUC Committee on Gas and the Subcommittee on Nuclear Issues and Waste.

Commissioner Randall exhibits a desire to increase his knowledge and skills by attending educational programs and seminars. He attended various educational programs and events during this review period, including:

- NARUC meetings (summer, annual and winter);
- Camp NARUC;
- NARUC Utility Rate School;
- NARUC New Commissioner's Orientation;
- Critical Consumer Issues Forum Summit, with a focus on distributed generation;
- SEARUC meetings (summit and annual meeting);
- Southeast Regulatory Policy Exercise;
- Various training sessions and workshops, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Randall is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Randall.

CANDIDATES FOR SEAT 5

William J. "Billy" Hagner

Address: 1901 Voyager Road
York, South Carolina 29745

Overall Recommendation:

Mr. Hagner was evaluated as AVERAGE TO ABOVE AVERAGE qualification to serve on the Public Service Commission.

Personal Information, Educational Background, and Work Experience:

Mr. Hagner obtained a Bachelor of Science degree from Louisiana Tech University in Mechanical Engineering in 1970. He obtained an

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Executive Master of Business Administration degree from Winthrop University in 1990.

Mr. Hagner was employed by Resolute paper mill (formerly Bowater) from 1981 until his retirement in 2010. During his employment with Resolute, he served as a supervisor in the power/utilities department, as well as a power/utility superintendent/manager. While at Resolute, Mr. Hagner worked in a cogeneration biomass facility where he managed electrical purchase power contracts, as well as natural gas contracts. This facility also had water treatment and waste treatment facilities. From 1970-1981, Mr. Hagner was employed by International Paper Company, in which he served in the engineering department, and as a supervisor in the power/utility department.

Mr. Hagner currently serves on the York County Natural Gas Authority Board. He is also an election poll manager in York County. Mr. Hagner is a former company representative to the Black Liquor Recovery Boiler Advisory Committee (1995-2010) and the South Carolina Energy Users Committee (1995-2010). Mr. Hagner is involved in a number of community organizations.

Test Score:

Mr. Hagner received an overall score of 70.

General Qualifications:

- Mr. Hagner was evaluated to be of ABOVE AVERAGE experience to serve on the commission.
- Mr. Hagner was evaluated to be of APPROPRIATE temperament to serve on the commission.
- Mr. Hagner was evaluated to have ABOVE AVERAGE knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mr. Hagner was evaluated as having ABOVE AVERAGE demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mr. Hagner was evaluated as being ADEQUATE in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mr. Hagner was evaluated to have AVERAGE substantive knowledge of the operations of the commission.

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Swain E. Whitfield

Address: 124 Palmetto Place Lane
Winnsboro, South Carolina 29180

Overall Recommendation:

Mr. Whitfield was evaluated as **OUTSTANDING** qualification to serve on the Public Service Commission.

Personal Information, Educational Background, and Work Experience:

Mr. Whitfield received a Bachelor of Arts degree in Geography from the University of Georgia in 1986.

Mr. Whitfield was initially elected to the Public Service Commission in 2008, and currently serves as Vice-Chairman of the commission. He is a member of the National Association of Utility Regulatory Commissioners (NARUC), and serves on NARUC's Committee on Gas, the Washington Action Committee, and the Nuclear Waste Subcommittee. He also serves as the Vice-Chairman of NARUC's Critical Infrastructure committee. Mr. Whitfield was recently appointed to the NARUC-US Department of Energy's gas infrastructure modernization partnership. Mr. Whitfield is the second Vice-President of the Southeastern Association of Regulatory Utility Commissioners, as well as the Vice-President of the Gas Technology Institute Advisory Board. He is also involved in community organizations.

Prior to serving on the Commission, Mr. Whitfield was the President of Whitfield Transportation, Inc., a company which he founded and managed from 1991-2008. From 1990-1991, Mr. Whitfield was employed by Senn Trucking Company. From 1987-1990, he was employed by Youmans Transportation, Inc. as an operations manager. Mr. Whitfield was a member of the John De La Howe School Board of Trustees from 2006-2008. He also served on the Winnsboro City Council from 1995-1999, as well as the Fairfield Substance Abuse Commission from 1994-1996.

Test Score:

Mr. Whitfield received an overall score of 95.

General Qualifications:

- Mr. Whitfield was evaluated to be of **OUTSTANDING** experience to serve on the commission.
- Mr. Whitfield was evaluated to be of **APPROPRIATE** temperament to serve on the commission.

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- Mr. Whitfield was evaluated to have OUTSTANDING knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mr. Whitfield was evaluated as having OUTSTANDING demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mr. Whitfield was evaluated as being ADEQUATE in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mr. Whitfield was evaluated to have OUTSTANDING substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee
Performance Evaluation

Swain E. Whitfield

South Carolina Public Service Commission
Seat: Fifth Congressional District
Review Period: July 1, 2014 - June 30, 2015

Commissioner Whitfield was initially elected on July 1, 2008 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is vice-chairman of the NARUC Committee on Critical Infrastructure. He is also a member of NARUC's Washington Action Committee, Committee on Gas and Nuclear Issues and Waste Disposal subcommittee. Commissioner Whitfield serves as vice-chair on the Gas Technology Institute Advisory Board (GTI). He was elected as SEARUC's Second Vice-President in June, 2015. Commissioner Whitfield served as the PSC's vice-chair during the review period.

Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

- NARUC meetings (summer, annual, and winter);
- SEARUC Summit and Annual Meeting;
- Certificate of Continuing Regulatory Education (Tier 1) received from the Institute of Public Utilities at Michigan State University;
- GTI Advisory Board meeting;
- Piedmont Municipal Power Agency Power Conference, where he was a keynote speaker;

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- Emerging Issues Policy Forum, during which he served on a panel regarding EPA Greenhouse Gas Rules and carbon regulations;
- Wall Street Dialogue;
- Natural Gas Symposium;
- Winnsboro Rotary Club, at which he spoke about the PSC and gave an update on energy issues and the pending EPA regulations;
- Various ex parte briefings, forums and seminars, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Whitfield.

State Regulation of Public Utilities Review Committee
Performance Evaluation

Swain E. Whitfield

South Carolina Public Service Commission
Seat: Fifth Congressional District
Review Period: July 1, 2013 - June 30, 2014

Commissioner Whitfield was initially elected on July 1, 2008 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is co vice-chairman of the NARUC Committee on Critical Infrastructure. He is also a member of NARUC's Washington Action Committee, Committee on Gas and Nuclear Issues and Waste Disposal subcommittee. Commissioner Whitfield serves as a board member to the Gas Technology Institute Advisory Board.

Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

- State and Local Energy Efficiency Action Network's Southeast Regulatory Policy Exercise;
- Babcock & Wilcox small modular nuclear reactor facility tour, sponsored by NARUC and DOE;

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- Critical Consumer Issues Forum, with a focus on distributed generation issues;
- SEARUC meetings (annual meeting and summit);
- Gas Technology Institute Advisory Board meetings;
- FBI Cyber Security Briefing;
- IPU's Grid School;
- Emerging Issues Policy Forum, during which he participated on a panel that discussed grid issues;
- Financial Community visit to Wall Street, sponsored by the American Gas Association and NARUC;
- National Petroleum Council Stakeholder Engagement Session;
- State and Local Energy Efficiency Action Network's Southeast Regulatory Policy Exercise; and
- Various ex parte briefings, forums and seminars, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Whitfield.

State Regulation of Public Utilities Review Committee
Performance Evaluation

Swain E. Whitfield

South Carolina Public Service Commission
Seat: At-Large Congressional District
Review Period: July 1, 2012 - June 30, 2013

Commissioner Whitfield was initially elected on July 1, 2008 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is member of the NARUC Committee on Gas and the NARUC Committee on Critical Infrastructure. He is also a member of NARUC's Pipeline Safety Task Force, Washington Action Committee and Nuclear Waste Committee.

Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs:

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- NARUC meetings (winter, summer and annual), and he moderated a panel for the Gas Committee on Natural Gas long term contracts at the annual meeting ;
- SEARUC meeting;
- Amos Coal Fired Plant tour, sponsored by NARUC;
- NAWC Annual Water Summit;
- Vogtle Nuclear plant tour, sponsored by NARUC; and
- Various ex parte briefings, forums and seminars, including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The subcommittee's review revealed no evidence of unethical behavior by Commissioner Whitfield.

CANDIDATES FOR SEAT 7

Clara Lewis Brockington

Address: 3301 East Bennett Drive
Florence, South Carolina 29506

Overall Recommendation:

Ms. Brockington was evaluated as BELOW AVERAGE qualification to serve on the Public Service Commission.

Personal Information, Educational Background, and Work Experience:

Ms. Brockington received an Associate Paralegal degree from Florence-Darlington Technical College in 1975. She obtained a Bachelor's degree in Social Work in 1996 from Limestone College and a Master degree in Social Work from the University of South Carolina in 2003.

Ms. Brockington has worked for Domestic Violence Courts, a business entity, as a program director since February 2003. From 1996-1999, she was a supervisor at Lee Correctional Institution. From 1995-1996, she worked as a coordinator with Darlington County Disabilities and Special Needs. From 1990-1995, she was employed as a social worker at McLeod Regional Medical Center. Prior to 1990, she was a counselor at S.C. Vocational Rehabilitation Department. Ms. Brockington is a member of Future Business Leaders of America and the

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National Association of Social Workers. Ms. Brockington is also involved in community organizations.

Test Score:

Ms. Brockington received an overall score of 21.

General Qualifications:

- Ms. Brockington was evaluated to be of **BELOW AVERAGE** experience to serve on the commission.
- Ms. Brockington was evaluated to be of **INAPPROPRIATE** temperament to serve on the commission.
- Ms. Brockington was evaluated to have **BELOW AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Ms. Brockington was evaluated as having **BELOW AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Ms. Brockington was evaluated as being **INADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Ms. Brockington was evaluated to have **BELOW AVERAGE** substantive knowledge of the operations of the commission.

G. O'Neal Hamilton

Address: 706 Lakeshore Drive
Bennettsville, South Carolina 29512

Overall Recommendation:

Mr. Hamilton was evaluated as **OUTSTANDING** qualification to serve on the Public Service Commission.

Personal Information, Educational Background, and Work Experience:

Mr. Hamilton graduated from North Greenville Junior College in 1953, with an Associate degree in Business Administration.

Mr. Hamilton was initially elected to the Public Service Commission in 2004. He is a member of the National Association of Utility Regulatory Commissioners and the Southeastern Association of Regulatory Utility Commissioners.

Mr. Hamilton was an agency manager with Farm Bureau Insurance from 1977-2003. Prior to 1977, he was an agency manager with the Life Insurance Company of Georgia. Mr. Hamilton served on the Marlboro

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County Council from 1992-2004, as well as the South Carolina Highway Commission from 1990-1992. Mr. Hamilton also served on Bennettsville City Council from 1978-1990.

Test Score:

Mr. Hamilton received an overall score of 86.

General Qualifications:

- Mr. Hamilton was evaluated to be of OUTSTANDING experience to serve on the commission.
- Mr. Hamilton was evaluated to be of APPROPRIATE temperament to serve on the commission.
- Mr. Hamilton was evaluated to have OUTSTANDING knowledge of and compliance with legal and ethical constraints regarding service on the commission.
- Mr. Hamilton was evaluated as having OUTSTANDING demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
- Mr. Hamilton was evaluated as being ADEQUATE in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
- Mr. Hamilton was evaluated to have OUTSTANDING substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee
Performance Evaluation

G. O'Neal Hamilton

South Carolina Public Service Commission
Seat: Seventh Congressional District
Review Period: July 1, 2014 - June 30, 2015

Commissioner Hamilton was initially elected on March 3, 2004, and was reelected on May 1, 2013. Commissioner Hamilton is an active member of NARUC and SEARUC. He is a member of the NARUC Board of Directors and is an advisor to the NARUC Gas Committee. He is a member of NARUC's Committee on Telecommunications and the subcommittee on Nuclear Issues and Waste Disposal. Commissioner Hamilton is a member of the North American Numbering Council. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

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Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

- NARUC meetings (summer, annual, and winter);
- SEARUC Summit;
- Critical Consumer Issues Forum Summit;
- Emerging Issues Policy Forum;
- Various ex parte briefings and workshops, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Hamilton.

State Regulation of Public Utilities Review Committee
Performance Evaluation

G. O'Neal Hamilton

South Carolina Public Service Commission

Seat: Seventh Congressional District

Review Period: July 1, 2013 - June 30, 2014

Chairman Hamilton was initially elected on March 3, 2004, and was reelected on May 1, 2013. He served as the PSC's chairman during the review period. Chairman Hamilton is an active member of NARUC and SEARUC. He is a member of the NARUC Board of Directors and serves as an advisor to the NARUC Gas Committee. Chairman Hamilton is a member of the North American Numbering Council. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

- NARUC meetings (annual, summer and winter);
- SEARUC summit;
- SC Energy Users Committee;
- Critical Consumer Issues Forum Summit; and

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- Various ex parte briefings and seminars, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the commission and commission employees, Chairman Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Chairman Hamilton.

State Regulation of Public Utilities Review Committee
Performance Evaluation

G. O'Neal Hamilton

South Carolina Public Service Commission
Seat: Fifth Congressional District
Review Period: July 1, 2012 - June 30, 2013

Commissioner Hamilton was initially elected on March 3, 2004, and was reelected on May 1, 2013. He is an active member of NARUC and SEARUC. He is a member of the National Petroleum Council Advisory Committee (NPC) and the Gas Technology Institute Advisory Board. He serves as an advisor to the NARUC Gas Committee and is a member of the NARUC Board of Directors. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs and events:

- NARUC meetings (annual, summer and winter);
- SEARUC summit and annual meeting;
- NAWC Water Summit;
- Gas Technology Institute, Public Advisory Committee;
- Emerging Issues Policy Forum; and
- Various ex parte briefings and seminars, including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission.

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The subcommittee's review revealed no evidence of unethical behavior by Commissioner Hamilton.

Respectfully submitted,

/s/Sen. Thomas C. Alexander
Erik H. Ebersole
/s/Sen. C. Bradley Hutto
/s/Ms. Jeanelle M. McCain
/s/Mr. John Steven Simmons

/s/Rep. William E. Sandifer, III
/s/Rep. P. Michael Forrester
/s/Rep. David J. Mack, III
Sen. Luke A. Rankin, Sr.
/s/Ms. Helen T. Zeigler

Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 12, 2016

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber on Tuesday, May 17, 2016, at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,
President

On motion of Rep. CLYBURN the invitation was accepted.

ROLL CALL

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

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bedingfield	Bernstein
Bingham	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
Felder	Forrester	Fry

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Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hiott
Hixon	Hodges	Horne
Hosey	Howard	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Limehouse	Loftis	Long
Lucas	Mack	McCoy
McEachern	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Nanney
Newton	Norman	Norrell
Ott	Pitts	Pope
Putnam	Ridgeway	Rivers
Robinson-Simpson	Rutherford	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Tinkler
Toole	Weeks	White
Whitmire	Williams	Willis
Yow		

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, May 17.

Terry Alexander	Bruce Bannister
William Bowers	Shannon Erickson
Kirkman Finlay	Chris Hart
Jonathon D. Hill	Chip Huggins
Phillip Lowe	Cezar McKnight
Harold Mitchell	V. Stephen Moss
Joseph Neal	Anne Parks
Richard "Rick" Quinn	Robert Riley
Anne Thayer	Jackson "Seth" Whipper

Total Present--121

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LEAVE OF ABSENCE

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

DOCTOR OF THE DAY

Announcement was made that Gerald E. Harmon of Georgetown was the Doctor of the Day for the General Assembly.

LEAVE OF ABSENCE

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

SENT TO THE SENATE

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

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.

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S. 229--REQUESTS FOR DEBATE

The following Bill was taken up:

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 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.

Reps. GOLDFINCH, ALLISON, R. L. BROWN, NORRELL, SPIRES, BALLENTINE, HUGGINS, DILLARD, TAYLOR, FINLAY, FELDER, COBB-HUNTER, KNIGHT, W. J. MCLEOD, HILL, CLARY, JEFFERSON, OTT and G. R. SMITH requested debate on the Bill.

S. 1233--ORDERED TO THIRD READING

The following Bill was taken up:

S. 1233 -- Senator Sheheen: A BILL TO AMEND SECTION 4-10-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO REVISE THE CRITERIA APPLICABLE TO CERTAIN COUNTIES IN ORDER FOR THEM TO PLACE THE QUESTION OF IMPOSING THIS SALES AND USE TAX ON A REFERENDUM BALLOT.

Rep. FUNDERBURK explained the Bill.

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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
Bannister	Bernstein	Bingham
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Clary	Clemmons	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Hamilton	Hardee
Hayes	Henderson	Henegan
Hicks	Hiott	Hixon
Hodges	Horne	Hosey
Huggins	Jefferson	Johnson
Jordan	Kirby	Limehouse
Loftis	Lowe	Lucas
Mack	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	V. S. Moss
Nanney	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Putnam
Ridgeway	Riley	Rivers
Robinson-Simpson	Rutherford	Ryhal
Sandifer	Simrill	G. M. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	White	Whitmire
Williams	Willis	Yow

Total--99

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Those who voted in the negative are:

Total--0

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business, meeting with a group of farmers from my district, and missed the vote on S. 1233. If I had been present, I would have voted in favor of the Bill.

Rep. Jerry N. Govan, Jr.

S. 652--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 652 -- Senator L. Martin: A BILL TO AMEND TITLE 34, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 45, SO AS TO AUTHORIZE FINANCIAL INSTITUTIONS THAT DO BUSINESS IN SOUTH CAROLINA TO CONDUCT SAVINGS PROMOTION CONTESTS FOR MEMBERS AND CUSTOMERS OF THE FINANCIAL INSTITUTIONS, SUBJECT TO CERTAIN REQUIREMENTS, AND TO AUTHORIZE THE APPROPRIATE FEDERAL OR STATE REGULATORY AGENCY OF EACH FINANCIAL INSTITUTION TO OVERSEE THE CONDUCT OF THE CONTESTS AND ISSUE CEASE AND DESIST ORDERS WHEN NECESSARY.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 652 (COUNCIL\AGM\652C001.AGM.AB16), which was adopted:

Amend the bill, as and if amended, Section 34-45-20(1), as contained in SECTION 1, page 2, by deleting the item in its entirety and inserting:

/ (1) ‘Appropriate state or federal regulatory agency of a financial institution’ means the South Carolina State Board of Financial Institutions, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve System, the National Credit Union Administration, or other state or federal regulatory agency that is statutorily responsible for the supervision of all or part of the operations of a participating financial institution. Nothing in this chapter prohibits financial institutions that are under supervision of these state and federal regulatory agencies from participating in prize

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linked savings programs with other state or federally regulated financial institutions. /

Renumber sections to conform.

Amend title to conform.

Rep. MACK 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 111; Nays 0

Those who voted in the affirmative are:

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
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hixon	Hodges	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	D. C. Moss
V. S. Moss	Nanney	Newton
Norman	Norrell	Ott

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Parks	Pitts	Pope
Putnam	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	White	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.

S. 693--ORDERED TO THIRD READING

The following Bill was taken up:

S. 693 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-27-475 SO AS TO REVISE THE INSURERS' REHABILITATION AND LIQUIDATION ACT BY ADDING PROVISIONS SPECIFIC TO FEDERAL HOME LOAN BANKS AND INSURER-MEMBERS OF THOSE BANKS IN DELINQUENCY PROCEEDINGS BROUGHT PURSUANT TO THE ACT; TO AMEND SECTION 38-27-50, RELATING TO DEFINITIONS CONCERNING THE ACT SO AS TO DEFINE ADDITIONAL TERMS; AND TO AMEND SECTION 38-27-70, RELATING TO INJUNCTIONS AND OTHER EQUITABLE REMEDIES AVAILABLE TO RECEIVERS APPOINTED IN DELINQUENCY PROCEEDINGS UNDER THE ACT, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH FEDERAL HOME LOAN BANKS MAY EXERCISE THEIR RIGHTS REGARDING COLLATERAL PLEDGED BY ITS INSURER-MEMBERS INVOLVED IN DELINQUENCY PROCEEDINGS BROUGHT PURSUANT TO THE ACT.

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Rep. MACK explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bamberg	Bannister
Bedingfield	Bernstein	Bingham
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clemmons	Cobb-Hunter
Cole	Collins	Corley
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henegan	Herbkersman	Hicks
Hill	Hixon	Hodges
Horne	Hosey	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	Nanney	Newton
Norman	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Taylor	Thayer	Tinkler
Toole	Weeks	White

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Whitmire
Yow

Williams

Willis

Total--109

Those who voted in the negative are:

Total--0

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

RECORD FOR VOTING

I inadvertently voted in favor of S. 693. I intended to vote against the Bill.

Rep. Wendell Gilliard

S. 978--ORDERED TO THIRD READING

The following Bill was taken up:

S. 978 -- Senator Hayes: A BILL TO AMEND SECTION 38-9-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RISK-BASED CAPITAL PLANS, SO AS TO INCREASE THE MULTIPLIER FOR A COMPANY ACTION LEVEL EVENT FOR A LIFE AND HEALTH INSURER FROM 2.5 TO 3.0; TO AMEND SECTION 38-87-30, RELATING TO THE CHARTERING OF A RISK RETENTION GROUP, SO AS TO DEFINE TERMS, TO PROVIDE THAT A MAJORITY OF A RISK RETENTION GROUPS' DIRECTORS MUST BE INDEPENDENT DIRECTORS, TO ESTABLISH THE MAXIMUM TERM OF ANY MATERIAL SERVICE PROVIDER CONTRACT, TO REQUIRE THE BOARD OF DIRECTORS TO ADOPT A WRITTEN POLICY, TO REQUIRE THE BOARD OF DIRECTORS TO ADOPT AND DISCLOSE ITS GOVERNANCE STANDARDS, TO REQUIRE THE BOARD TO ADOPT AND DISCLOSE A CODE OF BUSINESS CONDUCT AND ETHICS, TO REQUIRE A RISK RETENTION GROUP TO COMPLY WITH APPLICABLE REGULATIONS, TO ESTABLISH PROCEDURES FOR NONCOMPLIANCE, AND TO SET ESTABLISHED DATES FOR COMPLIANCE; TO AMEND SECTION 38-87-40, RELATING TO OUT-OF-STATE RISK RETENTION GROUPS, SO AS TO ALLOW AN OUT-OF-STATE RISK RETENTION GROUP TO SUBMIT REVISIONS TO ITS PLAN

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OF OPERATION WITHIN THIRTY DAYS OF APPROVAL BY THE STATE INSURANCE COMMISSION OR WITHIN THIRTY DAYS IF NO APPROVAL IS REQUIRED; AND TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO CAPTIVE INSURANCE COMPANIES, SO AS TO EXTEND THE PROVISIONS OF SECTION 38-87-30 TO A RISK RETENTION GROUP LICENSED AS A CAPTIVE INSURANCE COMPANY.

Rep. SOTTILE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bowers	Bradley
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Cobb-Hunter	Cole	Collins
Corley	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Hodges	Horne	Hosey
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	Mack	McCoy
McEachern	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
V. S. Moss	Nanney	Newton
Norman	Norrell	Parks

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Pitts	Pope	Putnam
Ridgeway	Riley	Rivers
Rutherford	Ryhal	Sandifer
Simrill	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Toole	Weeks	White
Whitmire	Willis	Yow

Total--108

Those who voted in the negative are:

Total--0

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

S. 653--REQUESTS FOR DEBATE

The following Bill was taken up:

S. 653 -- Senator Scott: A BILL TO AMEND SECTION 38-63-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF INDIVIDUAL LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO PROVIDE THE INTEREST PAID MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER; AND TO AMEND SECTION 38-65-120, RELATING TO PAYMENT OF GROUP LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO CLARIFY THE REQUIREMENTS FOR CLAIMS SUBMISSIONS, AND TO PROVIDE INTEREST PAID ON LUMP SUM PAYMENTS MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE OF INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER.

Reps. SOTTILE and SANDIFER proposed the following Amendment No. 1 to S. 653 (COUNCIL\NBD\653C001.NBD.CZ16):

AMEND THE BILL, AS AND IF AMENDED, BY STRIKING ALL AFTER THE ENACTING WORDS AND INSERTING:

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/ SECTION 1. Section 38-63-80 of the 1976 Code is amended to read:

“Section 38-63-80. When an individual life insurance policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within ~~thirty~~ forty-five days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest from the date proof of death is submitted until the date the claim is paid at the legal rate from the date of death of the insured until the date the claim is paid. Notwithstanding another provision of law, this interest must be paid at a rate equal to the prime rate plus one percent, but may not exceed the state’s legal rate of interest.”

SECTION 2. Section 38-65-120 of the 1976 Code is amended to read:

“Section 38-65-120. When a group life insurance policy provides for payment of its proceeds in a lump sum upon the death of an insured and the insurer fails to pay the proceeds within ~~thirty~~ forty-five days of submission of proof of death and all necessary claim papers needed to properly pay the claim, the payment must include interest from the date proof of death is submitted until the date the claim is paid at the legal rate of interest from the date of death of that insured until the date the claim is paid. Notwithstanding another provision of law, this interest must be paid at a rate equal to the prime rate plus one percent, but may not exceed the state’s legal rate of interest.”

SECTION 3. Section 38-63-220(f) of the 1976 Code is amended to read:

“(f) a provision that when a policy becomes a claim by the death of the insured, settlement must be made upon receipt of proof of death. When a policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within ~~thirty~~ forty-five days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest from the date proof of death is submitted until the date the claim is paid at the legal rate of interest from the date of death of the insured until the date the claim is paid. Notwithstanding another provision of law, this interest must be paid at a rate equal to the prime rate plus one percent, but may not exceed the state’s legal rate of interest.”

SECTION 4. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

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Rep. SOTTILE explained the amendment.

Reps. G. M. SMITH, OTT, J. E. SMITH, BAMBERG, DOUGLAS, KING, WILLIAMS, HART, PARKS, M. S. MCLEOD, FRY, CROSBY, DANING, SOTTILE, H. A. CRAWFORD, HOSEY, R. L. BROWN, KENNEDY, MCCOY, HUGGINS, LOFTIS and STAVRINAKIS requested debate on the Bill.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., March 8, 2016

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has requested and has granted free conference powers and appointed Senators Cleary, Hutto and Shealy of the Committee of Free Conference on the part of the Senate on H. 3114:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H. A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D. C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G. M. Smith, G. R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V. S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY FACILITIES IN WHICH ABORTIONS ARE PERFORMED, TO REQUIRE THE

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON
ABORTIONS PERFORMED IN THE STATE AND TO
PROMULGATE REGULATIONS, TO CREATE CRIMINAL
PENALTIES, AND TO PROVIDE THE ACT DOES NOT
IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION
OF LAW.

Very respectfully,
President
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., March 8, 2016

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on H. 3114:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H. A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D. C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G. M. Smith, G. R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V. S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING TO THE DEPARTMENT OF HEALTH AND

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ENVIRONMENTAL CONTROL BY FACILITIES IN WHICH ABORTIONS ARE PERFORMED, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

Very respectfully,

President

Received as information.

H. 3114--FREE CONFERENCE POWERS GRANTED

Rep. DELLENEY moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H. A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D. C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G. M. Smith, G. R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V. S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY FACILITIES IN WHICH

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ABORTIONS ARE PERFORMED, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

The yeas and nays were taken resulting as follows:

Yeas 86; Nays 27

Those who voted in the affirmative are:

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

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Toole	White	Whitmire
Willis	Yow	

Total--86

Those who voted in the negative are:

Alexander	Anderson	Bamberg
Bernstein	R. L. Brown	Cobb-Hunter
Dillard	Gilliard	Hart
Henegan	Hodges	Hosey
Howard	Jefferson	King
Mack	McKnight	M. S. McLeod
W. J. McLeod	Mitchell	Parks
Robinson-Simpson	Rutherford	J. E. Smith
Tinkler	Weeks	Williams

Total--27

So, the motion to resolve the Committee of Conference into a Committee of Free Conference was agreed to.

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. RIDGEWAY, DELLENEY and NANNEY to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

SPEAKER *PRO TEMPORE* IN CHAIR

H. 3114--DEBATE ADJOURNED

H. 3114--Free Conference Report

The General Assembly, Columbia, S.C., February 29, 2016

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H.A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D.C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G.M. Smith, G.R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V.S. Moss,

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Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE “SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT”, TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 5

South Carolina Pain-Capable Unborn Child Protection Act

Section 44-41-410. This article may be cited as the ‘South Carolina Pain-Capable Unborn Child Protection Act’.

Section 44-41-420. The General Assembly makes the following findings:

(1) Pain receptors (nociceptors) are present throughout the unborn child’s entire body and nerves link these receptors to the brain’s thalamus and subcortical plate by no later than twenty weeks.

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(2) By eight weeks after fertilization, the unborn child reacts to touch. After twenty weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their levels when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some medical experts, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization.

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(12) It is the purpose of the State to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) South Carolina's compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of South Carolina's compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other.

(14) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion, the United States Supreme Court noted that an explicit statement of legislative intent specifically made applicable to a particular statute is of greater weight than a general savings or severability clause, it is the intent of the State that if any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this article or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this article shall remain effective notwithstanding such unconstitutionality. Moreover, the State declares that it would have passed this article, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words, or any of their applications, were to be declared unconstitutional.

Section 44-41-430. For the purposes of this article:

(1) 'Abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device:

(a) to intentionally kill the unborn child of a woman known to be pregnant; or

(b) to intentionally prematurely terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth or of preserving the life or health of the child after live birth.

(2) 'Attempt to perform or induce an abortion' means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this State in violation of this article.

(3) 'Department' means the South Carolina Department of Health and Environmental Control.

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(4) 'Fertilization' means the fusion of a human spermatozoon with a human ovum.

(5) 'Fetal anomaly' means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-preserving treatment, would be incompatible with sustaining life after birth.

(6) 'Medical emergency' means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining post-fertilization age to avert her death or for which the delay necessary to determine post-fertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition must be considered a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(7) 'Physician' means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this State.

(8) 'Post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

(9) 'Probable post-fertilization age of the unborn child' means what, in reasonable medical judgment, will with reasonable probability be the post-fertilization age of the unborn child at the time the abortion is planned to be performed or induced.

(10) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(11) 'Unborn child' or 'fetus' each means an individual organism of the species homo sapiens from fertilization until live birth.

(12) 'Woman' means a female human being whether or not she has reached the age of majority.

Section 44-41-440. Except in the case of a medical emergency or fetal anomaly no abortion must be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable post-fertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make

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such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to post-fertilization age.

Section 44-41-450. (A) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable post-fertilization age of the woman's unborn child is twenty or more weeks, except in the case of fetal anomaly, or in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(B) When an abortion upon a woman whose unborn child has been determined to have a probable post-fertilization age of twenty or more weeks is not prohibited by subsection (A), the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Section 44-41-460. (A) Any abortion performed in this State pursuant to Section 44-41-450 must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state

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registrar. The form must indicate from whom consent was obtained or circumstances waiving consent and must include:

(1) Post-fertilization age:

(a) if a determination of probable post-fertilization age was made, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age determined; or

(b) if a determination of probable post-fertilization age was not made, the basis of the determination that a medical emergency existed.

(2) Method of abortion, of which the following was employed:

(a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;

(b) manual vacuum aspiration;

(c) electrical vacuum aspiration;

(d) dilation and evacuation;

(e) combined induction abortion and dilation and evacuation;

(f) induction abortion with prostaglandins;

(g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;

(h) induction abortion; and

(i) intact dilation and extraction (partial-birth).

(3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin.

(4) Age of the patient.

(5) If the probable post-fertilization age was determined to be twenty or more weeks, whether the reason for the abortion was a medical emergency or fetal anomaly, and if the reason was a medical emergency, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

(6) If the probable post-fertilization age was determined to be twenty or more weeks, whether or not the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive and, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a

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major bodily function, not including psychological or emotional conditions, of the woman than would other available methods.

(B) Reports required by subsection (A) shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

(1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation;

(2) to the Attorney General or solicitor pursuant to a civil investigation of the grounds for an action under Section 44-41-480(B);
or

(3) pursuant to court order in an action under Section 44-41-480.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

(E) Within ninety days of the effective date of this article, the Department of Health and Environmental Control shall adopt and promulgate forms and regulations to assist in compliance with this section. Subsection (A) shall take effect so as to require reports

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regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.

Section 44-41-470. Any physician who intentionally or knowingly fails to conform to any requirement in Section 44-41-440 and Section 44-41-450 is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars or imprisoned for not more than three years, or both. No part of the minimum fine may be suspended. For conviction of a third or subsequent offense, the sentence must be imprisonment for not less than sixty days nor more than three years, no part of which may be suspended.

Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.”

SECTION 2. This act takes effect upon approval of the Governor. /

Amend the bill further, as and if amended, by striking the title in its entirety and inserting:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE “SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT”, TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR

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EXCEPTIONS, TO REQUIRE CERTAIN REPORTING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY FACILITIES IN WHICH ABORTIONS ARE PERFORMED, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW. /

/s/Sen. Raymond Cleary
Sen. Brad Hutto
/s/Sen. Katrina Shealy
On Part of the Senate.

/s/Rep. Robert Ridgeway
/s/Rep. Wendy Nanney
/s/Rep. Greg Delleney
On Part of the House.

Rep. NANNEY explained the Free Conference Report.

Rep. J. E. SMITH spoke against the Free Conference Report.

Rep. J. E. SMITH moved to adjourn debate on the Free Conference Report.

Rep. DELLENEY moved to table the motion.

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

Yeas 82; Nays 34

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Ballentine	Bannister	Bedingfield
Bingham	Bowers	Bradley
Brannon	Burns	Chumley
Clary	Clemmons	Cole
Collins	Corley	H. A. Crawford
Crosby	Daning	Delleney
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	Goldfinch	Hamilton

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Hardee	Hayes	Henderson
Herbkersman	Hicks	Hill
Hiott	Hixon	Horne
Huggins	Johnson	Jordan
Kennedy	Limehouse	Loftis
Long	Lowe	Lucas
McCoy	Merrill	D. C. Moss
V. S. Moss	Nanney	Newton
Norman	Norrell	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stringer	Tallon
Taylor	Thayer	Toole
White	Whitmire	Willis
Yow		

Total--82

Those who voted in the negative are:

Alexander	Anderson	Bales
Bamberg	Bernstein	G. A. Brown
Cobb-Hunter	Dillard	George
Gilliard	Govan	Hart
Henegan	Hodges	Hosey
Jefferson	King	Kirby
Knight	Mack	McKnight
M. S. McLeod	W. J. McLeod	Mitchell
Neal	Ott	Parks
Robinson-Simpson	Rutherford	J. E. Smith
Stavrinakis	Tinkler	Weeks
Williams		

Total--34

So, the motion to adjourn debate was tabled.

Rep. DELLENEY moved cloture on the entire matter.

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

Yeas 75; Nays 41

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Ballentine	Bannister	Bedingfield
Bingham	Bradley	Brannon
Burns	Chumley	Clary
Clemmons	Cole	Collins
Corley	H. A. Crawford	Crosby
Daning	Delleney	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Gagnon
Gambrell	Goldfinch	Hamilton
Hardee	Henderson	Herbkersman
Hicks	Hill	Hiott
Hixon	Horne	Huggins
Johnson	Jordan	Kennedy
Loftis	Long	Lowe
Lucas	McCoy	Merrill
D. C. Moss	V. S. Moss	Nanney
Newton	Norman	Pitts
Pope	Putnam	Quinn
Riley	Rivers	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Thayer	Toole	White
Whitmire	Willis	Yow

Total--75

Those who voted in the negative are:

Alexander	Anderson	Bales
Bamberg	Bernstein	Bowers
G. A. Brown	Cobb-Hunter	Dillard
Douglas	Funderburk	George
Gilliard	Govan	Hart
Hayes	Henegan	Hodges
Hosey	Jefferson	King

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Kirby	Knight	Mack
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Mitchell	Neal
Norrell	Ott	Parks
Ridgeway	Robinson-Simpson	Rutherford
J. E. Smith	Stavrinakis	Tinkler
Weeks	Williams	

Total--41

So, cloture was ordered.

Rep. DELLENEY moved to adjourn debate on the Free Conference Report, which was agreed to.

SPEAKER IN CHAIR

COMMUNICATION

The following was received:

May 16, 2016
The Honorable James H. Lucas
Speaker of the House of Representatives
Statehouse, Second Floor
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House of Representatives,

Today, I am vetoing and returning without my approval R. 182, H. 4717 because it is an unprecedented bailout for a single industry affected by last year's flooding. Farms, like any other small businesses, have access to public and private programs that help them access capital, recover from emergencies, and find markets for their goods. Unlike most small businesses, farmers are eligible for federally subsidized insurance that covers up to 85% of their business losses with the taxpayer covering an average of 62% of the insurance premium costs.

Supporters of this bill have said that there is no way South Carolina's farmers could have prepared for this flood and that they will not survive another year without a cash bailout. This is simply not true. Many federal resources are available to farmers year-round, while others were made available as a result of the flood.

Federal Support Available for Natural Disasters

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<u>Program</u>	<u>Small Businesses</u>	<u>Farmers</u>
Disaster Loans	SBA Disaster Loans	FSA Disaster Loans
New Market Access	Export-Import Bank	Market Access Program
Inventory and Assets	National Flood Insurance Program	USDA Crop Insurance
Insurance Premium Support	---	USDA Crop Insurance
Business Income	---	USDA Crop Insurance
Direct Cash Support	---	Farmer Commodity Program

In addition to these, farmers receive cash payments for commodity price supports – totaling over \$27 million to South Carolina’s farmers since October of last year. This bill would give farmers an additional \$40 million in cash payments other small businesses will never receive.

Tens of thousands of South Carolinians were affected by this flood and have all started recovery in their own way, with the existing supports available from both the public and private sector. By any measure the current financial support we give to farmers is extraordinary, but a vocal industry has asked for more taxpayer dollars to bail them out. I urge you to reject this bailout and sustain my veto of H. 4717.

My very best,
Nikki R. Haley
Governor

R. 182, H. 4717--GOVERNOR'S VETO OVERRIDDEN

The Veto on the following Act was taken up:

(R. 182) H. 4717 -- Reps. White, Lucas, Hiott, Simrill, G. M. Smith, Lowe, Whitmire, Taylor, George, V. S. Moss, J. E. Smith,

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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: AN ACT 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 THE OCTOBER 2015 FLOOD, TO PROVIDE THAT THE FUND MUST BE ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE, TO CREATE A FARM AID ADVISORY BOARD TO MAKE RECOMMENDATIONS, TO SPECIFY ELIGIBILITY AND GRANT AMOUNTS, TO APPROPRIATE FUNDS FROM THE CAPITAL RESERVE FUND TO THE FUND, AND TO PROVIDE FOR THE DISSOLUTION OF THE FUND.

Rep. WHITE explained the Veto.
Rep. SIMRILL spoke against the Veto.
Rep. BAMBERG spoke against the Veto.
Rep. NEAL spoke against the Veto.
Rep. TOOLE spoke against the Veto.
Rep. G. A. BROWN spoke against the Veto.
Rep. MACK spoke against the Veto.
Rep. WILLIAMS spoke against the Veto.
Rep. GOVAN spoke against the Veto.
Rep. JEFFERSON spoke against the Veto.
Rep. LIMEHOUSE spoke against the Veto.
Rep. NORRELL spoke against the Veto.
Rep. NORMAN spoke in favor of the Veto.
Rep. PITTS spoke against the Veto.
Rep. HIOTT spoke against the Veto.

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The question was put, shall the Act become a part of the law, the Veto of her Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 112; Nays 2

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bamberg	Bannister
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
Burns	Chumley	Clary
Clemmons	Cobb-Hunter	Cole
Collins	Corley	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	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
Nanney	Neal	Newton
Norrell	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

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Tinkler	Weeks	White
Whitmire	Williams	Willis
Yow		

Total--112

Those who voted in the negative are:

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

Total--2

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on overriding the Veto by the Governor on H. 4717. If I had been present, I would have voted in favor of overriding the Veto.

Rep. Robert Brown

STATEMENTS FOR THE HOUSE JOURNAL

**ABSTENTION FROM VOTING
BASED ON POTENTIAL CONFLICT OF INTEREST**

In accordance with §8-13-700(B) of the S.C. Code, I abstained from voting on the Governor's Veto of H. 4717, because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is that a potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code §8-13-700(B).

A potential conflict may exist under S.C. Code §8-13-745(C) because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

Rep. Kirkman Finlay

[HJ]

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**ABSTENTION FROM VOTING
BASED ON POTENTIAL CONFLICT OF INTEREST**

In accordance with §8-13-700(B) of the S.C. Code, I abstained from voting on the Governor's Veto of H. 4717, because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is that a potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code §8-13-700(B).

A potential conflict may exist under S.C. Code §8-13-745(C) because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

Rep. Mac Toole

**ABSTENTION FROM VOTING
BASED ON POTENTIAL CONFLICT OF INTEREST**

In accordance with §8-13-700(B) of the S.C. Code, I abstained from voting on the Governor's Veto of H. 4717, because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is that a potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code §8-13-700(B).

Rep. Russell Ott

RATIFICATION OF ACTS

At 2:00 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolution were duly ratified:

(R. 184, H. 3343) -- Reps. Huggins, Toole, Long, McCoy, Knight, R.L. Brown, Pope, Collins, Bingham, Stavrinakis, Yow and Erickson:
AN ACT TO AMEND SECTION 47-3-420, AS AMENDED, CODE

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OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF EUTHANASIA THAT MAY BE USED TO KILL ANIMALS IMPOUNDED OR QUARANTINED IN ANIMAL SHELTERS, SO AS TO REVISE THE ALLOWABLE METHODS OF EUTHANASIA, TO PROVIDE THAT THE USE OF CARBON MONOXIDE GAS AND OTHER DELINEATED SUBSTANCES ARE NOT ALLOWABLE METHODS OF EUTHANASIA, TO PROVIDE THAT THE USE OF SODIUM PENTOBARBITAL AND OTHER SUBSTANCES OR PROCEDURES THAT ARE HUMANE MAY BE USED TO PERFORM EUTHANASIA, AND TO PROVIDE EXCEPTIONS FOR A DANGEROUS DOG OR CAT.

(R. 185, H. 4705) -- Rep. Long: AN ACT TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

(R. 186, H. 4743) -- Reps. Bedingfield, Dillard, Robinson-Simpson and Henderson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-935 SO AS TO PROVIDE THAT THE LAND OWNED AND MANAGED BY THE CONESTEE FOUNDATION AND KNOWN AS LAKE CONESTEE NATURE PARK IS DECLARED TO BE A WILDLIFE SANCTUARY.

(R. 187, H. 4786) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE GOVERNOR, RELATING TO LOCAL EMERGENCY PREPAREDNESS STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4563, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R. 188, H. 4940) -- Education and Public Works Committee: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1575 SO AS TO PROVIDE FOR THE MANNER IN WHICH THE DEPARTMENT OF EDUCATION THROUGH THE OFFICE OF TRANSFORMATION SHALL

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PROVIDE TECHNICAL ASSISTANCE TO UNDERPERFORMING SCHOOLS AND SCHOOL DISTRICTS.

(R. 189, H. 5009) -- Reps. Cole, Tallon, Hicks, Brannon, Allison, Chumley, Clary, Forrester, Mitchell, King and W.J. McLeod: AN ACT TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT, SO AS TO DELETE A PROVISION THAT LIMITS THE CREDIT TO FIFTY PERCENT OF CERTAIN LIABILITY.

(R. 190, H. 5066) -- Reps. Herbkersman, Erickson, Bowers, Bradley, Newton and Hodges: AN ACT TO AMEND ACT 589 OF 1986, AS AMENDED, RELATING TO THE BEAUFORT COUNTY BOARD OF EDUCATION, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SUBMIT SIGNED PETITIONS.

(R. 191, H. 5218) -- Reps. Gilliard, Anderson, Limehouse, Mack, Hosey, Whipper and R.L. Brown: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-117 SO AS TO PROVIDE THAT THE MONTH OF MAY EVERY YEAR IS DECLARED "WATER SAFETY AWARENESS MONTH" IN THE STATE TO PROMOTE AN UNDERSTANDING OF WATER SAFETY PRACTICES AND THE CRITICAL IMPORTANCE OF WATER SAFETY IN AN EFFORT TO REDUCE DROWNING DEATHS AMONG CHILDREN IN THIS STATE.

Rep. HIXON moved that the House recede until 3:45 p.m., which was agreed to.

THE HOUSE RESUMES

At 3:45 p.m. the House resumed, ACTING SPEAKER LIMEHOUSE in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

SPEAKER *PRO TEMPORE* IN CHAIR

[HJ]

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SILENT PRAYER

The House stood in silent prayer for the victims of the Charleston County domestic violence incident today.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. ANDERSON a leave of absence for the remainder of the day.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. GOVAN a temporary leave of absence.

H. 3114--RECONSIDERED

Rep. DELLENEY moved to reconsider the vote whereby debate was adjourned on the Free Conference Report on the following Bill, which was agreed to:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H. A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D. C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G. M. Smith, G. R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V. S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY FACILITIES IN WHICH ABORTIONS ARE PERFORMED, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

H. 3114--FREE CONFERENCE REPORT ADOPTED

Debate was resumed on the Free Conference report on H. 3114, the pending question being the adoption of the Free Conference Report, cloture having been ordered.

H. 3114--Free Conference Report

The General Assembly, Columbia, S.C., February 29, 2016

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H.A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D.C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G.M. Smith, G.R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V.S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE

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STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 5

South Carolina Pain-Capable Unborn Child Protection Act

Section 44-41-410. This article may be cited as the ‘South Carolina Pain-Capable Unborn Child Protection Act’.

Section 44-41-420. The General Assembly makes the following findings:

(1) Pain receptors (nociceptors) are present throughout the unborn child’s entire body and nerves link these receptors to the brain’s thalamus and subcortical plate by no later than twenty weeks.

(2) By eight weeks after fertilization, the unborn child reacts to touch. After twenty weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their levels when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral

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cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some medical experts, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization.

(12) It is the purpose of the State to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) South Carolina's compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of South Carolina's compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other.

(14) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion, the United States Supreme Court noted that an explicit statement of legislative intent specifically made applicable to a particular statute is of greater weight than a general savings or severability clause, it is the intent of the State that if any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this article or the application thereof to any person or circumstance is

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found to be unconstitutional, the same is hereby declared to be severable and the balance of this article shall remain effective notwithstanding such unconstitutionality. Moreover, the State declares that it would have passed this article, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words, or any of their applications, were to be declared unconstitutional.

Section 44-41-430. For the purposes of this article:

(1) 'Abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device:

(a) to intentionally kill the unborn child of a woman known to be pregnant; or

(b) to intentionally prematurely terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth or of preserving the life or health of the child after live birth.

(2) 'Attempt to perform or induce an abortion' means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this State in violation of this article.

(3) 'Department' means the South Carolina Department of Health and Environmental Control.

(4) 'Fertilization' means the fusion of a human spermatozoon with a human ovum.

(5) 'Fetal anomaly' means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-preserving treatment, would be incompatible with sustaining life after birth.

(6) 'Medical emergency' means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining post-fertilization age to avert her death or for which the delay necessary to determine post-fertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition must be considered a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

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(7) 'Physician' means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this State.

(8) 'Post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

(9) 'Probable post-fertilization age of the unborn child' means what, in reasonable medical judgment, will with reasonable probability be the post-fertilization age of the unborn child at the time the abortion is planned to be performed or induced.

(10) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(11) 'Unborn child' or 'fetus' each means an individual organism of the species homo sapiens from fertilization until live birth.

(12) 'Woman' means a female human being whether or not she has reached the age of majority.

Section 44-41-440. Except in the case of a medical emergency or fetal anomaly no abortion must be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable post-fertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to post-fertilization age.

Section 44-41-450. (A) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable post-fertilization age of the woman's unborn child is twenty or more weeks, except in the case of fetal anomaly, or in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to

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result in her death or in substantial and irreversible physical impairment of a major bodily function.

(B) When an abortion upon a woman whose unborn child has been determined to have a probable post-fertilization age of twenty or more weeks is not prohibited by subsection (A), the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Section 44-41-460. (A) Any abortion performed in this State pursuant to Section 44-41-450 must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained or circumstances waiving consent and must include:

(1) Post-fertilization age:

(a) if a determination of probable post-fertilization age was made, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age determined; or

(b) if a determination of probable post-fertilization age was not made, the basis of the determination that a medical emergency existed.

(2) Method of abortion, of which the following was employed:

(a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;

(b) manual vacuum aspiration;

(c) electrical vacuum aspiration;

(d) dilation and evacuation;

(e) combined induction abortion and dilation and evacuation;

(f) induction abortion with prostaglandins;

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(g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;

(h) induction abortion; and

(i) intact dilation and extraction (partial-birth).

(3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin.

(4) Age of the patient.

(5) If the probable post-fertilization age was determined to be twenty or more weeks, whether the reason for the abortion was a medical emergency or fetal anomaly, and if the reason was a medical emergency, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

(6) If the probable post-fertilization age was determined to be twenty or more weeks, whether or not the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive and, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods.

(B) Reports required by subsection (A) shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

(1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation;

(2) to the Attorney General or solicitor pursuant to a civil investigation of the grounds for an action under Section 44-41-480(B);
or

(3) pursuant to court order in an action under Section 44-41-480.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this

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section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

(E) Within ninety days of the effective date of this article, the Department of Health and Environmental Control shall adopt and promulgate forms and regulations to assist in compliance with this section. Subsection (A) shall take effect so as to require reports regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.

Section 44-41-470. Any physician who intentionally or knowingly fails to conform to any requirement in Section 44-41-440 and Section 44-41-450 is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars or imprisoned for not more than three years, or both. No part of the minimum fine may be suspended. For conviction of a third or subsequent offense, the sentence must be imprisonment for not less than sixty days nor more than three years, no part of which may be suspended.

Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful

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as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.”

SECTION 2. This act takes effect upon approval of the Governor. /

Amend the bill further, as and if amended, by striking the title in its entirety and inserting:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE “SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT”, TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY FACILITIES IN WHICH ABORTIONS ARE PERFORMED, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW. /

/s/Sen. Raymond Cleary
Sen. Brad Hutto
/s/Sen. Katrina Shealy
On Part of the Senate.

/s/Rep. Robert Ridgeway
/s/Rep. Wendy Nanney
/s/Rep. Greg Delleney
On Part of the House.

Rep. J. E. SMITH spoke against the Free Conference Report.

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LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. DOUGLAS a leave of absence for the remainder of the day.

Rep. BAMBERG spoke against the Free Conference Report.
Rep. BERNSTEIN spoke against the Free Conference Report.
Rep. HART spoke against the Free Conference Report.

LEAVE OF ABSENCE

The SPEAKER *PRO TEMPORE* granted Rep. NORRELL a leave of absence for the remainder of the day.

Rep. RUTHERFORD spoke against the Free Conference Report.
Rep. COBB-HUNTER spoke against the Free Conference Report.
Rep. M. S. MCLEOD spoke against the Free Conference Report.

The question then recurred to the adoption of the Free Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 79; Nays 29

Those who voted in the affirmative are:

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

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Newton	Ott	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stringer	Tallon
Taylor	Thayer	Toole
White	Whitmire	Willis
Yow		

Total--79

Those who voted in the negative are:

Alexander	Bales	Bamberg
Bernstein	R. L. Brown	Cobb-Hunter
Dillard	Gilliard	Hart
Henegan	Hodges	Hosey
Jefferson	King	Kirby
Mack	McKnight	M. S. McLeod
W. J. McLeod	Mitchell	Neal
Parks	Robinson-Simpson	Rutherford
J. E. Smith	Stavrinakis	Tinkler
Whipper	Williams	

Total--29

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

Rep. MCCOY 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. 4851 -- Reps. G. M. Smith and Weeks: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE OVERPASS LOCATED ALONG LAFAYETTE DRIVE IN THE CITY OF SUMTER "SCHP PATROLMAN JIMMY A. TRAYLOR MEMORIAL BRIDGE" AND

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ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

H. 4678 -- Reps. Bernstein and M. S. McLeod: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES INTERSTATE HIGHWAY 20 ALONG TRENHOLM ROAD IN RICHLAND COUNTY "MARVIN CLIFTON 'CLIFF' MOORE, JR. MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THIS DESIGNATION.

H. 4966 -- Rep. G. M. Smith: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2016 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO RAISE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESSES.

H. 5087 -- Reps. 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, 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, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ALLIGATOR ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH SAVANNAH GROVE ROAD TO ITS INTERSECTION WITH

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WHIPPORWILL ROAD "DR. RALPH W. CANTY, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THIS DESIGNATION.

H. 5225 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME NORTH 9TH AVENUE IN THE TOWN OF DILLON "ROBERT MCRAE MEMORIAL AVENUE" AND TO ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS AVENUE THAT CONTAIN THIS DESIGNATION.

H. 5252 -- Reps. Pope, Hamilton, 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, 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, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF ALL OF SOUTH CAROLINA'S CHILDREN AND TO DECLARE MAY 14, 2016, "CHILDHOOD APRAXIA OF SPEECH DAY" IN THE STATE OF SOUTH CAROLINA.

H. 5321 -- Reps. Fry and Goldfinch: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE MURRELLS INLET-GARDEN CITY FIRE DISTRICT ON THE OCCASION OF CELEBRATING ITS GOLDEN ANNIVERSARY, AND TO THANK THE DISTRICT FOR PROVIDING OUTSTANDING FIRE AND RESCUE SERVICES IN GEORGETOWN AND HORRY COUNTIES.

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ADJOURNMENT

At 5:28 p.m. the House, in accordance with the motion of Rep. RIDGEWAY, adjourned in memory of Kerrie Ilease Cribb, to meet at 10:00 a.m. tomorrow.

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