

NO. 11

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

TUESDAY, JANUARY 30, 2018
(STATEWIDE SESSION)

Tuesday, January 30, 2018
(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 Hebrews 10:35 “Do not, therefore, abandon that confidence of yours; it brings a great reward.”

Let us pray. Good and gracious God, You have touched each of these Representatives and staff with Your favor. You have given them the tools to work for the good of the people. Inspire them to not forget where these gifts come. Give them the perseverance and conviction to think and act in doing the peoples business. Give them courage. May Your blessings be upon our Nation, President, State, Governor, Speaker, staff, and all who support these women and men. Protect our defenders of freedom and first responders as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors 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, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. B. NEWTON moved that when the House adjourns, it adjourn in memory of Spc. Javion "Jay" Shavonte Sullivan, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for Representative Bales.

COMMITTEE APPOINTMENT

The following was received:

January 23, 2018

The Honorable Ashley Trantham
South Carolina House of Representatives

TUESDAY, JANUARY 30, 2018

305 McKittrick Road
Pelzer, South Carolina 29669

Dear Ashley:

It is with pleasure that I appoint you to serve on the Education and Public Works Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,
James H. "Jay" Lucas
Speaker of the House

Received as information.

COMMITTEE APPOINTMENT

The following was received:

OFFICE OF THE SPEAKER
SOUTH CAROLINA HOUSE OF REPRESENTATIVES

January 23, 2018
The Honorable Nancy Mace
South Carolina House of Representatives
1486 Wando Landing
Daniel Island, South Carolina 29492

Dear Nancy:

It is with pleasure that I appoint you to serve on the Medical, Military, Public and Municipal Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,
James H. "Jay" Lucas
Speaker of the House

Received as information.

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REGULATION WITHDRAWN AND RESUBMITTED

Document No. 4799

Agency: Department of Natural Resources

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-650, 50-11-10, 50-11-65, 50-11-96, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-350, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-854, 50-11-2200 and 50-11-2210

Season, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas

Received by Speaker of the House of Representatives

January 9, 2018

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 9, 2018

-	01/09/2018	Received by Lt. Gov & Speaker	05/09/2018
H	01/09/2018	Referred to Committee	
S	01/09/2018	Referred to Committee	
-	01/26/2018	Agency Withdrawal 120 Day Period Tolled	
-	01/26/2018	Resubmitted	05/09/2018

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4747

Agency: Department of Social Services

Statutory Authority: 1976 Code Sections 43-1-80 and 63-13-180 et seq.

Regulations for the Licensing of Child Care Centers

Received by Speaker of the House of Representatives

January 26, 2018

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration January 23, 2019

HOUSE RESOLUTION

The following was introduced:

H. 4728 -- Reps. Caskey, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brawley, Brown,

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Bryant, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A HOUSE RESOLUTION TO CELEBRATE THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA'S CITIES AND TOWNS MAKE TO OUR STATE'S ECONOMIC PROSPERITY THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES AND TO DECLARE TUESDAY, FEBRUARY 6, 2018, AS "CITIES MEAN BUSINESS DAY."

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 938 -- Senators Climer, Gregory, Peeler and Fanning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CAROWINDS BOULEVARD FROM THE NORTH CAROLINA-SOUTH CAROLINA BORDER TO THE JUNCTION OF CAROWINDS BOULEVARD AND INTERSTATE 77 IN YORK COUNTY, SOUTH CAROLINA "DETECTIVE MIKE DOTY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE LOCATION CONTAINING THIS DESIGNATION.

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

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INTRODUCTION OF BILLS

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

H. 4729 -- Reps. Delleney, Yow, McCravy, Finlay, Spires, Loftis, G. R. Smith, Norrell, Funderburk, Huggins, Magnuson, Hewitt, Cobb-Hunter, Jordan, Clary, Johnson, Bennett, Martin, Bernstein, W. Newton, Fry, G. M. Smith, Caskey, Long, Burns, Chumley, Bannister, Trantham, Bryant, Duckworth, Elliott, Forrest, Hayes, Henderson, Henegan, Herbkersman, Hiott, McCoy, D. C. Moss, Pitts, Pope, Simrill, J. E. Smith, Tallon, Toole, Wheeler, White and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-6-141 SO AS TO PROHIBIT THE DEPARTMENT OF REVENUE FROM ISSUING MORE THAN THREE RETAILER DEALER LICENSES TO ONE LICENSEE; BY ADDING SECTION 61-6-151 SO AS TO PROHIBIT A LICENSEE FROM HAVING AN INTEREST IN A RETAIL LIQUOR STORE OTHER THAN THE THREE STORES COVERED BY HIS RETAIL DEALER'S LICENSE; AND TO AMEND SECTION 61-6-1636, RELATING TO THE SALE OF ALCOHOLIC LIQUOR BY THE DRINK, SO AS TO ALLOW A LICENSED WHOLESALER TO DELIVER NEW ALCOHOLIC LIQUOR TO A PERSON LICENSED TO SELL ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Judiciary

H. 4730 -- Rep. Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-27-260 SO AS TO REQUIRE AN ELECTRICAL UTILITY THAT OPERATES A SOLAR FARM TO BUILD AND MAINTAIN A VEGETATIVE BUFFER AROUND THE FARM AND TO DEFINE NECESSARY TERMS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

ROLL CALL

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

Allison	Anderson	Anthony
Arrington	Atkinson	Atwater
Bales	Ballentine	Bamberg

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Bannister	Bennett	Bernstein
Blackwell	Bowers	Bradley
Brawley	Brown	Bryant
Burns	Caskey	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Cole
Collins	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Funderburk	Gagnon	Gilliard
Govan	Hamilton	Hardee
Hart	Hayes	Henderson
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	King	Kirby
Knight	Loftis	Long
Lowe	Lucas	Mace
Mack	Magnuson	Martin
McCoy	McCray	McEachern
McGinnis	McKnight	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Rutherford	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
Wheeler	White	Whitmire
Williams	Willis	Young
Yow		

Total Present--121

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LEAVE OF ABSENCE

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

STATEMENT OF ATTENDANCE

Rep. THIGPEN signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Thursday, January 25.

DOCTOR OF THE DAY

Announcement was made that Dr. Patricia W. Witherspoon of Columbia was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

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

CO-SPONSOR ADDED

Bill Number: H. 3529
Date: ADD:
01/30/18 HENDERSON

CO-SPONSOR ADDED

Bill Number: H. 3896
Date: ADD:
01/30/18 MCGINNIS

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CO-SPONSORS ADDED

Bill Number: H. 4006
Date: ADD:
01/30/18 HENDERSON, W. NEWTON and TAYLOR

CO-SPONSOR ADDED

Bill Number: H. 4182
Date: ADD:
01/30/18 CLARY

CO-SPONSOR ADDED

Bill Number: H. 4421
Date: ADD:
01/30/18 STAVRINAKIS

CO-SPONSOR ADDED

Bill Number: H. 4454
Date: ADD:
01/30/18 TAYLOR

CO-SPONSOR ADDED

Bill Number: H. 4455
Date: ADD:
01/30/18 TAYLOR

CO-SPONSORS ADDED

Bill Number: H. 4458
Date: ADD:
01/30/18 MCEACHERN, MAGNUSON, MARTIN and
BOWERS

CO-SPONSOR ADDED

Bill Number: H. 4460
Date: ADD:
01/30/18 W. NEWTON

CO-SPONSOR ADDED

Bill Number: H. 4497
Date: ADD:
01/30/18 TAYLOR

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CO-SPONSOR ADDED

Bill Number: H. 4628
Date: ADD:
01/30/18 DAVIS

CO-SPONSORS ADDED

Bill Number: H. 4672
Date: ADD:
01/30/18 D. C. MOSS, ANDERSON, MCGINNIS,
MAGNUSON and HILL

CO-SPONSOR ADDED

Bill Number: H. 4726
Date: ADD:
01/30/18 GAGNON

CO-SPONSORS ADDED

Bill Number: H. 4727
Date: ADD:
01/30/18 DAVIS and CLARY

CO-SPONSORS REMOVED

Bill Number: H. 4713
Date: REMOVE:
01/30/18 DAVIS, S. RIVERS, CROSBY and DANING

H. 4397--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4397 -- Rep. Cobb-Hunter: A BILL TO AMEND AN ACT OF 2017, BEARING RATIFICATION NUMBER 127, RELATING TO THE CONSOLIDATION OF THE THREE SCHOOL DISTRICTS OF ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT EFFECTIVE JULY 1, 2019, SO AS TO REVISE PROVISIONS PERTAINING TO THE PREPARATION AND SUBMISSION OF THE BUDGET OF THE ORANGEBURG CONSOLIDATION TRANSITION COMMITTEE, AND TO REVISE CERTAIN OTHER PROVISIONS CONTAINING OBSOLETE 2017 LANGUAGE.

Rep. COBB-HUNTER proposed the following Amendment No. 1 to H. 4397 (COUNCIL\CZ\4397C001.NBD.CZ18), which was adopted:

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

/ SECTION __. SECTION 2. of an Act of 2017, bearing Ratification Number 127 is amended to read:

“SECTION 2. The school district must be governed by a board of trustees of nine members, one of whom must be elected from each of the same seven defined single-member election districts as are members of the Orangeburg County Council. These seven board members' numeric district designations shall match that of the corresponding county council district from which the consolidated school district board member is elected, and a consolidated school district board member also must be a resident of the election district from which he is elected. In addition to the seven members elected from the single-member districts described above, two additional members must be elected from Orangeburg County at large. These at-large board members shall hold seats bearing designations eight and nine. The board member holding at-large seat eight must be a resident of Orangeburg County Council District One, Two, Three, or Four, and the board member holding at-large seat nine must be a resident of Orangeburg County Council District Five, Six, or Seven. Beginning in 2018, members of the board must be elected at nonpartisan elections to be conducted at the same time as the general election. Members of the board must be elected for four-year terms and until their successors are elected and qualify, except that of the nine members of the board elected in 2018, the members elected from election districts one, three, five, seven, and at-large seat nine shall serve for initial terms to expire in November 2022, when their successors elected at the 2022 election qualify and take office. The members elected from election districts two, four, six, and at-large seat eight shall serve for initial terms to expire in November 2020, when their successors elected at the 2020 election qualify and take office. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the unexpired term through appointment by the county legislative delegation. All persons desiring to qualify as a candidate shall file written notice of candidacy with the county election commission on forms furnished by the commission. This notice of candidacy must be a sworn statement and must include ~~the candidate's name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other~~ information that the county election commission requires. The county commissioners of election shall conduct and supervise the elections for members of the board in the

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manner governed by the election laws of this State, mutatis mutandis. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The commission shall publish notices of the elections pursuant to Section 7-13-35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5-15-61. The members of the board elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59-19-315.” /

Re-number sections to conform.

Amend title to conform.

Rep. COBB-HUNTER 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 96; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Arrington	Atkinson	Atwater
Bannister	Bennett	Bernstein
Blackwell	Bowers	Bradley
Brawley	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Cole
Collins	Crosby	Davis
Delleney	Duckworth	Elliott
Erickson	Felder	Forrest
Forrester	Fry	Funderburk
Gagnon	Gilliard	Govan
Hamilton	Hardee	Hart
Hayes	Henderson	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hixon	Hosey	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Loftis
Long	Lucas	Mace

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Magnuson	Martin	McCoy
McCravy	McEachern	McGinnis
McKnight	D. C. Moss	V. S. Moss
Murphy	B. Newton	Norrell
Ott	Parks	Pendarvis
Pitts	Pope	Putnam
M. Rivers	S. Rivers	Robinson-Simpson
Sandifer	Simrill	G. M. Smith
Sottile	Spires	Stringer
Taylor	Thayer	Thigpen
Toole	Trantham	Weeks
Wheeler	Whitmire	Williams
Willis	Young	Yow

Total--96

Those who voted in the negative are:

Total--0

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

H. 4377--DEBATE ADJOURNED

The following Bill was taken up:

H. 4377 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, V. S. Moss, Clyburn, Bennett, Arrington, Daning, Govan, Weeks and Henderson: A BILL TO AMEND SECTION 58-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE PUBLIC SERVICE COMMISSION, SO AS TO REVISE THE MEMBERSHIP; TO AMEND SECTION 58-3-30, RELATING TO THE COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION, SO AS TO REQUIRE THE COMMISSIONERS AND THEIR EMPLOYEES TO ATTEND AT LEAST SIX HOURS OF CONTINUING EDUCATION CURRICULUM; TO AMEND SECTION 58-3-225, RELATING TO THE CONDUCT OF

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MEETINGS OF THE PUBLIC SERVICE COMMISSION, SO AS TO REQUIRE THE COMMISSIONERS TO QUESTION THE PARTIES THOROUGHLY DURING HEARINGS OF CONTESTED CASES WHEN APPROPRIATE; AND TO AMEND SECTION 58-3-260, RELATING TO COMMUNICATIONS WITH THE PUBLIC SERVICE COMMISSION, SO AS TO ALLOW THE PUBLIC UTILITIES REVIEW COMMITTEE AND CERTAIN OTHER LEGISLATIVE OVERSIGHT COMMITTEES TO COMMUNICATE WITH THE PUBLIC SERVICE COMMISSION IN CERTAIN CIRCUMSTANCES.

Rep. DELLENEY moved to adjourn debate on the Bill until Wednesday, January 31, which was agreed to.

H. 4376--DEBATE ADJOURNED

The following Bill was taken up:

H. 4376 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Robinson-Simpson, V. S. Moss, Bennett, Arrington, Daning, Govan, Weeks and Henderson: A BILL TO AMEND SECTION 58-31-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, SO AS TO PROVIDE THAT THE TERMS OF ALL PRESENT MEMBERS OF THE BOARD SHALL EXPIRE ON THE EFFECTIVE DATE OF THIS SECTION AT WHICH TIME NEW MEMBERS OF THE BOARD WITH SPECIFIED QUALIFICATIONS SHALL BE APPOINTED IN THE MANNER PROVIDED IN THE SECTION, AND TO PROVIDE FOR RELATED MATTERS PERTAINING TO THE RECONSTITUTED BOARD; BY ADDING SECTION 58-31-25 SO AS TO PROVIDE THAT NEW OR REVISED ELECTRIC RATES AND CHARGES OF THE PUBLIC SERVICE AUTHORITY AS PROPOSED BY THE AUTHORITY MUST BE SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR APPROVAL AND DETERMINED BY THE COMMISSION IN THE MANNER PROVIDED BY ARTICLE 7, CHAPTER 27, TITLE 58 AS SUPPLEMENTED BY ANY OTHER APPLICABLE PROVISIONS OF LAW; TO AMEND SECTION 58-31-30, RELATING TO THE

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POWERS AND DUTIES OF THE PUBLIC SERVICE AUTHORITY AND ITS BOARD OF DIRECTORS, SO AS TO REVISE THE POWER OF THE AUTHORITY TO FIX RATES AND CHARGES SO THAT NEW AND REVISED RATES AND CHARGES SHALL BE SUBJECT TO THE JURISDICTION AND APPROVAL OF THE PUBLIC SERVICE COMMISSION AND THAT NO NEW RATES OR REVISED CHARGES MAY BE IMPOSED OR APPROVED FOR THE PURPOSE OF PAYING ANY OF THE ABANDONMENT COSTS OF THE TWO NEW NUCLEAR REACTORS CONSTRUCTED PURSUANT TO THE BASE LOAD REVIEW ACT; AND TO AMEND SECTION 58-31-360, RELATING TO THE STATE OF SOUTH CAROLINA'S COVENANTS WITH HOLDERS OF BONDED OR OTHER INDEBTEDNESS OF THE AUTHORITY, SO AS TO CLARIFY AND FURTHER PROVIDE FOR THESE COVENANTS AS A RESULT OF THE ABANDONMENT OF THE TWO NUCLEAR REACTORS REFERRED TO ABOVE.

Rep. DELLENEY moved to adjourn debate on the Bill until Wednesday, January 31, which was agreed to.

H. 4375--DEBATE ADJOURNED

The following Bill was taken up:

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V. S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO ESTABLISH PROVISIONS FOR SPECIFIC UTILITY PLANTS OR PROJECTS IN REGARD TO RATE DETERMINATIONS AND OTHER REQUIREMENTS WHICH WILL SUPPLEMENT THE GENERAL RATE PROVISIONS AND REQUIREMENTS OF ARTICLE 7, CHAPTER 27, TITLE 58; TO AMEND ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT OF 2007, SO AS TO FURTHER PROVIDE FOR PROCEDURAL AND OTHER MATTERS RELATING TO THE ACT, INCLUDING PROVISIONS TO DEFINE CERTAIN TERMS, AND TO PROVIDE THAT RATE INCREASES FOR THESE BASE LOAD

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PLANTS PROSPECTIVELY SHALL BE DETERMINED IN ACCORDANCE WITH ARTICLE 7, CHAPTER 27, TITLE 58, AS WELL AS CERTAIN REVISED PROVISIONS OF THIS ARTICLE; TO AMEND SECTION 58-27-850, RELATING TO CHANGES OF RATES BY THE PUBLIC SERVICE COMMISSION AFTER INVESTIGATION, SO AS TO PROVIDE THAT THE PROVISIONS OF THIS SECTION AND THE ARTICLE WHEREIN IT IS CONTAINED SHALL BE SUPPLEMENTED BY THE PROVISIONS OF CHAPTER 34; AND TO DELETE ARTICLES 1, 3, AND 7 OF CHAPTER 33, TITLE 58, RELATING TO UTILITY FACILITY SITING, PROTECTIONS, AND CERTIFICATION.

Rep. DELLENEY moved to adjourn debate on the Bill until Wednesday, January 31, which was agreed to.

H. 4380--DEBATE ADJOURNED

The following Bill was taken up:

H. 4380 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Robinson-Simpson, V. S. Moss, Clyburn, Bennett, Daning, Govan, Weeks and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-27-875 SO AS TO PROVIDE THE PUBLIC SERVICE COMMISSION SHALL ORDER REFUNDS TO RATEPAYERS OF AMOUNTS COLLECTED FOR COSTS ATTRIBUTED TO PROJECTS CONSTRUCTED UNDER THE PROVISIONS OF THE BASE LOAD REVIEW ACT IN SPECIFIC CIRCUMSTANCES; TO PROVIDE UTILITIES BEAR THE BURDEN OF PROVING THAT COLLECTED COSTS MAY BE RECOVERABLE UNDER STATE LAW; AND TO PROVIDE THE COMMISSION SHALL ORDER SUCH REFUNDS ON JUST AND REASONABLE BASES AND MAY MAKE SUCH REFUNDS BY ESTABLISHING CREDITS TO RATEPAYERS OVER PERIODS OF TIME AND UNDER CONDITIONS THAT ARE JUST AND REASONABLE.

Rep. DELLENEY moved to adjourn debate on the Bill until Wednesday, January 31, which was agreed to.

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H. 4458--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4458 -- Reps. Johnson, Hixon, Kirby, Yow, Duckworth, Burns, Blackwell, Dillard, Davis, Forrest, Fry, Hewitt, Crawford, McGinnis, Ott, Bamberg, Erickson, Cobb-Hunter, Willis, Mace, Hill, Gagnon, West, Hardee, Wheeler, McEachern, Magnuson, Martin and Bowers: A BILL TO AMEND SECTION 16-11-700, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUMPING OF LITTER ON PRIVATE OR PUBLIC PROPERTY AND ITS PENALTIES, SO AS TO RESTRUCTURE THE OFFENSES TO ENSURE CIGARETTE BUTTS AND CIGARETTE COMPONENT LITTER AND DECEASED ANIMALS ARE INCLUDED IN THE PURVIEW OF THE STATUTE, AND TO RESTRUCTURE THE PENALTIES.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4458 (COUNCIL\CZ\4458C003.NBD.CZ18), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 16-11-700 of the 1976 Code is amended to read:

“Section 16-11-700. (A) A person, from a vehicle or otherwise, may not dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste, as defined by Section 44-96-40~~(46)~~(2), (6), (32), (33), (43), (46), (73), and (74), and including cigarette butts and cigarette component litter, upon waters or public or private property ~~or waters~~ in the State for which he is not the legal owner or a person otherwise granted permission by the legal owner including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:

(1) on property designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or

(2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

(B) Responsibility for the removal of litter from property or receptacles is upon the person convicted pursuant to this section of

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littering the property or receptacles. If there is no conviction for littering, the responsibility is upon the owner of the property.

~~(C)(4)~~ A person who violates the provisions of this section in an amount less not more than fifteen pounds ~~in weight or twenty-seven cubic feet in volume, including cigarette butts and cigarette components,~~ is guilty of a misdemeanor and, upon conviction, must be fined ~~two not less than twenty-five dollars and not more than one~~ hundred dollars or imprisoned for not more than thirty days ~~for a first or second conviction, or fined five hundred dollars or imprisoned for not more than thirty days for a third or subsequent conviction.~~ In addition to the fine or term of imprisonment, the court also must impose eight hours of litter-gathering labor ~~for a first conviction, sixteen hours of litter-gathering labor for a second conviction, and twenty-four hours of litter-gathering labor for a third or subsequent conviction,~~ or other form of public community service, ~~under the supervision of the court, as the court may order because of physical or other incapacities.~~

~~(2)(D)~~ The fine for a deposit of a collection of litter or garbage in an amount not more than fifteen pounds in an area or facility not intended for public deposit of litter or garbage is ~~one thousand dollars not less than fifty dollars and not more than one hundred and fifty dollars.~~ The provisions of this ~~item subsection~~ apply to a deposit of ~~litter or garbage, as defined in Section 44-67-30(4), litter or solid waste, as defined by Section 44-96-40(2), (6), (32), (33), (43), (46), (73), and (74) including cigarette butts and cigarette components,~~ in an area or facility not intended for public deposit of litter or garbage. This ~~item subsection~~ does not prohibit a private property owner from depositing litter or garbage as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense pursuant to the provisions of this ~~item subsection~~, the court also shall impose a minimum of ~~five~~ sixteen hours of litter-gathering labor or other form of public community service, ~~under the supervision of the court, as the court may order because of physical or other incapacities.~~

~~(3)(1)~~ The court, instead of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor or other form of public community service, ~~under the supervision of the court, as it may order because of physical or other incapacities not to exceed one hour for each five dollars of fine imposed.~~

~~(4)(2)~~ In addition to other punishment authorized by this section, in the discretion of the court in which conviction is obtained, the

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person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner of the property upon which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property by any person before the date of execution of sentence.

~~(D)~~(E) A person who violates the provisions of this section in an amount exceeding fifteen pounds ~~in weight or twenty-seven cubic feet in volume~~, but not exceeding five hundred pounds ~~or one hundred cubic feet~~, on any public or private property, any portion of the road right of way, fresh-water lake, river, canal or stream, or tidal or coastal waters of the State must be charged with illegal dumping of litter and is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than ~~ninety~~ thirty days. In addition, the court shall require the violator to ~~pick up litter~~ complete sixteen hours of litter-gathering labor or perform other community service commensurate with the offense committed, up to one hundred hours. For a second conviction, the person must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition, the court shall require the violator to complete twenty-four hours of litter-gathering labor or other community service. For a third or subsequent conviction, the person must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition, the court shall require the violator to complete thirty-two hours of litter-gathering labor or other community service.

~~(E)~~(F)(1) A person who violates the provisions of this section in an amount exceeding five hundred pounds ~~in weight or one hundred cubic feet in volume~~ is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned not more than one year, or both. In addition, the court may order the violator to:

(a) remove or render harmless the litter that he dumped in violation of this subsection;

(b) repair or restore property damaged by, or pay damages for damage arising out of, his dumping of litter in violation of this subsection; or

(c) perform community ~~public~~ service relating to the removal of litter dumped in violation of this subsection or relating to the restoration of an area polluted by litter dumped in violation of this subsection.

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(2) A court may enjoin a violation of this subsection.

(3) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than five hundred pounds ~~in weight or more than one hundred cubic feet in volume~~ of litter in violation of this subsection is declared contraband and is subject to seizure and summary forfeiture to the State.

(4) If a person sustains damages in connection with a violation of this subsection that gives rise to a felony against the person or his property, a court, in a civil action for those damages, shall order the wrongdoer to pay the injured party threefold the actual damages or two hundred dollars, whichever amount is greater. In addition, the court shall order the wrongdoer to pay the injured party's court costs and attorney's fees.

(5) A fine imposed pursuant to this subsection must not be suspended, in whole or in part.

~~(F)~~(G)(1) When the penalty for a violation of this section includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the penalty is mandatory and must not be suspended; however, the court, upon the request of a person convicted of violating this section, may direct that the person pay an additional monetary penalty instead of the litter-gathering portion of the penalty that must be equal to the amount of five dollars an hour of litter-gathering labor. Probation must not be granted instead of the litter-gathering requirement, except for a person's physical or other incapacities.

(2) Funds collected pursuant to this subsection instead of the mandatory litter-gathering labor must be remitted to the county or municipality where the littering violation took place. The money collected may be used for the litter-gathering supervision.

~~(G) For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters.~~

(H) A prior violation within the meaning of this section means only a violation of this section which occurred within a period of five years including and immediately preceding the date of the last violation.

(I) Magistrates and municipal courts have jurisdiction to try violations of subsections (A), (B), (C), ~~and (D), (E), and (F) of this section.~~

(J) For the purposes of subsections (E) and (F), illegal dumping is defined as disposing of more than fifteen pounds of any collection of solid waste, litter, or other materials defined in subsection (A) and including discarded, deceased animals or deceased animal parts which

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create a hazard to the public health and welfare, but not defined as a careless, scattered littering of smaller items.”

(K)(1) Nothing in this section shall prohibit the authority of a local government to enforce ordinances relating to the upkeep of property pursuant to Section 4-9-25 and Section 5-7-80.

(2) If a conflict occurs between this Section and the Solid Waste Policy and Management Act as contained in Chapter 96, Title 44, the latter controls.” /

Renumber sections to conform.
Amend title to conform.

Rep. DILLARD explained the amendment.

Rep. DILLARD spoke in favor of 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 98; Nays 14

Those who voted in the affirmative are:

Allison	Anderson	Arrington
Atkinson	Atwater	Ballentine
Bamberg	Bannister	Bernstein
Blackwell	Bowers	Brawley
Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Cole
Collins	Crosby	Daning
Davis	Delleney	Dillard
Duckworth	Erickson	Felder
Forrest	Forrester	Funderburk
Gagnon	Govan	Hamilton
Hardee	Henderson	Henegan
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Knight
Loftis	Lowe	Lucas
Mace	Magnuson	Martin

[HJ]

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McEachern	McGinnis	McKnight
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Rutherford	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Stringer	Taylor	Thayer
Thigpen	Toole	Trantham
West	Wheeler	White
Whitmire	Williams	Willis
Young	Yow	

Total--98

Those who voted in the negative are:

Anthony	Bennett	Bradley
Bryant	Caskey	Crawford
Elliott	Fry	Hayes
Long	McCravy	D. C. Moss
Tallon	Weeks	

Total--14

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4458. If I had been present, I would have voted in favor of the Bill.

Rep. Rosalyn Henderson-Myers

H. 4673--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4673 -- Reps. G. M. Smith, Brawley and Weeks: A BILL TO AMEND SECTION 62-2-507, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REVOCATION OF

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CERTAIN BENEFICIARY DESIGNATIONS BY DIVORCE, ANNULMENT, OR AN ORDER TERMINATING MARITAL PROPERTY RIGHTS, SO AS TO EXEMPT BENEFICIARY DESIGNATIONS UNDER EMPLOYEE BENEFIT PLANS ADMINISTERED BY THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY.

Rep. MURPHY proposed the following Amendment No. 1 to H. 4673 (COUNCIL\DG\4673C001.BBM.DG18), which was adopted:

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

/ SECTION ____ . The first undesignated paragraph, before subsection (A), of Section 30-5-30 of the 1976 Code, as last amended by Act 144 of 2016, is further amended to read:

“Except as otherwise provided by statute, before any deed or other instrument in writing can be recorded in this State, it must be acknowledged or proved by the method described in subsection (A)(1), (A)(2), or (B).” /

Renumber sections to conform.

Amend title to conform.

Rep. MURPHY explained the amendment.

The amendment was then adopted.

Rep. G. M. SMITH explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 114; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Arrington	Atkinson	Atwater
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bowers	Bradley	Brawley
Brown	Burns	Caskey
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cogswell
Cole	Collins	Crawford

[HJ]

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Crosby	Daning	Davis
Delleney	Dillard	Duckworth
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Funderburk	Gagnon	Gilliard
Govan	Hamilton	Hardee
Hayes	Henderson	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mace	Magnuson
Martin	McCoy	McCray
McEachern	McKnight	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Thigpen	Toole	Trantham
Weeks	West	Wheeler
White	Whitmire	Williams
Willis	Young	Yow

Total--114

Those who voted in the negative are:

Total--0

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

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

[HJ]

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ADJOURNMENT

At 1:29 p.m. the House, in accordance with the motion of Rep. B. NEWTON, adjourned in memory of Spc. Javion "Jay" Shavonte Sullivan, to meet at 10:00 a.m. tomorrow.

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