

NO. 33

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

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THURSDAY, MARCH 8, 2018  
(STATEWIDE SESSION)

~~Indicates Matter Stricken~~  
Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by the SPEAKER, as follows:

Our thought for today is from Psalm 111:7: "The works of his hands are faithful and just; all his precepts are trustworthy."

Let us pray. Almighty God, we give thanks to You for providing these Representatives the skill and will to work for the people of the State. Grant them the courage and integrity to continue to make decisions that really matter. Continue to bless them in their endeavor. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who labor in this Assembly. 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 yesterday, the SPEAKER ordered it confirmed.

#### **MOTION ADOPTED**

Rep. CROSBY moved that when the House adjourns, it adjourn in memory of Barbara Jean Dantzler, wife of former Representative Dantzler, which was agreed to.

#### **MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 7, 2018

Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

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State Ethics Commission  
Term Commencing: April 1, 2017  
Term Expiring: March 31, 2020  
Seat: Senate - Majority  
VICE: Rick Reames III (resigned)

Mr. Samuel L. Erwin  
6 Hollow Hill  
Greenville, South Carolina 29607

Very respectfully,  
President of the Senate

Received as information.

**REPORTS OF STANDING COMMITTEES**

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4929 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF EAST CHEVES STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH EAST PALMETTO STREET TO ITS INTERSECTION WITH SOUTH DARGAN STREET "JERRY M. KEITH BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4989 -- Reps. Willis, G. R. Smith, Hamilton, Pitts and Trantham: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MCCARTER ROAD IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 TO ITS INTERSECTION WITH INTERSTATE HIGHWAY 385 "EDWARD CHARLES 'EDDIE' CASE MEMORIAL BOULEVARD" AND

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

Ordered for consideration tomorrow.

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

H. 3825 -- Reps. Huggins, Bedingfield, Fry, Henderson, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Elliott, Hamilton, G. R. Smith, Jordan, B. Newton, Martin, Erickson, Long, Bradley, Weeks, Taylor, Putnam and Cogswell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-1655 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROVIDE PRESCRIPTION REPORT CARDS TO PRACTITIONERS UTILIZING THE PRESCRIPTION MONITORING PROGRAM THAT INCLUDE DATA RELEVANT TO A PRACTITIONER'S PRESCRIBING PRACTICES; AND TO AMEND SECTION 44-53-1650, AS AMENDED, RELATING TO THE CONFIDENTIALITY OF PRESCRIPTION MONITORING PROGRAM DATA, SO AS TO ALLOW THE RELEASE OF PRESCRIPTION REPORT CARDS TO PRACTITIONERS.

Ordered for consideration tomorrow.

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

H. 3826 -- Reps. Huggins, Bedingfield, Fry, Henderson, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Tallon, Hamilton, Felder, Elliott, B. Newton, Martin, Erickson, Dillard, G. R. Smith, Robinson-Simpson, Long, Taylor, Hixon, Arrington, Bennett, W. Newton, Putnam and Cogswell: A BILL TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A COUNTERFEIT-RESISTANT PRESCRIPTION BLANK, WHICH MUST BE USED BY PRACTITIONERS FOR THE PURPOSE OF PRESCRIBING CONTROLLED SUBSTANCES.

Ordered for consideration tomorrow.

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

H. 4112 -- Reps. Bedingfield, Fry, Henderson, Huggins, Rutherford and Stringer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-363 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A VOLUNTARY NONOPIOID DIRECTIVE FORM TO ALLOW A PERSON TO DENY OR REFUSE THE ADMINISTERING OR PRESCRIBING OF A CONTROLLED SUBSTANCE CONTAINING AN OPIOID BY A PRACTITIONER, TO REQUIRE THE DEPARTMENT TO PROMULGATE REGULATIONS AND DEVELOP GUIDELINES, TO PROVIDE CERTAIN IMMUNITIES FROM CIVIL AND CRIMINAL LIABILITY FOR PHARMACISTS, PRACTITIONERS, AND OTHERS, AND TO PROVIDE FOR PROFESSIONAL DISCIPLINE IN LIMITED CIRCUMSTANCES.

Ordered for consideration tomorrow.

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

H. 4117 -- Reps. Henderson, Bedingfield and Fry: A BILL TO AMEND SECTION 44-53-1650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS TO CONFIDENTIALITY OF DATA IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD AN EXCEPTION FOR THE PROVISION OF DATA TO DRUG COURTS.

Ordered for consideration tomorrow.

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

H. 4487 -- Reps. Henderson, Hewitt, Robinson-Simpson, Fry, West, Atwater, Erickson, Norrell, Weeks, Douglas, Ridgeway, Dillard, Huggins and W. Newton: A BILL TO AMEND SECTION 44-53-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SCHEDULING OF CONTROLLED SUBSTANCES, SO AS TO

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PROVIDE A PROCESS FOR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) TO SCHEDULE CERTAIN SUBSTANCES ON AN EMERGENCY BASIS; TO AMEND SECTION 44-53-280, RELATING TO REGISTRATIONS TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES, SO AS TO ELIMINATE REGISTRATION RENEWAL GRACE PERIODS; TO AMEND SECTION 44-53-290, RELATING IN PART TO REGISTRATIONS ISSUED TO PRACTITIONERS TO DISPENSE NARCOTICS FOR MAINTENANCE OR DETOXIFICATION TREATMENTS AND TO NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS TO PRESCRIBE SCHEDULE V DRUGS, SO AS TO CHANGE CERTAIN REQUIREMENTS; TO AMEND SECTION 44-53-310, RELATING TO APPLICATIONS FOR REGISTRATIONS TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES, SO AS TO ALLOW DHEC TO DENY AN APPLICATION FOR REGISTRATION FOR ANY CRIMINAL CONVICTION; TO AMEND SECTION 44-53-480, RELATING TO THE DEPARTMENT OF NARCOTICS AND DANGEROUS DRUGS WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED), SO AS TO ELIMINATE ENFORCEMENT OF DRUG LAWS AS A FUNCTION OF DHEC; AND TO REPEAL SECTION 44-53-560 RELATING TO THE TRANSFER OF AGENTS FROM DHEC TO SLED.

Ordered for consideration tomorrow.

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

H. 4600 -- Reps. Huggins, Bedingfield, Alexander, Dillard, Douglas, Erickson, Fry, Henderson, Hewitt, Ridgeway, Spires, West, Norrell, Weeks, Rutherford and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-70 SO AS TO AUTHORIZE CERTAIN COMMUNITY ORGANIZATIONS TO DISTRIBUTE OPIOID ANTIDOTES TO A PERSON AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE OR TO A CAREGIVER OF SUCH A PERSON; AND TO AMEND SECTION 44-130-20, RELATING TO TERMS DEFINED IN

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THE SOUTH CAROLINA OVERDOSE PREVENTION ACT, SO AS TO ADD A DEFINITION FOR "COMMUNITY DISTRIBUTOR".

Ordered for consideration tomorrow.

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

H. 4601 -- Reps. Fry, Bedingfield, Alexander, Dillard, Douglas, Erickson, Henderson, Hewitt, Huggins, Ridgeway, Spires, West, Norrell, Weeks, Rutherford and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-75-225 SO AS TO PROVIDE CRITERIA FOR LICENSURE AS AN ADDICTION COUNSELOR; TO AMEND SECTION 40-75-5, RELATING TO CERTAIN PROVISIONS GENERALLY APPLICABLE TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-10, AS AMENDED, RELATING TO THE BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-20, RELATING TO DEFINITIONS, SO AS TO MAKE REVISIONS; TO AMEND SECTION 40-75-30, RELATING TO THE REQUIREMENT OF LICENSURE BY THE BOARD TO PRACTICE CERTAIN PROFESSIONS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-50, RELATING TO THE BOARD, SO AS TO REMOVE DUTIES CONCERNING THE ESTABLISHMENT AND FUNCTION OF STANDARDS COMMITTEES; TO AMEND SECTION 40-75-110, RELATING TO DISCIPLINARY PROCEEDINGS CONCERNING BOARD LICENSEES, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-190, RELATING TO CONFIDENTIALITY OF CLIENT COMMUNICATIONS BY LICENSEES, SO AS TO INCLUDE ADDICTION COUNSELORS AND TO REVISE EXCEPTIONS; TO AMEND SECTION 40-75-220, RELATING TO REQUIREMENTS FOR PROFESSIONAL COUNSELOR LICENSURE AND FAMILY AND MARRIAGE THERAPIST LICENSURE, SO AS TO REVISE THOSE REQUIREMENTS AND PROVIDE ADDITIONAL REQUIREMENTS FOR ADDICTION COUNSELOR LICENSURE;

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TO AMEND SECTION 40-75-230, RELATING TO REQUIREMENTS FOR PROFESSIONAL COUNSELOR SUPERVISOR LICENSURE AND FAMILY AND MARRIAGE THERAPIST SUPERVISOR LICENSURE, SO AS TO MAKE THOSE REQUIREMENTS APPLICABLE TO ADDICTION COUNSELOR SUPERVISOR LICENSURE; TO AMEND SECTION 40-75-240, RELATING TO INTERN LICENSES, SO AS TO REPLACE THE TERM "INTERN" WITH "ASSOCIATE" AND TO INCLUDE ADDICTION COUNSELOR INTERNS; TO AMEND SECTION 40-75-250, RELATING TO THE ISSUANCE OF DISPLAY OF LICENSES ISSUED BY THE BOARD, SO AS TO INCLUDE ADDICTION COUNSELOR LICENSES AND ADDICTION COUNSELOR ASSOCIATE LICENSES; TO AMEND SECTION 40-75-260, RELATING TO RECIPROCITY AGREEMENTS WITH OTHER STATES, SO AS TO INCLUDE ADDICTION COUNSELOR CREDENTIALS; TO AMEND SECTION 40-75-285, RELATING TO THE APPLICABILITY OF ARTICLE 1, CHAPTER 75, TITLE 40, SO AS TO INCLUDE ADDICTION COUNSELORS; AND TO AMEND SECTION 40-75-290, RELATING TO PERSONS NOT APPLICABLE TO ARTICLE 1, CHAPTER 75, TITLE 40, SO AS TO REMOVE PROVISIONS CONCERNING CERTAIN ADDICTION COUNSELORS; TO REDESIGNATE CHAPTER 75, TITLE 40 AS "PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL SPECIALISTS", AND TO REDESIGNATE ARTICLE 1, CHAPTER 75, TITLE 40 AS "PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND ADDICTION COUNSELORS".

Ordered for consideration tomorrow.

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

H. 4602 -- Reps. Henderson, Bedingfield, Alexander, Dillard, Douglas, Erickson, Fry, Hewitt, Huggins, Ridgeway, West, Norrell, Weeks, Rutherford and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-70 SO AS TO REQUIRE HOSPITAL EMERGENCY DEPARTMENT PHYSICIANS AND PHARMACISTS TO SUBMIT CERTAIN INFORMATION TO THE DEPARTMENT OF HEALTH

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AND ENVIRONMENTAL CONTROL (DHEC) FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM WHEN A PERSON IS ADMINISTERED AN OPIOID ANTIDOTE; TO AMEND SECTION 44-130-60, RELATING TO THE AUTHORITY OF FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES, SO AS TO REQUIRE FIRST RESPONDERS TO SUBMIT CERTAIN INFORMATION TO DHEC FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM; TO AMEND SECTION 44-53-1640, AS AMENDED, RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE THE PROGRAM TO MONITOR THE ADMINISTERING OF OPIOID ANTIDOTES BY FIRST RESPONDERS AND IN EMERGENCY HEALTH CARE SETTINGS; AND TO AMEND SECTION 44-53-1645, RELATING TO THE REQUIREMENT OF PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, SO AS TO ALSO REQUIRE A REVIEW OF ANY INCIDENTS IN WHICH THE PATIENT HAS BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING.

Ordered for consideration tomorrow.

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

H. 4603 -- Reps. Bedingfield, Alexander, Dillard, Douglas, Erickson, Fry, Henderson, Hewitt, Huggins, Spires, West, Norrell, Weeks, Rutherford and Atwater: A BILL TO AMEND SECTION 44-53-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIBING LIMITATIONS, SO AS TO LIMIT INITIAL PRESCRIPTIONS OF AN OPIOID MEDICATION FOR ACUTE PAIN MANAGEMENT OR POSTOPERATIVE PAIN MANAGEMENT TO A FIVE-DAY SUPPLY, WITH EXCEPTIONS.

Ordered for consideration tomorrow.

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

H. 4410 -- Reps. Henderson, Henegan and W. Newton: A BILL TO AMEND SECTION 44-34-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSING OF TATTOO FACILITIES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ASSESS MONETARY PENALTIES AGAINST PERSONS OPERATING UNLICENSED TATTOO FACILITIES.

Ordered for consideration tomorrow.

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

H. 4412 -- Rep. Henderson: A BILL TO AMEND SECTION 13-7-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE REGULATION OF TANNING ESTABLISHMENTS, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO INSPECT SOURCES OF NONIONIZING RADIATION AND TO RETAIN FEES TO ADMINISTER THE PROGRAM.

Ordered for consideration tomorrow.

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

H. 4426 -- Reps. Henderson, Henegan and W. Newton: A BILL TO AMEND SECTION 44-32-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSING OF BODY PIERCING FACILITIES, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IMPOSE MONETARY PENALTIES.

Ordered for consideration tomorrow.

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

H. 4438 -- Reps. Henderson and W. Newton: A BILL TO AMEND SECTION 40-25-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CONCERNING THE LICENSURE OF HEARING AID SPECIALISTS, SO AS TO ALLOW THE DEPARTMENT TO FACILITATE THIRD-PARTY ADMINISTRATION OF QUALIFYING EXAMINATIONS OF APPLICANTS FOR LICENSURE, AND TO IMPOSE MONETARY PENALTIES FOR VIOLATIONS OF THE CHAPTER; TO AMEND SECTION 40-25-50, RELATING TO THE DUTIES OF THE COMMISSION FOR HEARING AID SPECIALISTS, SO AS TO REMOVE THE PREPARATION OF QUALIFYING EXAMINATIONS BY THE COMMISSION; TO AMEND SECTION 40-25-110, RELATING TO APPLICATIONS FOR LICENSURE, SO AS TO ALLOW THE DEPARTMENT TO CHARGE CERTAIN RELATED FEES, AND TO PROVIDE FOR THE USE AND ADMINISTRATION OF THESE FEES; AND TO AMEND SECTION 40-25-150, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS IMPOSE RELATED DUTIES ON THE DEPARTMENT INSTEAD OF THE COMMISSION.

Ordered for consideration tomorrow.

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

H. 4485 -- Reps. Henderson and W. Newton: A BILL TO AMEND SECTION 44-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-1-60, RELATING TO APPEALS FROM ADMINISTRATIVE DECISIONS OF THE DEPARTMENT, SO AS TO CLARIFY THAT NOTICE MAY BE PROVIDED ELECTRONICALLY UPON REQUEST; TO AMEND SECTION 44-1-130, RELATING TO THE DEPARTMENT'S AUTHORITY TO ESTABLISH HEALTH DISTRICTS AND DISTRICT ADVISORY BOARDS, SO AS TO ELIMINATE HEALTH ADVISORY BOARDS AND CHANGE CERTAIN TERMINOLOGY;

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AND TO REPEAL ARTICLE 3, CHAPTER 3, TITLE 44 RELATING TO THE CATAWBA HEALTH DISTRICT.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5081 -- Reps. Martin, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, 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, 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, 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 RECOGNIZE AND HONOR THE NEWBERRY HIGH SCHOOL GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2018 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5082 -- Rep. Martin: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE NEWBERRY HIGH SCHOOL GIRLS BASKETBALL TEAM OF NEWBERRY COUNTY WITH THE TEAM, COACHES, AND SCHOOL OFFICIALS, AT A

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DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2018 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Newberry High School girls basketball team of Newberry County with the team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2018 South Carolina Class AAA State Championship title.

The Resolution was adopted.

#### **HOUSE RESOLUTION**

The following was introduced:

H. 5083 -- Reps. McKnight, Anderson, Alexander, Allison, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, 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, 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, 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 RECOGNIZE AND HONOR THE HEMINGWAY HIGH SCHOOL BOYS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE

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2018 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP  
TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5084 -- Reps. McKnight and Anderson: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE HEMINGWAY HIGH SCHOOL BOYS BASKETBALL TEAM WITH THE TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2018 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Hemingway High School boys basketball team with the team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2018 South Carolina Class A State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5093 -- Reps. J. E. Smith, Bernstein, Finlay, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett, 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,

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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, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE A. C. FLORA HIGH SCHOOL JUNIOR RESERVE OFFICER TRAINING CORPS AND INSTRUCTORS OF RICHLAND COUNTY FOR THEIR EXCEPTIONAL PERFORMANCE AND TO CONGRATULATE THEM FOR CAPTURING THE 2016-2017 DISTRICT ONE SUPERINTENDENT'S TROPHY AWARD.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5094 -- Reps. Hixon, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, 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, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, 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 CONCURRENT RESOLUTION TO RECOGNIZE THE SOUTH CAROLINA ASSOCIATION OF REALTORS(r) FOR ITS STRONG SUPPORT OF FAIR HOUSING IN THE PALMETTO

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STATE AND TO DECLARE APRIL 2018 AS "FAIR HOUSING MONTH" IN SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5095 -- Reps. J. E. Smith, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, 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, 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, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THE SOUTH CAROLINA NATIONAL GUARD MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION AND TO DECLARE TUESDAY, MARCH 20, 2018, "NATIONAL GUARD DAY" IN SOUTH CAROLINA.

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



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**INTRODUCTION OF BILLS**

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

H. 5085 -- Rep. Martin: A BILL TO AMEND SECTION 61-2-185, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL NONPROFIT EVENT LICENSES, SO AS TO PROVIDE THAT A WINERY MAY DONATE WINE TO A NONPROFIT FOR A SPECIAL EVENT.

Referred to Committee on Judiciary

H. 5086 -- Rep. Funderburk: A BILL TO AMEND SECTIONS 46-5-10 AND 46-5-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION, MEMBERSHIP, AND POWER OF THE AGRICULTURE COMMISSION OF SOUTH CAROLINA, SO AS TO PROVIDE THAT COMMISSIONERS SHALL SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED, HOWEVER, A COMMISSIONER MAY SERVE IN A HOLDOVER CAPACITY FOR NOT MORE THAN SIX MONTHS; TO DELETE ITS POWER TO ADOPT CERTAIN POLICIES, RULES, AND REGULATIONS OF THE DEPARTMENT OF AGRICULTURE AND ANNUALLY APPROVE CERTAIN BUDGET REQUESTS PRIOR TO BEING SUBMITTED TO THE GOVERNOR AND GENERAL ASSEMBLY; AND TO REPEAL SECTION 46-3-50 RELATING TO THE BOND IMPOSED UPON THE COMMISSIONER OF AGRICULTURE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5087 -- Reps. Funderburk and Norrell: A BILL TO AMEND SECTION 39-41-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERMS "PETROLEUM" AND "PETROLEUM PRODUCT" AND THEIR DEFINITIONS, SO AS TO PROVIDE THAT EVERY RETAIL FUEL BUSINESS MUST NOTIFY THE DEPARTMENT OF AGRICULTURE'S CONSUMER PROTECTION DIVISION WHEN A PETROLEUM DISPENSER HAS BEEN INSTALLED FOR USE AND TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION; AND TO AMEND SECTION 39-41-150, RELATING TO THE ISSUANCE OF RULES AND REGULATIONS BY THE COMMISSIONER OF AGRICULTURE, SO AS TO PROVIDE THAT

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THE DEPARTMENT OF AGRICULTURE SHALL IMPOSE UPON AND COLLECT FINES FROM A PERSON OR MOTOR FUEL RETAILER THAT KNOWINGLY OR WILFULLY VIOLATES A PROVISION THAT REGULATES THE PETROLEUM INDUSTRY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5088 -- Reps. V. S. Moss, Hixon and Funderburk: A BILL TO AMEND ARTICLE 3, CHAPTER 39, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROVISIONS THAT REGULATE THE LABELING AND MARKETING OF EGGS, SO AS TO REVISE THE DEFINITION OF THE TERMS "EGGS" AND "RETAILER", TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS, TO PROVIDE THAT EGG PRODUCERS WHO SELL EGGS MUST OBTAIN A LICENSE FROM THE COMMISSIONER OF AGRICULTURE AND THAT THE LICENSE MUST BE RENEWED ANNUALLY FOR A FEE, TO PROVIDE THAT SHELL EGG PRODUCERS MUST WASH, SANITIZE, AND SIZE EGGS, TO PROVIDE A DEFINITION OF THE TERM "REASONABLE PERIOD OF TIME FROM GATHERING", TO REVISE THE EGG-LABELING REQUIREMENTS, TO REVISE THE SIZE, LETTERING AND INFORMATION CONTAINED ON THE PLACARD PLACED OVER A RECEPTACLE CONTAINING EGGS FOR SALE, TO DELETE THE PROVISION THAT REQUIRES A LOCATION THAT SERVES FOOD TO DISPLAY THE PLACARD ON RECEPTACLES CONTAINING EGGS, TO PROVIDE THAT A LOCATION THAT SERVES FOOD MUST PROVIDE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PROOF OF THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE'S LICENSED SOURCE, TO PROVIDE THAT IT IS UNLAWFUL TO OFFER EGGS WITHOUT PROPER LABELING AND IT IS LAWFUL TO USE THE WORD "CERTIFIED" UNDER CERTAIN CIRCUMSTANCES IN CONNECTION WITH THE ADVERTISING OR SELLING OF EGGS, TO REVISE THE CIRCUMSTANCES IN WHICH IT IS UNLAWFUL TO OFFER EGGS FOR SALE THAT ARE NOT STORED PROPERLY IN A REFRIGERATED STATE, TO PROVIDE THAT CERTAIN PRODUCERS, RETAILERS, WHOLESALERS, DISTRIBUTORS, AND FARM/PRODUCERS ARE EXEMPT FROM THE PROVISIONS CONTAINED IN CHAPTER 39, TITLE 39, TO PROVIDE A PERSON'S CONDUCT MUST BE FOUND TO BE

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WILFUL IN AN ACTION FOR A VIOLATION UNDER CHAPTER 39, TITLE 39, AND TO MAKE TECHNICAL CHANGES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5089 -- Reps. S. Rivers, Elliott, Cogswell, Duckworth, Hewitt and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 28 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE A COLLABORATIVE DESIGN OF A CAREER DEVELOPMENT PATHWAY WITHIN THE CONSTRUCTION INDUSTRY FOR STUDENTS IN A MANNER TO ALLOW STUDENTS TO EARN INCOME WHILE PROGRESSING ALONG THE CAREER DEVELOPMENT PATHWAY, TO SPECIFY REQUIREMENTS OF THE PROGRAM, AND TO PROVIDE THAT THE COMMISSION ON HIGHER EDUCATION SHALL POST CERTAIN INFORMATION CONCERNING THE CAREER DEVELOPMENT PATHWAY ONLINE; AND BY ADDING ARTICLE 30 TO CHAPTER 53, TITLE 59 SO AS TO CREATE ONE CAREER DEVELOPMENT IN CONSTRUCTION PATHWAY DISTRICT IN EACH CONGRESSIONAL DISTRICT IN THE STATE, TO ESTABLISH TWO CAREER DEVELOPMENT IN CONSTRUCTION PATHWAY CENTERS IN EACH DISTRICT, TO PROVIDE COURSEWORK AND GUIDANCE FOR RESIDENTS SEEKING TO PURSUE STUDIES IN A CAREER DEVELOPMENT IN CONSTRUCTION PATHWAY PROGRAM, TO PROVIDE OVERSIGHT OF THE DISTRICTS AND CENTERS BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, TO PROVIDE FOR THE FUNDING OF THE CENTERS, TO PROVIDE FOR THE MANAGEMENT OF THE CENTERS, AND TO PROVIDE TRANSPORTATION TO AND FROM THE CENTERS BY PUBLIC SCHOOL DISTRICTS AND REGIONAL TRANSPORTATION AUTHORITIES.

Referred to Committee on Education and Public Works

H. 5090 -- Rep. Clemmons: A BILL TO AMEND SECTION 50-11-515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF WILD TURKEY FEATHERS IN ART, SO AS TO PROVIDE THAT WILD TURKEY PARTS MAY BE USED IN ARTS AND CRAFTS BY CERTAIN INDIVIDUALS, TO PROVIDE THAT THIS PROVISION DOES NOT AUTHORIZE THE SALE OF WILD TURKEY MEAT, AND TO DELETE THE PROVISIONS THAT

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PROHIBIT THE SALE OF PARTS OF WILD TURKEYS AND THE SALE OF CAPES, BEARDS, AND FANS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5091 -- Reps. White and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-23-225 SO AS TO PROMOTE STUDENT AND TEACHER SAFETY BY PROVIDING THAT PUBLIC AND PRIVATE SCHOOLS MAY INSTALL AND USE LOCKDOWN MAGNETIC DOOR STRIPS ON CLASSROOM DOOR FRAMES TO BETTER SECURE CLASSROOMS DURING LOCKDOWNS, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE RELATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION, AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT MUST PREVAIL TO THE EXTENT THAT THEY CONFLICT WITH ANOTHER PROVISION OF LAW.

Referred to Committee on Labor, Commerce and Industry

H. 5092 -- Rep. G. M. Smith: A BILL TO AMEND SECTIONS 63-17-1410, 63-17-1420, 63-17-1440, 63-17-1460, 63-17-1470, 63-17-1480, 63-17-1500, AND 63-17-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO INCOME WITHHOLDING TO ENFORCE CHILD SUPPORT, SO AS TO ADD A DEFINITION FOR "AUTHORIZED AGENCY" AND TO SUBSTITUTE THE TERM "AUTHORIZED AGENCY" FOR "CLERK OF COURT".

Referred to Committee on Judiciary

H. 5096 -- Rep. Spires: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSMENT RATIOS, SO AS TO EXTEND TO MEMBERS OF THE UNITED STATES FOREIGN SERVICE CERTAIN LEGAL RESIDENCE PROVISIONS THAT APPLY TO MEMBERS OF THE ARMED SERVICES.

Referred to Committee on Ways and Means

H. 5097 -- Rep. Spires: A BILL TO AMEND SECTION 40-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE STATE BOARD OF COSMETOLOGY, SO AS TO DEFINE THE TERM "HAIR DESIGNER"; TO AMEND 40-13-230, RELATING TO LICENSES

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ISSUED BY THE BOARD, SO AS TO PROVIDE FOR THE LICENSURE OF HAIR DESIGNERS; AND TO AMEND SECTION 40-13-5, RELATING TO OCCUPATIONS REGULATED BY THE PRACTICE ACT FOR COSMETOLOGISTS AND COSMETOLOGY, SECTION 40-13-110, RELATING TO DISCIPLINARY ACTIONS, SECTION 40-13-240, RELATING TO EXAMINATIONS AND FEES, AND SECTION 40-13-270, RELATING TO RECIPROCITY WITH OTHER LICENSING JURISDICTIONS, ALL SO AS TO MAKE CONFORMING CHANGES.

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

S. 815 -- Senators Gambrell, Shealy, Senn and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-2150 SO AS TO ESTABLISH PROHIBITED ACTS FOR PHARMACY BENEFIT MANAGERS AND TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 38-71-2130, RELATING TO THE DUTIES OF A PHARMACY BENEFIT MANAGER, SO AS TO REQUIRE A PHARMACY BENEFIT MANAGER TO REIMBURSE A PROVIDER WITHIN SEVEN BUSINESS DAYS OF PAYMENT BY A PAYOR.

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

S. 866 -- Senators Cromer, Scott, Reese, Verdin, J. Matthews and Nicholson: A BILL TO PROVIDE THAT TAX CREDITS FOR THE PURCHASE OF GEOTHERMAL MACHINERY AND EQUIPMENT SHALL BE REPEALED ON JANUARY 1, 2029.

Referred to Committee on Ways and Means

S. 872 -- Senators Timmons and Martin: A BILL TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT A PERSON CONVICTED OF A CAPITAL CRIME AND HAVING IMPOSED UPON HIM THE SENTENCE OF DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR, AT THE ELECTION OF THE PERSON, LETHAL INJECTION, IF IT IS AVAILABLE AT THE TIME OF ELECTION, UNDER THE DIRECTION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, TO PROVIDE THAT THE PENALTY MUST BE

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ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, AND TO PROVIDE THAT IF EXECUTION BY LETHAL INJECTION UNDER THIS SECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION, THEN THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON.

Referred to Committee on Judiciary

**ROLL CALL**

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

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Bryant
Burns	Caskey	Chumley
Clary	Clemmons	Clyburn
Cogswell	Cole	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	Hewitt	Hill
Hiott	Hixon	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
Mace	Mack	Magnuson
Martin	McCoy	McCravy
McEachern	McKnight	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott

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Parks	Pendarvis	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
Wheeler	White	Whitmire
Williams	Willis	Young
Yow		

**Total Present--115**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. John K. Corless of Charleston was the Doctor of the Day for the General Assembly.

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**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Reps. MCCRAVY and PITTS presented to the House the Ninety Six High School Marching Band, band directors, and other school officials.

**SPECIAL PRESENTATION**

Rep. LUCAS presented to the House the Hartsville Northern Baseball Team, coaches, and other school officials.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

Bill Number: H. 3079  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 3148  
Date: ADD:  
03/08/18 NORRELL



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**CO-SPONSOR ADDED**

Bill Number: H. 3149  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 3208  
Date: ADD:  
03/08/18 BRYANT

**CO-SPONSOR ADDED**

Bill Number: H. 3342  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 3345  
Date: ADD:  
03/08/18 V. S. MOSS

**CO-SPONSOR ADDED**

Bill Number: H. 3448  
Date: ADD:  
03/08/18 J. E. SMITH

**CO-SPONSOR ADDED**

Bill Number: H. 3724  
Date: ADD:  
03/08/18 HENDERSON-MYERS

**CO-SPONSOR ADDED**

Bill Number: H. 3827  
Date: ADD:  
03/08/18 HENDERSON-MYERS

**CO-SPONSORS ADDED**

Bill Number: H. 3847  
Date: ADD:  
03/08/18 V. S. MOSS and ATWATER

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**CO-SPONSOR ADDED**

Bill Number: H. 3887  
Date: ADD:  
03/08/18 V. S. MOSS

**CO-SPONSOR ADDED**

Bill Number: H. 4031  
Date: ADD:  
03/08/18 HENDERSON-MYERS

**CO-SPONSORS ADDED**

Bill Number: H. 4094  
Date: ADD:  
03/08/18 V. S. MOSS and ATWATER

**CO-SPONSOR ADDED**

Bill Number: H. 4162  
Date: ADD:  
03/08/18 HENDERSON-MYERS

**CO-SPONSOR ADDED**

Bill Number: H. 4418  
Date: ADD:  
03/08/18 CASKEY

**CO-SPONSORS ADDED**

Bill Number: H. 4421  
Date: ADD:  
03/08/18 CASKEY and NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 4425  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 4445  
Date: ADD:  
03/08/18 NORRELL

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**CO-SPONSOR ADDED**

Bill Number: H. 4456  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSORS ADDED**

Bill Number: H. 4480  
Date: ADD:  
03/08/18 KNIGHT and HENEGAN

**CO-SPONSOR ADDED**

Bill Number: H. 4504  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 4506  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 4514  
Date: ADD:  
03/08/18 V. S. MOSS

**CO-SPONSORS ADDED**

Bill Number: H. 4628  
Date: ADD:  
03/08/18 ELLIOTT and DUCKWORTH

**CO-SPONSORS ADDED**

Bill Number: H. 4683  
Date: ADD:  
03/08/18 WILLIAMS, JEFFERSON and HAMILTON

**CO-SPONSOR ADDED**

Bill Number: H. 4701  
Date: ADD:  
03/08/18 HENDERSON-MYERS

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**CO-SPONSORS ADDED**

Bill Number: H. 4710  
Date: ADD:  
03/08/18 ELLIOTT, HENDERSON and BLACKWELL

**CO-SPONSOR ADDED**

Bill Number: H. 4714  
Date: ADD:  
03/08/18 HENDERSON-MYERS

**CO-SPONSORS ADDED**

Bill Number: H. 4726  
Date: ADD:  
03/08/18 CASKEY and ELLIOTT

**CO-SPONSOR ADDED**

Bill Number: H. 4796  
Date: ADD:  
03/08/18 HUGGINS

**CO-SPONSORS ADDED**

Bill Number: H. 4912  
Date: ADD:  
03/08/18 V. S. MOSS, ATWATER and HIXON

**CO-SPONSOR ADDED**

Bill Number: H. 4931  
Date: ADD:  
03/08/18 BLACKWELL

**CO-SPONSOR ADDED**

Bill Number: H. 4936  
Date: ADD:  
03/08/18 DUCKWORTH

**CO-SPONSOR ADDED**

Bill Number: H. 5043  
Date: ADD:  
03/08/18 PUTNAM

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**CO-SPONSOR ADDED**

Bill Number: H. 5064  
Date: ADD:  
03/08/18 NORRELL

**CO-SPONSOR ADDED**

Bill Number: H. 5087  
Date: ADD:  
03/08/18 NORRELL

**H. 4968--POINT OF ORDER**

The following Bill was taken up:

H. 4968 -- Reps. Hiott, Clary and Collins: A BILL TO AMEND ACT 489 OF 1998, RELATING TO THE ADVISORY ELECTION AMONG PICKENS COUNTY VETERANS TO NOMINATE A CANDIDATE TO THE PICKENS COUNTY LEGISLATIVE DELEGATION FOR RECOMMENDATION FOR APPOINTMENT AS PICKENS COUNTY VETERANS AFFAIRS OFFICER, SO AS TO DESIGNATE THE OFFICE OF THE PICKENS COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AS THE POLLING LOCATION FOR THE ELECTION; TO ESTABLISH A THREE-WEEK VOTING PERIOD DURING THE BOARD'S NORMAL HOURS OF OPERATION IN WHICH TO CONDUCT THE ELECTION, TO AUTHORIZE ABSENTEE VOTING, AND TO SPECIFY WHEN THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF PICKENS COUNTY SHALL MEET TO CERTIFY RESULTS.

**POINT OF ORDER**

Rep. HIOTT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**SENT TO THE SENATE**

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

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H. 3211 -- Reps. Rutherford and Gilliard: A BILL TO AMEND SECTION 17-25-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDUCTION OF A SENTENCE FOR SUBSTANTIAL ASSISTANCE TO THE STATE, SO AS TO ADD THAT THE ATTORNEY GENERAL IS ALSO AUTHORIZED TO FILE A MOTION UNDER THE PROVISIONS OF THE SECTION.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: A JOINT RESOLUTION TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM ISSUING AN ORDER FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL NINETY DAYS AFTER THE SOUTH CAROLINA GENERAL ASSEMBLY ADJOURNS SINE DIE FOR THE 2018 LEGISLATIVE SESSION, BUT TO PERMIT AN EXPERIMENTAL RATE ORDER TO REVISE ELECTRIC RATES IN ACCORDANCE WITH CHAPTER 34, TITLE 58.

**H. 4683--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4683 -- Reps. Hewitt, Fry, Erickson, Clemmons, Duckworth, Yow, Martin, Hardee, Johnson, McGinnis, Crawford, Anderson, Herbkersman, Sottile, Hixon, Taylor, Arrington, D. C. Moss, Atwater, S. Rivers, Mace, Lucas, Bradley, Elliott, Atkinson, Bannister, Loftis, Williams, Jefferson and Hamilton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "BEACHFRONT MANAGEMENT REFORM ACT"; TO AMEND SECTION 44-1-60, RELATING TO APPEALS FROM DECISIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL GIVING RISE TO CONTESTED CASES, SO AS TO EXCLUDE DECISIONS TO ESTABLISH BASELINES OR SETBACK LINES FROM THE APPEAL PROCEDURES; TO AMEND SECTION 48-39-10, RELATING TO COASTAL TIDELANDS AND WETLANDS DEFINITIONS, SO AS TO REDEFINE THE TERM "PRIMARY OCEANFRONT SAND DUNE" FOR PURPOSES OF ESTABLISHING A BASELINE AND TO DEFINE THE TERM "STORM SURGE"; AND TO AMEND

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SECTION 48-39-280, RELATING TO THE STATE'S FORTY-YEAR RETREAT POLICY, SO AS TO REQUIRE THE USE OF HISTORICAL AND SCIENTIFIC DATA THAT ACCOUNTS FOR EFFECTS OF NATURAL PROCESSES WHEN DETERMINING EROSION RATES, TO ESTABLISH THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST ESTABLISH BASELINES AND SETBACK LINES FOR CERTAIN AREAS AND UNDER CERTAIN GUIDELINES, TO PROHIBIT THE USE OF DATA FROM AN AREA IMPACTED BY A STORM SYSTEM OR EVENT NAMED BY THE NATIONAL WEATHER SERVICE FOR TWO YEARS AFTER THE STORM, TO REQUIRE THE DEPARTMENT TO GRANT A REVIEW OF A BASELINE OR SETBACK LINE FOR A LANDOWNER, A MUNICIPALITY, COUNTY, OR ORGANIZATION ACTING ON BEHALF OF A LANDOWNER THAT SUBMITS SUBSTANTIATING EVIDENCE SHOWING AN ADVERSE AFFECT ON HIS PROPERTY AND TO ESTABLISH GUIDELINES FOR REVIEW.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4683 (COUNCIL\CZ\4683C003.NBD.CZ18), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 48-39-10(I) and inserting:

/ (I) 'Primary ~~ocean-front~~ oceanfront sand ~~dunes~~ dune' means ~~those dunes which~~ the dune or dunes that constitute the front row of dunes adjacent to the Atlantic Ocean. /

Amend the bill further by striking SECTIONS 4 through 6 and inserting:

/ SECTION 4. Section 48-39-280 of the 1976 Code is amended to read:

"Section 48-39-280. (A) A forty-year policy of retreat from the shoreline is established. The department must implement this policy and utilize the best available scientific and historical data in the implementation. The department must establish a baseline that parallels the shoreline for each standard erosion zone and each inlet erosion zone. Subject to Section 48-39-290(D), the baseline established pursuant to this section must not move seaward from its position on December 31, 2017.

(1) The baseline for each standard erosion zone is established at the location of the crest of the primary oceanfront sand dune in that zone. In standard erosion zones in which the shoreline has been altered

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naturally or artificially by the construction of erosion control devices, ~~groins, or other manmade alterations~~, the baseline must be established by the department using the best scientific and historical data, as where the crest of the primary oceanfront sand ~~dunes~~ dune for that zone would be located if the shoreline had not been altered.

(2) The baseline for inlet erosion zones that are not stabilized by jetties, terminal groins, or other structures must be determined by the department as the most landward point of erosion at any time during the past forty years, unless the best available scientific and historical data of the inlet and adjacent beaches indicate that the shoreline is unlikely to return to its former position. In collecting and utilizing the best scientific and historical data available for the implementation of the retreat policy, the department, as part of the State Comprehensive Beach Management Plan provided for in this chapter, among other factors, must consider historical inlet migration, inlet stability, channel and ebb tidal delta changes, the effects of sediment bypassing on shorelines adjacent to the inlets, and the effects of nearby beach restoration projects on inlet sediment budgets.

(3) The baseline within inlet erosion zones that are stabilized by jetties, terminal groins, or other structures must be determined in the same manner as provided for in item (1). However, the actual location of the crest of the primary oceanfront sand ~~dunes~~ dune of that erosion zone is the baseline of that zone, not the location if the inlet had remained unstabilized.

(B) To implement the retreat policy provided for in subsection (A), a setback line must be established landward of the baseline a distance which is forty times the average annual erosion rate or not less than twenty feet from the baseline for each erosion zone based upon the best historical and scientific data adopted by the department as a part of the State Comprehensive Beach Management Plan.

~~(C) The department, before July 3, 1991, must establish a final baseline and setback line for each erosion zone based on the best available scientific and historical data as provided in subsection (B) and with consideration of public input. The baseline and setback line must not be revised before July 1, 1998, nor later than July 1, 2000. Between the establishment cycle of January 1, 2016, and December 31, 2019, the department must use the established baselines and setback lines that were established by January 31, 2012. After December 31, 2023, the department must initiate baselines and setback lines for all geographic areas where baselines and setback lines were established by January 31, 2012. After that revision, The baseline and setback line lines must be~~



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~~revised~~ established anew during establishment cycles that are not less than every seven years but not more than every ten years after each preceding revision following the establishment cycle and must be based upon the best available data. The department shall establish the baseline and setback line for all locations where the baseline and setback line were established on or before January 31, 2012. Nothing in this section allows the seaward movement of the baseline after December 31, 2017. ~~In the establishment and revision of the baseline and setback line, the department must transmit and otherwise make readily available to the public all information upon which its decisions are based for the establishment of the final baseline and setback line. The department must hold one public hearing before establishing the final baseline and setback lines.~~ Until the department establishes new baselines and setback lines for a geographic area, the existing baselines and setback lines for the geographic area must be used. ~~The department may stagger the revision of the baselines and setback lines of the erosion zones so long as every zone is revised in accordance with the time guidelines established in this section.~~

(D)(1) In each new establishment cycle of the baselines and setback lines, the department must:

(a) stagger the establishment of the baselines and setback lines by geographic area and provide a tentative schedule of establishment for each geographic area on the department's website at least one hundred twenty days prior to beginning a new establishment cycle;

(b) publish proposed locations of baselines and setback lines for a geographic area on the department's website for public input at least one hundred twenty days prior to establishing the baselines and setback lines for the geographic area;

(c) on the date of the publication of the proposed locations of baselines and setback lines for a geographic area:

(i) provide notice of the publication in a newspaper of general statewide circulation and a newspaper of local circulation in the geographic area; and

(ii) make readily available to the public, including on the department's website, the information and raw data the department used in making its decision and an explanation for the decision;

(d) hold at least one public hearing in the county or municipality of a geographic area at least ninety days prior to establishing the baselines and setback lines for the geographic area; and

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(e) accept and review data up to thirty days prior to establishing baselines and setback lines for a geographic area to determine if a proposed baseline or setback line for the geographic area should be revised.

(2) Baselines and setback lines for a geographic area are in effect upon the date of establishment and are subject to review pursuant to the provisions of subsection (F).

(E)(1) In order to locate the ~~baseline and the setback line~~ baselines and the setback lines, the department must establish monumented and controlled survey points in each county fronting the Atlantic Ocean. The department must acquire sufficient surveyed topographical information on which to locate the ~~baseline~~ baselines.

(2) Surveyed topographical data typically must be gathered at two thousand foot intervals. However, in areas subject to significant near-term development and in areas currently developed, the interval, at the discretion of the department, may be more frequent. The resulting surveys must locate the crest of the primary oceanfront sand ~~dunes~~ dune to be used as the baseline for computing the forty-year erosion rate. In cases where no primary oceanfront sand ~~dunes exist~~ dune exists, a study conducted by the department is required to determine where the upland location of the crest of the primary oceanfront sand dune would be located if the shoreline had not been altered.

(3) The department, by regulation, may exempt specifically described portions of the coastline from the survey requirements of this section when, in its judgment, the portions of coastline are not subject to erosion or are not likely to be developed by virtue of local, state, or federal programs in effect on the coastline which would preclude significant development, or both.

~~(E)(F)(1)~~ A landowner claiming ownership of property adversely affected ~~who feels that the final or revised setback line, baseline, or erosion rate as adopted is in error,~~ by the establishment of a baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline or setback line, ~~baseline, or erosion rate, or a review of all three.~~ Alternatively, the municipality or county in which the property is situated, acting on behalf of the landowner with his written authorization, or an organization acting on behalf of the landowner with his written authorization, upon submittal of substantiating evidence, must be granted a review of the baseline and setback line. ~~The requests must be forwarded to~~ A review is initiated by filing a request for a review conference with the department board in accordance with Section 44-1-60, and the final decision of the board may

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be appealed to the Administrative Law Court, as provided in Chapter 23 of Title 1 via certified mail within one year of the establishment of the baseline or setback line and must include a one hundred dollar review fee per property.

(2) The initial decision to establish a baseline or setback line must be a department staff decision.

(3) No later than sixty calendar days after the receipt of a request for review, the board must:

(a) decline to schedule a review conference in writing; or

(b) conduct a review conference in accordance with the provisions of item (4).

(4) A review conference may be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. The board shall set the place, date, and time for the conference; give twenty calendar days' written notice of the conference; and advise the landowner or the county, municipality, or organization acting on behalf of the landowner that evidence may be presented at the conference. The review conference must be held as follows:

(a) Review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the landowner or the county, municipality, or organization acting on behalf of the landowner. During the course of the review conference, the staff must explain the staff decision and the materials relied upon to support its decision. The landowner or the county, municipality, or organization acting on behalf of the landowner shall state the reasons for contesting the staff decision and may provide evidence to support amending the staff decision. The staff may rebut information and arguments presented by the landowner or the county, municipality, or organization acting on behalf of the landowner, and the landowner or the county, municipality, or organization acting on behalf of the landowner may rebut information and arguments presented by the staff. Any review conference officer may request additional information and may question the landowner or the county, municipality, or organization acting on behalf of the landowner and the staff.

(b) After the review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue, based upon the evidence presented, a written decision to the landowner or the county, municipality, or organization acting on behalf of the landowner via certified mail no later than thirty calendar days after the date of the review conference. The written decision must explain the

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basis for the decision and inform the landowner or the county, municipality, or organization acting on behalf of the landowner of the right to request a contested case hearing before the Administrative Law Court.

(5) A landowner or the county, municipality, or organization acting on behalf of the landowner may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a contested case hearing within thirty calendar days after:

(a) written notice is received by the landowner or the county, municipality, or organization acting on behalf of the landowner that the board declines to hold a review conference;

(b) the sixty-calendar-day deadline to hold the review conference has lapsed and no conference has been held; or

(c) the final agency decision resulting from the review conference is received by the landowner or the county, municipality, or organization acting on behalf of the landowner.”

SECTION 5. Notwithstanding the time guidelines established in Section 48-39-280(C), the Department of Health and Environmental Control shall initiate new baselines and setback lines in accordance with the provisions of this act by no later than December 31, 2023.

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

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

Rep. HEWITT proposed the following Amendment No. 2 to H. 4683 (COUNCIL\CZ\4683C009.NBD.CZ18), which was adopted:

[HJ]

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Amend the bill, as and if amended, SECTION 4, by striking Section 48-39-280(A) and inserting:

/ (A) A forty-year policy of retreat from the shoreline is established. The department must implement this policy and utilize the best available scientific and historical data in the implementation. The department must establish a baseline that parallels the shoreline for each standard erosion zone and each inlet erosion zone. ~~Subject to Section 48-39-290(D), the baseline established pursuant to this section must not move seaward from its position on December 31, 2017~~ A baseline must not move seaward from its position in effect on December 31, 2017.

(1) The baseline for each standard erosion zone is established at the location of the crest of the primary oceanfront sand dune in that zone. In standard erosion zones in which the shoreline has been altered naturally or artificially by the construction of erosion control devices, ~~groins, or other manmade alterations,~~ the baseline must be established by the department using the best scientific and historical data, as where the crest of the primary oceanfront sand ~~dunes~~ dune for that zone would be located if the shoreline had not been altered.

(2) The baseline for inlet erosion zones that are not stabilized by jetties, terminal groins, or other structures must be determined by the department as the most landward point of erosion at any time during the past forty years, unless the best available scientific and historical data of the inlet and adjacent beaches indicate that the shoreline is unlikely to return to its former position. In collecting and utilizing the best scientific and historical data available for the implementation of the retreat policy, the department, as part of the State Comprehensive Beach Management Plan provided for in this chapter, among other factors, must consider historical inlet migration, inlet stability, channel and ebb tidal delta changes, the effects of sediment bypassing on shorelines adjacent to the inlets, and the effects of nearby beach restoration projects on inlet sediment budgets.

(3) The baseline within inlet erosion zones that are stabilized by jetties, terminal groins, or other structures must be determined in the same manner as provided for in item (1). However, the actual location of the crest of the primary oceanfront sand ~~dunes~~ dune of that erosion zone is the baseline of that zone, not the location if the inlet had remained unstabilized. /

Amend the bill further, by striking SECTION 5 and inserting:

/ SECTION 5. Notwithstanding the provisions of Section 48-39-280, the baseline or setback line in effect for a landowner is:

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(1) the baseline or setback line established during the 2009 through 2012 establishment cycle until the Department of Health and Environmental Control establishes a new baseline and setback line if the baseline established during the 2009 through 2012 establishment cycle is seaward of or at the same location as the baseline proposed by the department on October 6, 2017.

(2) the baseline or setback line proposed by the department on October 6, 2017, until the department establishes a new baseline and setback line if the baseline established during the 2009 through 2012 establishment cycle is landward of the baseline proposed by the department on October 6, 2017.

(3) If a proposed baseline under review or appeal prior to January 1, 2018, is revised by a consent order, court order, or otherwise by the department to a location seaward of both the baseline established during the 2009 through 2012 establishment cycle and the baseline proposed on October 6, 2017, then both the revised proposed baseline as well as the revised proposed setback line will be in effect for the landowner until the department establishes a new baseline and setback line. /

Renumber sections to conform.

Amend title to conform.

Rep. HEWITT explained the amendment.

The amendment was then adopted.

Rep. HEWITT proposed the following Amendment No. 3 to H. 4683 (COUNCIL\CZ\4683C010.NBD.CZ18), which was adopted:

Amend the bill, as and if amended, SECTION 4, by striking Section 48-39-280(E)(1), (2), and (3) and inserting:

/ (E)(1) In order to locate the ~~baseline and the setback line~~ baselines and the setback lines, the department must establish monumented and controlled survey points in each county fronting the Atlantic Ocean. The department must acquire sufficient surveyed topographical information on which to locate the ~~baseline~~ baselines.

(2) Surveyed topographical data typically must be gathered at two thousand foot intervals. However, in areas subject to significant near-term development and in areas currently developed, the interval, at the discretion of the department, may be more frequent. The resulting surveys must locate the crest of the primary oceanfront sand ~~dunes~~ dune to be used as the baseline for computing the forty-year erosion rate. In cases where no primary oceanfront sand ~~dunes exist~~ dune exists, a study conducted by the department is required to determine where the upland

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location of the crest of the primary oceanfront sand dune would be located if the shoreline had not been altered.

(3) The department, by regulation, may exempt specifically described portions of the coastline from the survey requirements of this section when, in its judgment, the portions of coastline are not subject to erosion or are not likely to be developed by virtue of local, state, or federal programs in effect on the coastline which would preclude significant development, or both.

(4) If an oceanfront area incurs extraordinary erosion due to the impact of a storm system or event named by the National Weather Service after June 1, 2018, the surveyed topographical data collected from the impacted oceanfront area since the last establishment cycle may not be used to locate the crests of primary oceanfront sand dunes or to establish baselines pursuant to subsection (A)(1) or (A)(3). The department must use data collected during previous cycles from the oceanfront area to locate the crests of primary oceanfront sand dunes and to establish baselines pursuant to items (A)(1) or (A)(3). /

Renumber sections to conform.

Amend title to conform.

Rep. HEWITT explained the amendment.

The amendment was then adopted.

Rep. MURPHY proposed the following Amendment No. 4 to H. 4683 (COUNCIL\DG\4683C001.BBM.DG18), which was tabled:

Amend the bill, as and if amended, SECTION 3, by striking Section 48-39-10(B) and inserting:

/ (B) 'Coastal zone' means all coastal waters and submerged lands seaward to the State's jurisdictional limits and all lands and waters in the counties, or portions of counties, of the State which contain any one or more of the critical areas. These counties are Beaufort, Berkeley, Charleston, Colleton, ~~Dorchester~~, Horry, Jasper, ~~and Georgetown~~, and the seaward portion of Dorchester County bounded beginning at the intersection of the county line and S.C. 165, then northward along S.C. 165 until its intersection with S.C. 642, then southeastward along S.C. 642 until its intersection with the county line. /

Renumber sections to conform.

Amend title to conform.

Rep. MURPHY explained the amendment.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Arrington	Atkinson	Atwater
Bales	Ballentine	Bannister
Bennett	Bernstein	Blackwell
Brawley	Brown	Bryant
Burns	Caskey	Chumley
Clary	Clemmons	Cole
Crawford	Crosby	Daning
Davis	Delleney	Dillard
Duckworth	Elliott	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Hamilton	Hardee	Hayes
Henderson	Henderson-Myers	Henegan
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
Mace	Mack	Magnuson
Martin	McCoy	McCravy
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Norrell
Ott	Parks	Pendarvis
Pitts	Pope	Ridgeway
S. Rivers	Robinson-Simpson	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Tallon	Taylor
Thayer	Thigpen	Toole
Weeks	West	White



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Whitmire  
Young

Williams  
Yow

Willis

**Total--98**

Those who voted in the negative are:

**Total--0**

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

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on H. 4683. If I had been present, I would have voted in favor of the Bill.

Rep. William Cogswell

**RECORD FOR VOTING**

Due to constituent meetings, I was away from the floor for the vote on H. 4683. I would have voted in the affirmative.

Rep. Shannon Erickson

**RECORD FOR VOTING**

As a result of being in a constituent meeting, I missed the opportunity to vote on H. 4683. I would have voted affirmatively for this Bill.

Rep. Jeff Bradley

**H. 4889--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4889 -- Reps. Delleney and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-8-85 SO AS TO ALLOW FOR THE HOLDER OF A CONSERVATION EASEMENT TO CONTEST AN ACTION TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE PROCEDURE FOR A CONTESTED ACTION, AND TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES.

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The Committee on Judiciary proposed the following Amendment No. 1 to H. 4889 (COUNCIL\CZ\4889C001.NBD.CZ18), which was adopted:

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

/ SECTION 1. Chapter 8, Title 27 of the 1976 Code is amended by adding:

“Section 27-8-85. (A) Notwithstanding the provisions of Title 28, if the condemnation notice applies to land subject to a conservation easement and the condemnee rejects the amount tendered within the thirty day period, the condemnation action is stayed and the condemnor may not take possession of the property until a hearing is held in a circuit court of appropriate jurisdiction. The court shall hear and determine whether or not a prudent and feasible alternative exists to condemnation of the property. The burden is on the condemnor if the holder of the conservation easement or condemnee, after discovery, has identified at least one alternative. If the alternative is not adjudged prudent and feasible, the condemnation action may proceed. If the court determines that a prudent and feasible alternative does exist to condemnation of the property, the court shall dismiss the condemnation action and award the condemnee costs and litigation expenses as applicable. Attorney’s fees may not be awarded.

(B) A determination as to whether a prudent or feasible alternative exists is not required for actions where:

(1) the South Carolina Department of Transportation is the condemnor; and

(2) a review of the project for which the property is being condemned was conducted prior to the filing of the condemnation action and considered the alternatives to the condemnation of the property encumbered by the conservation easement and mitigation measures to minimize the impact. The condemnor shall, in the condemnation notice filed with the court, identify the alternatives and mitigation measures considered with regard to condemnation; or

(3) the review was conducted pursuant to the National Environmental Policy Act, 42 U.S.C. Sections 4321, et seq.

(C) If a condemnee notifies the condemnor in writing, after receiving the condemnation notice to enter upon the landowner’s property, that the property is subject to a conservation easement, then the condemnor shall consider prudent and feasible alternatives during his survey or appraisal of the property.” /

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Renumber sections to conform.  
Amend title to conform.

Rep. W. NEWTON 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 70; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Arrington
Atwater	Bales	Ballentine
Bennett	Bryant	Clary
Cogswell	Cole	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Hardee
Hart	Henderson	Henderson-Myers
Hewitt	Hill	Hiott
Hixon	Huggins	Johnson
Jordan	King	Kirby
Loftis	Lowe	Lucas
Magnuson	Martin	McCoy
McCravy	McEachern	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Parks
Pope	Ridgeway	Sandifer
Simrill	G. M. Smith	J. E. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Toole
Weeks	White	Whitmire
Willis		

**Total--70**

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Those who voted in the negative are:

**Total--0**

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

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on H. 4889. If I had been present, I would have voted in favor the Bill.

Rep. Richie Yow

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on H. 4889. If I had been present, I would have voted in favor the Bill.

Rep. Patsy Knight

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on H. 4889. If I had been present, I would have voted in favor the Bill.

Rep. Patricia Henegan

**RECORD FOR VOTING**

Due to a meeting, I was off the floor and would have voted in favor of H. 4889.

Rep. Nancy Mace

**RECORD FOR VOTING**

As a result of being in a constituent meeting, I missed the opportunity to vote on H. 4889. I would have voted affirmatively for this Bill.

Rep. Jeff Bradley

**RECORD FOR VOTING**

Due to constituent meetings, I was away from the floor for the vote on H. 4889. I would have voted in the affirmative.

Rep. Shannon Erickson

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**H. 4889--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. W. NEWTON, with unanimous consent, it was ordered that H. 4889 be read the third time tomorrow.

**H. 4830--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4830 -- Reps. Delleney and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-3-47 SO AS TO REQUIRE CERTAIN INFORMATION TO BE CONTAINED ON ALL AFFIDAVITS OF INDIGENCY AND APPLICATION FOR COUNSEL FORMS, TO REQUIRE CERTAIN CERTIFICATIONS REGARDING THE WILFUL PROVISION OF FALSE INFORMATION ON A FORM, REQUIRE THE FORM TO BE NOTARIZED, PROVIDE FOR NOTIFICATION TO THE COURT WHEN THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES OR AN APPOINTED ATTORNEY FINDS THAT A DEFENDANT IS FINANCIALLY ABLE TO EMPLOY COUNSEL OR CONTRIBUTE TO THE COSTS OF EMPLOYING COUNSEL, AND TO PROVIDE A PROCEDURE FOR THE SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO FOLLOW TO AID THE COURT WHEN DETERMINING IF INDIGENCY EXISTS; BY ADDING SECTION 17-3-48 SO AS TO CREATE THE OFFENSE OF WILFULLY PROVIDING FALSE, MISLEADING, OR INCOMPLETE INFORMATION ON AN AFFIDAVIT FOR INDIGENCY AND APPLICATION FOR COUNSEL FORM AND TO PROVIDE A PENALTY; AND TO DIRECT THE SOUTH CAROLINA COURT ADMINISTRATION TO REVISE THE AFFIDAVITS OF INDIGENCY AND APPLICATION FOR COUNSEL FORMS FOR PUBLICATION BY THE SUPREME COURT, TO DIRECT THE SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO REPORT TO THE GENERAL ASSEMBLY BY JANUARY FIFTEENTH OF EACH YEAR ON THE NUMBER OF AFFIDAVITS BOTH ACCEPTED AND REJECTED ALONG WITH AN EXPLANATION OF THOSE AFFIDAVITS REJECTED AND THE GROUNDS UPON WHICH THEY WERE REJECTED, AND TO REQUIRE THAT THE RESPECTIVE LEGISLATIVE OVERSIGHT COMMITTEES INCLUDE THE REVIEW OF THESE REPORTS IN THEIR REGULARLY

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**SCHEDULED REVIEW OF THE SOUTH CAROLINA  
DEPARTMENT OF PROBATION, PAROLE AND PARDON  
SERVICES.**

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4830 (COUNCIL\AHB\4830C001.BH.AHB18):

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

/ SECTION 1. Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

“Section 17-3-47. (A) All Affidavits of Indigency and Application for Counsel forms as required pursuant to Section 17-3-45 shall include, but not be limited to:

(1) identifying information contained on the Affidavits of Indigency and Application for Counsel forms as of the effective date of this section;

(2) present employment and salary or wages and past employment and salary or wages for the past five years for the applicant and the applicant’s spouse;

(3) unemployment or workers’ compensation benefits or other forms of public assistance programs such as TANF, SNAP, Medicaid, or supplemental social security or disability income paid to the applicant or the applicant’s spouse within the past five years;

(4) current military, veterans, or retirement benefits;

(5) current information regarding dependents such as monthly daycare costs and any court-ordered child support payments;

(6) court-ordered alimony payments;

(7) current miscellaneous assets regarding business, profession, and any form of self-employment; rent payments, interest, and dividends; pensions, annuities, and life insurance payments; gifts and inheritances; and any other assets from any other source valued over one thousand dollars;

(8) current personal property including real estate, stocks, bonds, notes, motor vehicles, or other personal property valued over one thousand dollars;

(9) current cash on hand in a checking or savings account with any bank or credit union;

(10) current debt including amounts owed on liens, mortgages, encumbrances, or other debts;

(11) current unusual or continuing medical expenses and those incurred within the previous year;

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(12) whether anyone else claims the applicant as a dependent for tax purposes;

(13) whether the applicant is currently incarcerated or on probation or parole for the offense or another offense and whether other criminal charges are pending for which an attorney has been appointed; and

(14) any other information deemed necessary and useful by the South Carolina Court Administration.

(B) In determining whether the requirements of subsection (A) have been fully disclosed, the South Carolina Department of Probation, Parole and Pardon Services (department) shall require supporting documentation including, but not limited to:

(1) the most recent tax return and tax returns for the previous five years, if applicable, for the applicant and the applicant's spouse and the year in which the last income tax return was filed;

(2) W2s for the most recent year and for the previous five years of the applicant and the applicant's spouse if tax returns are not available;

(3) any relevant court orders pertaining to the financial status of the applicant or the applicant's spouse including bankruptcy or debt proceedings or court-ordered child support or alimony payments; and

(4) a credit report obtained within the previous year for the applicant and the applicant's spouse. Costs associated with obtaining the required credit report must be borne by the applicant.

(C) In addition to the requirements of subsection (A) and any other certifications or acknowledgments deemed necessary by the department presently existing as of the effective date of this section or required in the future, the applicant must certify by signature on all Affidavits of Indigency and Application for Counsel forms knowledge as to the existence of the provisions contained in Section 17-3-48 and the form must contain the following:

'I certify and acknowledge that it is a crime to wilfully give false, misleading, or incomplete information on any Affidavit of Indigency and Application for Counsel form for the purpose of misrepresenting my financial status or situation in order to qualify for appointed counsel pursuant to the provisions of this chapter and doing so is a crime punishable by a fine of not more than five thousand dollars or imprisonment for not more than five years.'

(D) All Affidavits of Indigency and Application for Counsel forms must be notarized with any costs associated with the notarization borne by the applicant.

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(E) The department shall review all Affidavits of Indigency and Application for Counsel forms to determine whether:

(1) the reported income appears to be consistent with reported expenses;

(2) the reported income appears to be consistent with reported assets;

(3) court-ordered child support payments appear to indicate an income higher than the reported income; and

(4) the applicant posted an amount of bail inconsistent with the claim that he is financially unable to employ counsel.

The department is required to verify the accuracy of the information provided by an applicant. An agent of the department must sign the document forms certifying that the department has verified the information and determined that the applicant is eligible for the appointment of counsel pursuant to the provisions of this chapter.

(F) If the department finds that a person to whom counsel has been provided in any court in this State is financially able to employ counsel, or contribute to the costs of employing counsel, the department shall provide the court that initially appointed counsel a written report as to the reasons the department believes the person is financially able to employ counsel or contribute to the costs of employing counsel based on the factors included in subsection (A) and determinations made pursuant to subsection (E). In addition, if an attorney appointed to represent a defendant pursuant to the provisions of this chapter has reason to believe his client is financially able to employ counsel, or contribute to the costs of employing counsel, the attorney has a duty to notify the department, in writing, as to his beliefs regarding the matter. After receipt of such notice, the department shall examine the financial condition of the defendant. If in the course of the investigation, the department reasonably believes that the defendant is partially or fully able to employ counsel, the department shall report those findings to the court. The court shall question the defendant under oath concerning the contents of the Affidavit of Indigency and Application for Counsel form and may require the department to produce any additional evidence on the issue of the defendant's financial inability to employ counsel. If the court determines that the defendant is partially or fully able to employ counsel, the defendant's counsel may ask that he be relieved as counsel or continue his representation of the defendant with the court ordering the defendant to pay a reasonable attorney fee to the South Carolina Commission on Indigent Defense. The determination that a defendant is



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indigent or partially indigent is subject to review at any time by any court before whom the defendant's case is pending.”

SECTION 2. Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

“Section 17-3-48. (A) Notwithstanding another provision of law, it is unlawful for a person to wilfully give false, misleading, or incomplete information on any Affidavit of Indigency and Application for Counsel form for the purpose of misrepresenting his financial status or situation in order to qualify for appointed counsel pursuant to the provisions of this chapter. A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years.

(B) If a public defender or an attorney representing a defendant previously determined indigent for purposes of this chapter has knowledge of a violation of the provisions of subsection (A), the public defender or the appointed attorney must comply with Rule 407 of the South Carolina Rules of Professional Conduct.”

SECTION 3. The South Carolina Court Administration is directed to submit revised forms for Affidavits of Indigency and Application for Counsel in compliance with the requirements of this act. The South Carolina Court Administration shall provide a revised form for publication by the South Carolina Supreme Court. Additionally, beginning January 15, 2019, and each year thereafter, the South Carolina Department of Probation, Parole and Pardon Services shall report to the General Assembly the number of Affidavits of Indigency and Application for Counsel accepted and rejected and, if rejected, the reasons for the rejection; and the department shall make further recommendations to the General Assembly on additional requirements for applicants and supporting documentation that should be required of all applicants in order to verify their financial status and whether their application should be approved and counsel appointed accordingly. The respective House and Senate Oversight Committees shall include a review of this report in their regularly scheduled review of the South Carolina Department of Probation, Parole and Pardon Services.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and

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

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. A pilot program is created in the following counties: Richland, Horry, Chester, Colleton, Edgefield, and Lee Counties. The purpose of the pilot program is to gather information regarding the implementation of this act. The South Carolina Department of Probation, Parole and Pardon Services must issue a report to the General Assembly no later than January 1, 2019. The report must include, but is not limited to, the number of Affidavits of Indigency and Application for Counsel forms accepted and rejected and, if rejected, the reasons for the rejection, any additional resources, if any, required to fully implement this act, and any other information or recommendations the department deems necessary.

SECTION 7. SECTION 6 of this act takes effect upon approval by the Governor. The remaining sections take effect July 1, 2019. /

Renumber sections to conform.

Amend title to conform.

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

Rep. DELLENEY proposed the following Amendment No. 2 to H. 4830 (COUNCIL\AHB\4830C002.BH.AHB18), which was adopted:

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

/ SECTION 1. Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

[HJ]

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“Section 17-3-47. (A) All Affidavits of Indigency and Application for Counsel forms as required pursuant to Section 17-3-45 shall include, but not be limited to:

(1) identifying information contained on the Affidavits of Indigency and Application for Counsel forms as of the effective date of this section;

(2) present employment and salary or wages and past employment and salary or wages for the past five years for the applicant and the applicant’s spouse;

(3) unemployment or workers’ compensation benefits or other forms of public assistance programs such as TANF, SNAP, Medicaid, or supplemental social security or disability income paid to the applicant or the applicant’s spouse within the past five years;

(4) current military, veterans, or retirement benefits;

(5) current information regarding dependents such as monthly daycare costs and any court-ordered child support payments;

(6) court-ordered alimony payments;

(7) current miscellaneous assets regarding business, profession, and any form of self-employment; rent payments, interest, and dividends; pensions, annuities, and life insurance payments; gifts and inheritances; and any other assets from any other source valued over one thousand dollars;

(8) current personal property including real estate, stocks, bonds, notes, motor vehicles, or other personal property valued over one thousand dollars;

(9) current cash on hand in a checking or savings account with any bank or credit union;

(10) current debt including amounts owed on liens, mortgages, encumbrances, or other debts;

(11) current unusual or continuing medical expenses and those incurred within the previous year;

(12) whether anyone else claims the applicant as a dependent for tax purposes;

(13) whether the applicant is currently incarcerated or on probation or parole for the offense or another offense and whether other criminal charges are pending for which an attorney has been appointed; and

(14) any other information deemed necessary and useful by the South Carolina Court Administration.

(B) In determining whether the requirements of subsection (A) have been fully disclosed, the South Carolina Department of Probation,

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Parole and Pardon Services (department) shall require the applicant to provide supporting documentation including, but not limited to:

(1) the most recent tax return and tax returns for the previous five years, if applicable, for the applicant and the applicant's spouse and the year in which the last income tax return was filed;

(2) W2s for the most recent year and for the previous five years of the applicant and the applicant's spouse if tax returns are not available;

(3) any relevant court orders pertaining to the financial status of the applicant or the applicant's spouse including bankruptcy or debt proceedings or court-ordered child support or alimony payments;

(4) a credit report obtained within the previous year for the applicant and the applicant's spouse. Costs associated with obtaining the required credit report must be borne by the applicant;

(5) current lease agreement or mortgage statement of the applicant;

(6) the most recent three checking account and savings account bank statements, if applicable, for the applicant and the applicant's spouse; and

(7) any relevant medical invoices and receipts for the previous year of the applicant and the applicant's spouse.

If the spouse of the applicant is the victim of the crime charged against the applicant, the spouse's information in this section is not required for screening.

(C) In addition to the requirements of subsection (A) and any other certifications or acknowledgments deemed necessary by the department presently existing as of the effective date of this section or required in the future, the applicant must certify by signature on all Affidavits of Indigency and Application for Counsel forms knowledge as to the existence of the provisions contained in Section 17-3-48 and the form must contain the following:

'I certify and acknowledge that it is a crime to wilfully give false, misleading, or incomplete information on any Affidavit of Indigency and Application for Counsel form for the purpose of misrepresenting my financial status or situation in order to qualify for appointed counsel pursuant to the provisions of this chapter and doing so is a crime punishable by a fine of not more than five thousand dollars or imprisonment for not more than five years.'

(D) All Affidavits of Indigency and Application for Counsel forms must be notarized with any costs associated with the notarization borne by the applicant.

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(E) The department shall review all Affidavits of indigency and Application for Counsel forms to determine whether:

(1) the reported income appears to be consistent with reported expenses;

(2) the reported income appears to be consistent with reported assets;

(3) court-ordered child support payments appear to indicate an income higher than the reported income; and

(4) the applicant posted an amount of bail inconsistent with the claim that he is financially unable to employ counsel.

The department is required to verify the accuracy of the information provided by an applicant. An employee of the department must sign the document forms certifying that the department has verified the information and determined that the applicant is eligible for the appointment of counsel pursuant to the provisions of this chapter.

(F) If the department finds that a person to whom counsel has been provided in any court in this State is financially able to employ counsel, or contribute to the costs of employing counsel, the department shall provide the court that initially appointed counsel a written report as to the reasons the department believes the person is financially able to employ counsel or contribute to the costs of employing counsel based on the factors included in subsection (A) and determinations made pursuant to subsection (E). In addition, if an attorney appointed to represent a defendant pursuant to the provisions of this chapter has reason to believe his client is financially able to employ counsel, or contribute to the costs of employing counsel, the attorney has a duty to notify the department, in writing, as to his beliefs regarding the matter. After receipt of such notice, the department shall examine the financial condition of the defendant. If in the course of the investigation, the department reasonably believes that the defendant is partially or fully able to employ counsel, the department shall report those findings to the court. The court shall question the defendant under oath concerning the contents of the Affidavit of Indigency and Application for Counsel form and may require the department to produce any additional evidence on the issue of the defendant's financial inability to employ counsel. If the court determines that the defendant is partially or fully able to employ counsel, the defendant's counsel may ask that he be relieved as counsel or continue his representation of the defendant with the court ordering the defendant to pay a reasonable attorney fee to the South Carolina Commission on Indigent Defense. The determination that a defendant is

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indigent or partially indigent is subject to review at any time by any court before whom the defendant's case is pending.”

SECTION 2. Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

“Section 17-3-48. (A) Notwithstanding another provision of law, it is unlawful for a person to wilfully give false, misleading, or incomplete information on any Affidavit of Indigency and Application for Counsel form for the purpose of misrepresenting his financial status or situation in order to qualify for appointed counsel pursuant to the provisions of this chapter. A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years.

(B) If a public defender or an attorney representing a defendant previously determined indigent for purposes of this chapter has knowledge of a violation of the provisions of subsection (A), the public defender or the appointed attorney must comply with Rule 407 of the South Carolina Rules of Professional Conduct.”

SECTION 3. The South Carolina Court Administration is directed to submit revised forms for Affidavits of Indigency and Application for Counsel in compliance with the requirements of this act. The South Carolina Court Administration shall provide a revised form for publication by the South Carolina Supreme Court. Additionally, beginning January 15, 2019, and each year thereafter, the South Carolina Department of Probation, Parole and Pardon Services shall report to the General Assembly the number of Affidavits of Indigency and Application for Counsel accepted and rejected and, if rejected, the reasons for the rejection; and the department shall make further recommendations to the General Assembly on additional requirements for applicants and supporting documentation that should be required of all applicants in order to verify their financial status and whether their application should be approved and counsel appointed accordingly. The respective House and Senate Oversight Committees shall include a review of this report in their regularly scheduled review of the South Carolina Department of Probation, Parole and Pardon Services.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and

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

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. A pilot program is created in the following counties: Richland, Horry, Chester, Colleton, Edgefield, and Lee Counties. The purpose of the pilot program is to gather information regarding the implementation of this act. The South Carolina Department of Probation, Parole and Pardon Services must issue a report to the General Assembly no later than January 1, 2020. The report must include, but is not limited to, the number of Affidavits of Indigency and Application for Counsel forms accepted and rejected and, if rejected, the reasons for the rejection, any additional resources, if any, required to fully implement this act, and any other information or recommendations the department deems necessary.

SECTION 7. SECTION 6 of this act takes effect upon approval by the Governor. The remaining sections take effect July 1, 2020. /

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

The amendment was then adopted.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4830 (COUNCIL\AHB\4830C001.BH.AHB18), which was tabled:

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

/ SECTION 1. Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

[HJ]

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“Section 17-3-47. (A) All Affidavits of Indigency and Application for Counsel forms as required pursuant to Section 17-3-45 shall include, but not be limited to:

(1) identifying information contained on the Affidavits of Indigency and Application for Counsel forms as of the effective date of this section;

(2) present employment and salary or wages and past employment and salary or wages for the past five years for the applicant and the applicant’s spouse;

(3) unemployment or workers’ compensation benefits or other forms of public assistance programs such as TANF, SNAP, Medicaid, or supplemental social security or disability income paid to the applicant or the applicant’s spouse within the past five years;

(4) current military, veterans, or retirement benefits;

(5) current information regarding dependents such as monthly daycare costs and any court-ordered child support payments;

(6) court-ordered alimony payments;

(7) current miscellaneous assets regarding business, profession, and any form of self-employment; rent payments, interest, and dividends; pensions, annuities, and life insurance payments; gifts and inheritances; and any other assets from any other source valued over one thousand dollars;

(8) current personal property including real estate, stocks, bonds, notes, motor vehicles, or other personal property valued over one thousand dollars;

(9) current cash on hand in a checking or savings account with any bank or credit union;

(10) current debt including amounts owed on liens, mortgages, encumbrances, or other debts;

(11) current unusual or continuing medical expenses and those incurred within the previous year;

(12) whether anyone else claims the applicant as a dependent for tax purposes;

(13) whether the applicant is currently incarcerated or on probation or parole for the offense or another offense and whether other criminal charges are pending for which an attorney has been appointed; and

(14) any other information deemed necessary and useful by the South Carolina Court Administration.

(B) In determining whether the requirements of subsection (A) have been fully disclosed, the South Carolina Department of Probation,



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Parole and Pardon Services (department) shall require supporting documentation including, but not limited to:

(1) the most recent tax return and tax returns for the previous five years, if applicable, for the applicant and the applicant's spouse and the year in which the last income tax return was filed;

(2) W2s for the most recent year and for the previous five years of the applicant and the applicant's spouse if tax returns are not available;

(3) any relevant court orders pertaining to the financial status of the applicant or the applicant's spouse including bankruptcy or debt proceedings or court-ordered child support or alimony payments; and

(4) a credit report obtained within the previous year for the applicant and the applicant's spouse. Costs associated with obtaining the required credit report must be borne by the applicant.

(C) In addition to the requirements of subsection (A) and any other certifications or acknowledgments deemed necessary by the department presently existing as of the effective date of this section or required in the future, the applicant must certify by signature on all Affidavits of Indigency and Application for Counsel forms knowledge as to the existence of the provisions contained in Section 17-3-48 and the form must contain the following:

'I certify and acknowledge that it is a crime to wilfully give false, misleading, or incomplete information on any Affidavit of Indigency and Application for Counsel form for the purpose of misrepresenting my financial status or situation in order to qualify for appointed counsel pursuant to the provisions of this chapter and doing so is a crime punishable by a fine of not more than five thousand dollars or imprisonment for not more than five years.'

(D) All Affidavits of Indigency and Application for Counsel forms must be notarized with any costs associated with the notarization borne by the applicant.

(E) The department shall review all Affidavits of Indigency and Application for Counsel forms to determine whether:

(1) the reported income appears to be consistent with reported expenses;

(2) the reported income appears to be consistent with reported assets;

(3) court-ordered child support payments appear to indicate an income higher than the reported income; and

(4) the applicant posted an amount of bail inconsistent with the claim that he is financially unable to employ counsel.

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The department is required to verify the accuracy of the information provided by an applicant. An agent of the department must sign the document forms certifying that the department has verified the information and determined that the applicant is eligible for the appointment of counsel pursuant to the provisions of this chapter.

(F) If the department finds that a person to whom counsel has been provided in any court in this State is financially able to employ counsel, or contribute to the costs of employing counsel, the department shall provide the court that initially appointed counsel a written report as to the reasons the department believes the person is financially able to employ counsel or contribute to the costs of employing counsel based on the factors included in subsection (A) and determinations made pursuant to subsection (E). In addition, if an attorney appointed to represent a defendant pursuant to the provisions of this chapter has reason to believe his client is financially able to employ counsel, or contribute to the costs of employing counsel, the attorney has a duty to notify the department, in writing, as to his beliefs regarding the matter. After receipt of such notice, the department shall examine the financial condition of the defendant. If in the course of the investigation, the department reasonably believes that the defendant is partially or fully able to employ counsel, the department shall report those findings to the court. The court shall question the defendant under oath concerning the contents of the Affidavit of Indigency and Application for Counsel form and may require the department to produce any additional evidence on the issue of the defendant's financial inability to employ counsel. If the court determines that the defendant is partially or fully able to employ counsel, the defendant's counsel may ask that he be relieved as counsel or continue his representation of the defendant with the court ordering the defendant to pay a reasonable attorney fee to the South Carolina Commission on Indigent Defense. The determination that a defendant is indigent or partially indigent is subject to review at any time by any court before whom the defendant's case is pending."

SECTION 2. Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

"Section 17-3-48. (A) Notwithstanding another provision of law, it is unlawful for a person to wilfully give false, misleading, or incomplete information on any Affidavit of Indigency and Application for Counsel form for the purpose of misrepresenting his financial status or situation in order to qualify for appointed counsel pursuant to the provisions of this chapter. A person who violates the provisions of this

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section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years.

(B) If a public defender or an attorney representing a defendant previously determined indigent for purposes of this chapter has knowledge of a violation of the provisions of subsection (A), the public defender or the appointed attorney must comply with Rule 407 of the South Carolina Rules of Professional Conduct.”

SECTION 3. The South Carolina Court Administration is directed to submit revised forms for Affidavits of Indigency and Application for Counsel in compliance with the requirements of this act. The South Carolina Court Administration shall provide a revised form for publication by the South Carolina Supreme Court. Additionally, beginning January 15, 2019, and each year thereafter, the South Carolina Department of Probation, Parole and Pardon Services shall report to the General Assembly the number of Affidavits of Indigency and Application for Counsel accepted and rejected and, if rejected, the reasons for the rejection; and the department shall make further recommendations to the General Assembly on additional requirements for applicants and supporting documentation that should be required of all applicants in order to verify their financial status and whether their application should be approved and counsel appointed accordingly. The respective House and Senate Oversight Committees shall include a review of this report in their regularly scheduled review of the South Carolina Department of Probation, Parole and Pardon Services.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act,

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and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. A pilot program is created in the following counties: Richland, Horry, Chester, Colleton, Edgefield, and Lee Counties. The purpose of the pilot program is to gather information regarding the implementation of this act. The South Carolina Department of Probation, Parole and Pardon Services must issue a report to the General Assembly no later than January 1, 2019. The report must include, but is not limited to, the number of Affidavits of Indigency and Application for Counsel forms accepted and rejected and, if rejected, the reasons for the rejection, any additional resources, if any, required to fully implement this act, and any other information or recommendations the department deems necessary.

SECTION 7. SECTION 6 of this act takes effect upon approval by the Governor. The remaining sections take effect July 1, 2019. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 1

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Brown	Bryant
Burns	Chumley	Clary
Clemmons	Cogswell	Cole
Crawford	Crosby	Davis
Delleney	Dillard	Douglas
Duckworth	Elliott	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon

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Hamilton	Hardee	Hart
Hayes	Henderson	Henderson-Myers
Henegan	Hewitt	Hiott
Hixon	Hosey	Huggins
Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
Mace	Martin	McCoy
McCravy	McEachern	McKnight
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Norrell
Ott	Parks	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Rutherford	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Tallon	Taylor
Thayer	Toole	Trantham
Weeks	West	White
Whitmire	Willis	Young
Yow		

**Total--97**

Those who voted in the negative are:

Hill

**Total--1**

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

**H. 4830--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. DELLENEY, with unanimous consent, it was ordered that H. 4830 be read the third time tomorrow.

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**H. 4976--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4976 -- Reps. McCoy, Stavrinakis, Arrington, Crosby, Daning, Gilliard, Cogswell, W. Newton, Bennett, Hewitt, Brown, Pendarvis, Yow, Blackwell, Hixon and Forrest: A BILL TO AMEND SECTION 50-21-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT A SHERIFF MAY ENFORCE THE PROVISIONS CONTAINED IN THIS SECTION UNDER CERTAIN CIRCUMSTANCES.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4976 (COUNCIL\CM\4976C001.GT.CM18), which was adopted:

Amend the bill, as and if amended, by striking Section 50-2-190(F), as contained in SECTION 1, PAGE 2, and inserting:

/ (F) If the department fails to enforce the provisions contained in this section within thirty days of receiving notice of a violation, then the sheriff or local government whose jurisdiction covers the location in which the abandonment occurred may enforce these provisions fifteen days after providing the department notice of its intention to commence an enforcement action. /

Renumber sections to conform.

Amend title to conform.

Rep. HIXON 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 88; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atkinson	Atwater	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Brown	Bryant
Caskey	Chumley	Clary
Clemmons	Cole	Crawford

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Crosby	Daning	Davis
Delleney	Dillard	Douglas
Duckworth	Elliott	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Hamilton	Hardee	Hart
Hayes	Henderson	Henderson-Myers
Henegan	Hewitt	Hill
Hiott	Hixon	Hosey
Huggins	Johnson	Jordan
King	Knight	Long
Lowe	Lucas	Mace
Martin	McCoy	McCravy
McEachern	McKnight	D. C. Moss
V. S. Moss	B. Newton	Norrell
Ott	Pitts	Pope
Putnam	M. Rivers	S. Rivers
Robinson-Simpson	Rutherford	Sandifer
Simrill	G. R. Smith	J. E. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Toole
Trantham	West	White
Whitmire	Willis	Young
Yow		

**Total--88**

Those who voted in the negative are:

**Total--0**

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

**RECORD FOR VOTING**

I was temporarily out of the Chamber on constituent business during the vote on H. 4976. If I had been present, I would have voted in favor of the Bill.

Rep. Wm. Weston Newton

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**RECORD FOR VOTING**

I was off the floor for a brief meeting during the vote on H. 4976. Had I been able to get back for the roll call, I would have voted in favor of this Bill.

Rep. Dwight Loftis

**H. 4976--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. HIXON, with unanimous consent, it was ordered that H. 4976 be read the third time tomorrow.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**RECURRENCE TO THE MORNING HOUR**

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

**H. 4971--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4971 -- Reps. Hixon, McCoy, Hewitt, Kirby, Forrest, Yow and Blackwell: A BILL TO AMEND SECTION 50-5-1705, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, SO AS TO REDUCE THE CATCH LIMIT FOR RED DRUM.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4971 (COUNCIL\CM\4971C001.GT.CM18):

Amend the bill, as and if amended, by adding the following appropriately numbered SECTIONS:

/ SECTION \_\_\_\_ Section 50-5-1705(L) of the 1976 Code is amended to read:

“(L) It is unlawful to gig for spotted seatrout ~~or red drum~~ from December first through the last day of February, inclusive.”

SECTION \_\_\_\_ Section 50-5-1705 of the 1976 Code is amended by adding the following appropriately lettered subsection:

“( ) It is unlawful to gig for red drum.” /

Re-number sections to conform.

Amend title to conform.



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Rep. HIXON explained the amendment.

Reps. M. RIVERS, LOFTIS, HART, BROWN, MACK, OTT, HIOTT, FRY, HIXON, KIRBY and CASKEY requested debate on the Bill.

**H. 4644--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4644 -- Reps. Dillard, Anthony, Atkinson, Kirby, Henderson-Myers, Martin, Burns, Williams, Yow, W. Newton, Hewitt, Blackwell, Forrest and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-96-85 SO AS TO ESTABLISH THE SOLID WASTE EMERGENCY FUND, TO PROVIDE FOR THE FUNDING OF THE FUND, TO PROVIDE EXCEPTIONS, TO AUTHORIZE THE RECOVERY OF COSTS BY THE ATTORNEY GENERAL OR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO AUTHORIZE A REPRESENTATIVE TO INVESTIGATE A WASTE MANAGEMENT SITE AT ANY TIME TO ADDRESS AN EMERGENCY SITUATION; BY AMENDING SECTION 44-96-120, RELATED TO THE SOLID WASTE MANAGEMENT TRUST FUND, SO AS TO INCLUDE FUNDING THE SOLID WASTE EMERGENCY FUND IN THE LIST OF AUTHORIZED SOLID WASTE MANAGEMENT TRUST FUND EXPENDITURES; BY AMENDING SECTION 44-96-290, RELATING TO SOLID WASTE MANAGEMENT FACILITY PERMITTING, SO AS TO ALLOW THE DEPARTMENT TO LIMIT DEMONSTRATION OF NEED REQUIREMENTS, TO REMOVE LOCAL LAND USE AND ZONING ORDINANCES FROM A CONSTRUCTION PERMIT TO BUILD A NEW SOLID WASTE MANAGEMENT FACILITY OR EXPAND AN EXISTING FACILITY, AND TO REQUIRE A PERSON SEEKING A CONSTRUCTION PERMIT TO PROVIDE DOCUMENTATION OF COMPLIANCE WITH LOCAL LAND USE AND ZONING ORDINANCES; AND BY AMENDING SECTION 44-96-360, RELATING TO SOLID WASTE PROCESSING FACILITIES, SO AS TO ESTABLISH CERTAIN CONDITIONS FOR FACILITIES THAT RECYCLE CONSTRUCTION AND DEMOLITION DEBRIS.

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The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4644 (COUNCIL\CZ\4644C002.NBD.CZ18), which was adopted:

Amend the bill, as and if amended, SECTION 3, page 5, by striking Section 44-96-290(G) and inserting:

/ (G) ~~[Redesignated as (F) See 2000 Effect of Amendment note]~~ A permit to construct a new solid waste management facility or to expand an existing solid waste management facility as authorized by this chapter may not be issued until the applicant provides documentation from the applicable local government of compliance with local land use and zoning ordinances along with the permit application. /

Amend the bill further, SECTION 4, page 7, by striking Section 44-96-360(D)(5) and (6) and inserting:

/ (5) A facility that recycles construction and demolition debris operating on the effective date of this subsection must register in accordance with the provision of this subsection but is exempt from the permitting requirements if it recycles seventy-five percent by weight of the material received at the facility each calendar year and the facility is located on a tax parcel of not more than two acres;

(6) A facility that only recycles land clearing debris is not required to obtain a permit pursuant to this section but is subject to all other applicable provisions of this chapter and regulations promulgated pursuant to this chapter;

(7) The department shall require each registered facility that recycles construction and demolition debris to submit an annual report by a date determined by the department. The annual report, at a minimum, must include:

(a) the total amount by weight of each separate recovered material type received at the facility during the calendar year;

(b) the total amount by weight of each recovered material type that remained on site at the close of the previous year;

(c) the total amount by weight of each recovered material that is used, reused, recycled, or transferred to another site for use, reuse, or recycling during the calendar year and the location of the other site; and

(d) the amount of solid waste removed and disposed of during the calendar year and the name and address of the facility where the solid waste was disposed. /

Renumber sections to conform.

Amend title to conform.

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Rep. DILLARD 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 98; Nays 1

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atkinson	Atwater	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brown	Burns	Caskey
Chumley	Clary	Clemmons
Cole	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Hamilton
Hardee	Hart	Hayes
Henderson	Henderson-Myers	Henegan
Hewitt	Hiott	Hixon
Hosey	Huggins	Jefferson
Johnson	Jordan	Kirby
Knight	Loftis	Long
Lowe	Lucas	Mace
Mack	Magnuson	Martin
McCoy	McCravy	McEachern
McKnight	D. C. Moss	V. S. Moss
B. Newton	Norrell	Ott
Parks	Pope	Putnam
Ridgeway	M. Rivers	S. Rivers
Robinson-Simpson	Sandifer	Simrill
G. R. Smith	J. E. Smith	Sottile
Spires	Stringer	Tallon
Taylor	Thayer	Thigpen
Toole	Trantham	Weeks
West	Wheeler	White

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Whitmire  
Young

Williams  
Yow

Willis

**Total--98**

Those who voted in the negative are:  
Hill

**Total--1**

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

**H. 4644--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. DILLARD, with unanimous consent, it was ordered that H. 4644 be read the third time tomorrow.

**H. 4628--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4628 -- Reps. Martin, B. Newton, Daning, Lucas, D. C. Moss, Willis, Caskey, Bennett, Arrington, Spires, Young, Bryant, Delleney, Magnuson, Norrell, Pope, Sandifer, Simrill, Davis, Toole, Henderson, Elliott and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-20-210 SO AS TO DEFINE NECESSARY TERMS, TO PROHIBIT A TELEMARKETER OR TELEPHONE SOLICITOR FROM MAKING A CONSUMER TELEPHONE CALL WITH A SPOOFED TELEPHONE NUMBER THAT DISPLAYS A SOUTH CAROLINA AREA CODE ON THE RECIPIENT'S CALLER IDENTIFICATION SYSTEM UNLESS THE TELEMARKETER OR TELEPHONE SOLICITOR MAINTAINS A PHYSICAL PRESENCE IN THE STATE, TO PROVIDE REMEDIES FOR VIOLATIONS, AND TO PROVIDE EXCEPTIONS.

The House Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4628 (COUNCIL\ZW\4628 C004.GGS.ZW18), which was adopted:

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

[HJ]

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/ SECTION 1. Title 37 of the 1976 Code is amended by adding:

“Chapter 21

South Carolina Telephone Privacy Protection Act

Section 37-21-10. This chapter may be known and cited as the ‘South Carolina Telephone Privacy Protection Act’.

Section 37-21-20. As used in this chapter:

(1) ‘Consumer’ means a natural person who is the object of a telephone solicitation.

(2) ‘Established business relationship’ means a relationship between the consumer and the person on whose behalf the telephone solicitation call is being made based on the consumer’s:

(a) purchase from, or transaction with, the person on whose behalf the telephone solicitation is being made within the eighteen months immediately preceding the solicitation date; or

(b) inquiry or application regarding a property, good, or service offered by the person on whose behalf the telephone solicitation is being made within the three months immediately preceding the solicitation date.

(3) ‘Person’ means any individual, corporation, partnership, association, unincorporated organization, or other form of entity, however organized.

(4) ‘Personal relationship’ means the relationship between a telephone solicitor making a telephone solicitation and a family member, friend, or acquaintance of that telephone solicitor.

(5) ‘Prize promotion’ means:

(a) a sweepstakes or other game of chance; or

(b) an oral or written representation that a person has won, has been selected to receive, or may be eligible to receive a prize or purported prize.

(6) ‘Telephone solicitation’ means the initiation of a telephone call, or a text or media message sent, to a natural person’s residence in the State, or to a wireless telephone with a South Carolina area code, for the purpose of offering or advertising a property, good, or service for sale, lease, license, or investment, including offering or advertising an extension of credit, prize promotion, or for the purposes of obtaining information that will or may be used for the direct solicitation thereof. ‘Telephone solicitation’ does not mean:

(a) a political campaign-related call made, or a text or media message sent, in compliance with the Telephone Consumer Protection Act, 47 U.S.C. Section 227;

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(b) except for the purposes of Section 37-21-70, and unless the consumer previously stated a desire not to be contacted by or on behalf of the person on whose behalf the telephone solicitation is being made, a telephone solicitation made to a consumer with:

(i) that consumer's prior express invitation or permission as evidenced by a signed or electronically signed, written agreement stating that the person agrees to be contacted by or on behalf of a specific party and including the telephone number to which they may be placed;

(ii) whom the person on whose behalf the telephone solicitation is made has an established business relationship; or

(iii) whom the telephone solicitor making the telephone call or sending a text message has a personal relationship; or

(c) calls by institutions licensed and regulated under Title 38.

(7) 'Telephone solicitor' means a person who makes, or causes another person to make, a telephone solicitation.

(8) 'Text Message' means a communication consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving or transmitting device by means of a ten-digit telephone number or N11 service code;

(a) includes a short message service (commonly referred to as 'SMS') message and a multimedia message service (commonly referred to as 'MMS') message; and

(b) does not include-

(i) a real-time, two-way voice or video communication; or

(ii) a message sent over an IP-enabled messaging service to another user of the same messaging service, except a message described in (a).

Section 37-21-30. A telephone solicitor may not initiate, or cause to be initiated, a telephone solicitation at any time other than between 8:00 a.m. and 9:00 p.m. local time at the consumer's location, unless the telephone solicitor has obtained the prior written consent of the consumer.

Section 37-21-40. (A) At the outset of a telephone solicitation, a telephone solicitor shall provide, in a clear and conspicuous manner, a first and last name to identify himself and provide the name of the person on whose behalf the telephone solicitation is being made and promptly disclose to the consumer the following information:

(1) a telephone number and address at which the telephone solicitor may be contacted;

(2) the purpose of the telephone solicitation;

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(3) that no purchase or payment is necessary to be able to win a prize or participate in a prize promotion if a prize promotion is offered. This disclosure must be made before or in conjunction with the description of the prize to the consumer. If requested by that person, the telephone solicitor must disclose the no purchase/no payment entry method for the prize promotion; and

(4) the option to be added to the telephone solicitor's in-house 'do not call' list. if the consumer requests being added to such list, confirmation that the consumer's name and telephone number will be placed on such list;

(B) At the time of solicitation or offering, the telephone solicitor shall further disclose:

(1) a reasonable and good-faith estimate of the total costs to purchase, receive, or use, and the quantity of, any goods or services that are the subject of the solicitation or offer; and

(2) if the telephone solicitor, or the person on whose behalf the telephone solicitation is being made, has a policy of not making refunds, cancellations, exchanges, or repurchases, a statement informing the consumer of that policy; and

(C) If the consumer indicates that he does not want to hear the offer, the telephone solicitor must immediately end the contact.

Section 37-21-50. (A) Notwithstanding another provision of law, a person may not, with the intent to defraud, harass, cause harm or wrongfully obtain anything of value, including, but not limited to, financial resources or personal identifying information as defined by Section 16-13-510, make place, or initiate a call or text message or engage in conduct that results in the display of misleading, false or inaccurate caller identification information on the receiving party's telephone or otherwise circumvent caller identification technology that allows the receiving party to identify from what phone number, location, or organization the call or text message has originated from or misrepresent the origin and nature of the call or text message. a person may not, with the intent described in this subsection:

(1) display a South Carolina area code on the recipient's caller identification system unless the person making, placing, or initiating the call or text message maintains a physical presence in the State; or

(2) display the receiving party's telephone number on the contacted party's caller identification system.

(B) the provisions of subsection (A) do not apply to a provider of landline or wireless communications services merely by virtue of its involvement in delivering a call or text message initiated by or on behalf

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of a third party, unless the provider provides substantial assistance or support to the telephone solicitor initiating the call when the provider knows or consciously avoids knowing such telephone solicitor is engaged in any act or practice that violates this chapter.

(C) A telephone solicitor who makes a telephone solicitation shall transmit the telephone number, and, when available by the telephone solicitor's carrier, the name of the telephone solicitor, provided however that it is not a violation of this subsection to substitute the name of the person on behalf of whom the telephone solicitation is initiated and the customer service telephone number of that person. The number provided must permit, during regular business hours, a consumer to make a request not to receive telephone solicitations.

(D) This Section shall not apply to:

(1) lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency, a State, or a political subdivision of a State, or of an intelligence agency of the United States; or

(2) activity engaged in pursuant to a court order that specifically authorizes the use of caller identification manipulation.

Section 37-21-60. When a live telephone solicitor is not available to speak with the consumer answering a telephone solicitation call within two seconds of the completed greeting, the telephone solicitor shall:

(1) play a prerecorded identification and opt-out message that is limited to disclosing that the call was for telephone solicitation purposes and states the name and telephone number of the person on whose behalf the telephone solicitation call is being made, and a telephone number for such person that permits the consumer to make a do-not-call request during regular business hours; provided that, such telephone number may not be a 900 number or any other number for which charges exceed local or long distance transmission charges; and

(2) an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the consumer to make a do-not-call request prior to terminating the call, including brief explanatory instructions on how to use such mechanism. When the consumer elects to opt-out using such mechanism, the mechanism must automatically record the consumer's number to the telephone solicitor's in-house do-not-call list and immediately terminate the call.

Section 37-21-70. (A) A person may not initiate, or cause to be initiated, a telephone solicitation directed to a telephone number when a person at that telephone number previously stated a desire not to be contacted again by or on behalf of the person on whose behalf the telephone solicitation is being made. This statement may be made to a



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telephone solicitor or to the person on whose behalf the telephone solicitation is being made if that person is different from the telephone solicitor. Any request not to receive telephone solicitations must be honored for at least five years from the time the request is made.

(B) A telephone solicitor may not initiate, or cause to be initiated, a telephone solicitation to a telephone number on the National Do Not Call Registry maintained by the federal government pursuant to the Telemarketing Sales Rule, 16 C.F.R. Part 310, and 47 C.F.R. Section 64.1200.

(C) It is an affirmative defense in any action brought pursuant to Section 37-21-80 or Section 37-21-90 for a violation of this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitation in violation of this section, including using in accordance with applicable federal regulations a version of the National Do Not Call Registry obtained from the administrator of the registry no more than thirty-one days prior to the date a telephone solicitation is made.

Section 37-21-80. (A) A person who is aggrieved by a violation of this chapter is entitled to initiate an action to enjoin the violation and to recover actual losses in addition to damages in the amount of one thousand dollars for each violation.

(B) If the court finds a wilful violation, the court may, in its discretion, increase the amount of the award to an amount not exceeding five thousand dollars for each violation.

(C) Notwithstanding another provision of law, in addition to any damages awarded, the person initiating the action for a violation of this chapter may be awarded reasonable attorneys' fees and court costs.

(D) An action for damages, attorneys' fees, and costs brought pursuant to this section may be filed in an appropriate circuit court or municipal or magistrate's court so long as the amount claimed does not exceed the jurisdictional limits as applicable. An action brought pursuant to this section that includes a request for an injunction must be filed in an appropriate circuit court.

(E) It must be a defense to any action brought under this section that the violation was not intentional and resulted from a bona fide error.

Section 37-21-90. (A) The Administrator, upon finding a violation of this chapter, may issue an administrative order requiring the person to cease and desist, to return property or money received in violation of this chapter and imposing penalties of up to five thousand dollars for each violation. The department may bring a civil action seeking similar relief, including injunctive relief, pursuant to subsection

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(B). Monies received in enforcement of this chapter shall be retained by the department for administration of this Title.

(B)(1) The Attorney General may investigate and enforce violations of this Chapter. The Attorney General, may bring an action to enjoin a violation of this chapter by any person and to recover damages for an aggrieved person or persons in the amount of five thousand dollars for each violation.

(2) If the court finds a wilful violation, the court, in its discretion, also may award a civil penalty of not more than five thousand dollars for each violation. Civil penalties awarded pursuant to this section in an action brought in the name of the State by the Attorney General must be paid to the general fund.

(3) In an action brought pursuant to this section, the Attorney General may recover reasonable expenses incurred by the State or local government agency or department in investigating and preparing the case, and attorneys' fees.

Section 37-21-100. Nothing in this chapter must be construed to limit any remedies, causes of action, or penalties available to a person or governmental agency under another federal or state law."

SECTION 2. Title 16, Chapter 17 is amended by deleting section 16-17-445 in its entirety.

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

Renumber sections to conform.

Amend title to conform.

Rep. FORRESTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 1

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Arrington	Atkinson	Atwater
Bales	Ballentine	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Caskey	Chumley
Clary	Clemmons	Cole

[HJ]

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Crawford	Crosby	Daning
Davis	Delleney	Douglas
Duckworth	Elliott	Erickson
Felder	Forrest	Forrester
Fry	Funderburk	Gagnon
Hamilton	Hardee	Hart
Hayes	Henderson	Henderson-Myers
Henegan	Hewitt	Hiott
Hixon	Huggins	Jordan
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mace	Mack
Magnuson	Martin	McCoy
McCravy	McEachern	McKnight
D. C. Moss	V. S. Moss	Murphy
B. Newton	Norrell	Ott
Parks	Pendarvis	Pitts
Pope	Putnam	M. Rivers
S. Rivers	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	West	Wheeler
White	Whitmire	Williams
Willis	Young	Yow

**Total--99**

Those who voted in the negative are:

Hill

**Total--1**

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. 4628. If I had been present, I would have voted in favor of the Bill.

Rep. Wm. Weston Newton

[HJ]

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**OBJECTION TO MOTION**

Rep. FORRESTER asked unanimous consent that H. 4628 be read a third time tomorrow.

Rep. HILL objected.

**H. 5050--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5050 -- Reps. Parks, Pitts and McCravy: A BILL TO AMEND ACT 546 OF 1982, AS AMENDED, RELATING TO THE ELECTION AND TERMS OF OFFICE OF MEMBERS OF THE BOARDS OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50, SCHOOL DISTRICT 51 COMPOSED OF AREAS OF ABBEVILLE, GREENWOOD, AND LAURENS COUNTIES, AND NINETY SIX SCHOOL DISTRICT 52 IN GREENWOOD COUNTY, SO AS TO REVISE THE FILING PERIOD FOR STATEMENTS OF INTENTION OF CANDIDACY FOR DISTRICTS 51 AND 52 AND TO CORRECT OUTDATED REFERENCES TO THE COUNTY ELECTION COMMISSION.

Rep. PARKS proposed the following Amendment No. 1 to H. 5050 (COUNCIL\ZW\5050C001.GGS.ZW18), which was adopted:

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

/ SECTION \_\_\_\_\_. Section 1(4) of Act 546 of 1982, as last amended by Act 145 of 2001, is further amended to read:

~~“(4) Vacancies occurring for any reason other than the expiration of a term must be filled by election at the next scheduled election for trustees of that district for the remainder of the unexpired term or for a full term as the case may be. Prior to taking the oath of office, if a successfully elected candidate either refuses to accept the position or is disqualified from accepting the position, a special election must be held to fill the vacancy for the full term. Vacancies occurring for a reason other than refusal or disqualification, as defined above, must be filled at the next scheduled election for that district for the remainder of the unexpired term.”~~ /

Renumber sections to conform.

Amend title to conform.

Rep. PARKS explained the amendment.

The amendment was then adopted.

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The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

Allison	Anthony	Arrington
Atkinson	Atwater	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brown	Bryant	Caskey
Chumley	Clary	Clemmons
Cole	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Hamilton	Hardee	Hart
Hayes	Henderson	Henderson-Myers
Henegan	Hewitt	Hixon
Jefferson	Johnson	Jordan
King	Kirby	Knight
Long	Lowe	Lucas
Mace	Mack	Magnuson
Martin	McCoy	McCravy
McEachern	McKnight	D. C. Moss
Murphy	B. Newton	W. Newton
Norrell	Ott	Parks
Pendarvis	Pope	Putnam
Ridgeway	M. Rivers	S. Rivers
Robinson-Simpson	Rutherford	Sandifer
Simrill	G. M. Smith	J. E. Smith
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Thigpen	Toole	Trantham
Weeks	West	Wheeler
White	Whitmire	Williams
Willis	Young	Yow

**Total--99**

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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. 5050--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. PARKS, with unanimous consent, it was ordered that H. 5050 be read the third time tomorrow.

**H. 4701--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4701 -- Reps. S. Rivers, King, Allison, Gilliard and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "B.P. ACT"; TO AMEND SECTION 59-63-140, RELATING TO BULLYING PROHIBITION POLICIES ADOPTED BY SCHOOL DISTRICTS, SO AS TO PROVIDE PROCEDURES FOR RESPONDING TO AND REMEDIATING ALLEGATIONS OF BULLYING, AND TO REQUIRE AN APPEALS PROCEDURE.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 4701 (COUNCIL\WAB\4701 C001.AGM.WAB18):

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

/ SECTION 1. This act must be known and may be cited as the "B.P. Act".

SECTION 2. Section 59-63-120 of the 1976 Code is amended to read:

"Section 59-63-120. As used in this article:

(1) 'Harassment, intimidation, or bullying' means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of:

(a) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; ~~or~~

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(b) substantially interfering with a student's educational performance, opportunities, or benefits;

(c) substantially disrupting or interfering with the orderly operation of the school;

(d) creating a hostile or intimidating environment in the school, on school property, on a school bus, or other activity vehicle, or at a school-sponsored event;

(e) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or

(f) being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment.

(2) 'School' means in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child."

SECTION 3. Section 59-63-140(B) of the 1976 Code, as added by Act 353 of 2006, is amended to read:

"(B) The policy must include, but not be limited to, the following components:

(1) a statement prohibiting harassment, intimidation, or bullying of a student;

(2) a definition of harassment, intimidation, or bullying no less inclusive than the definition in Section 59-63-120;

(3) a description of appropriate student behavior;

(4) consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;

(5) procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint;

(6) ~~procedures for prompt investigation of reports of serious violations and complaints;~~

(7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;

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(87) consequences and appropriate remedial action for persons found to have falsely accused another;

(98) a process for discussing the district's harassment, intimidation, or bullying policy with students; ~~and~~

(109) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions;

(10) procedures for responding to reports of harassment, intimidation, or bullying, which must:

(a) identify school and district personnel charged with addressing complaints and include written procedures for:

(i) proper documentation of allegations at the school and district level;

(ii) timelines for response to allegations;

(iii) procedures for informing parents or guardians of the student alleged to have bullied; provided this communication must include information on the steps being taken to prevent further incidents, disciplinary action, and any additional recommendations for outside counseling; and

(iv) procedures for informing parents or guardians of the student alleged to have been bullied; provided this communication must include steps being taken to prevent further incidents and procedures for ensuring the student can safely report any further incidents.

(b) A school district shall adopt a policy for additional procedures that may include referrals for out of school mediation or counseling and a process for making such referrals to ensure that the parent or guardian has received the information.

(c) A school district shall include in an adopted policy disciplinary actions which may include, but are not limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to students who engage in bullying behavior, school administrators should consider the type of behaviors, the frequency and any pattern of behaviors, and other relevant circumstances. Alternative discipline includes, but is not limited to:

(i) meeting with the student and the student's parent or guardian;

(ii) reflective activities, such as requiring the student to write an essay about the student's misbehavior;

(iii) mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option; and



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(iv) in-school detention or suspension, which may take place during lunchtime, after school or on weekends; and

(d) In an effort to remediate any substantiated incident of bullying, counter the negative impact of the bullying, and reduce the risk of future bullying incidents, a district may adopt a policy for referrals for outside services that may benefit the victim, perpetrator, or other involved person. Referrals must include, but are not limited to:

(i)counseling;

(ii) anger management;

(iii) health counseling or intervention;

(iv) mental health counseling;

(v) participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles, and restorative conferencing; and

(vi) community service; and

(11) procedures for appealing a decision of a school principal or a superintendent's designee related to taking or not taking remedial action in accordance with this policy, which must include providing notice to parents, guardians, and students of the right to appeal. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent."

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. FELDER explained the amendment.

Reps. HILL, MCCRAVY, THAYER, WHITE, GAGNON, PITTS, ATWATER, FRY, TOOLE, WILLIAMS and MAGNUSON requested debate on the Bill.

#### **H. 4710--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4710 -- Reps. Hill, Williams, McKnight, Yow, West, Gagnon, McCravy, Wheeler, Parks, Henegan, Caskey, Gilliard, Brown, B. Newton, Allison, Chumley, Long, Elliott, Henderson and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES

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**MAY ISSUE PERSIAN GULF WAR VETERAN SPECIAL LICENSE PLATES.**

Education and Public Works Committee proposed the following Amendment No. 1 to H. 4710 (COUNCIL\CM\4710C001.GT.CM18)

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

/ SECTION 1. Section 56-3-10110 of the 1976 Code is amended to read:

“Section 56-3-10110. (A) The department may issue “Operation Desert Storm-Desert Shield Veteran” special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Desert Storm-Desert Shield who served on active duty in the Persian Gulf at anytime during the period of August 2, 1990, to February 28, 1991. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty during Operation Desert Storm-Desert Shield, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Desert Storm-Desert Shield. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

~~(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund. The provisions contained in Section 56-3-8100(A)(1) and (2) do not apply to the production and distribution of this special license plate.~~

~~(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.”~~

SECTION 2. Section 56-3-10210 of the 1976 Code is amended to read:

“Section 56-3-10210. (A) The department may issue “Operation Enduring Freedom Veteran” special motor vehicle license plates to

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owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Enduring Freedom who served on active duty fighting against terrorism at anytime following September 11, 2001, until the operation is completed. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty during Operation Enduring Freedom, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Enduring Freedom. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

~~(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund. The provisions contained in Section 56-3-8100(A)(1) and (2) do not apply to the production and distribution of this special license plate.~~

~~(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100."~~

SECTION 3. Section 56-3-10310 of the 1976 Code is amended to read:

"Section 56-3-10310. (A) The department may issue "Operation Iraqi Freedom Veteran" special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Iraqi Freedom who served on active duty in Iraq or the Persian Gulf at anytime from March 20, 2003, until the operation is completed. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty in Iraq during Operation Iraqi Freedom, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Iraqi Freedom. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month

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it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

~~(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund. The provisions contained in Section 56-3-8100(A)(1) and (2) do not apply to the production and distribution of this special license plate.~~

~~(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100."~~

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. HILL explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of Amendment No. 1.

#### **RECURRENCE TO THE MORNING HOUR**

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

#### **H. 4710--DEBATE ADJOURNED**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 1:

H. 4710 -- Reps. Hill, Williams, McKnight, Yow, West, Gagnon, McCravy, Wheeler, Parks, Henegan, Caskey, Gilliard, Brown, B. Newton, Allison, Chumley, Long, Elliott, Henderson and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE PERSIAN GULF WAR VETERAN SPECIAL LICENSE PLATES.

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Education and Public Works Committee proposed the following Amendment No. 1 to H. 4710 (COUNCIL\CM\4710C001.GT.CM18):

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

/ SECTION 1. Section 56-3-10110 of the 1976 Code is amended to read:

“Section 56-3-10110. (A) The department may issue “Operation Desert Storm-Desert Shield Veteran” special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Desert Storm-Desert Shield who served on active duty in the Persian Gulf at anytime during the period of August 2, 1990, to February 28, 1991. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty during Operation Desert Storm-Desert Shield, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Desert Storm-Desert Shield. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

~~(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund. The provisions contained in Section 56-3-8100(A)(1) and (2) do not apply to the production and distribution of this special license plate.~~

~~(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.”~~

SECTION 2. Section 56-3-10210 of the 1976 Code is amended to read:

“Section 56-3-10210. (A) The department may issue “Operation Enduring Freedom Veteran” special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Enduring Freedom who served on active duty fighting

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against terrorism at anytime following September 11, 2001, until the operation is completed. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty during Operation Enduring Freedom, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Enduring Freedom. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

~~(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund. The provisions contained in Section 56-3-8100(A)(1) and (2) do not apply to the production and distribution of this special license plate.~~

~~(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100."~~

SECTION 3. Section 56-3-10310 of the 1976 Code is amended to read:

"Section 56-3-10310. (A) The department may issue "Operation Iraqi Freedom Veteran" special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Iraqi Freedom who served on active duty in Iraq or the Persian Gulf at anytime from March 20, 2003, until the operation is completed. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty in Iraq during Operation Iraqi Freedom, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Iraqi Freedom. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

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(B) ~~Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund. The provisions contained in Section 56-3-8100(A)(1) and (2) do not apply to the production and distribution of this special license plate.~~

(C) ~~The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100."~~

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

Rep. HILL spoke in favor of the amendment.

Rep. G. M. SMITH moved to adjourn debate on the Bill until Monday, March 12, which was agreed to.

#### **LEAVE OF ABSENCE**

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

#### **H. 4931--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4931 -- Reps. Elliott, Alexander, Simrill, Stringer, West, Allison, Henderson, G. R. Smith, Burns, Trantham, Hamilton, Bannister, Putnam, Robinson-Simpson, Chumley, Taylor, Douglas, Knight, Dillard and Blackwell: A BILL TO AMEND SECTION 59-103-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MISSIONS AND FOCUSES OF INSTITUTIONS OF HIGHER LEARNING, SO AS TO AUTHORIZE AN APPLIED BACCALAUREATE IN MANUFACTURING DEGREE IF STATE FUNDS ARE NOT APPROPRIATED FOR THE OPERATIONS OF THE DEGREE PROGRAM.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 4931 (COUNCIL\WAB\4931C004.AGM.WAB18), which was adopted:

[HJ]

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Amend the bill, as and if amended, Section 59-103-15(C), as contained in SECTION 1, page 3, by deleting the subsection in its entirety and inserting:

/ (C) Notwithstanding subsection (B), the ~~doctoral~~ degrees set forth in subsection (B)(2)(c), (d), and (e), and subsection (B)(4)(f) are only allowed so long as new state general funds are not appropriated for the operations of the degree program.” /

Renumber sections to conform.

Amend title to conform.

Rep. TAYLOR 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 103; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Bryant
Caskey	Clary	Clemmons
Clyburn	Cole	Crawford
Crosby	Daning	Davis
Delleney	Dillard	Douglas
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Funderburk	Gagnon
Gilliard	Hamilton	Hardee
Hayes	Henderson	Henderson-Myers
Henegan	Hewitt	Hill
Hixon	Hosey	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mace	Mack
Magnuson	Martin	McCravy
McEachern	McKnight	D. C. Moss

[HJ]



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

**Total--103**

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. 4931--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. ELLIOTT, with unanimous consent, it was ordered that H. 4931 be read the third time tomorrow.

**SPEAKER IN CHAIR**

**S. 499--DEBATE ADJOURNED**

The following Bill was taken up:

S. 499 -- Senator Malloy: A BILL TO AMEND SECTION 56-1-148 OF THE 1976 CODE, RELATING TO THE IDENTIFYING CODE AFFIXED TO THE DRIVER'S LICENSE OF A PERSON CONVICTED OF CERTAIN CRIMES, TO REMOVE THE FIFTY DOLLAR FEE ASSOCIATED WITH PLACING THE IDENTIFYING CODE ON A DRIVER'S LICENSE.

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Rep. DANING moved to adjourn debate on the Bill until Thursday, March 22, which was agreed to.

**H. 3197--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3197 -- Rep. King: A BILL TO AMEND SECTION 17-5-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS FOR CREMATION WHICH MUST BE ISSUED BY CORONERS, SO AS TO PROVIDE THAT NO FEE FOR A PERMIT FOR CREMATION MAY BE CHARGED.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3197 (COUNCIL\AHB\3197C002.BH.AHB18), which was adopted:

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

/ SECTION \_\_\_\_\_. Section 44-63-40 of the 1976 Code is amended to read:

“Section 44-63-40. (A) The State Registrar must appoint the chief administrative officer of each county health department as the county registrar. All persons in the county required by law to file reports of birth, death, and fetal death must transmit these reports to the State Registrar at intervals prescribed by the State Registrar. The county registrar may appoint a deputy registrar who is vested with the right to carry on the duties of the office. The county registrar and deputy registrar must carry out the duties formerly carried out by local registrars without additional compensation. The county registrar must appoint a subregistrar for each hospital, nursing home, and other institution as required within the county whose duty it is to issue Burial-Removal-Transit Permits for deaths occurring at the hospitals, nursing homes, and other institutions. The county registrar must require the coroner of the county to issue Burial-Removal-Transit Permits for deaths occurring outside hospitals, nursing homes, or other institutions.

(B) No coroner or medical examiner may charge a fee for a Burial-Removal-Transit Permit.” /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

[HJ]

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Rep. SANDIFER explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Bryant	Burns	Caskey
Chumley	Clary	Clemmons
Clyburn	Cole	Crawford
Crosby	Daning	Davis
Delleney	Dillard	Douglas
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Gilliard	Hamilton
Hardee	Hayes	Henderson
Henderson-Myers	Henegan	Hewitt
Hill	Hiott	Hixon
Hosey	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lucas	Mace
Mack	Magnuson	Martin
McCoy	McCravy	McEachern
McKnight	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Ott	Parks
Pendarvis	Pope	Putnam
Ridgeway	S. Rivers	Robinson-Simpson
Rutherford	Sandifer	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Stringer	Tallon
Taylor	Thayer	Thigpen
Toole	Trantham	Weeks

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West	Wheeler	White
Whitmire	Williams	Willis
Young	Yow	

**Total--107**

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. 3197--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. KING, with unanimous consent, it was ordered that H. 3197 be read the third time tomorrow.

**H. 5045--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 5045 -- Reps. Sandifer, White and Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING CHAPTERS 39 AND 40 OF TITLE 58 RELATING TO THE SOUTH CAROLINA DISTRIBUTED ENERGY RESOURCE PROGRAM AND NET ENERGY METERING, RESPECTIVELY.

Reps. SANDIFER, HIOTT, BALLENTINE, HEWITT, HILL, WEST, WILLIS, THAYER, TOOLE, WHEELER, B. NEWTON, CASKEY, J. E. SMITH, KNIGHT, MCCRAVY, WEEKS, FRY, CRAWFORD, HOSEY, KIRBY, CROSBY, FORRESTER, V. S. MOSS, LOFTIS, ANDERSON, MAGNUSON, FUNDERBURK, NORRELL, YOUNG and MARTIN requested debate on the Bill.

**MOTION ADOPTED**

Rep. WHITE moved that H. 4950, the General Appropriation Bill for Fiscal Year 2018-2019, be set for Special Order on Monday, March 12, 2018, immediately after roll call and after roll call every day thereafter, and continue each day until given second reading, which was agreed to.

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**MOTION ADOPTED**

Rep. WHITE moved that while debating H. 4950 on second reading that the Bills on the Calendar be printed by number only, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that when the House adjourns today that it adjourn to meet in Local Session tomorrow, Friday, March 9, 2018, and then convene in Statewide Session at 1:00 p.m., Monday, March 12, 2018, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that H. 4951, the Joint Resolution appropriating the Capital Reserve Fund for Fiscal Year 2017-2018, be set for Special Order immediately following second reading of H. 4950, and immediately after roll call every day thereafter, and continue each day until given second reading, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that H. 4950 be set for Special Order for third reading immediately after second reading of H. 4951, and immediately after roll call every day thereafter, and continue each day thereafter until given third reading, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that H. 4951 be set for Special Order for third reading immediately after third reading of H. 4950, and immediately after roll call every day thereafter, and continue each day thereafter until given third reading, which was agreed to.

**H. 3970--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3970 -- Rep. Delleney: A BILL TO AMEND SECTION 39-20-45, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENFORCEMENT OF SELF-SERVICE STORAGE FACILITY LIENS, SO AS TO REVISE THE MANNER OF ENFORCEMENT TO REQUIRE COMMERCIALY REASONABLE SALES, AND TO PROVIDE REQUIREMENTS FOR SUCH SALES.

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The Committee on Judiciary proposed the following Amendment No. 1 to H. 3970 (COUNCIL\WAB\3970C001.AGM.WAB18), which was adopted:

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

/ SECTION 1. Section 39-20-40 of the 1976 Code is amended to read:

“Section 39-20-40. If an owner complies with the requirements of this code section and Section 39-20-45, he may enforce the lien without judicial intervention. An owner shall obtain from the occupant a written rental agreement and a copy of the completed agreement shall be given to the occupant upon execution. The rental agreement must include the following language with bold type where indicated:

‘This agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, the owner and \_\_\_\_\_, the occupant, whose last known address is \_\_\_\_\_.

**YOU HAVE THE RIGHT TO CHOOSE ~~WHETHER YOU WANT TO RECEIVE ANY~~ NOTICE OF DEFAULT BY MAIL ~~OR~~ AND OPT OUT OF RECEIVING NOTICES OF DEFAULT VIA ELECTRONIC MAIL. WHEN CHOOSING ELECTRONIC MAIL, YOU WAIVE ANY RIGHT TO RECEIVE NOTICE OF DEFAULT PROCEEDINGS THROUGH PERSONAL SERVICE OR MAIL.**

**TO CHOOSE NOTICE BY MAIL TO THE ADDRESS WRITTEN ABOVE, SIGN HERE:**

\_\_\_\_\_ (Occupant signs on this line to receive notice by mail.)

**TO CHOOSE NOTICE BY ELECTRONIC MAIL, SIGN HERE AND PRINT YOUR ELECTRONIC MAIL ADDRESS:**

\_\_\_\_\_ (Occupant signs on this line to receive notice by electronic mail.)

\_\_\_\_\_ (If Occupant selects to receive notice by electronic mail, on this line Occupant must print the electronic mail address for Owner to use in sending notice.)

**YOU HAVE THE RIGHT TO CHOOSE WHETHER YOU WANT TO DESIGNATE A NEXT OF KIN OR EMERGENCY CONTACT FOR PURPOSES OF RECEIVING ANY NOTICES OF DEFAULT. IF YOU WOULD LIKE TO PROVIDE THIS ADDITIONAL POINT OF CONTACT PLEASE LIST THE NAME OF THE INDIVIDUAL AS WELL AS THE EMAIL ADDRESS OR POSTAL MAILING ADDRESS WHERE THE NOTICE SHOULD BE SENT.**

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CHANGES TO YOUR PREFERRED METHOD OF RECEIVING NOTICE MUST BE SUBMITTED IN WRITING AND SENT BY FIRST CLASS MAIL OR HAND DELIVERED TO THE OWNER.

For the consideration provided for in this agreement, the owner agrees to let the occupant use and occupy a space in the self-service storage facility, known as \_\_\_\_\_, located in the City of \_\_\_\_\_, State of South Carolina, and more particularly described as follows: Space # \_\_\_\_\_. The space is to be occupied and used for the purposes specified in this agreement and subject to the conditions set forth beginning on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and continuing month to month until terminated.

'Space', as used in this agreement, means that part of the self-service storage facility as described above. The occupant agrees to pay the owner, as payment for the use of the space and improvements on the space, the monthly sum of \$ \_\_\_\_\_. Monthly installments are payable in advance on or before \_\_\_\_\_ day of each month, in the amount of \$ \_\_\_\_\_, and a like amount of each month after that, until the termination of this agreement.

When rent is seven calendar days past due, or if any check given in payment is dishonored, occupant is considered to be in default and the owner may deny access to the personal property located in the self-storage facility. THIS IS THE OCCUPANT'S NOTICE THAT OCCUPANT MAY BE DENIED ACCESS UPON DEFAULT.

The space named in this agreement is to be used by the occupant solely for the purpose of storing any personal property belonging to the occupant. The occupant agrees not to store any explosives or any highly inflammable goods or any other goods in the space which would cause danger to the space. The occupant agrees that the property will not be used for any unlawful purposes and the occupant agrees not to commit waste, nor alter, nor affix signs on the space, and will keep the space in good condition during the term of this agreement.

UPON DEFAULT BY THE OCCUPANT THE OWNER HAS A LIEN ON ALL PERSONAL PROPERTY STORED IN OCCUPANT'S SPACE FOR RENT IN RELATION TO THE PERSONAL PROPERTY, AND FOR ITS PRESERVATION OR EXPENSES REASONABLY INCURRED IN ITS SALE OR OTHER DISPOSITION PURSUANT TO THIS AGREEMENT. PERSONAL PROPERTY STORED IN OCCUPANT'S SPACE WILL BE SOLD OR OTHERWISE DISPOSED OF IF NO PAYMENT HAS BEEN RECEIVED FOR A CONTINUOUS FIFTY-DAY PERIOD AFTER DEFAULT. IF ANY RENT IS SEVEN CALENDAR DAYS PAST

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DUE, OR IF ANY CHECK GIVEN IN PAYMENT IS DISHONORED, THE OCCUPANT IS IN DEFAULT FROM DATE PAYMENT WAS DUE.

IN THE EVENT OF YOUR DEFAULT, THE OWNER OF THE FACILITY IS REQUIRED TO PUBLISH AN ADVERTISEMENT OF THE PUBLIC SALE IN ORDER TO ATTRACT THE HIGHEST BIDDER. YOU HAVE THE RIGHT TO PREVENT THIS ADVERTISEMENT FROM INCLUDING YOUR NAME AS THE DEFAULTING PARTY.

(Occupant signs on this line to request that advertisement not include their name.)

For purposes of owner's lien: 'personal property' means movable property, not affixed to land and includes, but is not limited to, goods, merchandise, and household items; 'last known address' means that address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address; and 'rent' means any fees that were agreed to by parties in the latest rental agreement and includes, but is not limited to, fees for past due rent. The owner's lien attaches as of the date the occupant is considered in default.

OWNER DOES NOT PROVIDE ANY TYPE OF INSURANCE WHICH WOULD PROTECT THE OCCUPANT'S PERSONAL PROPERTY FROM LOSS BY FIRE, THEFT, OR ANY OTHER TYPE CASUALTY LOSS. IT IS THE OCCUPANT'S RESPONSIBILITY TO PROVIDE SUCH INSURANCE."

SECTION 2. Section 39-20-45 of the 1976 Code is amended to read:

"Section 39-20-45. (A) If the occupant has been in default continuously for fifty days, owner may enforce its lien, provided owner shall comply with, during the fifty-day default period, the following procedure.

(B) When rent is fourteen or more days past due the occupant must be notified by written notice delivered to the occupant's last known address (1) in person, (2) by personal delivery service as provided by court rule, (3) by first-class mail with a certificate of mailing, (4) by certified mail, or (5) by electronic mail.

(C) Owner's notice to occupant shall include:

(1) a brief and general description of what is believed to constitute the personal property contained in the storage unit;

(2) a statement of the owner's claim, showing the sum due at the time of the notice and the date the sum became due;



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(3) a demand for payment within a specified time not less than fourteen days after delivery of notice;

(4) a conspicuous statement that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale or disposed of as provided by law and will be sold or otherwise disposed of after a specified date;

(5) a conspicuous statement that partial payment of the owner's claim does not stop or delay the owner's right to proceed with the sale or disposition of the property; and

(6) a conspicuous statement notifying the occupant of denial of access to the personal property and provide the name, street address, and telephone number of the owner or its designated agent, whom the occupant may contact to respond to this notice.

(D) Any notice given pursuant to this section is presumed delivered when it is (1) properly addressed to the last known address, and (2) either deposited with the United States Postal Service with postage prepaid for first class mail with a certificate of mailing or certified mail or sent by electronic mail from which a confirmation of receipt is received.

(E) After the expiration of the fifty-day default period, the owner shall publish an advertisement of the public sale to the highest bidder once a week for two consecutive weeks in a newspaper of general circulation where the self-service storage facility is located or in any other commercially reasonable manner resulting in a commercially reasonable sale. For purposes of this chapter, 'commercially reasonable sale' includes, but is not limited to, the offering of property to an audience of bidders through an online, publicly accessible auction website. An advertisement is considered to be made in a commercially reasonable manner if at least three independent bidders attend the sale at the time and place as advertised. In the event that the public sale is held through a publicly available Internet website, the attendance of three independent bidders shall be evidenced by at least three independent potential bidders visiting or viewing the publicly accessible URL or website address during the advertised timeframe of the sale.

(F) The advertisement shall include:

(1) a brief and general description of what is believed to constitute the personal property, contained in the storage unit;

(2) the address of the self-storage facility or the address where the self-contained storage unit is located and the name of the occupant;  
~~and~~

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(3) the time, place, and manner of the public sale or other disposition. In the event that a public sale is planned to be held through a publicly available Internet website, the advertisement must include the URL/website address, which must constitute the 'place' for purposes of fulfilling this requirement; and

(4) the advertisement shall include only the name of the occupant if the rental agreement indicates that the occupant did not wish to exercise their right to prevent the inclusion of their name.

(G) If the owner determines that the property in the storage space has a sale value of less than three hundred dollars, the owner, at the owner's sole discretion, may hold the property for sixty days from the date notice was provided pursuant to this section. If the occupant fails to claim the goods and pay the rent owed during that period, the owner may destroy or dispose of the property without further notice to occupant and occupant's debt shall be extinguished and the owner shall have no liability to the occupant or any other person for the personal property.

(H) If the property upon which the lien is claimed is a motor vehicle or a watercraft and rent and other charges related to the property remain unpaid or unsatisfied for sixty days following the maturity of the obligation to pay rent, the lienor may have the property towed by a towing company licensed pursuant to law. If a motor vehicle is towed as authorized in this subsection, the lienor shall not be liable for the motor vehicle or any damages to the motor vehicle once the tower takes possession of the property.

(I) If no one purchases the property at the public sale and if the owner has complied with the foregoing procedures, the owner may otherwise dispose of the property and shall notify the occupant of the action taken. Any sale or disposition of the personal property must be held either through a publicly accessible Internet website or at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored.

(J) Before any sale or other disposition of personal property pursuant to this agreement, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred, and by that action redeem the personal property and after that the owner shall have no liability to any person with respect to the personal property. A partial payment of rent shall not satisfy the lien, stop or delay the owner's right to proceed with a sale or disposition of the occupant's property as provided in this section unless the owner agrees to the stop or delay in a writing signed by the owner.

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(K) A purchaser in good faith of the personal property sold to satisfy owner's lien takes the property subject to any other liens or security interests which are perfected and recorded or liens by any lienholder with an interest in the property of whom the owner has knowledge either through the disclosure provision of the rental agreement or through other written notice.

(L) In the event of a sale, the owner may satisfy his lien from the proceeds of the sale. The owner shall hold the balance of the proceeds, if any, for the occupant or any notified, secured interest holder. If not claimed within two years of the date of sale, the balance of the proceeds must be disposed of in accordance with Chapter 18, Title 27. In no event may the owner's liability exceed the proceeds of the sale."

SECTION 3. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Rep. JOHNSON 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 108; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Bryant	Burns
Caskey	Chumley	Clary
Clemmons	Clyburn	Cole
Crawford	Crosby	Daning
Davis	Delleney	Dillard
Douglas	Duckworth	Elliott
Erickson	Felder	Forrest
Forrester	Fry	Funderburk
Gagnon	Gilliard	Govan
Hamilton	Hardee	Hayes
Henderson	Henderson-Myers	Henegan

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Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Knight
Loftis	Long	Lucas
Mack	Magnuson	Martin
McCoy	McCravy	McEachern
McKnight	D. C. Moss	V. S. Moss
B. Newton	W. Newton	Norrell
Ott	Parks	Pendarvis
Pitts	Pope	Putnam
Ridgeway	M. Rivers	S. Rivers
Robinson-Simpson	Rutherford	Sandifer
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Thigpen	Toole	Trantham
Weeks	West	Wheeler
White	Whitmire	Williams
Willis	Young	Yow

**Total--108**

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. 3970--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. DELLENEY, with unanimous consent, it was ordered that H. 3970 be read the third time tomorrow.

**LEAVE OF ABSENCE**

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

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**H. 4403--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4403 -- Reps. Pope, Clyburn and Bryant: A BILL TO AMEND SECTION 16-11-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE-PAINTED BOUNDARIES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4403 (COUNCIL\AHB\4403C001.BH.AHB18):

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

/ SECTION 1. Section 16-11-600 of the 1976 Code is amended to read:

“Section 16-11-600. (A) Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant has been posted prohibiting such entry, ~~shall be~~ is a misdemeanor and must be punished by a fine of not ~~to exceed more than~~ more than one hundred dollars; or by imprisonment ~~with hard labor on the public works of the county for not exceeding more than thirty days. When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.~~

(B) The owner or tenant of any lands may accomplish the required posting of notice as follows:

(1) by posting a notice in four conspicuous places on the borders of such land prohibiting entry thereon; or

(2) by marking boundaries with a clearly visible purple-painted marking, consisting of one vertical line not less than eight inches in length and two inches in width, and the bottom of the mark not less than three nor more than six feet from the ground or normal water surface. These marks must be affixed to immovable, permanent objects that are not more than one hundred yards apart and readily visible to any person approaching the property.

(C) When any owner or tenant of any lands shall post a notice as provided in this section, a proof of the posting is deemed and taken as

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notice conclusive against the person making entry for the purpose of trespassing.”

SECTION 2. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Rep. JOHNSON explained the amendment.

Reps. HIOTT, SANDIFER, HIXON, BLACKWELL, TAYLOR, FELDER, MAGNUSON, FORRESTER, HAMILTON, CHUMLEY, BURNS, LOFTIS, G. R. SMITH, CLARY, FORREST, YOUNG, TALLON, POPE, KIRBY, MARTIN and YOW requested debate on the Bill.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

### **RECURRENCE TO THE MORNING HOUR**

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

### **H. 3448--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3448 -- Reps. Funderburk, Lucas, W. Newton, Bernstein, Norrell, Pope, Wheeler, Clary and J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-27-05 SO AS TO ENTITLE CHAPTER 27 THE "SOUTH CAROLINA WHISTLEBLOWER AND PUBLIC EMPLOYEE PROTECTION ACT"; TO AMEND SECTION 8-27-10, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE CHAPTER, SO AS TO REVISE THE DEFINITION OF "APPROPRIATE AUTHORITY" TO INCLUDE THE STATE INSPECTOR GENERAL; TO AMEND SECTION 8-27-20, AS AMENDED, RELATING TO REWARDS FOR REPORTS RESULTING IN SAVINGS, SO AS TO ELIMINATE THE TWO THOUSAND DOLLAR CAP ON REWARDS AND PROVIDE A PROCEDURE FOR REWARDING MULTIPLE EMPLOYEES WHO REPORT THE SAME ABUSE; AND TO AMEND SECTION 8-27-30, AS AMENDED, RELATING TO CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A VIOLATION OF STATE OR

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FEDERAL LAW OR REGULATION, SO AS TO REMOVE THE ONE-YEAR LIMITATION ON THE PERIOD DURING WHICH THE EMPLOYEE IS PROTECTED FROM ADVERSE EMPLOYMENT ACTIONS, AND TO PROVIDE FOR ADDITIONAL REMEDIES.

Reps. SANDIFER, HIOTT, CROSBY, FORRESTER, CLARY, WHITMIRE, TOOLE, CRAWFORD, B. NEWTON, J. E. SMITH and JEFFERSON requested debate on the Bill.

**H. 4421--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4421 -- Reps. J. E. Smith, McCoy, Ott, G. M. Smith, Ballentine, W. Newton, Bales, McEachern, Brown, Henegan, Clary, Arrington, Stavrinakis, Caskey and Norrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 27, TITLE 58 SO AS TO ENACT THE "SOUTH CAROLINA ELECTRIC CONSUMER BILL OF RIGHTS ACT" TO DEFINE CATEGORIES OF COSTS TO BE COLLECTED THROUGH RESIDENTIAL CUSTOMER CHARGES, TO LIMIT RESIDENTIAL CUSTOMER CHARGES TO CAPTURE ONLY CUSTOMER-RELATED COSTS, AND TO REQUIRE EACH ELECTRICAL UTILITY TO INCLUDE A LINE ITEM ON CUSTOMER BILL STATEMENTS TO SHOW THE PERCENTAGE OF RETAIL RATES ATTRIBUTABLE TO DEFERRED RECOVERY OF THE COST OF THE NUCLEAR GENERATING STATION ABANDONED DURING CONSTRUCTION PURSUANT TO SECTION 58-33-225; BY ADDING CHAPTER 42 TO TITLE 58 SO AS TO ESTABLISH STATEWIDE STANDARDS PROVIDING CUSTOMERS WITH THE ABILITY TO INSTALL AND UTILIZE ONSITE DISTRIBUTED ENERGY SOURCES, TO DEFINE RELEVANT TERMS, TO ESTABLISH STATEWIDE INTERCONNECTION STANDARDS, TO PROHIBIT UTILITIES FROM PREVENTING CONSTRUCTION UNDER CERTAIN CONDITIONS, TO PROVIDE THE STATEWIDE NET METERING STANDARDS, TO ALLOW SETTLEMENT-BASED COST RECOVERY FOR INVESTOR-OWNED UTILITIES FOR CUSTOMER-GENERATORS BUT TO PROHIBIT COST RECOVERY OF LOST REVENUES WITHIN THE STATEWIDE NET METERING PROGRAM, TO EXEMPT INDUSTRIAL CUSTOMERS WHO ADOPT ONSITE DISTRIBUTED ENERGY

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RESOURCES FROM INCREMENTAL DISTRIBUTED ENERGY RESOURCE PROGRAM COSTS, TO PROVIDE THAT THE OWNER OF AN ONSITE DISTRIBUTED ENERGY RESOURCE WHO HAS REGISTERED WITH THE OFFICE OF REGULATORY STAFF AS A LESSOR OF THESE FACILITIES MAY NOT BE REGULATED AS A PUBLIC UTILITY FOR OFFERING A SERVICE THAT PROVIDES ONSITE GENERATION TO CUSTOMER-GENERATORS THROUGH A POWER PURCHASE AGREEMENT, TO REQUIRE EACH ELECTRICAL UTILITY TO PROVIDE A DISASTER READINESS INCENTIVE TO ENCOURAGE THE INSTALLATION OF SOLAR AND STORAGE COMBINATION ONSITE DISTRIBUTED ENERGY RESOURCES FACILITIES ON THE RESIDENCES OF FIRST RESPONDERS AND DESIGNATED PUBLIC SHELTERS; BY ADDING SECTION 27-1-80 SO AS TO PROHIBIT DISCRIMINATION AGAINST USE OF ONSITE DISTRIBUTED ENERGY RESOURCES THROUGH RESTRICTIVE COVENANTS, DEED RESTRICTIONS, OR HOMEOWNERS' ASSOCIATION DOCUMENTS; TO AMEND SECTION 58-40-10, RELATING TO TERMS APPLICABLE TO NET ENERGY METERING, SO AS TO REVISE THE DEFINITION OF "CUSTOMER-GENERATOR"; TO AMEND SECTION 58-40-20, RELATING TO NET ENERGY METERING RATES, SO AS TO, AMONG OTHER THINGS, REMOVE LANGUAGE PROVIDING THAT NET METERING RATES APPROVED BY THE COMMISSION PURSUANT TO CHAPTER 40, TITLE 58 ARE THE EXCLUSIVE NET METERING RATES AVAILABLE TO CUSTOMER-GENERATORS; TO AMEND SECTION 58-27-2600, RELATING TO TERMS APPLICABLE TO THE LEASE OF RENEWABLE ELECTRIC GENERATION FACILITIES PROGRAMS, SO AS TO REVISE THE DEFINITION OF "RETAIL ELECTRIC PROVIDER"; TO AMEND SECTION 58-27-2610, RELATING TO THE LEASE OF A RENEWABLE ELECTRIC GENERATION FACILITY, SO AS TO, AMONG OTHER THINGS, PROVIDE THAT LESSORS OF RENEWABLE ELECTRIC GENERATION FACILITIES MAY OFFER WARRANTY SERVICES, AND TO REMOVE THE CURRENT TWO PERCENT CAP ON LEASED RENEWABLE ELECTRIC GENERATION FACILITIES; TO AMEND SECTION 58-27-2630, RELATING TO THE REGISTRATION OF A RENEWABLE ELECTRIC GENERATION FACILITY LEASED TO A CUSTOMER-GENERATOR LESSEE, SO AS TO REPLACE THE CURRENT



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CUSTOMER-GENERATOR NOTARIZED AFFIDAVIT WITH A SIGNED DECLARATION FROM THE CUSTOMER-GENERATOR THAT IT WILL NOT ATTEMPT TO RESELL OR SELL ELECTRIC OUTPUT TO A THIRD PARTY THAT IS NOT THE ELECTRIC RETAIL SUPPLIER; AND TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO EXEMPTIONS FROM PROPERTY TAX, SO AS TO EXEMPT RENEWABLE ENERGY RESOURCE PROPERTY HAVING A NAMEPLATE CAPACITY OF NO GREATER THAN TWENTY KILOWATTS, AS MEASURED IN ALTERNATING CURRENT.

Reps. J. E. SMITH, SANDIFER, MCCOY, FORRESTER, CROSBY, MURPHY, WEEKS, DOUGLAS, BERNSTEIN, WILLIAMS, JEFFERSON, MCCRAVY, FRY, ATWATER, BALLENTINE, HENEGAN, TOOLE, BRYANT, V. S. MOSS, DILLARD, CRAWFORD and B. NEWTON requested debate on the Bill.

**S. 340--DEBATE ADJOURNED ON MOTION TO  
RECONSIDER**

Rep. DELLENEY moved to adjourn debate on the motion to reconsider until Tuesday, March 20, which was agreed to.

**LEAVE OF ABSENCE**

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

**H. 4683--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. HIOTT, with unanimous consent, it was ordered that H. 4683 be read the third time tomorrow.

**H. 4946--RECALLED FROM COMMITTEE ON  
AGRICULTURE, NATURAL RESOURCES AND  
ENVIRONMENTAL AFFAIRS**

On motion of Rep. HIOTT, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs:

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H. 4946 -- Reps. Erickson, Bradley, Bowers and M. Rivers: A BILL TO AMEND SECTION 50-5-1005, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SHELLFISH IMPORTATION PERMITS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE PERMITS TO PERSONS TO POSSESS, PRODUCE, PURCHASE, OR SELL GENETICALLY MODIFIED SHELLFISH, AND THE PROVISION THAT PROHIBITS THE PLACEMENT OF GENETICALLY MODIFIED SHELLFISH IN THE WATERS OF THIS STATE WITHOUT A PERMIT.

**H. 4612--SENATE AMENDMENTS AMENDED AND  
RETURNED TO THE SENATE**

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

H. 4612 -- Reps. Sandifer and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-11-262 SO AS TO PROVIDE APPLICANTS FOR GENERAL AND MECHANICAL LICENSURE SUBJECT TO FINANCIAL STATEMENT REQUIREMENTS MAY INSTEAD PROVIDE CERTAIN SURETY BONDS, AND TO PROVIDE REQUIREMENTS CONCERNING THE SURETY BONDS.

Rep. SANDIFER proposed the following Amendment No. 1A to H. 4612 (COUNCIL\ZW\4612C001.GGS.ZW18), which was adopted:

Amend the bill, as and if amended, Section 40-11-262(A), as contained in SECTION 1, Page 1, by striking subsection (A) in its entirety and inserting:

/ (A) In lieu of providing a financial statement showing a minimum net worth for a license group as required by Section 40-11-260, an applicant may provide a surety bond from a surety authorized to transact surety business in this State in an amount equal to the required net worth for the applicant's license group with his initial or renewal application./

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Rep. SANDIFER spoke in favor of the amendment.

Rep. OTT spoke against the amendment.

[HJ]

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The question then recurred to the adoption of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 80; Nays 19

Those who voted in the affirmative are:

Allison	Anthony	Arrington
Atkinson	Atwater	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Bryant
Burns	Caskey	Chumley
Clary	Clyburn	Crawford
Crosby	Daning	Davis
Duckworth	Elliott	Erickson
Forrest	Forrester	Fry
Gagnon	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Hewitt	Hiott
Hixon	Hosey	Huggins
Jefferson	Johnson	Jordan
King	Loftis	Long
Lucas	Mace	Magnuson
Martin	McCoy	McCravy
McEachern	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Parks	Pope	Putnam
S. Rivers	Rutherford	Sandifer
G. M. Smith	G. R. Smith	Stringer
Tallon	Taylor	Thayer
Toole	Trantham	Weeks
West	Whitmire	Willis
Young	Yow	

**Total--80**

Those who voted in the negative are:

Alexander	Bamberg	Dillard
Douglas	Funderburk	Gilliard
Henderson-Myers	Hill	Kirby
Knight	Mack	McKnight

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Ott  
M. Rivers  
Williams

Pendarvis  
Robinson-Simpson

Ridgeway  
Wheeler

**Total--19**

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. D. C. MOSS.

**H. 3064--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3064 -- Reps. Rutherford, Gilliard, Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-185 SO AS TO PROVIDE THE BOARD OF PHARMACY SHALL ISSUE A WRITTEN PROTOCOL IN COMPLIANCE WITH WHICH PHARMACISTS, WITHOUT AN ORDER OF A PRACTITIONER, MAY PRESCRIBE AND DISPENSE HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES; TO PROVIDE THE BOARD ALSO SHALL ADOPT CERTAIN RULES TO ESTABLISH STANDARD PROCEDURES FOR THESE PRESCRIPTIONS AND DISPENSATIONS; AND TO PROVIDE THAT LAWS GOVERNING INSURANCE COVERAGE OF CONTRACEPTIVE DRUGS, DEVICES, PRODUCTS, AND SERVICES MUST BE CONSTRUED TO APPLY TO HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES PRESCRIBED AND DISPENSED PURSUANT TO THIS ACT.

Rep. RUTHERFORD proposed the following Amendment No. 2 to H. 3064 (COUNCIL\AHB\3064C001.BH.AHB18), which was adopted:

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

/SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

[HJ]

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“Section 40-43-185. (A) A physician licensed by the Board of Medical Examiners may prescribe contraceptive drugs that may be dispensed over a period of up to three years after the order is issued. The Board of Pharmacy may, in its discretion, issue a written protocol in compliance with which a pharmacist may dispense contraceptive drugs pursuant to such prescription orders.

(B) For purposes of this section, the term ‘contraceptive drugs’ means all drugs approved by the United States Food and Drug Administration that are used to prevent pregnancy, including, but not limited to, hormonal drugs administered orally, transdermally, or transvaginally.

SECTION 2. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Rep. RUTHERFORD 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 50; Nays 47

Those who voted in the affirmative are:

Alexander	Anthony	Atkinson
Bales	Bamberg	Bernstein
Brawley	Brown	Bryant
Caskey	Clary	Clemmons
Clyburn	Delleney	Douglas
Duckworth	Forrest	Fry
Funderburk	Gilliard	Govan
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Hewitt
Hill	Jefferson	Johnson
King	Kirby	Knight
Lucas	Mack	McCoy
McKnight	Murphy	B. Newton
Ott	Pendarvis	Pope
Ridgeway	M. Rivers	Rutherford

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G. M. Smith	Weeks	Wheeler
Williams	Yow	

**Total--50**

Those who voted in the negative are:

Allison	Arrington	Atwater
Ballentine	Bannister	Bennett
Blackwell	Bradley	Burns
Chumley	Crawford	Crosby
Daning	Davis	Dillard
Elliott	Erickson	Forrester
Gagnon	Hamilton	Henderson
Hiott	Hixon	Huggins
Jordan	Loftis	Long
Mace	Magnuson	Martin
McCravy	D. C. Moss	V. S. Moss
Putnam	S. Rivers	Robinson-Simpson
Sandifer	G. R. Smith	Stringer
Tallon	Taylor	Thayer
Toole	West	Whitmire
Willis	Young	

**Total--47**

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. 3064. If I had been present, I would have voted in favor of the Bill.

Rep. Ashley Trantham

**RECURRENCE TO THE MORNING HOUR**

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

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**REPORTS OF STANDING COMMITTEES**

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4999 -- Rep. Parks: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 28 IN MCCORMICK COUNTY FROM THE SOUTH CAROLINA-GEORGIA STATE LINE TO ITS INTERSECTION WITH HIGHWAY S-87 (NEW HOPE ROAD) "VETERANS HIGHWAY" IN HONOR OF OUR MEN AND WOMEN WHO HAVE SERVED OR WHO CURRENTLY ARE SERVING IN OUR MILITARY AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5033 -- Reps. Hewitt and Anderson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF NORTH CAUSEWAY DRIVE (S-22-46) IN GEORGETOWN COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 TO ITS INTERSECTION WITH MYRTLE AVENUE THE "LINWOOD ALTMAN CAUSEWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 796 -- Senator Sheheen: A JOINT RESOLUTION TO PROVIDE FOR THE OBSERVANCE OF THE SESTERCENTENNIAL OF THE AMERICAN REVOLUTION IN SOUTH CAROLINA AND TO ESTABLISH THE AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION OF SOUTH CAROLINA.

Ordered for consideration tomorrow.

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

H. 4877 -- Reps. Clemmons and Bales: A BILL TO AMEND SECTION 40-56-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE BOARD OF PYROTECHNIC SAFETY, SO AS TO REVISE THE MEMBERSHIP BY DESIGNATING ONE ADDITIONAL SEAT FOR A MEMBER WHO IS A PYROTECHNIC RETAILER AND ELIMINATING ONE SEAT DESIGNATED FOR A MEMBER OF THE GENERAL PUBLIC.

Ordered for consideration tomorrow.

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

H. 4591 -- Reps. D. C. Moss, Bryant, Delleney, McCravy, Spires, Felder, Johnson, Martin, Murphy, Blackwell, Hixon, Pitts, Pope and G. M. Smith: A BILL TO AMEND SECTION 11-35-1524, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESIDENT VENDOR PREFERENCES UNDER THE CONSOLIDATED PROCUREMENT CODE SO AS TO PROVIDE THAT A BUSINESS OWNED BY A SERVICE-DISABLED VETERAN RESIDING IN THIS STATE SHALL RECEIVE A FIVE PERCENT PREFERENCE THROUGH THE USE OF SET-ASIDES ON CONTRACT AWARDS WHERE THE AWARDING PROCUREMENT OFFICER DETERMINES THE BUSINESS IS OTHERWISE QUALIFIED TO PERFORM THE REQUIREMENTS OF THE CONTRACT.

Ordered for consideration tomorrow.

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

H. 4962 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-7-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETALIATORY TAXES BY OTHER STATES AGAINST INSURANCE COMPANIES CHARTERED IN THIS STATE, SO AS TO PROVIDE TITLE INSURERS ONLY MAY INCLUDE THEIR PORTION OF THE PREMIUM IN THE RETALIATORY TAX COMPUTATIONS AND ARE PROHIBITED



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FROM INCLUDING THESE AMOUNTS IN THE SOUTH CAROLINA COLUMN OF RETALIATORY TAX WORKSHEETS.

Ordered for consideration tomorrow.

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

H. 5038 -- Reps. Atwater, Bradley, Howard, Thayer, Gagnon, Huggins, Hewitt, McGinnis, Hayes, Willis, Spires, Ballentine, G. M. Smith, Sandifer, Norrell, Henderson, Toole, Erickson, Cobb-Hunter, Ott, Ridgeway, McEachern, Douglas, Rutherford, Bernstein, W. Newton, Clary, Anthony, Wheeler, Anderson, Kirby, Alexander, Tallon and Elliott: A BILL TO AMEND SECTION 38-71-2130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF A PHARMACY BENEFIT MANAGER, SO AS TO ESTABLISH PROHIBITED ACTS FOR A PHARMACY BENEFIT MANAGER.

Ordered for consideration tomorrow.

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

H. 4875 -- Reps. Ott and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 50 SO AS TO ENACT THE "SOUTH CAROLINA SOLAR HABITAT ACT" TO ESTABLISH VOLUNTARY SOLAR BEST-MANAGEMENT PRACTICES FOR COMMERCIAL SOLAR ENERGY GENERATION SITES, TO ESTABLISH A NATIVE VEGETATION HABITAT AND POLLINATOR MANAGEMENT PLAN TO BE USED AS TECHNICAL GUIDANCE FOR THE PURPOSES OF THIS ACT, AND TO PROVIDE THAT CERTIFICATES OF COMPLIANCE MAY BE ISSUED TO ENTITIES THAT MEET SOLAR SITE GUIDELINES ESTABLISHED PURSUANT TO THIS ACT.

Ordered for consideration tomorrow.

### **HOUSE RESOLUTION**

The following was introduced:

H. 5098 -- Reps. Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett,

[HJ]

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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, 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 CONGRATULATE FRANCES VIRGINIA LEE ROBINSON MCCLAIN ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

### **HOUSE RESOLUTION**

The following was introduced:

H. 5099 -- Reps. Funderburk, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, 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, Finlay, Forrest, Forrester, Fry, 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,

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Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR JACOB CARRON OF LUGOFF-ELGIN HIGH SCHOOL FOR AN OUTSTANDING SEASON AND TO CONGRATULATE HIM FOR WINNING THE 2018 SOUTH CAROLINA CLASS AAAA STATE CHAMPIONSHIP TITLE IN WRESTLING.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5100 -- Reps. Funderburk, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, 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, Finlay, Forrest, Forrester, Fry, 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 RECOGNIZE AND HONOR KARRINGTON CHARLES OF THE LUGOFF-ELGIN MIDDLE SCHOOL WRESTLING TEAM FOR AN EXCELLENT SEASON AND TO CONGRATULATE HIM FOR WINNING THE 2018 SOUTH CAROLINA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5101 -- Reps. Lucas, Williams, Alexander, Henegan, Spires, Hayes and Lowe: A HOUSE RESOLUTION TO HONOR DARLINGTON VENEER COMPANY AT THE CELEBRATION OF ITS ONE HUNDREDTH ANNIVERSARY, TO CONGRATULATE THE COMPANY ON A CENTURY OF OUTSTANDING ENTREPRENEURIAL ENDEAVORS, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS TO COME.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5102 -- Rep. McEachern: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE W. J. KEENAN HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM OF RICHLAND COUNTY WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2018 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the W. J. Keenan High School girls varsity basketball team of Richland County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2018 South Carolina Class AA State Championship title.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5103 -- Reps. McEachern, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, 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, 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, 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, Stavrakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE W. J. KEENAN HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2018 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5104 -- Reps. Bradley, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bowers, 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, 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,

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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 CONCURRENT RESOLUTION TO CONGRATULATE THE RBC HERITAGE PRESENTED BY BOEING GOLF TOURNAMENT HELD EACH YEAR ON HILTON HEAD ISLAND ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY THIS COMING APRIL AND TO RECOGNIZE AND THANK THE HERITAGE CLASSIC FOUNDATION, THE TOURNAMENT SPONSORS, AND COUNTLESS FRIENDS AND VOLUNTEERS WHO HAVE MADE THIS SPECIAL EVENT SO SUCCESSFUL AND UNIQUE AMONG PGA TOUR EVENTS.

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

### **INTRODUCTION OF BILLS**

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

H. 5105 -- Reps. Magnuson, Burns, Long, Elliott, Hamilton, G. R. Smith, Chumley, Bennett, Bryant, Loftis, Mace and Putnam: A BILL TO AMEND SECTION 2-19-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION'S PROCEDURES, SO AS TO PROVIDE THAT THE JUDICIAL MERIT SELECTION COMMISSION SHALL CONSIST OF TWO MEMBERS FROM EACH OF THE SEVEN CONGRESSIONAL DISTRICTS WHO ARE RESIDENTS OF THEIR RESPECTIVE DISTRICTS AND ONE MEMBER FROM THE GENERAL PUBLIC, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, WHO SHALL SERVE AS THE CHAIRMAN OF THE COMMISSION; TO PROVIDE THAT NO MEMBER MAY SERVE FOR MORE THAN TWO TERMS; TO PROVIDE THAT NO CURRENT MEMBER OF THE GENERAL ASSEMBLY MAY SERVE ON THE COMMISSION; AND TO PROVIDE THAT A

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FORMER MEMBER OF THE GENERAL ASSEMBLY MAY NOT SERVE ON THE COMMISSION UNTIL FIVE YEARS AFTER LEAVING OFFICE.

Referred to Committee on Judiciary

H. 5106 -- Reps. Magnuson, Burns, Long, Elliott, Caskey, Hamilton, G. R. Smith, Chumley, Mace, Putnam and Thayer: A JOINT RESOLUTION TO AMEND ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, SO AS TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES ON THE COURT OF APPEALS, AND CIRCUIT COURT JUDGES SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY RATHER THAN BEING ELECTED BY THE GENERAL ASSEMBLY, AND TO REPEAL PROVISIONS REQUIRING THE GENERAL ASSEMBLY TO ESTABLISH A JUDICIAL MERIT SCREENING COMMISSION.

Referred to Committee on Judiciary

H. 5107 -- Rep. Norrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-30-115 SO AS TO PROVIDE REQUIREMENTS FOR THE LICENSURE AND OPERATION OF MASSAGE ESTABLISHMENTS; BY ADDING SECTION 40-30-210 SO AS TO PROVIDE FOR THE QUALIFICATIONS AND AUTHORITY OF INSPECTORS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION WHEN ENFORCING THE PROVISIONS OF THIS ACT; TO AMEND SECTION 40-30-20, RELATING TO THE PURPOSE OF THE MASSAGE/BODYWORK PRACTICE ACT, SO AS TO INCLUDE MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-30, RELATING TO DEFINITIONS IN THE MASSAGE/BODYWORK PRACTICE ACT, SO AS TO DEFINE NECESSARY TERMS; TO AMEND SECTION 40-30-50, RELATING TO DUTIES OF THE PANEL FOR MASSAGE/BODYWORK, SO AS TO INCLUDE MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-60, RELATING TO DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION CONCERNING MASSAGE/BODYWORK THERAPY, SO AS TO INCLUDE ELIGIBILITY OF APPLICANTS FOR MASSAGE ESTABLISHMENT LICENSURE; TO AMEND SECTION 40-30-80, RELATING TO FEES THE DEPARTMENT MAY CHARGE FOR

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MASSAGE/BODYWORK THERAPIST LICENSES, SO AS TO INCLUDE FEES CONCERNING MASSAGE ESTABLISHMENT LICENSES; TO AMEND SECTION 40-30-100, RELATING TO THE PROHIBITION ON PRACTICING MASSAGE/BODYWORK THERAPY WITHOUT A LICENSE, SO AS TO REQUIRE LICENSURE FOR MASSAGE ESTABLISHMENTS, TO PROVIDE PEOPLE MAY NOT OFFER OR RENDER MASSAGE/BODYWORK SERVICES IN PLACES THAT ARE NOT LICENSED AS A MASSAGE ESTABLISHMENT, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 40-30-110, RELATING TO THE REQUIREMENTS FOR MASSAGE/BODYWORK THERAPIST LICENSURE, SO AS TO PROVIDE REQUIREMENTS FOR MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-140, RELATING TO LICENSES, SO AS TO PROVIDE MASSAGE ESTABLISHMENTS SHALL DISPLAY THEIR LICENSES IN A CERTAIN MANNER, TO PROVIDE REQUIRED INFORMATION FOR ADVERTISEMENTS AND SOCIAL MEDIA PAGES, AMONG OTHER THINGS; TO AMEND SECTION 40-30-150, RELATING TO MASSAGE/BODYWORK THERAPIST LICENSES ISSUED BY OTHER STATES, SO AS TO CLARIFY THE APPLICABILITY OF THE PROVISIONS; TO AMEND SECTION 40-30-160, RELATING TO RECORDS AND A REGISTRY THE DEPARTMENT SHALL MAINTAIN, SO AS TO INCLUDE PROVISIONS CONCERNING MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-170, RELATING TO A ROSTER OF MASSAGE/BODYWORK THERAPIST LICENSEES THE DEPARTMENT SHALL MAINTAIN AND PUBLISH, SO AS TO INCLUDE MASSAGE ESTABLISHMENTS IN THE ROSTER; TO AMEND SECTION 40-30-180, RELATING TO MASSAGE/BODYWORK THERAPIST LICENSE RENEWALS, SO AS TO INCLUDE PROVISIONS CONCERNING MASSAGE ESTABLISHMENT LICENSURE RENEWALS; TO AMEND SECTION 40-30-190, RELATING TO THE PROMULGATION OF RELATED REGULATIONS BY THE DEPARTMENT, SO AS TO CLARIFY THE APPLICABILITY OF THE PROVISIONS; TO AMEND SECTION 40-30-200, RELATING TO INVESTIGATIONS OF VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT MAY INVESTIGATE VIOLATIONS CONCERNING MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-220, RELATING TO CERTAIN EQUITABLE REMEDIES CONCERNING VIOLATIONS, SO AS TO INCLUDE MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-230,



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RELATING TO GROUNDS FOR MISCONDUCT BY MASSAGE/BODYWORK THERAPISTS, SO AS TO INCLUDE GROUNDS FOR MISCONDUCT CONCERNING MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-260, RELATING TO VOLUNTARY SURRENDER OF LICENSES BY LICENSEES UNDER INVESTIGATION FOR MISCONDUCT, SO AS TO PROVIDE MASSAGE ESTABLISHMENTS THAT MAKE SUCH SURRENDERS MAY NOT OPERATE AS MASSAGE ESTABLISHMENTS DURING PERIODS OF VOLUNTARY SURRENDER; TO AMEND SECTION 40-30-270, RELATING TO APPEALS OF ACTIONS BY THE PANEL OR DEPARTMENT, SO AS TO MAKE A CONFORMING CHANGE CONCERNING MASSAGE ESTABLISHMENTS; TO AMEND SECTION 40-30-300, RELATING TO CERTAIN PRIVILEGED COMMUNICATIONS, SO AS TO INCLUDE MASSAGE ESTABLISHMENTS; AND TO AMEND SECTION 40-30-310, RELATING TO CERTAIN ILLEGAL ACTIONS RELATING TO MASSAGE/BODYWORK THERAPISTS, SO AS TO INCLUDE MASSAGE ESTABLISHMENTS.

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

H. 5108 -- Rep. Sandifer: A BILL TO AMEND SECTION 34-26-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS OF CREDIT UNIONS, SO AS TO PROVIDE THAT A CREDIT UNION MAY PROVIDE CERTAIN SERVICES TO CERTAIN MEMBERS FOR A FEE; TO AMEND SECTION 34-26-500, RELATING TO MEMBERSHIP IN A CREDIT UNION, SO AS TO PROVIDE THE PROCEDURE TO ADMIT NEW COMMUNITY GROUPS TO A CREDIT UNION; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO REQUIRE THE BOARD TO MEET AT LEAST ONCE DURING EACH CALENDAR YEAR AND TO ALLOW CERTAIN MEMBERS TO PARTICIPATE REMOTELY IN CERTAIN MEETINGS; AND TO AMEND SECTION 34-26-1020, RELATING TO PERMISSIBLE INVESTMENTS OF CREDIT UNION FUNDS, SO AS TO ALLOW FOR AN INVESTMENT IN CERTAIN CHARITABLE DONATION ACCOUNTS.

Referred to Committee on Labor, Commerce and Industry

H. 5109 -- Reps. Hixon, Taylor, Blackwell, Young, Clyburn, Hosey and Mace: A BILL TO AMEND ACT 205 OF 2016, RELATING TO

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AN EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, SO AS TO EXTEND THE SUNSET PROVISION TO NOVEMBER 30, 2020.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5110 -- Rep. Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 54-7-665 SO AS TO PROVIDE THAT IT IS NOT ILLEGAL FOR AN INDIVIDUAL FOR A NONCOMMERCIAL PURPOSE WITHOUT A HOBBY LICENSE BELOW THE MEAN HIGH WATER MARK TO GATHER ON A PUBLIC BEACH SEASHELLS, SHARK OR FISH TEETH, DRIFTWOOD, OR ANY OTHER LIKE ITEMS THAT COULD POSSIBLY BE CONSIDERED ARTIFACTUAL MATERIAL IF THESE ITEMS ARE NATURALLY FOUND FROM TIME TO TIME ON A BEACH AS A RESULT OF THE TIDAL OR OTHER FLOW OF THE OCEAN OR OTHER BODIES OF SALT, BRACKISH, OR FRESH WATER, AND TO REQUIRE A NONEXCLUSIVE COMMERCIAL LICENSE FOR AN INDIVIDUAL WHO DESIRES TO ENGAGE IN THIS ACTIVITY FOR A COMMERCIAL PURPOSE; TO AMEND SECTION 54-7-670, RELATING TO HOBBY LICENSES AND REQUIREMENTS PERTAINING TO HOBBY DIVERS UNDER THE UNDERWATER ANTIQUITIES ACT, SO AS TO PROVIDE THAT IF AN APPLICATION FOR A HOBBY LICENSE IS DENIED BY THE SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY OR IF A HOBBY DIVER DISAGREES WITH A DECISION BY THE INSTITUTE, THE PERSON MAY APPEAL THE DECISION OR DENIAL TO THE SOUTH CAROLINA MUSEUM COMMISSION WITHIN THIRTY DAYS OF THE DECISION OR DENIAL, AND TO PROVIDE THAT THE COMMISSION MAY UPHOLD OR REVERSE THE DECISION OF THE INSTITUTE OR REMAND THE MATTER TO THE INSTITUTE FOR FURTHER ACTION CONSISTENT WITH INSTRUCTIONS FROM THE COMMISSION; AND TO AMEND SECTION 60-13-10, RELATING TO THE SOUTH CAROLINA MUSEUM COMMISSION, SO AS TO

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INCREASE THE MEMBERSHIP OF THE COMMISSION AND PROVIDE FOR THE MANNER OF FILLING VACANCIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

Rep. MAGNUSON 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. 3965 -- Reps. Hardee, Johnson, Clemmons, Crawford, Duckworth, Fry, Atkinson, Hayes, Ryhal and Hewitt: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF UNITED STATES HIGHWAY 17 AND THE SOUTH CAROLINA - NORTH CAROLINA STATE LINE, AT THE INTERSECTION OF UNITED STATES HIGHWAY 701 AND THE SOUTH CAROLINA - NORTH CAROLINA STATE LINE, AT THE INTERSECTION OF UNITED STATES HIGHWAY 701 AND THE HORRY-GEORGETOWN COUNTY LINE, ALONG UNITED STATES HIGHWAY 501 IN GALIVANTS FERRY, AT THE INTERSECTION OF UNITED STATES HIGHWAY 378 AND THE HORRY - MARION COUNTY LINE, AND AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 905 AND THE SOUTH CAROLINA - NORTH CAROLINA LINE THAT CONTAIN THE WORDS "HOME OF THE 2016 NATIONAL BASEBALL CHAMPIONS COASTAL CAROLINA UNIVERSITY CHANTICLEERS".

H. 4284 -- Reps. Douglas, Delleney and King: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WALNUT STREET IN THE CITY OF CHESTER FROM ITS INTERSECTION WITH SPRING STREET TO ITS INTERSECTION WITH GADSDEN STREET "THE REVEREND JOE H. NEAL WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THIS DESIGNATION.

H. 4687 -- Reps. Yow, Henegan and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF

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TRANSPORTATION NAME THE BRIDGE THAT CROSSES TEALS MILL POND AND BEAR CREEK ALONG TEALS MILL ROAD IN CHESTERFIELD COUNTY "TEALS MILL MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

H. 5079 -- Rep. Douglas: A CONCURRENT RESOLUTION TO HONOR CANCER PATIENTS, SURVIVORS, AND THEIR FAMILIES, TO REMEMBER THOSE PEOPLE WHO HAVE BEEN LOST TO CANCER, AND TO DECLARE WEDNESDAY, MARCH 7, 2018, AS "SUITS AND SNEAKERS DAY" IN SOUTH CAROLINA.

H. 5058 -- Rep. Williams: A CONCURRENT RESOLUTION TO HONOR AND CELEBRATE MRS. EULA MAE GRAHAM CUMMINGS ON THE OCCASION OF HER ONE HUNDRED THIRD BIRTHDAY ON JUNE 22, 2018, AND TO WISH HER MANY MORE YEARS OF HAPPINESS AND FULFILLMENT.

H. 4468 -- Rep. Jefferson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CAINHOY ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 41 TO CAINHOY MIDDLE SCHOOL "SERGEANT EARL SINGLETON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

**ADJOURNMENT**

At 1:14 p.m. the House, in accordance with the motion of Rep. CROSBY, adjourned in memory of Barbara Jean Dantzler, wife of former Representative Dantzler, to meet at 10:00 a.m. tomorrow.

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