

NO. 72

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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THURSDAY, MAY 10, 2018

**Thursday, May 10, 2018**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Genesis 32:24

“Jacob was left alone; and a man wrestled with him until daybreak.”

Let us pray. Gracious God, the Scriptures tell us that when Jacob wrestled all night with a divine being, he could not prevail. Yet at daybreak he received the angel’s blessing. On many occasions our Senators have wrestled with seemingly insurmountable issues, sometimes into the wee hours of the night. Many of these issues involved not just monetary concerns but matters of conscience as well. As we approach the final days of this legislative session, we give thanks for the long hours and hard work of our Senators and staff to craft effective legislation that will help this State for years to come. We pray now for Your special blessing on all those who labor here. Grant to them solace and renewal in the months ahead as they seek to honor You, to nurture their families and to encourage their constituents. Through Your holy name we pray, Amen.

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

**Call of the Senate**

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

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Hembree	Leatherman
Martin	Massey	Peeler
Rice	Scott	Setzler
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

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A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

**Local Appointments**

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Patty Smith, 3145 Upper Mill Rd., McCormick, SC 29835-7243

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

John Long, 132 Antioch Dr., McCormick, SC 29835-4235

**Doctor of the Day**

Senator McLEOD introduced Dr. Christian Jasper of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 10:16 A.M., Senator SETZLER requested a leave of absence for Senator McLEOD until 10:30 A.M.

**Leave of Absence**

At 11:01 A.M., Senator SHEHEEN requested a leave of absence until 12:30 P.M.

**Leave of Absence**

At 1:59 P.M., Senator GAMBRELL requested a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 176 Sen. Young

S. 1152 Sen. Fanning

**Privilege of the Chamber**

On motion of Senator DAVIS, on behalf of Senator MARTIN, the Privilege of the Chamber, to that area behind the rail, was extended to Lieutenant Durwood "Bo" Barton, Jr. in recognition of his retirement as a criminal profiler and supervisor in the behavioral science unit with the

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South Carolina Law Enforcement Division and wishes him continued success in all future endeavors.

**Privilege of the Chamber**

On motion of Senator DAVIS, on behalf of Senator SCOTT, the Privilege of the Chamber, to that area behind the rail, was extended to Versie J. Bellamy in recognition of her earning a Doctor of Nursing Practice Degree and wishes her continued success in all future endeavors.

**Privilege of the Chamber**

On motion of Senator DAVIS, on behalf of Senator McLEOD, the Privilege of the Chamber, to that area behind the rail, was extended to the family of Retired Sergeant Major Bede Anyaelezu Ntiasagwe of the Nigerian Army to express our profound sorrow upon his passing.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to recede at 11:00 A.M. for the purpose of attending the Joint Assembly and the Senate will reconvene at the conclusion of the Joint Assembly.

**RECALLED AND ADOPTED**

S. 1246 -- Senators Malloy and McElveen: A SENATE RESOLUTION TO CELEBRATE THE ONE HUNDREDTH ANNIVERSARY OF THE SIGNING OF THE AGREEMENT ENDING HOSTILITIES IN THE CONFLICT KNOWN AS THE GREAT WAR, OR WORLD WAR I, TO EXPRESS THE GRATITUDE OF THE PEOPLE OF SOUTH CAROLINA FOR THOSE WHO VALIANTLY SERVED THIS COUNTRY DURING THAT CONFLICT, AND TO DECLARE SUNDAY, NOVEMBER 11, 2018, AS "ARMISTICE DAY" IN SOUTH CAROLINA.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Invitations.

The Resolution was recalled from the Committee on Invitations.

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

There was no objection.

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

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

**RECALLED AND ADOPTED**

S. 1236 -- Senator Goldfinch: A SENATE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA STUDENT LEGISLATURE TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE FOR ITS ANNUAL STATE HOUSE MEETING FROM OCTOBER 24 THROUGH OCTOBER 26, 2018, AND TO PROVIDE THAT THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Invitations.

The Resolution was recalled from the Committee on Invitations.

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

There was no objection.

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

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

**RECALLED AND ADOPTED**

H. 5302 -- Reps. Johnson, Duckworth, McGinnis, Hewitt, Hardee, Crawford, Clemmons and Fry: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 135 (CATES BAY HIGHWAY) AND FIREHOUSE ROAD IN HORRY COUNTY "JAMES RONALD HUCKS MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

The Resolution was recalled from the Committee on Transportation.

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

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There was no objection.

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

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

**RECALLED AND ADOPTED**

S. 1153 -- Senator M.B. Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF ROBERTSON BOULEVARD AND SOUTH CAROLINA HIGHWAY 64 (HAMPTON STREET) IN WALTERBORO, SOUTH CAROLINA "BISHOP LEWIS N. TAYLOR INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THIS DESIGNATION.

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

The Resolution was recalled from the Committee on Transportation.

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

There was no objection.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1257 -- Senator Leatherman: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2018-2019 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

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

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S. 1258 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA TAXPAYER PROTECTION AND RELIEF ACT"; TO AMEND SECTION 12-6-40, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, AND TO PROVIDE THAT IF INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX; TO AMEND SECTION 12-6-50, RELATING TO PROVISIONS OF THE INTERNAL REVENUE CODE NOT ADOPTED BY THIS STATE, SO AS TO NOT ADOPT CERTAIN PORTIONS CONCERNING THE STANDARD DEDUCTION, PERSONAL EXEMPTION, AND PASS-THROUGH BUSINESS INCOME; TO AMEND SECTION 12-6-520, RELATING TO ANNUAL ADJUSTMENTS TO THE INCOME TAX BRACKETS, SO AS TO ADJUST THE BRACKETS USING THE CHAINED CONSUMER PRICE INDEX AND TO DELETE A PROVISION THAT LIMITS THE INFLATION ADJUSTMENT TO ONE-HALF OF THE ACTUAL INFLATION RATE; BY ADDING SECTION 12-6-1145 SO AS TO CREATE A SOUTH CAROLINA STANDARD DEDUCTION AND PERSONAL EXEMPTION AND TO ADJUST THEM FOR INFLATION; TO AMEND SECTION 12-6-1160, RELATING TO THE ADDITIONAL DEDUCTION FOR DEPENDENTS UNDER THE AGE OF SIX, SO AS TO PROVIDE THAT THE DEDUCTION IS EQUAL TO THE AMOUNT OF THE SOUTH CAROLINA PERSONAL EXEMPTION; AND TO REPEAL THE PHASE-IN PROCESS OF CERTAIN PORTIONS OF ACT 40 OF 2016, RELATING TO THE INCREASED EARNED INCOME TAX CREDIT AND TWO-WAGE EARNER CREDIT.

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

S. 1259 -- Senator Gambrell: A SENATE RESOLUTION TO CONGRATULATE AND HONOR JOE AARON GAMBRELL OF ANDERSON COUNTY FOR FIFTY-THREE YEARS OF SELFLESS SERVICE AS A VOLUNTEER FIREFIGHTER.

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The Senate Resolution was adopted.

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S. 1260 -- Senator Alexander: A CONCURRENT RESOLUTION TO CONGRATULATE DR. FRANK BERGER, DIRECTOR OF THE CENTER FOR COLON CANCER RESEARCH AND PROFESSOR IN THE DEPARTMENT OF BIOLOGICAL SCIENCES AT THE UNIVERSITY OF SOUTH CAROLINA, UPON THE OCCASION OF HIS RETIREMENT; TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE; AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1261 -- Senator Hutto: A SENATE RESOLUTION TO SALUTE MAYOR JESSIE MARTIN "MARTY" SCHUMPERT, MAYOR OF THE TOWN OF ELKO, WHO, HAVING SERVED THE PUBLIC WITH DISTINCTION FOR MORE THAN FORTY YEARS, IS WORTHY OF DEEP APPRECIATION FOR HIS DECADES OF COMMITTED SERVICE AND OF BEST WISHES FOR MUCH CONTINUED SUCCESS IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1262 -- Senators Young, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE MARGUERITE B. "PEGGY" WERTZ UPON THE OCCASION OF HER RETIREMENT AS PRINCIPAL OF ST. MARY HELP OF CHRISTIANS CATHOLIC SCHOOL IN AIKEN, TO COMMEND HER FOR HER MANY YEARS OF DEDICATED SERVICE TO THE CHILDREN OF THIS STATE, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1263 -- Senators Young, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B.



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Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE KATHERINE B. "KITTY" GORDON UPON THE OCCASION OF HER RETIREMENT AS PRINCIPAL OF MEAD HALL EPISCOPAL SCHOOL IN AIKEN, TO COMMEND HER FOR HER MANY YEARS OF DEDICATED SERVICE TO THE CHILDREN OF THIS STATE, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1264 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE THE IMPACT OF LUPUS ON THE MILLIONS OF INDIVIDUALS AFFECTED BY LUPUS WORLDWIDE, AS WELL AS THE IMPORTANCE OF EFFORTS FOR FINDING THE CAUSES OF AND CURE FOR THE DISEASE, AND TO PROCLAIM MAY 2018 AS "LUPUS AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

H. 5399 -- Reps. Funderburk, Bales, Lucas and Wheeler: A CONCURRENT RESOLUTION TO CONGRATULATE MR. AND MRS. LAWRENCE ERWIN "LARRY" SLADE OF KERSHAW COUNTY ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSINGS AND FULFILLMENT.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5400 -- Reps. Felder, 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, 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,

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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, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO HONOR AND COMMEND CHIEF THOMAS SAMUEL "SAM" LESSLIE, JR., ON THE OCCASION OF HIS RETIREMENT FROM RIVERVIEW FIRE DEPARTMENT AFTER FORTY-FIVE YEARS OF COMMITTED SERVICE AND TO WISH HIM MUCH HAPPINESS IN HIS WELL-EARNED RETIREMENT.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5401 -- Reps. Jefferson, 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, 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, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO REMEMBER AND CELEBRATE THE LIFE OF NATASHA ROBERTA WESTON MCCOY, WHO PASSED FROM HER EARTHLY HOME ON SUNDAY, MAY 6, 2018, TO LIVE IN PEACE WITH HER LORD AND TO WISH THE DEEPEST SYMPATHY TO HER LOVING FAMILY AND FRIENDS.

The Concurrent Resolution was adopted, ordered returned to the House.

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H. 5402 -- Reps. Ridgeway, 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, 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, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DONNA COLLINS SHUMPERT ON THE OCCASION OF HER RETIREMENT AFTER MORE THAN THIRTY-TWO YEARS OF OUTSTANDING SERVICE WITH THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES, AND WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

The Concurrent Resolution was adopted, ordered returned to the House.

**RECESS**

At 10:55 A.M., on motion of Senator LEATHERMAN, the Senate recessed from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Elections**

At Eleven O'clock the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of Resolution adopted by both Houses:

S. 1191 -- Senators Alexander, Rankin and Hutto: A CONCURRENT RESOLUTION TO FIX ELEVEN O'CLOCK ON THURSDAY, MAY 10, 2018, AS THE TIME TO ELECT A MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND CONGRESSIONAL

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DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2022; TO ELECT A MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2022; TO ELECT A MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2022.

**Election to the Public Service Commission  
Second Congressional District, Seat 2**

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Second Congressional District, Seat 2.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Bruce Cole, Elliott Elam, Jr. and John McAllister had been screened and found qualified to serve and placed their names in nomination.

Representative Simrill moved that the slate of candidates be rejected, which was agreed to.

Senator HUTTO moved to reconsider the vote whereby the slate of candidates was rejected.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted in the affirmative:

Allen	Campbell	Hutto
Johnson	Kimpson	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Nicholson
Reese	Sabb	Scott
Senn	Setzler	Williams

**Total--15**

The following named Senators voted in the negative:

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Hembree	Jackson	Leatherman
Malloy	Martin	Massey
McElveen	Peeler	Rankin

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Rice	Shealy	Talley
Timmons	Turner	Verdin
Young		

**Total--28**

On the motion of Representative Ott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted in the affirmative:

Bamberg	Bernstein	Brawley
Brown	Clyburn	Delleney
Douglas	Gagnon	Govan
Henderson-Myers	Henegan	Herbkersman
Howard	King	Mace
McCoy	McCravy	McEachern
Parks	Pendarvis	Ridgeway
M. Rivers	Rutherford	Stavrinakis
Weeks	West	Wheeler
Williams		

**Total--28**

The following named Representatives voted in the negative:

Alexander	Allison	Anthony
Arrington	Atwater	Bales
Ballentine	Bannister	Bennett
Blackwell	Bradley	Bryant
Burns	Caskey	Chumley
Clary	Cole	Collins
Crawford	Crosby	Daning
Davis	Dillard	Duckworth
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gilliard
Hamilton	Hardee	Henderson
Hewitt	Hiott	Hixon
Hosey	Huggins	Jefferson
Johnson	Jordan	Kirby
Knight	Loftis	Long
Lowe	Lucas	Mack

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Magnuson	Martin	McGinnis
D. C. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Pitts	Pope	Putnam
S. Rivers	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stringer	Tallon
Taylor	Thayer	Toole
Trantham	White	Whitmire
Willis	Wooten	Young
Yow		

**Total--82**

**RECAPITULATION**

Total number of Senators voting .....	43
Total number of Representatives voting .....	<u>110</u>
Grand Total.....	153
Ayes .....	43
Nays .....	110

The General Assembly refused to reconsider the vote whereby the slate of candidates were rejected for the Public Service Commission, Second Congressional District, Seat 2.

**Election to the Public Service Commission  
Fourth Congressional District, Seat 4**

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Fourth Congressional District, Seat 4.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Thomas Ervin, David McCraw and William “Kevin” Newman had been screened and found qualified to serve and placed their names in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Ervin -- PSC District 4:

Alexander	Allen	Bennett
Campbell	Campsen	Cash

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Climer	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

The following named Senators voted for McCraw -- PSC District 4:

**Total--0**

The following named Senators voted for Newman -- PSC District 4:

**Total--0**

On the motion of Representative Ott, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Ervin -- PSC District 4:

Alexander	Allison	Anthony
Arrington	Atkinson	Bales
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bowers
Bradley	Brawley	Brown
Bryant	Burns	Caskey
Clary	Clyburn	Cole
Collins	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Erickson	Felder
Finlay	Forrester	Fry
Funderburk	Gagnon	Gilliard

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Govan	Hamilton	Hardee
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hixon	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Loftis
Lowe	Lucas	Mace
Mack	Martin	McCoy
McCravy	McEachern	McGinnis
D. C. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Sandifer
Simrill	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Toole
Weeks	West	Wheeler
White	Whitmire	Williams
Willis	Wooten	Young

**Total--102**

The following named Representatives voted for McCraw -- PSC

District 4:

Forrest                      Henderson

**Total--2**

The following named Representatives voted for Newman -- PSC

District 4:

Ballentine                      Long                      Magnuson  
Trantham

**Total--4**

**RECAPITULATION**

Total number of Senators voting ..... 41  
Total number of Representatives voting..... 108



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Grand Total.....	149
Necessary to a choice .....	75
Of which Ervin -- PSC District 4 received .....	143
Of which McCraw -- PSC District 4 received .....	2
Of which Newman -- PSC District 4 received .....	4

Whereupon, the PRESIDENT announced that the Honorable Thomas Ervin was elected to the Public Service Commission, Fourth Congressional District, Seat 4 for the term to expire June 30, 2022.

**Recorded Vote**

Senators MARTIN and CORBIN desired to be recorded as voting “No.”

**Election to the Public Service Commission  
Sixth Congressional District, Seat 6**

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Sixth Congressional District, Seat 6.

Senator ALEXANDER, Chairman of the Screening Committee, indicated that Florence Belser, Brenda Williams and Justin Williams had been screened and found qualified to serve.

On motion of Senator ALEXANDER, the names of Brenda Williams and Florence Belser were withdrawn from consideration.

Senator ALEXANDER placed the name of Justin Williams in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Justin Williams was elected to the Public Service Commission, Sixth Congressional District, Seat 6 for the term to expire June 30, 2022.

**Recorded Vote**

Senators MARTIN and CORBIN desired to be recorded as voting “No.”

**Statement by Senators MARTIN and CORBIN**

We voted “NO” on all PSC candidates, because we believe that the PSC itself should be abolished. The PSC clearly cannot manage the task of protecting ratepayers, and while the individuals elected today may be

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fine people, the PSC itself is a flawed and failed institution -- as we now are painfully aware.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 11:37 P.M., the Senate resumed.

**ACTING PRESIDENT PRESIDES**

Senator CROMER assumed the Chair.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 1043 -- Senators Turner and Talley: A BILL TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE UNTIL DECEMBER 31, 2025.

Very respectfully,  
Speaker of the House

Received as information.

**S. 1043--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

S. 1043 -- Senators Turner and Talley: A BILL TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE UNTIL DECEMBER 31, 2025.

On motion of Senator CROMER, the Senate insisted upon its amendments to S. 1043 and asked for a Committee of Conference.

Whereupon, Senators GROOMS, REESE and TALLEY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Cole, Simrill and Rutherford to the Committee of Conference on the part of the House on:

S. 1043 -- Senators Turner and Talley: A BILL TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE UNTIL DECEMBER 31, 2025.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

H. 4009 -- Reps. Lucas, Williams, Crawford, Alexander, McCoy, Hiott, Clemmons, Bales, Bedingfield, Ott, G.R. Smith, Herbkersman, Sandifer and S. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 69 TO TITLE 12 SO AS TO ENACT THE "MOTORSPORTS ENTERTAINMENT COMPLEX INVESTMENT ACT" BY EXEMPTING CERTAIN BUILDING MATERIALS FOR A COMPLEX FROM THE SALES TAX AND TO PROVIDE THE PROCESS BY WHICH A QUALIFIED COMPANY MAY CLAIM THE EXEMPTION, TO CREATE THE MOTORSPORTS TOURISM INCENTIVE FUND TO AWARD GRANTS OR LOANS TO ATTRACT AND EXPAND TOURISM AND HOSPITALITY PROJECTS RELATED TO EVENTS AT SUCH COMPLEXES, TO PROVIDE THAT A COMPLEX IS ELIGIBLE FOR BENEFITS FROM THE CLOSING FUND, TO ALLOW A TAX CREDIT OF TWENTY-FIVE PERCENT OF THE COSTS INCURRED BY A TAXPAYER TO INSTALL EQUIPMENT OR TECHNOLOGY THAT ALLOWS INFORMATION TO BE TRANSMITTED THROUGH A WIRELESS LOCAL AREA NETWORK AT A COMPLEX; TO

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AMEND SECTION 12-20-110, RELATING TO THE APPLICABILITY OF CORPORATION LICENSE FEE PROVISIONS, SO AS TO MAKE SUCH PROVISIONS INAPPLICABLE TO A COMPLEX; AND TO AMEND SECTION 12-21-2425, RELATING TO THE ADMISSION LICENSE TAX, SO AS TO INCREASE THE EXEMPTION ON A COMPLEX, TO REMOVE THE TIME PERIOD FOR THE EXEMPTION, AND TO PROVIDE THAT THE EXEMPTED REVENUE MUST BE USED ON MARKETING FOR EVENTS AT THE COMPLEX.

Very respectfully,

Speaker of the House

Received as information.

**H. 4009--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

H. 4009 -- Reps. Lucas, Williams, Crawford, Alexander, McCoy, Hiott, Clemmons, Bales, Bedingfield, Ott, G.R. Smith, Herbkersman, Sandifer and S. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 69 TO TITLE 12 SO AS TO ENACT THE "MOTORSPORTS ENTERTAINMENT COMPLEX INVESTMENT ACT" BY EXEMPTING CERTAIN BUILDING MATERIALS FOR A COMPLEX FROM THE SALES TAX AND TO PROVIDE THE PROCESS BY WHICH A QUALIFIED COMPANY MAY CLAIM THE EXEMPTION, TO CREATE THE MOTORSPORTS TOURISM INCENTIVE FUND TO AWARD GRANTS OR LOANS TO ATTRACT AND EXPAND TOURISM AND HOSPITALITY PROJECTS RELATED TO EVENTS AT SUCH COMPLEXES, TO PROVIDE THAT A COMPLEX IS ELIGIBLE FOR BENEFITS FROM THE CLOSING FUND, TO ALLOW A TAX CREDIT OF TWENTY-FIVE PERCENT OF THE COSTS INCURRED BY A TAXPAYER TO INSTALL EQUIPMENT OR TECHNOLOGY THAT ALLOWS INFORMATION TO BE TRANSMITTED THROUGH A WIRELESS LOCAL AREA NETWORK AT A COMPLEX; TO AMEND SECTION 12-20-110, RELATING TO THE APPLICABILITY OF CORPORATION LICENSE FEE PROVISIONS, SO AS TO MAKE SUCH PROVISIONS INAPPLICABLE TO A COMPLEX; AND TO AMEND SECTION 12-21-2425, RELATING TO THE ADMISSION LICENSE TAX, SO AS TO INCREASE THE EXEMPTION ON A COMPLEX, TO REMOVE THE TIME PERIOD FOR THE EXEMPTION, AND TO

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PROVIDE THAT THE EXEMPTED REVENUE MUST BE USED ON MARKETING FOR EVENTS AT THE COMPLEX.

On motion of Senator MALLOY, the Senate insisted upon its amendments to H. 4009 and asked for a Committee of Conference.

Whereupon, Senators MALLOY, CAMPBELL and MARTIN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**ACTING PRESIDENT PRESIDES**

Senator HUTTO assumed the Chair.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Williams, Lucas and Simrill to the Committee of Conference on the part of the House on:

H. 4009 -- Reps. Lucas, Williams, Crawford, Alexander, McCoy, Hiott, Clemmons, Bales, Bedingfield, Ott, G.R. Smith, Herbkersman, Sandifer and S. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 69 TO TITLE 12 SO AS TO ENACT THE "MOTORSPORTS ENTERTAINMENT COMPLEX INVESTMENT ACT" BY EXEMPTING CERTAIN BUILDING MATERIALS FOR A COMPLEX FROM THE SALES TAX AND TO PROVIDE THE PROCESS BY WHICH A QUALIFIED COMPANY MAY CLAIM THE EXEMPTION, TO CREATE THE MOTORSPORTS TOURISM INCENTIVE FUND TO AWARD GRANTS OR LOANS TO ATTRACT AND EXPAND TOURISM AND HOSPITALITY PROJECTS RELATED TO EVENTS AT SUCH COMPLEXES, TO PROVIDE THAT A COMPLEX IS ELIGIBLE FOR BENEFITS FROM THE CLOSING FUND, TO ALLOW A TAX CREDIT OF TWENTY-FIVE PERCENT OF THE COSTS INCURRED BY A TAXPAYER TO INSTALL EQUIPMENT OR TECHNOLOGY THAT ALLOWS INFORMATION TO BE TRANSMITTED THROUGH A WIRELESS LOCAL AREA NETWORK AT A COMPLEX; TO AMEND SECTION 12-20-110, RELATING TO THE APPLICABILITY OF CORPORATION LICENSE FEE

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PROVISIONS, SO AS TO MAKE SUCH PROVISIONS INAPPLICABLE TO A COMPLEX; AND TO AMEND SECTION 12-21-2425, RELATING TO THE ADMISSION LICENSE TAX, SO AS TO INCREASE THE EXEMPTION ON A COMPLEX, TO REMOVE THE TIME PERIOD FOR THE EXEMPTION, AND TO PROVIDE THAT THE EXEMPTED REVENUE MUST BE USED ON MARKETING FOR EVENTS AT THE COMPLEX.

Very respectfully,  
Speaker of the House  
Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

H. 3138 -- Reps. Stavrinakis, McCoy and Erickson: A BILL TO AMEND SECTION 61-4-550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR USE AT FAIRS AND SPECIAL FUNCTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE PERMITS TO SELL BEER AND WINE AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION FOR "FESTIVAL"; AND TO AMEND SECTION 61-6-2000, AS AMENDED, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE LICENSES TO SELL ALCOHOLIC LIQUOR BY THE DRINK AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION OF "FESTIVAL".

Very respectfully,  
Speaker of the House  
Received as information.

**H. 3138--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

H. 3138 -- Reps. Stavrinakis, McCoy and Erickson: A BILL TO AMEND SECTION 61-4-550, AS AMENDED, CODE OF LAWS OF

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SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR USE AT FAIRS AND SPECIAL FUNCTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE PERMITS TO SELL BEER AND WINE AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION FOR "FESTIVAL"; AND TO AMEND SECTION 61-6-2000, AS AMENDED, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE LICENSES TO SELL ALCOHOLIC LIQUOR BY THE DRINK AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION OF "FESTIVAL".

On motion of Senator RANKIN, the Senate insisted upon its amendments to H. 3138 and asked for a Committee of Conference.

Whereupon, Senators RANKIN, HUTTO and RICE were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Erickson, Starvinakas and Bannister to the Committee of Conference on the part of the House on:

H. 3138 -- Reps. Stavrinakis, McCoy and Erickson: A BILL TO AMEND SECTION 61-4-550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR USE AT FAIRS AND SPECIAL FUNCTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE PERMITS TO SELL BEER AND WINE AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION FOR "FESTIVAL"; AND TO AMEND SECTION 61-6-2000, AS AMENDED, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ISSUE LICENSES TO SELL ALCOHOLIC LIQUOR BY THE DRINK AT MULTIPLE LOCATIONS ON MULTIPLE DAYS AT A

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FESTIVAL ON ONE APPLICATION, AND TO PROVIDE A DEFINITION OF "FESTIVAL".

Very respectfully,

Speaker of the House

Received as information.

**H. 3789--CONFERENCE COMMITTEE APPOINTED**

H. 3789 -- Reps. Govan, Yow, Henegan, J.E. Smith, Thigpen, Hart, Clemmons, Whipper and Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA YOUTH CHALLENGE ACADEMY AND SOUTH CAROLINA JOBS CHALLENGE PROGRAM EXPUNGEMENT ACT"; BY ADDING ARTICLE 10 TO CHAPTER 22, TITLE 17 SO AS TO PROVIDE THAT PERSONS ELIGIBLE FOR EXPUNGEMENT OF A CRIMINAL RECORD PURSUANT TO SECTION 17-22-910 WHO SUCCESSFULLY GRADUATE AND COMPLETE THE SOUTH CAROLINA YOUTH CHALLENGE ACADEMY AND SOUTH CAROLINA JOBS CHALLENGE PROGRAM ADMINISTERED BY THE SOUTH CAROLINA ARMY NATIONAL GUARD MAY APPLY TO HAVE THEIR RECORD EXPUNGED UPON SUCCESSFUL GRADUATION AND COMPLETION OF THE PROGRAMS UNDER CERTAIN DELINEATED CIRCUMSTANCES; AND TO AMEND SECTION 17-22-940, AS AMENDED, RELATING TO THE EXPUNGEMENT PROCESS, SO AS TO INCLUDE A REFERENCE TO THE DIRECTOR OF THE SOUTH CAROLINA YOUTH CHALLENGE ACADEMY ATTESTING TO THE ELIGIBILITY OF THE CHARGE FOR EXPUNGEMENT ON AN EXPUNGEMENT APPLICATION.

Whereupon, Senators CAMPSER, SCOTT and YOUNG were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 3068 -- Reps. J.E. Smith and Clyburn: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH



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CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT ATHLETES, SO AS TO ENACT THE “UNIFORM ATHLETE AGENTS ACT OF 2017”, TO ADOPT THE INTERSTATE COMPACT FOR REGISTRATION OF STUDENT ATHLETE AGENTS AND MAKE NECESSARY CONFORMING CHANGES, TO REVISE VARIOUS PROVISIONS IN CONSIDERATION OF THE EXPANDED IMPACT OF SOCIAL MEDIA ON THE SOLICITATION AND RECRUITMENT OF STUDENT ATHLETES BY ATHLETE AGENTS, TO REVISE REQUIREMENTS REGARDING THE ESTABLISHMENT OF RELATIONSHIPS BETWEEN STUDENT ATHLETES AND ATHLETE AGENTS, AND TO REVISE VARIOUS AVAILABLE REMEDIES, AMONG OTHER THINGS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 3622 -- Reps. Ryhal, Burns, Duckworth, Gagnon, Henegan, Herbkersman, Hill, Hixon, Johnson, V.S. Moss, Ridgeway, Spires, Taylor, Thayer, Yow, Robinson-Simpson, Magnuson, Long and Thigpen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-51-210 SO AS TO PROVIDE CERTAIN PODIATRIC SURGERY MUST BE PERFORMED IN CERTAIN FACILITIES, TO PROVIDE A PODIATRIST WHO PERFORMS THESE PROCEDURES MUST MEET CERTAIN CRITERIA, TO PROVIDE FOR THE EXTENSION OF PROFESSIONAL PRIVILEGES TO THESE PODIATRISTS BY CERTAIN HEALTH FACILITIES, TO REQUIRE HEALTH FACILITIES IN THIS STATE PROVIDE THE RIGHT TO PURSUE AND PRACTICE FULL CLINICAL AND SURGICAL PRIVILEGES TO PODIATRISTS WHO MEET CERTAIN CRITERIA, TO PROVIDE AN ABILITY TO LIMIT THESE PRIVILEGES IN CERTAIN CIRCUMSTANCES, TO PROVIDE THIS SECTION DOES NOT REQUIRE A HEALTH FACILITY IN THIS STATE TO

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OFFER A SPECIFIC HEALTH SERVICE NOT OTHERWISE OFFERED, AND TO PROVIDE THAT IF THE FACILITY DOES OFFER A HEALTH SERVICE, IT MAY NOT DISCRIMINATE AMONG CERTAIN HEALTH PROFESSIONALS AUTHORIZED BY LAW TO PROVIDE THESE SERVICES; AND TO AMEND SECTION 40-51-20, RELATING TO DEFINITIONS, SO AS TO REVISE AND ADD CERTAIN DEFINITIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 3329 -- Reps. Fry, Clemmons, Crawford, Duckworth, Atwater, Cobb-Hunter, Elliott, B. Newton, Daning, Henegan, Toole, King and Yow: A BILL TO AMEND SECTION 16-3-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE ARTICLE ON TRAFFICKING IN PERSONS, SO AS TO DELETE THE DEFINITION OF "TRAFFICKING IN PERSONS"; AND TO AMEND SECTION 16-3-2020, AS AMENDED, RELATING TO THE OFFENSE OF TRAFFICKING IN PERSONS, PENALTIES, AND DEFENSES, SO AS TO RESTRUCTURE THE OFFENSE AND PROVIDE A PENALTY WHEN THE VICTIM IS A MINOR UNDER THE AGE OF EIGHTEEN AND TO FURTHER ENSURE THE PROTECTION OF MINOR VICTIMS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

**THURSDAY, MAY 10, 2018**

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

H. 4093 -- Reps. Collins, J.E. Smith and Norrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EMPLOYMENT FIRST INITIATIVE ACT" BY ADDING CHAPTER 5 TO TITLE 41 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ESTABLISH POLICIES SUPPORTIVE OF COMPETITIVE AND INTEGRATED EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES, TO CREATE RELATED RESPONSIBILITIES FOR STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE, TO CREATE THE SOUTH CAROLINA EMPLOYMENT FIRST OVERSIGHT COMMISSION, AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE COMMISSION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

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

**THURSDAY, MAY 10, 2018**

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**PRESIDENT PRESIDES**

The PRESIDENT assumed the Chair.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 3865 -- Reps. Bernstein, Delleney, Ridgeway, King, Whipper, J.E. Smith and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA PREGNANCY ACCOMMODATIONS ACT"; TO AMEND SECTION 1-13-30, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA HUMAN AFFAIRS LAWS, SO AS TO REVISE THE TERMS "BECAUSE OF SEX" OR "ON THE BASIS OF SEX" USED IN THE CONTEXT OF EQUAL TREATMENT FOR WOMEN AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS; TO AMEND SECTION 1-13-80, AS AMENDED, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES OF AN EMPLOYER, SO AS TO ADD CERTAIN OTHER UNLAWFUL EMPLOYMENT PRACTICES IN REGARD TO FAILURE TO PROVIDE REASONABLE

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ACCOMMODATIONS FOR AN APPLICANT FOR EMPLOYMENT OR EMPLOYEE WITH LIMITATIONS BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS, AND TO PROVIDE FOR NOTICE AND APPLICABILITY TO EMPLOYEES TO WHOM THE ABOVE PROVISIONS APPLY; AND TO PROVIDE NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION SHALL PROMULGATE REGULATIONS, WHICH SHALL IDENTIFY SOME REASONABLE ACCOMMODATIONS ADDRESSING KNOWN LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS THAT MUST BE PROVIDED TO A JOB APPLICANT OR EMPLOYEE, UNLESS THE EMPLOYER CAN DEMONSTRATE THAT DOING SO WOULD IMPOSE AN UNDUE HARDSHIP.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4486 -- Reps. Henderson, Elliott, W. Newton, Govan, Erickson and Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT ACT" BY ADDING ARTICLE 7 TO CHAPTER 61, TITLE 44 SO AS TO AUTHORIZE THE STATE OF SOUTH CAROLINA TO JOIN THE RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT IN ORDER TO FACILITATE THE DAY-TO-DAY MOVEMENT OF EMERGENCY MEDICAL SERVICES (EMS) PERSONNEL ACROSS STATE BOUNDARIES IN THE PERFORMANCE OF THEIR ASSIGNED EMS DUTIES AND TO AFFORD IMMEDIATE LEGAL RECOGNITION TO EMS PERSONNEL IN A MEMBER STATE; TO ESTABLISH CERTAIN EMS LICENSURE REQUIREMENTS UNDER THE COMPACT; TO

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PROVIDE FOR THE PRIVILEGE OF EMS PERSONNEL TO PRACTICE IN ANOTHER MEMBER STATE AND IN REMOTE STATES, WITH EXCEPTIONS, AND TO ESTABLISH CERTAIN LIMITATIONS ON THE APPLICATION OF THE COMPACT DURING A STATE OF EMERGENCY; TO PROVIDE CERTAIN LIMITATIONS ON THE PRIVILEGE TO PRACTICE UNDER THE COMPACT WHEN AN INDIVIDUAL'S LICENSE IS SUSPENDED OR OTHERWISE RESTRICTED AND TO ENABLE A MEMBER STATE TO TAKE ADVERSE ACTIONS AGAINST AN INDIVIDUAL'S LICENSE IN CERTAIN CIRCUMSTANCES; TO GRANT CERTAIN POWERS TO THE STATE'S EMS AUTHORITY; TO ESTABLISH THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND AUTHORITY; TO PROVIDE FOR ENFORCEMENT OF THE COMPACT BY MEMBER STATES AND FOR DISPUTE RESOLUTION; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 44-61-20, RELATING TO TERMS DEFINED IN THE "EMERGENCY MEDICAL SERVICES ACT OF SOUTH CAROLINA", SO AS TO CHANGE THE DEFINITION OF "INVESTIGATIVE REVIEW COMMITTEE".

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4077 -- Reps. G.R. Smith, Erickson, J.E. Smith, McKnight, McCoy, Norrell, Kirby, Bales, McEachern, Gilliard, Loftis, Burns, Allison, Douglas, McCravy, Hamilton, Fry, Henderson, Elliott, W. Newton, Martin, V.S. Moss, Long, Robinson-Simpson, West, Collins, Bradley, Arrington, Bedingfield, Putnam, Johnson, Bowers, Anthony, Bannister, Bennett, Blackwell, Clary, Crawford, Daning, Delleney, Forrest, Forrester, Herbkersman, Hixon, Jordan, Lucas, Magnuson, Murphy, B. Newton, S. Rivers, Sandifer, Sottile, Stringer, Taylor, Tallon, Thayer, White, Whitmire, Willis, Hiott, Yow, Toole and Mace: A BILL TO AMEND THE CODE OF LAWS OF SOUTH

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CAROLINA, 1976, BY ADDING SECTION 12-6-3780 SO AS TO PROVIDE DEFINITIONS, TO ALLOW FOR AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO THE EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND AND FOR TUITION PAYMENTS MADE TO AN ELIGIBLE SCHOOL FOR AN EXCEPTIONAL NEEDS CHILD WITHIN THE TAXPAYER'S CUSTODY OR CARE, TO PROVIDE FOR ANNUAL LIMITS ON INCOME TAX CREDITS AVAILABLE, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO CREATE THE "EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN'S FUND", TO PROVIDE FOR GOVERNANCE AND ADMINISTRATION OF THE FUND, TO PROVIDE FOR THE MANNER IN WHICH GRANTS ARE AWARDED, AND TO PROVIDE THAT THE EDUCATION OVERSIGHT COMMITTEE IS RESPONSIBLE FOR DETERMINING WHICH SCHOOLS ARE ELIGIBLE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 5042 -- Reps. Felder and Allison: A BILL TO AMEND SECTION 59-20-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE PROGRAM FOR IDENTIFYING PUBLIC SCHOOL DISTRICT FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT CAN COMPROMISE THE FISCAL INTEGRITY OF THE DISTRICTS AND FOR ADVISING THE DISTRICTS ON APPROPRIATE CORRECTIVE ACTIONS, SO AS TO REVISE RELATED PROCEDURES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**THURSDAY, MAY 10, 2018**

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4795 -- Reps. Herbkersman, Simrill, W. Newton and Bradley: A BILL TO AMEND SECTION 56-15-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERMS "DEALER" OR "MOTOR VEHICLE DEALER" TO EXCLUDE CERTAIN PERSONS CONDUCTING AUCTIONS IN CONJUNCTION WITH THE ANNUAL HILTON HEAD ISLAND CONCOURS D'ELEGANCE. and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4973 -- Reps. Bales, Taylor, Brown, Hosey, Simrill, Hixon, Blackwell and Young: A BILL TO AMEND SECTION 56-3-2150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL LICENSE PLATES ISSUED TO CERTAIN CURRENT AND RETIRED PUBLIC OFFICIALS, SO AS TO PROVIDE THAT TWO SPECIAL LICENSE PLATES MAY BE ISSUED TO EACH OF THESE OFFICIALS, AND THAT A SPECIAL LICENSE PLATE ISSUED TO A MEMBER OF THE GENERAL ASSEMBLY WHO IS RECEIVING RETIREMENT BENEFITS MUST CONTAIN THE SEAL IMPRINTED ON SPECIAL LICENSE PLATES ISSUED TO CURRENT MEMBERS OF THE GENERAL ASSEMBLY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House



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Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

S. 918 -- Senators Peeler, Malloy, Hembree and M.B. Matthews: A BILL TO AMEND SECTION 44-53-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE "NARCOTICS AND CONTROLLED SUBSTANCES ACT", SO AS TO ADD A DEFINITION FOR "TARGETED CONTROLLED SUBSTANCE"; TO AMEND SECTION 44-53-360, RELATING TO PRESCRIPTIONS, SO AS TO REQUIRE THE USE OF ELECTRONIC PRESCRIPTIONS WHEN PRESCRIBING NARCOTIC DRUGS, WITH EXCEPTIONS, AND TO ESTABLISH CERTAIN PRESCRIBING LIMITATIONS; BY ADDING SECTION 44-53-1655 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROVIDE PRESCRIPTION REPORTS TO PRACTITIONERS AND TO CONDUCT AUDITS OF THE PRESCRIPTION MONITORING PROGRAM, AND SECTION 44-53-1665 SO AS TO ESTABLISH REPORTING REQUIREMENTS OF THE DEPARTMENT; TO AMEND SECTIONS 44-53-1630, AS AMENDED, 44-53-1640, AS AMENDED, 44-53-1645, 44-53-1650, AND 44-53-1680, AS AMENDED, ALL RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD A DEFINITION FOR "TARGETED CONTROLLED SUBSTANCE", TO REQUIRE DISPENSERS TO SUBMIT ADDITIONAL INFORMATION TO THE PROGRAM AND TO REVIEW PROGRAM DATA BEFORE DISPENSING IN CERTAIN CIRCUMSTANCES, TO CHANGE THE REQUIREMENTS FOR PRACTITIONERS TO REVIEW PRESCRIPTION HISTORY BEFORE PRESCRIBING SELECT CONTROLLED SUBSTANCES, TO ALLOW PRACTITIONERS TO OBTAIN PRESCRIPTION REPORTS, AND TO MAKE CONFORMING CHANGES, RESPECTIVELY; AND TO AMEND SECTIONS 40-47-965 AND 40-33-34, BOTH AS AMENDED, RELATING TO PRESCRIPTIVE AUTHORITY OF PHYSICIANS ASSISTANTS AND NURSES, RESPECTIVELY, SO AS TO

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ADDRESS THE AUTHORITY TO PRESCRIBE NARCOTICS TO CERTAIN PATIENTS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 5153 -- Rep. Delleney: A BILL TO AMEND SECTION 42-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN WORKERS' COMPENSATION COMMISSION HEARINGS CONCERNING COMPENSATION PAYABLE, SO AS TO PROVIDE THESE HEARINGS MUST BE HELD IN THE DISTRICTS IN WHICH THE INJURIES OCCURRED INSTEAD OF THE CITIES OR COUNTIES IN WHICH THE INJURIES OCCURRED, AND TO PROVIDE THESE DISTRICTS MUST BE DETERMINED BY THE COMMISSION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 3775 -- Reps. Knight, Delleney, Cobb-Hunter, Felder, J.E. Smith, Simrill, Douglas, West, Wheeler, Thigpen, Williams, McEachern, Johnson, Pitts, Ridgeway, Rutherford, Henegan, Collins, Brawley and King: A BILL TO AMEND SECTION 44-63-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ORIGINAL BIRTH CERTIFICATES OF ADOPTED PERSONS, SO AS TO ALLOW AN ADULT ADOPTEE TWENTY-ONE YEARS OF AGE OR OLDER TO OBTAIN A COPY

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OF THE ADOPTEE'S OWN ORIGINAL BIRTH CERTIFICATE, TO ALLOW A BIOLOGICAL PARENT TO EXECUTE A CONTACT PREFERENCE FORM AT ANY TIME TO BE PROVIDED TO THE ADULT ADOPTEE WITH THE COPY OF THE ORIGINAL BIRTH CERTIFICATE, AND TO PROVIDE FOR THE SUBMISSION OF A MEDICAL HISTORY FORM BY A BIOLOGICAL PARENT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4980 -- Reps. Tallon, Allison, Long and Forrester: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO REVISE THE MEMBERSHIP OF ITS GOVERNING COMMISSION TO PROVIDE A MEMBER FROM SPARTANBURG COUNTY, AND TO ADD THE "ENOREE BASIN" OF SPARTANBURG COUNTY TO REWA'S SERVICE AREA.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4799 -- Reps. Howard, Gilliard, Davis, Brawley and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 45, TITLE 40 ENTITLED THE "PHYSICAL THERAPY LICENSURE COMPACT"; TO PROVIDE FOR THE ENTRY OF SOUTH CAROLINA INTO THIS

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MULTI-STATE COMPACT, TO PROVIDE FOR THE STRUCTURE, FUNCTIONS, POWERS, AND DUTIES OF THE GOVERNING BODY OF THE COMPACT; TO PROVIDE THE OBLIGATIONS, BENEFITS, AND RIGHTS OF COMPACT MEMBERS; AND TO DESIGNATE THE EXISTING PROVISIONS OF ARTICLE 3, CHAPTER 45, TITLE 40 AS "GENERAL PROVISIONS".

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4698 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 40-47-32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS TO OBTAIN A LICENSE TO PRACTICE MEDICINE IN THE STATE, SO AS TO WAIVE CERTAIN ADDITIONAL EXAMINATION REQUIREMENTS FOR APPLICANTS WHO ARE TO PRACTICE IN A POSITION WITHIN THE DISABILITY DETERMINATION SERVICES UNIT OF THE STATE AGENCY OF VOCATIONAL REHABILITATION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 4479 -- Reps. Tallon, Hixon and W. Newton: A BILL TO AMEND SECTION 23-23-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA LAW ENFORCEMENT

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**THURSDAY, MAY 10, 2018**

TRAINING COUNCIL, SO AS TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO APPOINT ATTORNEYS EMPLOYED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO SIT AS HEARING OFFICERS FOR CONTESTED CASE HEARINGS; AND BY ADDING SECTION 23-23-150, SO AS TO PROVIDE THAT NO PERSON WHO HAS A PENDING ALLEGATION OF MISCONDUCT MAY BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR AS A TELECOMMUNICATIONS OPERATOR, MAY HAVE THE AUTHORITY OF A LAW ENFORCEMENT OFFICER, PERFORM ANY DUTIES OF A LAW ENFORCEMENT OFFICER, OR EXERCISE THE POWER OF ARREST UNTIL THE LAW ENFORCEMENT TRAINING COUNCIL OR AN APPELLATE COURT HAS ISSUED A DECISION AUTHORIZING THE PERSON TO BE EMPLOYED IN THOSE AREAS, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE NOTIFIED BY CERTIFIED MAIL OF THE ALLEGATION OF MISCONDUCT AND HIS RIGHT TO A CONTESTED CASE HEARING, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY MUST REQUEST A CONTESTED CASE HEARING WITHIN SIXTY DAYS AFTER RECEIPT OF THE ALLEGATION OF MISCONDUCT AND RIGHT TO A CONTESTED CASE HEARING, AND TO PROVIDE FOR THE PROCEDURES OF A CONTESTED CASE HEARING.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

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

H. 3209 -- Reps. Pope, Robinson-Simpson, Crosby, Whipper, Brown, M. Rivers, King, Magnuson, Norrell, Martin, B. Newton, Long, Govan, Henegan, Dillard and Gilliard: A BILL TO AMEND SECTION

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17-22-910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS FOR THE EXPUNGEMENT OF CRIMINAL RECORDS FOR CERTAIN OFFENSES, SO AS TO PROVIDE FOR ELIGIBILITY FOR EXPUNGEMENT OF OFFENSES SUBSEQUENTLY REPEALED WHEN THE ELEMENTS OF THE OFFENSE ARE CONSISTENT WITH AN EXISTING SIMILAR OFFENSE WHICH IS SUBJECT TO EXPUNGEMENT, AND CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY TO THE OFFENSES DELINEATED.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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S. 109 -- Senator McElveen: A BILL TO AMEND ARTICLE 7, CHAPTER 11, TITLE 16 OF THE 1976 CODE, RELATING TO TRESPASSES AND THE UNLAWFUL USE OF THE PROPERTY OF OTHERS, BY ADDING SECTION 16-11-605, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A STATE OR FEDERAL MILITARY INSTALLATION AND TO PROVIDE PENALTIES FOR THE VIOLATION.

Very respectfully,

Speaker of the House

Received as information.

**NONCONCURRENCE**

S. 109 -- Senator McElveen: A BILL TO AMEND ARTICLE 7, CHAPTER 11, TITLE 16 OF THE 1976 CODE, RELATING TO TRESPASSES AND THE UNLAWFUL USE OF THE PROPERTY OF OTHERS, BY ADDING SECTION 16-11-605, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A STATE OR FEDERAL MILITARY INSTALLATION AND TO PROVIDE PENALTIES FOR THE VIOLATION.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator McELVEEN explained the amendments.

On motion of Senator McELVEEN, with unanimous consent, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 109 -- Senator McElveen: A BILL TO AMEND ARTICLE 7, CHAPTER 11, TITLE 16 OF THE 1976 CODE, RELATING TO TRESPASSES AND THE UNLAWFUL USE OF THE PROPERTY OF OTHERS, BY ADDING SECTION 16-11-605, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL

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VEHICLE WITHIN A CERTAIN DISTANCE OF A STATE OR FEDERAL MILITARY INSTALLATION AND TO PROVIDE PENALTIES FOR THE VIOLATION.

asks for a Committee of Conference, and has appointed Reps. G.M. Smith, Weeks and Rutherford to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 109--CONFERENCE COMMITTEE APPOINTED**

Whereupon, Senators SHEALY, McELVEEN and CLIMER were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 170 -- Senators Shealy and Hutto: A BILL TO AMEND ARTICLE 7, CHAPTER 5, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, BY ADDING SECTIONS 17-5-541 AND 17-5-542, SO AS TO PROVIDE THAT THE CORONER OF EACH COUNTY SHALL SCHEDULE A LOCAL CHILD FATALITY REVIEW TEAM TO PERFORM A REVIEW OF A CASE WHERE A CHILD UNDER THE AGE OF EIGHTEEN DIES IN THE COUNTY HE SERVES AND TO PROVIDE THE PURPOSE OF THE REVIEW TEAM; TO AMEND ARTICLE 3, CHAPTER 5, TITLE 17, RELATING TO CORONERS, BY ADDING SECTION 17-5-140, SO AS TO PROVIDE THAT FUNDS MUST BE DISBURSED TO THE COUNTIES EQUALLY TO PAY THE DULY ELECTED FULL-TIME CORONER OR OTHER RELATED PERSONNEL OR EQUIPMENT AND TO PROVIDE THAT EXCESS FUNDS MUST BE USED BY THE CORONERS TRAINING ADVISORY COMMITTEE TO PERFORM ITS DUTIES; AND TO AMEND SECTION 17-5-130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

Very respectfully,

Speaker of the House



**THURSDAY, MAY 10, 2018**

Received as information.

**CONCURRENCE**

S. 170 -- Senators Shealy and Hutto: A BILL TO AMEND ARTICLE 7, CHAPTER 5, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, BY ADDING SECTIONS 17-5-541 AND 17-5-542, SO AS TO PROVIDE THAT THE CORONER OF EACH COUNTY SHALL SCHEDULE A LOCAL CHILD FATALITY REVIEW TEAM TO PERFORM A REVIEW OF A CASE WHERE A CHILD UNDER THE AGE OF EIGHTEEN DIES IN THE COUNTY HE SERVES AND TO PROVIDE THE PURPOSE OF THE REVIEW TEAM; TO AMEND ARTICLE 3, CHAPTER 5, TITLE 17, RELATING TO CORONERS, BY ADDING SECTION 17-5-140, SO AS TO PROVIDE THAT FUNDS MUST BE DISBURSED TO THE COUNTIES EQUALLY TO PAY THE DULY ELECTED FULL-TIME CORONER OR OTHER RELATED PERSONNEL OR EQUIPMENT AND TO PROVIDE THAT EXCESS FUNDS MUST BE USED BY THE CORONERS TRAINING ADVISORY COMMITTEE TO PERFORM ITS DUTIES; AND TO AMEND SECTION 17-5-130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

**Motion Adopted**

On motion of Senator HUTTO, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HUTTO explained the amendments.

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

**Ayes 44; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

On motion of Senator HUTTO, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

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.

Very respectfully,  
Speaker of the House

Received as information.

[SJ]

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**H. 4710--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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.

On motion of Senator McELVEEN, the Senate insisted upon its amendments to H. 4710 and asked for a Committee of Conference.

Whereupon, Senators McELVEEN, SHEALY and JACKSON were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 176 -- Senators Sheheen and Young: A BILL TO AMEND CHAPTER 1, TITLE 24 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF CORRECTIONS, BY ADDING SECTION 24-1-300, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A DEPARTMENT OF CORRECTIONS FACILITY WITHOUT WRITTEN CONSENT, AND TO PROVIDE PENALTIES FOR THE VIOLATION.

Very respectfully,

Speaker of the House

Received as information.

**CONCURRENCE**

S. 176 -- Senator Sheheen: A BILL TO AMEND CHAPTER 1, TITLE 24 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF CORRECTIONS, BY ADDING SECTION 24-1-300, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE

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OF A DEPARTMENT OF CORRECTIONS FACILITY WITHOUT WRITTEN CONSENT, AND TO PROVIDE PENALTIES FOR THE VIOLATION.

**Motion Adopted**

On motion of Senator SHEHEEN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SHEHEEN explained the amendments.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

On motion of Senator SHEHEEN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered

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that the title be changed to that of an Act and the Act enrolled for Ratification.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Resolution to the Senate with amendments:

S. 671 -- Senator Leatherman: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2017-2018 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

Very respectfully,

Speaker of the House

Received as information.

**CONCURRENCE**

S. 671 -- Senator Leatherman: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2017-2018 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

The House returned the Resolution with amendments, the question being concurrence in the House amendments.

**Motion Adopted**

On motion of Senator SHEHEEN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Resolution to be printed on the Calendar, and proceeded to a consideration of the Resolution, the question being concurrence in the House amendments.

Senator LEATHERMAN explained the amendments.

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

**Ayes 44; Nays 0**

**AYES**

Alexander  
Campbell

Allen  
Campsen

Bennett  
Cash

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44

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

On motion of Senator LEATHERMAN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 820 -- Senators Fanning, Climer and Peeler: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS UPON A REFERENDUM VOTE, SO AS TO DELETE A PRIOR REFERENCE TO A DATE.

Very respectfully,

Speaker of the House

Received as information.

**THURSDAY, MAY 10, 2018**

**CONCURRENCE**

S. 820 -- Senators Fanning, Climer and Peeler: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS UPON A REFERENDUM VOTE, SO AS TO DELETE A PRIOR REFERENCE TO A DATE.

**Motion Adopted**

On motion of Senator FANNING, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator FANNING explained the amendments.

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

**Ayes 41; Nays 1**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	McElveen
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

Corbin

[SJ]

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**Total--1**

On motion of Senator LEATHERMAN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

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

**Motion Adopted**

On motion of Senator HUTTO, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HUTTO explained the amendments.

On motion of Senator HUTTO, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

[SJ]



**THURSDAY, MAY 10, 2018**

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 810 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-39-165 SO AS TO PROVIDE COUNTIES OR MUNICIPALITIES MAY ENACT ORDINANCES REQUIRING THE PAYMENT OF FEES OR TAXES RELATED TO PAWN TRANSACTIONS OR PURCHASES, AND TO PROVIDE THE PROVISIONS OF CHAPTER 39, TITLE 40 DO NOT AFFECT THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO ESTABLISH LAND USE CONTROLS OR REQUIRE A PAWNBROKER TO OBTAIN A LOCAL OCCUPATIONAL LICENSE; TO AMEND SECTION 40-39-40, AS AMENDED, RELATING TO THE PROHIBITION ON AUTHORIZED PAWNBROKER FEES, SO AS TO REMOVE THE PROHIBITION; TO AMEND SECTION 40-39-70, AS AMENDED, RELATING TO RECORDKEEPING AND MISCELLANEOUS REQUIREMENTS OF PAWNBROKERS, SO AS TO REQUIRE CERTAIN DIGITAL RECORDS AND TO PROVIDE ALL PLEDGED ITEMS MUST BE HELD FOR TWENTY-ONE DAYS; TO AMEND SECTION 40-39-90, RELATING TO RECORDS PAWNBROKERS SHALL MAINTAIN FOR INSPECTION BY CERTAIN PUBLIC OFFICIALS, SO AS TO PROVIDE MUNICIPALITIES OR COUNTY GOVERNMENTS MAY ENACT LOCAL REGULATIONS REQUIRING THE PAWNSHOPS TO PROVIDE OR TRANSFER THE PAWN RECORDS BY ELECTRONIC DATA TRANSFER TO A LAW ENFORCEMENT DATABASE; TO AMEND SECTION 40-39-145, AS AMENDED, RELATING TO HOLD ORDERS, SO AS TO REMOVE THE EXISTING PROVISIONS AND PROVIDE LAW ENFORCEMENT SHALL SEIZE SUSPECTED STOLEN OR MISAPPROPRIATED PROPERTY IN THE POSSESSION OF A PAWN SHOP, TO PROVIDE A PAWNBROKER'S RELEASE OF SUCH PROPERTY TO LAW ENFORCEMENT DOES NOT CONSTITUTE WAIVER OF THE PAWNBROKER'S INTEREST IN THE PROPERTY, AND TO PROVIDE PLEDGORS SHALL PAY RESTITUTION FOR STOLEN GOODS PLEDGED TO PAWNBROKERS UPON THE COMPLETION OF RELATED CRIMINAL PROCEEDINGS INVOLVING THE STOLEN PLEDGED PROPERTY; TO AMEND SECTION 40-39-160, RELATING TO PENALTIES FOR VIOLATIONS, SO AS TO PROVIDE CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS CONCERNING PAWN TICKETS; AND TO REPEAL SECTION 15 OF ACT 262 OF 2016

**THURSDAY, MAY 10, 2018**

RELATING TO CERTAIN AUTHORITY OF COUNTIES AND MUNICIPALITIES REGARDING PAWNBROKERS.

Very respectfully,

Speaker of the House

Received as information.

**CONCURRENCE**

S. 810 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-39-165 SO AS TO PROVIDE COUNTIES OR MUNICIPALITIES MAY ENACT ORDINANCES REQUIRING THE PAYMENT OF FEES OR TAXES RELATED TO PAWN TRANSACTIONS OR PURCHASES, AND TO PROVIDE THE PROVISIONS OF CHAPTER 39, TITLE 40 DO NOT AFFECT THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO ESTABLISH LAND USE CONTROLS OR REQUIRE A PAWNBROKER TO OBTAIN A LOCAL OCCUPATIONAL LICENSE; TO AMEND SECTION 40-39-40, AS AMENDED, RELATING TO THE PROHIBITION ON AUTHORIZED PAWNBROKER FEES, SO AS TO REMOVE THE PROHIBITION; TO AMEND SECTION 40-39-70, AS AMENDED, RELATING TO RECORDKEEPING AND MISCELLANEOUS REQUIREMENTS OF PAWNBROKERS, SO AS TO REQUIRE CERTAIN DIGITAL RECORDS AND TO PROVIDE ALL PLEDGED ITEMS MUST BE HELD FOR TWENTY-ONE DAYS; TO AMEND SECTION 40-39-90, RELATING TO RECORDS PAWNBROKERS SHALL MAINTAIN FOR INSPECTION BY CERTAIN PUBLIC OFFICIALS, SO AS TO PROVIDE MUNICIPALITIES OR COUNTY GOVERNMENTS MAY ENACT LOCAL REGULATIONS REQUIRING THE PAWNSHOPS TO PROVIDE OR TRANSFER THE PAWN RECORDS BY ELECTRONIC DATA TRANSFER TO A LAW ENFORCEMENT DATABASE; TO AMEND SECTION 40-39-145, AS AMENDED, RELATING TO HOLD ORDERS, SO AS TO REMOVE THE EXISTING PROVISIONS AND PROVIDE LAW ENFORCEMENT SHALL SEIZE SUSPECTED STOLEN OR MISAPPROPRIATED PROPERTY IN THE POSSESSION OF A PAWN SHOP, TO PROVIDE A PAWNBROKER'S RELEASE OF SUCH PROPERTY TO LAW ENFORCEMENT DOES NOT CONSTITUTE WAIVER OF THE PAWNBROKER'S INTEREST IN THE PROPERTY, AND TO PROVIDE PLEDGORS SHALL PAY RESTITUTION FOR STOLEN GOODS PLEDGED TO PAWNBROKERS UPON THE COMPLETION OF RELATED

**THURSDAY, MAY 10, 2018**

CRIMINAL PROCEEDINGS INVOLVING THE STOLEN PLEDGED PROPERTY; TO AMEND SECTION 40-39-160, RELATING TO PENALTIES FOR VIOLATIONS, SO AS TO PROVIDE CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS CONCERNING PAWN TICKETS; AND TO REPEAL SECTION 15 OF ACT 262 OF 2016 RELATING TO CERTAIN AUTHORITY OF COUNTIES AND MUNICIPALITIES REGARDING PAWNBROKERS.

**Motion Adopted**

On motion of Senator HEMBREE, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HEMBREE explained the amendments.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

[SJ]

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**Total--0**

On motion of Senator HEMBREE, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 928 -- Senators Scott, Jackson, McLeod, Campbell and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO PROVIDE THAT A SPECIAL PURPOSE DISTRICT THAT HAS ACQUIRED A WORK OF ART BY GIFT, BEQUEST, PURCHASE, OR BY OTHER MEANS, MAY TRANSFER OWNERSHIP OF THE OBJECT TO A NONPROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF DISPLAYING WORKS OF ART FOR SUCH CONSIDERATION OR UPON THE TERMS THE GOVERNING BODY OF THE SPECIAL PURPOSE DISTRICT, IN ITS DISCRETION, FINDS TO BE SUFFICIENT AND APPROPRIATE.

Very respectfully,

Speaker of the House

Received as information.

**CONCURRENCE**

S. 928 -- Senators Scott, Jackson, McLeod, Campbell and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO PROVIDE THAT A SPECIAL PURPOSE DISTRICT THAT HAS ACQUIRED A WORK OF ART BY GIFT, BEQUEST, PURCHASE, OR BY OTHER MEANS, MAY TRANSFER OWNERSHIP OF THE OBJECT TO A NONPROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF DISPLAYING WORKS OF ART FOR SUCH CONSIDERATION OR UPON THE TERMS THE GOVERNING BODY OF THE SPECIAL PURPOSE DISTRICT, IN ITS DISCRETION, FINDS TO BE SUFFICIENT AND APPROPRIATE.

[SJ]

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**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator TALLEY explained the amendments.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

On motion of Senator TALLEY, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**THURSDAY, MAY 10, 2018**

**CONCURRENCE**

H. 3895 -- Rep. Herbkersman: A BILL TO AMEND ARTICLES 9 AND 11 OF CHAPTER 9, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REVENUE AND FISCAL AFFAIRS, SO AS TO REORGANIZE THE ARTICLES, TO ELIMINATE CERTAIN DIVISIONS, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 2-7-71 AND 2-7-78, RELATING TO CERTAIN IMPACT STATEMENTS, SO AS TO REQUIRE THE STATEMENTS TO BE CERTIFIED BY THE EXECUTIVE DIRECTOR OF THE REVENUE AND FISCAL AFFAIRS OFFICE; TO AMEND SECTION 2-7-73, AS AMENDED, RELATING TO HEALTH COVERAGE IMPACT STATEMENTS, SO AS TO REQUIRE THE DEPARTMENT OF INSURANCE TO CONDUCT THE ANALYSIS; TO AMEND SECTION 4-10-790, RELATING TO DISTRIBUTIONS FROM A LOCAL OPTION SALES AND USE TAX, SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO FURNISH DATA TO THE STATE TREASURER, AND TO REQUIRE THE REVENUE AND FISCAL AFFAIRS OFFICE TO PROVIDE CERTAIN ASSISTANCE; TO AMEND SECTION 6-1-50, AS AMENDED, RELATING TO FINANCIAL REPORTS FROM COUNTIES AND MUNICIPALITIES, SO AS TO DELAY THE REPORTS UNTIL MARCH FIFTEENTH; TO AMEND SECTION 23-47-65, AS AMENDED, RELATING TO THE SOUTH CAROLINA 911 ADVISORY COMMITTEE, SO AS TO ALLOW THE EXECUTIVE DIRECTOR OF THE REVENUE AND FISCAL AFFAIRS OFFICE TO APPOINT A MEMBER; TO AMEND SECTIONS 27-2-85 AND 27-2-95, RELATING TO THE SOUTH CAROLINA GEODETIC SURVEY, SO AS TO DELETE OBSOLETE REFERENCES; TO AMEND SECTION 44-6-170, RELATING TO THE DATA OVERSIGHT COUNCIL, SO AS TO DELETE OBSOLETE REFERENCES, AND TO REVISE THE COMPOSITION OF THE COUNCIL; TO AMEND SECTION 44-6-5, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO DELETE AN OBSOLETE REFERENCE; TO REDESIGNATE CERTAIN SECTIONS OF THE CODE; AND TO REPEAL SECTIONS 1-11-360, 2-7-62, 44-6-175, AND 48-22-20 ALL RELATING TO THE DUTIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

**THURSDAY, MAY 10, 2018**

Senator CROMER explained the amendments.

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

**Ayes 42; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Grooms	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

On motion of Senator CROMER, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

H. 4116 -- Reps. Ridgeway, Douglas, Spires, G.M. Smith, Clemmons, Tallon and Cole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-47-38 SO AS TO PROVIDE THAT NO PROVISION OF THE MEDICAL PRACTICE ACT MAY BE CONSTRUED TO REQUIRE A PHYSICIAN TO SECURE A MAINTENANCE OF CERTIFICATION AS A CONDITION OF LICENSURE, REIMBURSEMENT,

**THURSDAY, MAY 10, 2018**

EMPLOYMENT, OR ADMITTING PRIVILEGES AT A HOSPITAL IN THIS STATE; AND TO DEFINE A NECESSARY TERM.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator DAVIS explained the amendments.

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

**Ayes 40; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

On motion of Senator CROMER, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**NONCONCURRENCE**

S. 709 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 23, TITLE 59 SO AS TO REQUIRE FIRE AND SAFETY



**THURSDAY, MAY 10, 2018**

INSPECTIONS AT ALL PUBLIC SCHOOL FACILITIES AT LEAST ANNUALLY, AND TO PROVIDE RELATED POWERS AND DUTIES OF THE OFFICE OF THE STATE FIRE MARSHAL.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HEMBREE explained the amendments.

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

**Ayes 0; Nays 41**

**AYES**

**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

On motion of Senator HEMBREE, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

[SJ]

**THURSDAY, MAY 10, 2018**

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 709 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 23, TITLE 59 SO AS TO REQUIRE FIRE AND SAFETY INSPECTIONS AT ALL PUBLIC SCHOOL FACILITIES AT LEAST ANNUALLY, AND TO PROVIDE RELATED POWERS AND DUTIES OF THE OFFICE OF THE STATE FIRE MARSHAL.

asks for a Committee of Conference, and has appointed Reps. Allison, Pendarvis and Felder to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 709--CONFERENCE COMMITTEE APPOINTED**

S. 709 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 23, TITLE 59 SO AS TO REQUIRE FIRE AND SAFETY INSPECTIONS AT ALL PUBLIC SCHOOL FACILITIES AT LEAST ANNUALLY, AND TO PROVIDE RELATED POWERS AND DUTIES OF THE OFFICE OF THE STATE FIRE MARSHAL.

Whereupon, Senators HEMBREE, TURNER and NICHOLSON were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 917 -- Senators Kimpson, Scott and Campsen: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, SO AS TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

[SJ]

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Very respectfully,  
Speaker of the House  
Received as information.

**NONCONCURRENCE**

S. 917 -- Senators Kimpson, Scott and Campsen: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, SO AS TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, and proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

On motion of Senator LEATHERMAN, with unanimous consent, the Senate refused to concur in the House amendments and a message was sent to the House accordingly.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GOLDFINCH explained the amendments.

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

**Ayes 0; Nays 41**

**AYES**

**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer

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Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

On motion of Senator GOLDFINCH, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 917 -- Senators Kimpson, Scott and Campsen: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, SO AS TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

asks for a Committee of Conference, and has appointed Reps. Pitts, Finlay and Crawford to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 917--CONFERENCE COMMITTEE APPOINTED**

S. 917 -- Senators Kimpson, Scott and Campsen: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10, ALL AS

**THURSDAY, MAY 10, 2018**

AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, SO AS TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

Whereupon, Senators DAVIS, SCOTT and GOLDFINCH were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**NONCONCURRENCE**

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 House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator SETZLER explained the amendments.

**Motion Adopted**

On motion of Senator TURNER, with unanimous consent, the Senate refused to concur in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 4931 -- Reps. Elliott, Alexander, Simrill, Stringer, West, Allison, Henderson, G.R. Smith, Burns, Trantham, Hamilton, Bannister, Putnam,

[SJ]

**THURSDAY, MAY 10, 2018**

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.

asks for a Committee of Conference, and has appointed Reps. Taylor, Elliott and Alexander to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

#### **H. 4931--CONFERENCE COMMITTEE APPOINTED**

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.

Whereupon, Senators TURNER, YOUNG and ALLEN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

#### **Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Resolution to the Senate with amendments:

S. 596 -- Senators Peeler, Nicholson, Sheheen and Gambrell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF JOHN DE LA HOWE SCHOOL AND DEVOLVE THE BOARD'S POWERS UPON AN INTERIM BOARD OF TRUSTEES WHO SHALL SERVE UNTIL JUNE 30,

[SJ]

**THURSDAY, MAY 10, 2018**

2019, OR UNTIL A FULL NEW BOARD OF TRUSTEES IS APPOINTED AND QUALIFIED; TO PROVIDE THAT THE INTERIM BOARD OF TRUSTEES IS RESPONSIBLE FOR THE SELECTION, PERIODIC EVALUATION, RETENTION, AND TERMINATION OF THE SCHOOL'S PRESIDENT; TO PROVIDE FOR OTHER SPECIFIC DUTIES OF THE INTERIM BOARD OF TRUSTEES; AND TO DIRECT THE INTERIM BOARD OF TRUSTEES, IN CONSULTATION WITH THE PRESIDENT OF THE SCHOOL, TO REVIEW EDUCATIONAL ACCREDITATION AND THE PAST AND CURRENT FINANCIAL SITUATION OF THE SCHOOL AND MAKE RECOMMENDATIONS TO DIRECT THE SCHOOL OUT OF THE CURRENT FINANCIAL CRISIS, WITH AN EMPHASIS ON DETERMINING THE MOST FEASIBLE PATH THE STATE MUST PURSUE TO BE IN COMPLIANCE WITH THE LAST WILL AND TESTAMENT OF JOHN DE LA HOWE.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 596 -- Senators Peeler, Nicholson, Sheheen and Gambrell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF JOHN DE LA HOWE SCHOOL AND DEVOLVE THE BOARD'S POWERS UPON AN INTERIM BOARD OF TRUSTEES WHO SHALL SERVE UNTIL JUNE 30, 2019, OR UNTIL A FULL NEW BOARD OF TRUSTEES IS APPOINTED AND QUALIFIED; TO PROVIDE THAT THE INTERIM BOARD OF TRUSTEES IS RESPONSIBLE FOR THE SELECTION, PERIODIC EVALUATION, RETENTION, AND TERMINATION OF THE SCHOOL'S PRESIDENT; TO PROVIDE FOR OTHER SPECIFIC DUTIES OF THE INTERIM BOARD OF TRUSTEES; AND TO DIRECT THE INTERIM BOARD OF TRUSTEES, IN CONSULTATION WITH THE PRESIDENT OF THE SCHOOL, TO REVIEW EDUCATIONAL ACCREDITATION AND THE PAST AND CURRENT FINANCIAL SITUATION OF THE SCHOOL AND MAKE RECOMMENDATIONS TO DIRECT THE SCHOOL OUT OF THE CURRENT FINANCIAL CRISIS, WITH AN EMPHASIS ON DETERMINING THE MOST FEASIBLE PATH THE STATE MUST PURSUE TO BE IN COMPLIANCE WITH THE LAST WILL AND TESTAMENT OF JOHN DE LA HOWE.

**THURSDAY, MAY 10, 2018**

The House returned the Resolution with amendments.

The Senate proceeded to a consideration of the Resolution, the question being concurrence in the House amendments.

Senator SHEHEEN explained the House amendments.

Senators NICHOLSON, SHEHEEN, MASSEY and YOUNG proposed the following amendment (WAB\596C001.AGM.WAB18), which was adopted:

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

/ SECTION 1. Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-05. (A) The John de la Howe School and Clemson University shall work together to develop a plan to implement the purposes of the Will of Dr. John de la Howe and shall submit the plan before September 1, 2018 to the South Carolina Attorney General for approval. Funds appropriated to the John de la Howe school may be used to pay for the development of this plan.

(B) Upon approval of the plan provided in subsection (A), the South Carolina Attorney General shall notify the General Assembly so that the General Assembly may consider the approved plan and enact appropriate enabling legislation to implement the purposes of the Will of Dr. John de la Howe.”

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

Amend title to conform.

Senator SHEHEEN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 44; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

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Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

The amendment was adopted.

The Resolution was ordered returned to the House of Representatives with amendments.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 596 -- Senators Peeler, Nicholson, Sheheen and Gambrell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF JOHN DE LA HOWE SCHOOL AND DEVOLVE THE BOARD'S POWERS UPON AN INTERIM BOARD OF TRUSTEES WHO SHALL SERVE UNTIL JUNE 30, 2019, OR UNTIL A FULL NEW BOARD OF TRUSTEES IS APPOINTED AND QUALIFIED; TO PROVIDE THAT THE INTERIM BOARD OF TRUSTEES IS RESPONSIBLE FOR THE SELECTION, PERIODIC EVALUATION, RETENTION, AND TERMINATION OF THE SCHOOL'S PRESIDENT; TO PROVIDE FOR OTHER SPECIFIC DUTIES OF THE INTERIM BOARD OF TRUSTEES; AND TO DIRECT THE INTERIM BOARD OF

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TRUSTEES, IN CONSULTATION WITH THE PRESIDENT OF THE SCHOOL, TO REVIEW EDUCATIONAL ACCREDITATION AND THE PAST AND CURRENT FINANCIAL SITUATION OF THE SCHOOL AND MAKE RECOMMENDATIONS TO DIRECT THE SCHOOL OUT OF THE CURRENT FINANCIAL CRISIS, WITH AN EMPHASIS ON DETERMINING THE MOST FEASIBLE PATH THE STATE MUST PURSUE TO BE IN COMPLIANCE WITH THE LAST WILL AND TESTAMENT OF JOHN DE LA HOWE.

Very respectfully,

Speaker of the House

Received as information.

**S.596--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

S. 596 -- Senators Peeler, Nicholson, Sheheen and Gambrell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF JOHN DE LA HOWE SCHOOL AND DEVOLVE THE BOARD'S POWERS UPON AN INTERIM BOARD OF TRUSTEES WHO SHALL SERVE UNTIL JUNE 30, 2019, OR UNTIL A FULL NEW BOARD OF TRUSTEES IS APPOINTED AND QUALIFIED; TO PROVIDE THAT THE INTERIM BOARD OF TRUSTEES IS RESPONSIBLE FOR THE SELECTION, PERIODIC EVALUATION, RETENTION, AND TERMINATION OF THE SCHOOL'S PRESIDENT; TO PROVIDE FOR OTHER SPECIFIC DUTIES OF THE INTERIM BOARD OF TRUSTEES; AND TO DIRECT THE INTERIM BOARD OF TRUSTEES, IN CONSULTATION WITH THE PRESIDENT OF THE SCHOOL, TO REVIEW EDUCATIONAL ACCREDITATION AND THE PAST AND CURRENT FINANCIAL SITUATION OF THE SCHOOL AND MAKE RECOMMENDATIONS TO DIRECT THE SCHOOL OUT OF THE CURRENT FINANCIAL CRISIS, WITH AN EMPHASIS ON DETERMINING THE MOST FEASIBLE PATH THE STATE MUST PURSUE TO BE IN COMPLIANCE WITH THE LAST WILL AND TESTAMENT OF JOHN DE LA HOWE.

On motion of Senator MASSEY, the Senate insisted upon its amendments to S. 596 and asked for a Committee of Conference.

Whereupon, Senators SHEHEEN, MASSEY and YOUNG were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

Very respectfully,

Speaker of the House

Received as information.

**S. 302--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

S. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

On motion of Senator SHEHEEN, the Senate insisted upon its amendments to S. 302 and asked for a Committee of Conference.

Whereupon, Senators SHEHEEN, HEMBREE and BENNETT were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Felder, B. Newton and T. Alexander to the Committee of Conference on the part of the House on:

[SJ]

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S. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

Very respectfully,

Speaker of the House

Received as information.

**S. 302--REPORT OF THE  
COMMITTEE OF CONFERENCE ADOPTED**

S. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

On motion of Senator SHEHEEN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SHEHEEN spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

**Ayes 42; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy

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Martin	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

The Committee of Conference Committee was adopted as follows:

**S. 302--Conference Report**

The General Assembly, Columbia, S.C., May 10, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 05/08/18-H.)

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

/ SECTION 1. Section 59-29-80(A) of the 1976 Code is amended to read:

"Section 59-29-80. (A) There ~~shall be~~ is established and provided in all the public schools of this State physical education, training, and instruction of pupils of both sexes, ~~and every~~. Every pupil attending ~~any~~ public school, in so far as he is physically fit and able to do so, shall take the course or courses provided by this section. Suitable modified courses ~~shall~~ must be provided for students physically or mentally unable or unfit

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to take the course or courses prescribed for normal pupils. However, in ~~any~~ public school ~~which~~ that offers a military or naval ROTC program sponsored by one of the military services of the United States, training in such a program ~~may~~ must be ~~deemed~~ considered to be the equivalent to of physical education instruction, and ~~may~~ must be accepted in lieu of such instruction for all purposes, academic or nonacademic, as may hereinafter be provided. Additionally, in a public school that offers instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts and that incorporates the South Carolina Academic Standards for Physical Education, this instruction must be considered to be the equivalent of physical education instruction and must be accepted in lieu of physical education instruction for all purposes; provided the district first shall submit a plan to the department documenting that all South Carolina Academic Standards for Physical Education are met in the proposed marching band instruction, and upon approval of the plan by the department, this instruction may be offered and considered to be the equivalent of physical education instruction."

SECTION 2. Article 1, Chapter 103, Title 59 of the 1976 Code is amended by adding:

"Section 59-103-155. Any public or private institution of higher education in the State from which a student may earn a degree in a health care profession that allows the person to prescribe controlled substances listed in Schedules II, III, and IV in the State shall require for those programs that students complete coursework on the prescription and monitoring of Schedule II, III, and IV controlled substances, including coursework on the prescription of Schedule II controlled substances to treat or manage pain, and strategies that can be employed to recognize signs of and reduce the likelihood of patient addiction. These institutions of higher education shall coordinate with the state's Commission on Higher Education, Board of Medical Examiners, Board of Dentistry, and Board of Nursing to develop the curriculum."

SECTION 3. Section 59-32-20 of the 1976 Code is amended to read:

"Section 59-32-20. (A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.

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(B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year-old kindergarten through twelfth grade.

(C) Before August 1, 2018, and through the cyclical review process, if deemed necessary, the board shall include instruction on prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between opioid abuse and addiction to other drugs, such as heroin, in the health standards. In addition, the board shall make available to districts a list of instructional materials that meet state standards. Districts shall continue to adopt or develop curriculum locally.”

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

/s/Sen. Vincent A. Sheheen

/s/Sen. Greg Hembree

/s/Sen. Sean M. Bennett

On Part of the Senate.

/s/Rep. R. Raye Felder

/s/Rep. Brandon M. Newton

/s/Rep. Terry Alexander

On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

S. 302 -- Senators Sheheen and Bennett: A BILL TO AMEND SECTION 59-29-80(A) OF THE 1976 CODE, RELATING TO PHYSICAL EDUCATION INSTRUCTION IN PUBLIC SCHOOLS, TO PROVIDE THAT MARCHING BAND INSTRUCTION BASED ON THE SOUTH CAROLINA ACADEMIC STANDARDS FOR THE VISUAL AND PERFORMING ARTS MUST BE CONSIDERED THE EQUIVALENT OF PHYSICAL EDUCATION INSTRUCTION.

Very respectfully,  
Speaker of the House

[SJ]

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Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 913 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-740(B) OF THE 1976 CODE, RELATING TO YOUTH HUNTING DAYS, TO PROVIDE THAT A LICENSE OR TAG REQUIRED PURSUANT TO CHAPTER 9, TITLE 50 IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

asks for a Committee of Conference, and has appointed Reps. Hixon, Kirby and Yow to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 913--CONFERENCE COMMITTEE APPOINTED**

S. 913 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-740(B) OF THE 1976 CODE, RELATING TO YOUTH HUNTING DAYS, TO PROVIDE THAT A LICENSE OR TAG REQUIRED PURSUANT TO CHAPTER 9, TITLE 50 IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

Whereupon, Senators CAMPSSEN, GOLDFINCH and M.B. MATTHEWS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**S. 913--REPORT OF THE  
COMMITTEE OF CONFERENCE ADOPTED**

S. 913 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-740(B) OF THE 1976 CODE, RELATING TO YOUTH HUNTING DAYS, TO PROVIDE THAT A LICENSE OR TAG REQUIRED PURSUANT TO CHAPTER 9, TITLE 50 IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

On motion of Senator CAMPSSEN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

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Senator CAMPSEN spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

**Ayes 42; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

The Committee of Conference Committee was adopted as follows:

**S. 913--Conference Report**

The General Assembly, Columbia, S.C., May 10, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 913 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-740(B) OF THE 1976 CODE, RELATING TO YOUTH HUNTING DAYS, TO PROVIDE THAT A LICENSE OR TAG REQUIRED PURSUANT TO CHAPTER 9, TITLE 50 IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

**THURSDAY, MAY 10, 2018**

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

That the same do pass with the following amendments: (Reference is to Printer's Version 05/08/18.)

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

/ SECTION 1. Section 50-9-740 of the 1976 Code is amended to read:

"Section 50-9-740. (A) The department may select one or more days to designate as a 'South Carolina Youth Hunting Day', in addition to the regular seasons for a species of wild game. A youth hunting day must be held outside a regular season on a weekend, holiday, or other nonschool day when a youth hunter may have the maximum opportunity to participate. The A day must be held on the Saturday before the regular Game Zone season framework for hunting antlered deer only. The daily bag limit on this day is one antlered deer. For all other game, the day may be held up to fourteen days before or after a regular season framework or within a split of a regular season, or within another open season.

(B) A person who is less than eighteen years of age may be a youth hunter. A licensed Youth hunters who have not completed the hunter education program pursuant to Section 50-9-310 who hunt on a statewide youth hunting day must be accompanied by an adult who is at least twenty-one years of age. must accompany a youth hunter in the field and The adult may not harvest or attempt to harvest game during this special hunting event. A license requirement specified in this chapter is waived on a youth hunting day under this section for a youth hunter. A license or tag requirement pursuant to this chapter is waived for a youth hunter on a youth hunting day. A daily harvest limit remains the same as allowed during regular seasons for each species of game."

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

/s/Sen. Goldfinch  
/s/Sen. Bright-Matthews  
/s/Sen. Campsen  
On Part of the Senate.

/s/Rep. Hixon  
/s/Rep. Kirby  
/s/Rep. Yow  
On Part of the House.

, and a message was sent to the House accordingly.

**THURSDAY, MAY 10, 2018**

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

S. 913 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-740(B) OF THE 1976 CODE, RELATING TO YOUTH HUNTING DAYS, TO PROVIDE THAT A LICENSE OR TAG REQUIRED PURSUANT TO CHAPTER 9, TITLE 50 IS WAIVED FOR A YOUTH HUNTER ON A YOUTH HUNTING DAY.

Very respectfully,

Speaker of the House

Received as information.

**S. 913--REPORT OF COMMITTEE OF CONFERENCE  
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. White, Lowe and Hosey to the Committee of Free Conference on the part of the House on:

H. 4727 -- Reps. White, Hardee, Yow, Huggins, Jefferson, Hosey, Anderson, West, Hewitt, Finlay, Ott, Duckworth, Sandifer, Davis, Clary, B. Newton, J.E. Smith, Rutherford, Bernstein, W. Newton, Herbkersman, McCoy, Lowe, Elliott and S. Rivers: A BILL TO AMEND SECTION 48-59-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND VOTING PRIVILEGES TO CERTAIN MEMBERS AND TO PROHIBIT CERTAIN MEMBERS FROM SERVING AS CHAIRMAN; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA

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CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO DEVELOP CRITERIA AND A CONSERVATION PRIORITIZATION MAP, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO REQUIRE CERTAIN ACCESS DISCLOSURES ON A GRANT OR LOAN APPLICATION, AND TO PROHIBIT THE PURCHASE OF A CONSERVATION EASEMENT FOR MORE THAN FIVE HUNDRED THOUSAND DOLLARS; TO REPEAL SECTION 12-24-95 RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND TO REPEAL SECTION 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

H. 4727 -- Reps. White, Hardee, Yow, Huggins, Jefferson, Hosey, Anderson, West, Hewitt, Finlay, Ott, Duckworth, Sandifer, Davis, Clary, B. Newton, J.E. Smith, Rutherford, Bernstein, W. Newton, Herbkersman, McCoy, Lowe, Elliott and S. Rivers: A BILL TO AMEND SECTION 48-59-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND VOTING PRIVILEGES TO CERTAIN MEMBERS AND TO PROHIBIT CERTAIN MEMBERS FROM SERVING AS CHAIRMAN; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO DEVELOP CRITERIA AND A CONSERVATION PRIORITIZATION

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MAP, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO REQUIRE CERTAIN ACCESS DISCLOSURES ON A GRANT OR LOAN APPLICATION, AND TO PROHIBIT THE PURCHASE OF A CONSERVATION EASEMENT FOR MORE THAN FIVE HUNDRED THOUSAND DOLLARS; TO REPEAL SECTION 12-24-95 RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND TO REPEAL SECTION 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND.

Very respectfully,

Speaker of the House

Received as information.

**H. 4727--FREE CONFERENCE POWERS GRANTED  
FREE CONFERENCE COMMITTEE APPOINTED  
REPORT OF THE COMMITTEE OF FREE CONFERENCE  
ADOPTED**

H. 4727 -- Reps. White, Hardee, Yow, Huggins, Jefferson, Hosey, Anderson, West, Hewitt, Finlay, Ott, Duckworth, Sandifer, Davis, Clary, B. Newton, J.E. Smith, Rutherford, Bernstein, W. Newton, Herbkersman, McCoy, Lowe, Elliott and S. Rivers: A BILL TO AMEND SECTION 48-59-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND VOTING PRIVILEGES TO CERTAIN MEMBERS AND TO PROHIBIT CERTAIN MEMBERS FROM SERVING AS CHAIRMAN; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO DEVELOP CRITERIA AND A CONSERVATION PRIORITIZATION MAP, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND

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THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO REQUIRE CERTAIN ACCESS DISCLOSURES ON A GRANT OR LOAN APPLICATION, AND TO PROHIBIT THE PURCHASE OF A CONSERVATION EASEMENT FOR MORE THAN FIVE HUNDRED THOUSAND DOLLARS; TO REPEAL SECTION 12-24-95 RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND TO REPEAL SECTION 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND.

On motion of Senator SETZLER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SETZLER spoke on the report.

**H. 4727--Free Conference Powers Granted  
Free Conference Committee Appointed**

Senator SETZLER asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

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

**Ayes 36; Nays 0**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Grooms	Hembree
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

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**THURSDAY, MAY 10, 2018**

**Total--36**

**NAYS**

**Total--0**

Free Conference Powers were granted.

Whereupon, Senators SETZLER, CAMPSSEN and CAMPBELL were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

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

**Ayes 36; Nays 0**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Grooms	Hembree
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--36**

**NAYS**

**Total--0**

On motion of Senator SETZLER, the Report of the Committee of Free Conference to H. 4724 was adopted as follows:

**THURSDAY, MAY 10, 2018**

**H. 4727 -- Free Conference Report**

The General Assembly, Columbia, S.C., May 9, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4727 -- Reps. White, Hardee, Yow, Huggins, Jefferson, Hosey, Anderson, West, Hewitt, Finlay, Ott, Duckworth, Sandifer, Davis, Clary, B. Newton, J.E. Smith, Rutherford, Bernstein, W. Newton, Herbkersman, McCoy, Lowe, Elliott and S. Rivers: A BILL TO AMEND SECTION 48-59-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND VOTING PRIVILEGES TO CERTAIN MEMBERS AND TO PROHIBIT CERTAIN MEMBERS FROM SERVING AS CHAIRMAN; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO DEVELOP CRITERIA AND A CONSERVATION PRIORITIZATION MAP, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO REQUIRE CERTAIN ACCESS DISCLOSURES ON A GRANT OR LOAN APPLICATION, AND TO PROHIBIT THE PURCHASE OF A CONSERVATION EASEMENT FOR MORE THAN FIVE HUNDRED THOUSAND DOLLARS; TO REPEAL SECTION 12-24-95 RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND TO REPEAL SECTION 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND.

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

That the same do pass with the following amendments: (Reference is to Printer's Version 3/26/18-S.)

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

/ SECTION 1. Section 48-59-30(4) of the 1976 Code is amended to read:



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“(4) ‘Eligible trust fund recipient’ means:

(a) the following state agencies, which own and manage land for the land’s natural resource, historical, and outdoor recreation values:

- (i) South Carolina Department of Natural Resources,
- (ii) South Carolina Forestry Commission, and
- (iii) South Carolina Department of Parks, Recreation and

Tourism.

(b) a municipality of this State and any agency, commission, or instrumentality of such a municipality; ~~or~~

(c) a county of this State and any agency, commission, or instrumentality of such county; or

(d) a not-for-profit charitable corporation or trust authorized to do business in this State whose principal activity is the acquisition and management of interests in land for conservation or historic preservation purposes and which has tax-exempt status as a public charity under the Internal Revenue Code of 1986.”

SECTION 2. Section 48-59-40 of the 1976 Code is amended to read:

“Section 48-59-40. (A) There is established the South Carolina Conservation Bank. The bank is governed by a fourteen-member board selected as follows:

(1) the Chairman of the Board for the Department of Natural Resources, the Chairman of the South Carolina Forestry Commission, and the Director of the South Carolina Department of Parks, Recreation and Tourism, all of whom shall serve ex officio and without voting privileges;

(2) three members appointed by the Governor from the State at large;

(3) four members appointed by the Speaker of the House of Representatives, one each from the Third, Fourth, and Sixth Congressional Districts and one member from the State at large; and

(4) four members appointed by the President Pro Tempore of the Senate, one each from the First, Second, Fifth, and Seventh Congressional Districts.

(B)(1) In making their respective appointments to the board, the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate shall take all reasonable steps to ensure that the members of the board reflect the state’s racial and gender diversity.

(2) Each member of the board must possess experience in the areas of natural resources, land development, forestry, finance, land conservation, real estate, or law.

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(C) Terms of board members are for four years and until their successors are appointed and qualify, except that the initial terms of each appointing official's appointees must be staggered with the initial term noted on the appointment. Regardless of the date of appointment, all terms expire on July first of the applicable year. Vacancies must be filled in the manner of original appointments for the unexpired portion of the term. Members shall serve without compensation, but may receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions. The board shall elect a chairman and other officers as necessary from its membership.

~~(C)~~(D) Board members must recuse themselves from any vote in which they have a conflict of interest including, but not limited to, any vote affecting or providing funding for the acquisition of interests in land:

(1) on land owned or controlled by the board member, the board member's immediate family, or an entity the board member represents, works for, or in which the member has a voting or ownership interest;

(2) on land contiguous to land described in item (1) of this subsection; and

(3) by an eligible trust fund recipient that the board member represents, works for, or in which the member has a voting or ownership interest.

The provisions of this subsection are cumulative to and not in lieu of provisions of law or applicable rule relating to the ethics of public officers.

~~(D)~~(E) The board shall meet at least ~~twice annually~~ quarterly in regularly scheduled meetings and in special meetings as the chairman may call. The bank is a public body and its records and meetings are public records and public meetings for purposes of Chapter 4 of Title 30, the Freedom of Information Act. All meetings shall be open to the public and allow for public input.

~~(E)~~(F) Board members shall have no personal liability for any actions or refusals to act in their official capacity as long as such actions or refusals to act do not involve wilful or intentional malfeasance or recklessness."

SECTION 3. Section 48-59-50 of the 1976 Code is amended to read:

"Section 48-59-50. (A) The bank is established and authorized to:

(1) award grants to eligible trust fund recipients for the purchase of interests in land, so long as the grants advance the purposes of this chapter and meet criteria contained in Section ~~48-59-60~~ 48-59-70;

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(2) make loans to eligible trust fund recipients for the purchase of interests in land, at no interest or at an interest rate determined by the board, and under terms determined by the board, so long as the loans advance the purposes of this chapter and meet criteria contained in Section ~~48-59-60~~ 48-59-70;

(3) apply for and receive additional funding for the trust fund from federal, private, and other sources, to be used as provided in this chapter;

(4) receive charitable contributions and donations to the trust fund, to be used as provided in this chapter;

(5) receive contributions to the trust fund in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions must be used as provided for in this chapter;

(6) exercise its discretion in determining what portion of trust funds shall be expended, awarded, or loaned in any particular year, and what portion of trust funds shall remain in the trust fund from one fiscal year to the next. Funds within the trust fund shall be invested or deposited into interest-bearing instruments or accounts, with the interest accruing and credited to the fund; and

(7) when requested, collaborate and advise on mitigation efforts between state agencies and other parties to help ensure that mitigation efforts are consistent with the purposes set forth in this chapter.

(B) To carry out its functions, the bank shall:

(1) operate a program in order to implement the purposes of this chapter;

(2) develop additional guidelines and prescribe procedures, consistent with the criteria and purposes of this chapter, as necessary to implement this chapter;

(3) submit an annual report to the Governor, Lieutenant Governor, and General Assembly that:

(a) accounts for trust fund receipts and dispersals;

(b) briefly describes applications submitted to the bank, and in greater detail describes grants and loans that were approved or funded during the current year, and the public benefits, including public access, resulting from such grants and loans;

(c) describes recipients of trust fund grants and loans; and

(d) sets forth a list and description of all grants and loans approved, and all acquisitions of land or interests in land obtained with trust funds since the bank's inception. The report shall include a map setting forth the location and size of all such protected lands;

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(4) have an annual audit of the Conservation Bank and Conservation Bank Trust Fund conducted by outside independent certified public accountants and submitted to the Governor, Lieutenant Governor, and General Assembly. The accounting of trust fund receipts and expenditures required above shall be part of this annual audit; and

(5) develop conservation criteria to be used, in addition to the criteria set forth in Section 48-59-70(D), that advance and support federal, state, and local conservation goals, plans, objectives, and initiatives. In order to assist in the development of conservation criteria, the bank must coordinate with the appropriate groups to integrate the goals, plans, objectives, and initiatives, as well as land use patterns, into a statewide conservation map. The map must be created by July 1, 2019, and the criteria and map must be reviewed no less than every ten years thereafter. The criteria list and map must be submitted to the General Assembly annually.

(C)(1) To operate the bank and carry out the purposes of this chapter the board shall hire an executive director with the advice and consent of the Senate, and may hire staff, contract for services, and enter into cooperative agreements with other state agencies. The executive director must possess experience in the areas of natural resources, land development, forestry, finance, land conservation, real estate, or law. The executive director must notify the municipality and county where the land is located upon receipt of the application. However, the bank may not contract for services that include land management or the enforcement of conservation easements, nor may the bank contract for services with an eligible trust fund recipient or nonprofit organization. Enforcement of conservation easements and management of interest in land acquired with trust funds are the sole responsibility of the owner or eligible trust fund recipient.

(2) A board member or member of the General Assembly or member of his immediate family may not be hired to serve as executive director while the member is serving on the board or in the General Assembly unless the member either:

(a) ceases to be a member of the board or the General Assembly;

or

(b) is not reappointed in accordance with Section 48-59-40 or fails to file for election to the General Assembly in accordance with Section 7-11-15.

Also, a lobbyist or member of his immediate family may not be hired to serve as the executive director for a period of one year after the person

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ceases to be a lobbyist. For purposes of this paragraph, the definitions provided in Chapter 17, Title 2 apply.

(D) Operating expenses of the bank must be paid out of the trust fund.

(E) The bank may not award a grant or make a loan unless the funds for the grant or loan are in the trust fund at the time of the award. However, the bank may make an award for an extraordinary conservation opportunity in excess of the funds in the trust fund. Such awards must be approved by a two-thirds vote of the board members and go before the Joint Bond Review Committee to review the application for an extraordinary conservation opportunity and make a recommendation for approval or denial before the funds may be used. These awards may cross fiscal years and, in certain situations, may rely on anticipated funds.”

SECTION 4. Section 48-59-70 of the 1976 Code is amended to read:

“Section 48-59-70. (A) An eligible trust fund recipient may apply for a grant or loan from the trust fund to acquire a specific interest in land identified in its application. An application must not be submitted to the board without the written consent of the owner of the interest in land identified in the application and a detailed statement of applicable fees and costs of the acquisition of the interest in the land including, but not limited to, finders fees, real estate commissions, and closing fees. The executive director must notify the municipality and county where the land is located upon receipt of the application. Contiguous landowners and other interested parties may submit in writing to the board their views in support of or in opposition to the application. The board must hold a public hearing on the application at which the eligible trust fund recipient, contiguous landowners, and other interested parties shall be heard. Interested parties include representatives of the municipality, county, and public or private utilities in the area wherein the property is located. The board shall conduct a public hearing on an application before awarding a grant or loan pursuant to the application.

(B) Before applying for trust funds for the purchase of an interest in land, the eligible trust fund recipient receiving the funds must notify the owner of the land that is the subject of the trust fund grant or loan of the following in writing:

(1) that interests in land purchased with trust funds result in a permanent conveyance of such interests in land from the landowner to the eligible trust fund recipient or its assigns; and

(2) that it may be in the landowner’s interest to retain independent legal counsel, appraisals, and other professional advice.

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The application must contain an affirmation that the notice requirement of this subsection has been met.

(C) Grants and loans from the trust fund must be awarded based upon the conservation criteria contained in subsection (D) and the financial criteria contained in subsection (E). In each application the qualifying entity must provide information regarding how the proposal meets one or more of the following criteria and advances the purposes of the bank.

(D) For purposes of this chapter, conservation criteria include:

(1) the value of the proposal for the conservation of unique or important wildlife habitat;

(2) the value of the proposal for the conservation of any rare or endangered species;

(3) the value of the proposal for the conservation of a relatively undisturbed or outstanding example of an ecosystem indigenous to South Carolina;

(4) the value of the proposal for the conservation of riparian habitats, wetlands, water quality, watersheds of significant ecological value, critical aquifer recharge areas, estuaries, bays, or beaches;

(5) the value of the proposal for the conservation of outstanding geologic features;

(6) the value of the proposal for the conservation of a site of unique historical or archaeological significance;

(7) the value of the proposal for the conservation of an area of critical; forestlands, farmlands, or wetlands;

(8) the value of the proposal for the conservation of an area of forestlands or farmlands which are located on prime soils, in microclimates or have strategic geographical significances;

(9) the value of the proposal for the conservation of an area for public outdoor recreation, greenways, or parkland;

(10) the value of the proposal for the conservation of a larger area or ecosystem already containing protected lands, or as a connection between natural habitats or open space that are already protected;

(11) the value of the proposal for the amount of land protected;

(12) the value of the proposal for the unique opportunity it presents to accomplish one or more of the criteria contained in this subsection, where the same or a similar opportunity is unlikely to present itself in the future; and

(13) the value of the proposal for access to the public.

(E) For purposes of this chapter, financial criteria include:

(1) the degree to which the proposal presents a unique value opportunity in that it protects land at a reasonable cost;

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(2) the degree to which the proposal leverages trust funds by including funding or in-kind assets or services from other governmental sources;

(3) the degree to which the proposal leverages trust funds by including funding or in-kind assets or services from private or nonprofit sources, or charitable donations of land or conservation easements;

(4) the degree to which the proposal leverages trust funds by purchasing conservation easements that preserve land at a cost that is low relative to the fair market value of the fee simple title of the land preserved; and

(5) the degree to which other conservation incentives and means of conservation, such as donated conservation easements or participation in other governmental programs, have been explored, applied for, secured, or exhausted.

(F)(1) The board shall evaluate each proposal according to the conservation criteria listed in subsection (D), the financial criteria listed in subsection (E), and the extent to which the proposal provides public access for hunting, fishing, outdoor recreational activities, and other forms of public access. The board shall award grants or loans on the basis of how well proposals meet these three criteria.

(2) The chairman shall establish a grant review committee to review, comment, and make recommendations on proposals received by the bank. The chairman shall appoint five members of the board to serve on the committee for a term of no more than one year, and no member may serve consecutive terms.

(G) For each grant or loan application the applicant shall specify:

(1) the purpose of the application;

(2) how the application satisfies criteria listed in subsections (D), (E), and (F);

(3) the uses to which the land will be put;

(4) the extent to which hunting, fishing, or other forms of outdoor recreation will be conducted upon the land;

(5) the extent to which farming, forestry, timber management, or wildlife habitat management will be conducted upon the land;

(6) the party responsible for managing and maintaining the land;

(7) the parties responsible for enforcing any conservation easements or other restrictions upon the land;

(8) the extent to which the public is afforded access on the land, including documentation that clearly specifies:

(i) the level of public access on the land;

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(ii) limitations on public access to the land and the reason for the limit; and

(iii) the manner in which the public access will be maintained and monitored.

(H) Where an eligible trust fund recipient seeks a trust fund grant or loan to acquire fee simple title to land, it must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its application. Where an eligible trust fund recipient seeks a trust fund grant or loan to acquire a conservation easement, it must demonstrate both the expertise and financial resources to manage and enforce the restrictions placed upon the land for the purposes set forth in its application. The board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes of the bank and the purposes set forth in the application.

(I) An eligible trust fund recipient seeking a grant or loan from the trust fund must:

(1) demonstrate that it is able to complete the project and acquire the interests in land proposed;

(2) indicate the total number of acres of land it has preserved in the State; and

(3) briefly describe the lands it has preserved in the State, including their size, location, and method of preservation. The reporting requirement of this subsection need not be complied with for specific preserved lands when in the grant or loan applicant's discretion, or in the discretion of the owners of such preserved lands, the privacy or proprietary interests of the owners of such preserved lands would be violated.

(J) Partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, the federal government, eligible trust fund recipients, and local governments, boards, and commissions may be encouraged to fulfill the requirements of this section and promote the objectives of this chapter.

(K) No matching funds or other contributions are required to receive grants or loans from the trust fund. However, the board shall encourage matching funds and other contributions by weighing the degree to which applications meet the criteria of subsection (E)(2) and (3) when determining which proposals to fund.

~~(L)(1) The board may authorize up to ten percent of the monies credited to the trust fund during the preceding fiscal year to acquire interests in land that solely or primarily meet the criteria of subsection~~



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~~(D)(6) of this section. No other monies in the trust fund may be awarded to applicants for the acquisition of interests in land that meet the criteria of subsection (D)(6) unless the application also satisfies other criteria contained in subsection (D) in a substantial way.~~

~~(2) The board shall authorize at least ten percent of the monies credited to the trust fund during the preceding fiscal year for the acquisition of interests in land that provides public access. To the extent the ten percent authorization required by this item is not met in any particular year, the balance must be carried over and used for acquisition of interests in land that provide public access in ensuing years. The board may not authorize the purchase of a conservation easement for more than one million dollars unless the transaction is reviewed by the Joint Bond Review Committee and the committee provides its recommendation to the board.~~

(M) The board only may authorize grants or loans to purchase interests in lands at or below fair market value. In no cases may funds from the trust fund be used to acquire interests in lands at a price that exceeds the fair market value of the interest being acquired. ~~However, trust funds may be used to acquire interests in land at below fair market value, but only if the owner of the interest consents and in writing to sell at below fair market value.~~ The board must establish reasonable procedures and requirements to document the fair market value of interests in lands and to ensure that the purchase price does not exceed the fair market value. The requirements may include the qualifications that appraisers must meet in order to submit appraisals for consideration by the board. The board shall promulgate regulations pursuant to Chapter 23 of Title 1, the Administrative Procedures Act, that provide for the procurement of appraisal services and for the procedure and process in those cases where a discrepancy of ten percent or more arises between the determination of fair market value obtained by the board and that provided by the owner or others interested in the subject land or interest in land. The board must also establish reasonable procedures to ensure the confidentiality of appraisals before the award of a grant or loan, and the subsequent acquisition of interests in lands obtained with such grant or loan.

(N) In awarding a grant or loan from the trust fund the board shall set forth findings that indicate:

(1) how the application satisfies the purposes of this chapter, and the criteria and other considerations set forth in this section;

(2) the purpose of the award and the use to which the land will be put;

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(3) the extent to which public access, hunting, fishing, or other forms of outdoor recreation will be conducted upon the land;

(4) the extent to which farming, forestry, timber management, or wildlife habitat management will be conducted upon the land;

(5) the party responsible for managing and maintaining the land;

(6) the party responsible for enforcing any easements or other restrictions upon the land;

(7) the parties designated in items (5) and (6) possess the expertise and financial resources to fulfill their obligations; and

(8) any other findings or information relevant to the award.

(O)(1) Trust funds may not be used to acquire interest in land downzoned within three years of the application unless the interest is sold for the predownzoning value or current value, whichever is greater. However, this requirement is waived if the owner of the downzoned property agrees to accept a lesser amount.

(2) If the owner of an interest in land which is the subject of an application for acquisition with trust funds proves to the satisfaction of the board that intentional and improper acts of planning, zoning, or other regulatory officials resulted in substantial delay or denial of a lawful permit or permission to develop the interest in land and the permit or permission was requested by the owner before the application, then the value of the interest in land is deemed to be its value as if those permits or permissions were granted unless the owner of the interest agrees to a lesser value in writing. An owner aggrieved by the decision of the board with respect to this item may appeal to the Administrative Law Court where the matter must be heard as a contested case.

(P) Upon application from the Department of Natural Resources, the board shall award up to three million dollars annually in trust funds to provide the state match for federally funded grant programs in order to leverage funds to meet the conservation criteria set forth in subsection (D)."

SECTION 5. Section 48-59-110 of the 1976 Code is amended to read:

"Section 48-59-110. (A) Trust funds may be used only by eligible trust fund recipients for the acquisition of interests in land, including closing costs. Trust funds may not be used to pay general operating expenses of eligible trust fund recipients, nor may trust funds be used for the management or maintenance of acquired interests in land. Trust funds only may be dispersed at the closing of transactions in which an interest in land is acquired.

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(B) The board, in its discretion, may award additional grant funds to the South Carolina Department of Natural Resources, the South Carolina Department of Parks, Recreation and Tourism or the South Carolina Forestry Commission for the acquisition of fee simple title to land to which the public will have full access. The additional funds must be used only for improvements that create or enhance wildlife habitats. The state agency receiving the funds shall include with its grant application a request for the additional funds and a detailed description of how the additional funds, if awarded, would be used. If additional funds are awarded by the board, the state agency receiving the funds shall submit a report to the board every six months after the award has been made describing in detail how the funds have been used and continue to submit a report until the funds are fully utilized. If the additional funds have not been utilized two years after receipt, the remaining balance must be refunded to the trust fund.”

SECTION 6. A. Sections 12-24-95, 12-24-97, 27-8-120, and 48-59-75 of the 1976 Code are repealed.

B. SECTIONS 3, 4, 5, and 7 of Act 200 of 2002 are repealed.

SECTION 7. (A) Effective July 1, 2018, the South Carolina Conservation Bank Board must be made up of members elected pursuant to the provisions of Section 48-59-40, as amended by this act. The members serving on the board immediately prior to July 1, 2018, may only serve on the commission until their successor has been appointed or the member is reappointed pursuant to Section 48-59-40, as amended by this act. The initial appointments to the board must be staggered so that one of the members appointed by the Governor, the member from the Third Congressional District and the member appointed from the State at large appointed by the Speaker of the House of Representatives, and the members from the First and Fifth Congressional Districts appointed by the President Pro Tempore of the Senate must be appointed to an initial term of two years. The Governor must clearly specify which of his appointments are for two-year terms. The remaining initial appointments and all subsequent appointments must be for four-year terms pursuant to Section 48-59-40.

(B) To ensure an efficient transition, upon approval by the Governor, the appointing officials may begin appointing members whose term will take effect on July 1, 2018.

SECTION 8. This act takes effect July 1, 2018. /

Amend further by striking all before the enacting words and inserting:

/ TO AMEND SECTION 48-59-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA

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CONSERVATION BANK DEFINITIONS, SO AS TO REDEFINE THE TERM ELIGIBLE TRUST FUND RECIPIENT; TO AMEND SECTION 48-59-40, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR MEMBERS OF THE BOARD; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO COLLABORATE AND ADVISE ON MITIGATION EFFORTS WHEN REQUESTED, TO AUTHORIZE THE BANK TO DEVELOP CONSERVATION CRITERIA TO ADVANCE SUPPORT FEDERAL, STATE, AND LOCAL CONSERVATION GOALS, TO PROVIDER CERTAIN RESTRICTIONS ON WHO MAY SERVE AS EXECUTIVE DIRECTOR, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO REQUIRE A DETAILED STATEMENT OF APPLICABLE FEES AND COSTS OF THE ACQUISITION OF THE INTEREST IN THE LAND ON THE APPLICATION, TO REQUIRE THE ESTABLISHMENT OF A GRANT REVIEW COMMITTEE, AND ESTABLISH CERTAIN APPLICATION REQUIREMENTS; TO AMEND SECTION 48-59-110, RELATING TO USE RESTRICTIONS ON TRUST FUNDS, SO AS TO AUTHORIZE THE BANK TO AWARD ADDITIONAL GRANT FUNDS TO CERTAIN AGENCIES FOR THE ACQUISITION OF FEE SIMPLE TITLE TO LAND AND TO ESTABLISH APPLICATION AND REPORTING REQUIREMENTS; TO REPEAL SECTION 12-24-95 AND 12-24-97, BOTH RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; TO REPEAL SECTION 27-8-120, RELATING TO THE REPEAL OF THE SOUTH CAROLINA CONSERVATION BANK; TO REPEAL SECTION 48-59-75, RELATING TO THE RESTRICTION OF DEED RECORDING FEES TO THE TRUST FUND AND TO REPEAL SECTIONS 3, 4, 5, AND 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND. /

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/s/Sen. George E. Campsen	/s/Rep. W. Brian White
/s/Sen. Paul G. Campbell	/s/Rep. Lonnie Hosey
/s/Sen. Nikki G. Setzler	/s/Rep. Phillip D. Lowe
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Free Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 4727 -- Reprs. White, Hardee, Yow, Huggins, Jefferson, Hosey, Anderson, West, Hewitt, Finlay, Ott, Duckworth, Sandifer, Davis, Clary, B. Newton, J.E. Smith, Rutherford, Bernstein, W. Newton, Herbkersman, McCoy, Lowe, Elliott and S. Rivers: A BILL TO AMEND SECTION 48-59-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA CONSERVATION BANK DEFINITIONS, SO AS TO REDEFINE THE TERM ELIGIBLE TRUST FUND RECIPIENT; TO AMEND SECTION 48-59-40, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR MEMBERS OF THE BOARD; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO COLLABORATE AND ADVISE ON MITIGATION EFFORTS WHEN REQUESTED, TO AUTHORIZE THE BANK TO DEVELOP CONSERVATION CRITERIA TO ADVANCE SUPPORT FEDERAL, STATE, AND LOCAL CONSERVATION GOALS, TO PROVIDER CERTAIN RESTRICTIONS ON WHO MAY SERVE AS EXECUTIVE DIRECTOR, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO

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REQUIRE A DETAILED STATEMENT OF APPLICABLE FEES AND COSTS OF THE ACQUISITION OF THE INTEREST IN THE LAND ON THE APPLICATION, TO REQUIRE THE ESTABLISHMENT OF A GRANT REVIEW COMMITTEE, AND ESTABLISH CERTAIN APPLICATION REQUIREMENTS; TO AMEND SECTION 48-59-110, RELATING TO USE RESTRICTIONS ON TRUST FUNDS, SO AS TO AUTHORIZE THE BANK TO AWARD ADDITIONAL GRANT FUNDS TO CERTAIN AGENCIES FOR THE ACQUISITION OF FEE SIMPLE TITLE TO LAND AND TO ESTABLISH APPLICATION AND REPORTING REQUIREMENTS; TO REPEAL SECTION 12-24-95 AND 12-24-97, BOTH RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; TO REPEAL SECTION 27-8-120, RELATING TO THE REPEAL OF THE SOUTH CAROLINA CONSERVATION BANK; TO REPEAL SECTION 48-59-75, RELATING TO THE RESTRICTION OF DEED RECORDING FEES TO THE TRUST FUND AND TO REPEAL SECTIONS 3, 4, 5, AND 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

S. 1097 -- Senators Martin and Turner: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF I-385 AND BRIDGES ROAD "TROOPER DANIEL K. REBMAN, JR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 1164 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF NORTH ACADEMY STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH EAST NORTH STREET TO ITS INTERSECTION WITH NORTH MAIN STREET

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“ROBERT PEABO BRYSON BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 1217 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAY 276 AND HIGHWAY 288 (PUMPKINTOWN HIGHWAY) IN NORTHERN GREENVILLE COUNTY “DR. JAMES E. BARNETT INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 1251 -- Senators Scott, Cromer, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR SHARON PAIR, OFFICE MANAGER FOR THE SOUTH CAROLINA LEGISLATIVE COUNCIL, ON THE OCCASION OF HER RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HER FORTY-FIVE YEARS OF EXEMPLARY AND DEVOTED SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

Returned with concurrence.

Received as information.

S. 1252 -- Senators Sheheen, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BRENDA MELTON, DIRECTOR OF

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DRAFTING AND PUBLICATION SERVICES FOR THE SOUTH CAROLINA LEGISLATIVE COUNCIL, FOR HER FORTY YEARS OF DISTINGUISHED SERVICE TO THE STATE OF SOUTH CAROLINA, TO CONGRATULATE HER ON THE OCCASION OF HER WELL-EARNED RETIREMENT, AND TO WISH HER ALL THE BEST FOR MUCH ENJOYMENT AND FULFILLMENT IN THE YEARS AHEAD.

Returned with concurrence.

Received as information.

S. 1253 -- Senators Scott, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR GLORIA GENTRY SHACKELFORD, ADMINISTRATIVE ASSISTANT FOR THE SOUTH CAROLINA LEGISLATIVE COUNCIL, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY YEARS OF EXEMPLARY AND STEADFAST SERVICE AND TO WISH HER CONTINUED SATISFACTION AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 5063 -- Reps. Funderburk and Erickson: A BILL TO AMEND SECTION 44-1-143, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE RIGHT OF HOME-BASED FOOD PRODUCTION OPERATIONS TO APPLY FOR REGULATORY EXEMPTIONS FROM THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE, SO AS TO REFLECT THAT THE DEPARTMENT OF AGRICULTURE DOES NOT HAVE REGULATORY



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**AUTHORITY OVER HOME-BASED FOOD PRODUCTION OPERATIONS.**

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; 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

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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".

H. 4715 -- Reps. Kirby, Ott, Hiott, Hixon, Chumley, Burns, Johnson, Duckworth, Wheeler, Dillard, Forrest and Atkinson: A BILL TO AMEND SECTION 50-23-11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT DEALER DEMONSTRATION NUMBERS, SO AS TO PROVIDE FOR A THIRTY-DOLLAR APPLICATION FEE, TO PROVIDE FOR THE EXPIRATION OF DEMONSTRATION NUMBERS, AND TO PROVIDE FOR THE USE OF FEE REVENUE; TO AMEND SECTION 50-23-70, AS AMENDED, RELATING TO MOTORCRAFT CERTIFICATE OF NUMBER FEES AND DECALS, SO AS TO PROHIBIT THE DEPARTMENT OF NATURAL RESOURCES FROM ISSUING DUPLICATE DECALS WHEN AD VALOREM TAXES ARE OUTSTANDING; TO AMEND SECTION 50-23-340, RELATING TO THE APPLICATION FEE FOR WATERCRAFT CERTIFICATE OF NUMBERS, SO AS TO REDUCE THE FEE TO TEN DOLLARS; TO AMEND SECTION 50-23-345, AS AMENDED, RELATING TO TEMPORARY WATERCRAFT

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CERTIFICATE OF NUMBERS, SO AS TO PROVIDE A CERTIFICATE OF NUMBER MAY NOT BE ISSUED UNTIL AD VALOREM TAXES ARE PAID FOR THE YEAR IN WHICH THE CERTIFICATE IS ISSUED; TO AMEND SECTION 50-23-370, AS AMENDED, RELATING TO THE EXPIRATION AND RENEWAL OF WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO PROVIDE FOR THE ISSUANCE OF RENEWAL NOTICES AND PROCESSING OF RENEWALS BY COUNTY AUDITORS, AND TO MAKE RENEWALS ANNUAL INSTEAD OF EVERY THREE YEARS, AND TO PROVIDE FOR THE IMPLEMENTATION OF THESE PROVISIONS OVER A THREE-YEAR PERIOD; BY ADDING SECTION 50-23-12 SO AS TO REQUIRE THE COMPLETION OF CERTAIN CHANGE IN STATUS FORMS FOR WATERCRAFT AND OUTBOARD MOTOR TRADE-INS; BY ADDING SECTION 50-23-35 SO AS TO PROVIDE FOR THE ISSUANCE OF WATERCRAFT TITLES UPON PROVIDING EVIDENCE OF AD VALOREM TAX PAYMENT, AND TO PROVIDE EXCEPTIONS; AND BY ADDING ARTICLE 26 TO CHAPTER 37, TITLE 12 SO AS TO PROVIDE PROCEDURES CONCERNING ASSESSMENTS AND PAYMENTS FOR PROPERTY TAXATION OF BOATS AND WATERCRAFT AND THE ISSUANCE OF CERTIFICATES OF NUMBER FOR BOATS AND WATERCRAFT.

H. 5152 -- Reps. V.S. Moss and Hixon: A BILL TO AMEND SECTION 39-22-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IDENTIFICATION TAGS PLACED ON COTTON BALES STORED IN A WAREHOUSE OPERATED UNDER THE STATE WAREHOUSE SYSTEM, SO AS TO PROVIDE ADDITIONAL TYPES OF IDENTIFICATION NUMBERS, TAGS, AND STICKERS THAT THE WAREHOUSE MAY UTILIZE.

H. 4676 -- Reps. Collins and Felder: A BILL TO AMEND SECTIONS 56-1-50, AS AMENDED, 56-1-125, 56-1-175, AS AMENDED, AND 56-1-180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A BEGINNER'S PERMIT, A CONDITIONAL DRIVER'S LICENSE, AND A SPECIAL RESTRICTED DRIVER'S LICENSE, AND THE REQUIREMENT THAT CERTAIN INDIVIDUALS MUST REGISTER WITH THE UNITED STATES SELECTIVE SERVICE, ALL SO AS TO REVISE CERTAIN TERMS.

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H. 5159 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING HOSPICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4800, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 3139 -- Reps. Stavrinakis and McCoy: A BILL TO AMEND SECTIONS 61-4-515 AND 61-6-2016, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO PURCHASE AND SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION AND A BIENNIAL LICENSE TO PURCHASE ALCOHOLIC LIQUORS BY THE DRINK AT A MOTORSPORTS ENTERTAINMENT COMPLEX OR TENNIS SPECIFIC COMPLEX, SO AS TO INCLUDE BASEBALL COMPLEX, AND TO PROVIDE A DEFINITION FOR "BASEBALL COMPLEX".

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.

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3619 -- Reps. Atwater and Erickson: A BILL TO AMEND SECTION 47-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO CRUELTY TO ANIMALS, SO AS TO DEFINE THE TERM "COMPANION ANIMAL"; AND BY ADDING SECTION 47-1-45 SO AS TO PROHIBIT THE TATTOOING OR PIERCING OF A COMPANION ANIMAL EXCEPT FOR SPECIFIED REASONS AND, WHEN AUTHORIZED, PERFORMED BY SPECIFIED PERSONS, AND TO

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**PROVIDE CRIMINAL PENALTIES FOR A VIOLATION WHICH IS A MISDEMEANOR.**

The Senate proceeded to a consideration of the Bill.

Senator VERDIN proposed the following amendment (JUD3619.003), which was adopted:

Amend the bill, as and if amended, page 3, line 13, by striking SECTION 3 in its entirety and inserting therein the following:

/ SECTION 3. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“Section 47-1-225. Every four years, at their mandatory continuing legal education programs, magistrates and municipal court judges must receive at least two hours of instruction on issues concerning animal cruelty. The content of the continuing legal education must be determined by the South Carolina Court Administration at the direction of the Chief Justice of the South Carolina Supreme Court.”

SECTION 4. Section 47-3-10 of the 1976 Code is amended to read:

“Section 47-3-10. For the purpose of this article:

(1) ‘Animal’ is defined as provided for in Chapter 1;

(2) ‘Animal shelter’ includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article;

(3) ‘Dog’ includes all members of the canine family, including foxes and other canines;

~~(4)(a)~~ A dog is deemed to be ‘running at large’ if off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device;

~~(5)(b)~~ A dog is deemed to be ‘under restraint’ if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device;

~~(6)(4)~~ ‘Cat’ includes all members of the feline family;

(5) ‘Community cat’ means a feral or friendly, free-roaming cat that is without discernable owner identification of any kind and that has been sterilized, vaccinated, and ear-tipped.

(6) ‘Ear-tipping’ is the removal of approximately one quarter-inch from the tip of a community cat’s left ear while the cat is anesthetized for sterilization.

(7) ‘Litter’ means multiple offspring that are born at one time from the same mother.

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(8) 'Trap-neuter-return' means the method by which community cats are humanely trapped, spayed or neutered, vaccinated, ear-tipped, and returned to the location where they were living.

~~(7)~~(9) 'Vicious dog' means any dog evidencing an abnormal inclination to attack persons or animals without provocation."

SECTION 5. Section 47-3-60 of the 1976 Code is amended to read:

"Section 47-3-60. (A) After any animal has been quarantined pursuant to South Carolina Rabies Control Act and is unclaimed by its owner, after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(B) Notwithstanding subsection (C), a litter of unidentifiable dogs or cats four months of age or younger may be turned over to any organization established for the purpose of caring for animals immediately, so long as the litter is turned over for life-saving purposes.

~~(B)(C)~~ After any animal has been impounded for five calendar days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(D) All healthy, unidentifiable cats found or picked up from an outside area and considered stray may be sterilized within twenty-four hours and then, twenty-four hours after surgery if sufficiently recovered, may be returned to the area in which they were found. Community cats are eligible for trap-neuter-return or a community cat program.

~~(C)~~(E) Complete records must be kept by shelter officials as to the disposition of all animals impounded."

SECTION 6. Chapter 1, Title 47 of the 1976 Code is amended by adding:

"Section 47-1-145. (A) Any person, organization, or other entity that is awarded custody of an animal under the provisions of Section 47-1-150 because of the arrest of a defendant for a violation of any

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provision of Chapter 1, Title 47 or Chapter 27, Title 16 and that provides services to the animal without compensation may file a petition with the court requesting that the defendant, if found guilty, be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal pending the disposition of the litigation. In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, 'court' refers to municipal or magistrate's court and 'reasonable expenses' includes the cost of providing food, water, shelter, and care, including medical care, but does not include extraordinary medical procedures.

(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal that the custodian incurred pursuant to subsection (A). Either party may demand that the trial be given priority over other cases.

(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture, or the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

(D) Within thirty days of an animal's impoundment, the animal's custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:

(1) an estimate of the daily custodial costs required to care for the animal;

(2) a statement that the defendant, if found guilty, shall be required to pay for the animal's care during impoundment; and

(3) a statement that the defendant, at any time prior to final adjudication, has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care, but not costs already accrued.

(E) The remedy provided for in this section is in addition to any other remedy provided by law."

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SECTION 7. Section 56-3-9600(B) of the 1976 Code is amended to read:

“(B)(1) Notwithstanding another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. ~~Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's caseload in the preceding calendar year was of the total caseload of all applicants in that year.~~

(2) An agency may apply for up to two thousand dollars per grant application at the beginning of each fiscal year and may apply for multiple grants during a fiscal year. Total available grant funds shall be based on the amount of funds collected each previous fiscal year. Grants must specify how many surgeries will be performed and the species and gender of the animals undergoing surgery. Agencies may only apply for one grant at a time. Once a grant is fulfilled, an agency may apply for another grant, provided that funds are available. Grants must be fulfilled within six months of receiving funds. Once grants are completed, agencies must submit to No More Homeless Pets / SCACCA a report identifying each person participating; the basis of eligibility for the program; spaying or neutering; dates of spaying or neutering and of rabies vaccines if applicable; descriptions of animals, including gender; and the appropriate amount charged toward the grant. Any unused funds must be returned. If a co-pay was charged to participating individuals, then that amount must also be included. The Department of Agriculture shall encourage participation from Tier 3 and Tier 4 counties.

(3) The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for



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reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.”

SECTION 8. Section 40-69-30 of the 1976 Code is amended to read:

“Section 40-69-30. (A) A person may not practice veterinary medicine without a license issued in accordance with this chapter, except as provided in subsection (B). A person who uses in connection with his name the words or letters ‘D.V.M.’, ‘V.M.D.’, ‘Doctor of Veterinary Medicine’, ‘Veterinary Medical Doctor’, or other letters, words, or insignia indicating or implying that one is engaged in the practice of veterinary medicine or who in any other way, orally or in writing or in print or by sign directly or by implication, represents oneself as engaged in the practice of a veterinary medicine without being licensed by the board is subject to the penalties provided for in this chapter.

(B)(1) During an emergency or natural disaster, a veterinarian or veterinary technician who is not licensed in accordance with this chapter, but is licensed and in good standing in another jurisdiction, may obtain an emergency limited license to practice veterinary medicine related to the response efforts in locations in this State if:

(a) an official declaration of a state of emergency has been made by the Governor of this State or his delegated state official; and

(b) an official invitation has been extended to the veterinarian or veterinary technician for a specified time by the Governor during emergencies.

(2) An applicant for an emergency limited license must submit documentation as may be acceptable to the board under the circumstances to demonstrate eligibility for the limited license, including documentation of an existing license in good standing.”

SECTION 9. Section 47-3-470(3) of the 1976 Code is amended to read:

“(3) ‘Public or private ~~animal-refuge~~ rescue organization’ means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.”

SECTION 10. Section 47-3-480 of the 1976 Code is amended to read:

“Section 47-3-480. (A) A public or private animal shelter, animal control agency operated by a political subdivision of this State, humane society, or public or private ~~animal-refuge~~ rescue organization shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or ~~refuge~~ rescue organization by:

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(1) providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

(2) entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.

(B) This section does not apply to a privately owned animal which the shelter, agency, society, or ~~refuge~~ rescue organization may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.

(C) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the shelter, agency, society, or ~~refuge~~ rescue organization for the animal.

(D) A person acquiring an animal from a shelter, an agency, a society, or a ~~refuge~~ rescue organization which is not sterile at the time of acquisition shall submit to the shelter, agency, society, or ~~refuge~~ rescue organization a signed statement from the licensed veterinarian performing the sterilization required by subsection (A) within seven days after sterilization attesting that the sterilization has been performed.”

SECTION 11. Section 47-3-490 of the 1976 Code is amended to read:

“Section 47-3-490. A person who fails to comply with Section 47-3-480(A)(2) or 47-3-480(D) must forfeit ownership of the dog(s) or cat(s) acquired from the shelter, agency, society, or ~~refuge~~ rescue organization which adopted the animal to the owner. In addition to forfeiting ownership, the person who acquired the animal must pay to the shelter, agency, society, or ~~refuge~~ rescue organization the sum of ~~\$200.00~~ two hundred dollars as liquidated damages. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the shelter, agency, society, or ~~refuge~~ rescue organization for breach of the written agreement as provided for in Section 47-3-480(A)(2) or failure to comply with Section 47-3-480(D).”

SECTION 12. Chapter 3, Title 47 is amended by adding:

“ARTICLE 16

Shelter Standards

Section 47-3-1010. For the purpose of this article:

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(1) ‘Animal control officer’ means a person who is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control.

(2)(a) ‘Animal sheltering facility’ means:

(i) a county or municipal animal control facility that has adopted the standards established in this article;

(ii) a private or non-profit facility that contracts with a county or municipality for animal control; or

(iii) a private or non-profit facility that shelters at least eight unwanted dogs or cats at one time and has solicited donations from the public.

(b) Two or more animal sheltering facilities that have the same or a similar purpose and operate from one place or premises shall be considered a single facility.

(3) ‘Primary enclosure’ means a structure or device used to restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch, where an animal will sleep, eat, and spend the majority of its time.

(4) ‘Temporary enclosure’ means a cage or crate designed for short-term, temporary confinement or travel, including, but not limited to, airline crates and transport carriers. Dogs and cats may be housed in temporary enclosures for no longer than seventy-two hours after being taken into custody by an animal shelter.

Section 47-3-1020. Animal control officers shall have the duty to enforce the provisions of this article, including the investigation of complaints against, and the inspection of, animal sheltering facilities.

Section 47-3-1030. (A) An animal control officer may inspect all animal sheltering facilities within the county in which he has jurisdiction and shall investigate all complaints about the care and welfare of animals in such facilities. Inspections shall be unannounced and shall occur within the normal business hours of the animal sheltering facility. Inspections shall be performed at least annually, and up to two routine inspections may be conducted per year. Additional inspections may be performed based on probable cause to believe an animal sheltering facility might be or is in violation of these and other applicable standards, pursuant to Section 17-13-140.

(B) An animal control officer shall document the inspection, investigation, or both, and present copies of the report to the facility.

(C) The document referred to in subsection (B) shall be developed by the State Board of Veterinary Medical Examiners and shall be made available, in an electronic format, to animal control officers for use

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during an inspection or investigation. The document shall contain a pass/fail analysis covering the standards provided pursuant to this article.

Section 47-3-1040. All animal sheltering facilities shall:

(1) separate animals by species in primary enclosures, separate unaltered male and female animals of the same species of reproductive age at all times, and ensure that all animals in the same enclosure at the same time are compatible;

(2) provide adequate housing, including:

(a) isolation of sick or injured animals sufficient to protect the health or safety of other animals. Animals diagnosed with or suspected of communicable illness must be physically isolated from healthy animals either by permanent or temporary barriers sufficient to prevent the transmission of airborne and physical contaminants, and all appropriate steps must be taken to minimize transmission of disease;

(b) indoor housing facilities with protection from extreme temperatures and weather conditions that may be hazardous to the animals, including heated quarters during cold weather. Whenever possible, animals' primary housing should be indoors;

(c) indoor housing facilities that are: sanitary and in good repair; free of standing water; constructed of solid flooring (no mesh, wire, or slatted floors); sufficiently ventilated to provide for the animals' health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation; and ideally constructed of nonporous and easily disinfected surfaces. Ambient temperature must not fall below fifty degrees Fahrenheit or rise above eighty-five degrees Fahrenheit if animals are present, unless expressly authorized by a veterinarian;

(d) outdoor housing facilities, if outdoor structures are used to house animals, that are large enough to accommodate all animals in the enclosure simultaneously and allow the animals to remain dry and protected from extreme temperature or weather conditions that may be hazardous to the animals. Outdoor housing should not be considered suitable primary enclosures for cats and dogs unless no reasonable indoor option is available;

(e) primary enclosures for dogs that are at least six inches higher than the head of the tallest dog in the enclosure when the dog is in a normal standing position; that allow sufficient space for sleeping, eating, and elimination; and that ensure each animal has sufficient room to engage in normal behaviors;

(f) primary enclosures for cats that allow each animal to fully extend its limbs, including its tail, and that allow for sleeping, eating, and elimination areas. Enclosures ideally should provide two feet of

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triangulated distance between bedding, litterbox, and food and water bowls; and

(g) primary enclosures for all animals that are large enough for each animal to turn about freely, stand erect, lie down in a natural position, and fully extend its limbs;

(3) clean primary enclosures and housing facilities to remove feces, hair, dirt, debris, and food waste at least daily, or more often if necessary, to prevent accumulation and to reduce disease hazards, insects, pests, and odors. While animals need not necessarily be removed from housing areas during cleaning, they may not be permitted to come into direct contact with disinfectants, cleaning solutions, or other potentially harmful products, nor may they be permitted to become wet during the cleaning process, either directly or indirectly; in no case may high pressure water systems be used to clean kennels with animals still inside them;

(4) provide adequate veterinary care for sick or injured animals, such that animals suspected of illness or injury receive veterinary care within twenty-four hours, or forty-eight hours for an animal received by a county facility on a weekend or holiday, and are provided prescribed medication necessary to alleviate pain;

(5) provide continuous access to potable, uncontaminated water that is not frozen and is readily accessible to all animals in the enclosure, unless otherwise directed by a veterinarian for the health of the animal;

(6) provide palatable, uncontaminated food at least once daily, unless otherwise directed by a veterinarian for the health of the animal;

(7) ensure each animal is individually observed at least once in every twenty-four hour period by an animal shelter employee tasked with overseeing the welfare and care of the animals;

(8) provide all animals with daily enrichment to ensure adequate mental and physical stimulation, either outside or inside the animals' primary enclosure. Dogs should be removed from their primary enclosures for exercise for the purposes of walking and playing at least three times per week, unless inclement weather; isolation, quarantine, or health restrictions; or staffing limitations prevent their removal. In such cases, shelters must document daily in-kennel enrichment provided to maintain the physical and psychological well-being of dogs not afforded outdoor exercise; and

(9) keep written records of the care of each animal, including, but not limited to, individual observation of each animal and veterinary treatment, and provide these records to an animal control officer or other inspector authorized by Section 47-3-1030, upon request.

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Section 47-3-1050. (A) Animal control officers shall have the authority to issue orders to address violations of this section, including, but not limited to, ordering the suspension of intake of animals until violations are corrected and ordering the permanent closure of a facility.

(B) If the animal control officer finds that the animal sheltering facility is not in compliance with the standards established in Section 47-3-1040, then the animal control officer shall issue orders as follows:

(1) For the first non-compliant inspection, the animal sheltering facility shall be issued a warning and shall be re-inspected thirty days after the date of the first inspection.

(2) If, after the second inspection, the animal sheltering facility remains non-compliant, then the facility shall be subject to a fine of not less than \$100 nor more than \$500, or the animal control officer or other authorized inspector shall issue an order requiring the facility to suspend intake of animals for a period of fifteen to thirty days, as needed, to address the non-compliance. After such a period, the animal sheltering facility shall be re-inspected.

(3) If, after the third inspection, the animal sheltering facility remains non-compliant, then the animal control officer or other authorized inspector may issue an order permanently closing the facility. Such an order shall grant the animal sheltering facility a period of ninety days, as needed, to transfer all animals in the facility to other facilities, organizations, or individuals within the State. Animals from facilities subject to a closure order may be transferred out of the State as long as the transfer does not violate the laws of this State or of the importing state.

(C) If a facility is closed pursuant to this section, then arrangements shall be made by facility and inspecting authorities to transport the animals to another animal sheltering facility.

(D) Nothing in this section prevents any local, state, or federal law enforcement agency from investigating animal cruelty in an animal sheltering facility.

Section 47-3-1060. Nothing in this article shall be construed as requiring the purchase of equipment, the hire of additional personnel, or the construction of additional buildings or other structures.”

SECTION 13. The General Assembly finds it is the best practice for a shelter, public or private, to prepare and maintain records documenting the number of animals admitted to the facility and the method by which those animals exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge.

SECTION 14. This act takes effect upon approval by the Governor./

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Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 40; Nays 1**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Cromer	Davis
Gambrell	Goldfinch	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

Corbin

**Total--1**

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

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**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

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.

The Senate proceeded to a consideration of the Bill.

Senator McELVEEN proposed the following amendment (4710TM1), which was adopted:

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

/ SECTION \_\_\_\_ . Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16 11 605. (A) Except as provided in subsection (B), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of four hundred feet from a state or federal military installation with restricted public access without written consent from the commander of the specific military installation or his designee. If specific approvals have been given, all flights must be conducted within the requirements set forth by the Federal Aviation Administration for the operations of unmanned aerial vehicles.

(B) This section does not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle for the purpose of monitoring, operating, maintaining, or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and notifies the commander of the specific military installation prior to operating the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days.” /

Renumber sections to conform.

Amend title to conform.



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Senator VERDIN explained the amendment.

The amendment was adopted.

Senator CAMPSSEN proposed the following amendment (4710R001.SP.GEC), which was adopted:

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

/ SECTION \_\_. If any provision of this act is held or determined to be unconstitutional, invalid, or otherwise unenforceable by a court of competent jurisdiction, then it is the intention of the General Assembly that the provision is severable from the remaining provisions of this act and that the holding does not invalidate or render unenforceable another provision of this act. /

ReNUMBER sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 41; Nays 1**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Grooms	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

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**Total--41**

**NAYS**

Massey

**Total--1**

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

**HOUSE BILL RETURNED**

H. 4980 -- Reps. Tallon, Allison, Long and Forrester: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO REVISE THE MEMBERSHIP OF ITS GOVERNING COMMISSION TO PROVIDE A MEMBER FROM SPARTANBURG COUNTY, AND TO ADD THE "ENOREE BASIN" OF SPARTANBURG COUNTY TO REWA'S SERVICE AREA.

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 4093 -- Reps. Collins, J.E. Smith and Norrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EMPLOYMENT FIRST INITIATIVE ACT" BY ADDING CHAPTER 5 TO TITLE 41 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO ESTABLISH POLICIES SUPPORTIVE OF COMPETITIVE AND INTEGRATED EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES, TO CREATE RELATED RESPONSIBILITIES FOR STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE, TO CREATE THE SOUTH CAROLINA EMPLOYMENT FIRST OVERSIGHT COMMISSION, AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE COMMISSION.

The Senate proceeded to the consideration of the Bill.

Senator MARTIN proposed the following amendment (4093R001.SP.SRM), which was adopted:

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

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/SECTION 1. There is hereby established the South Carolina Employment First Study Committee, consisting of six members, for the purpose of studying and evaluating the need for an Employment First Initiative Act. Such an act would establish policies supportive of competitive and integrated employment of individuals with disabilities and create related responsibilities for state agencies and political subdivisions of the State. The study committee shall consist of the following members:

- (1) one member appointed by the Governor;
- (2) one member appointed by the Lieutenant Governor;
- (3) one member appointed by the President Pro Tempore of the Senate;
- (4) one member appointed by the Speaker of the House of Representatives;
- (5) one member appointed by the Chairman of the Senate General Committee; and
- (6) one member appointed by the Chairman of the House Medical, Military, Public and Municipal Affairs Committee.

SECTION 2. The South Carolina Employment First Study Committee must submit a report containing its findings and recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives on or before May 1, 2019. Upon submission of the report, the study committee is dissolved. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The question then being third reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson

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Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 4466 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-2-3110 SO AS TO PROVIDE THAT A COUNTY MAY ADOPT AN ORDINANCE THAT REGULATES THE OPERATION OF CERTAIN UNLICENSED VEHICLES UPON THE PUBLIC STREETS AND HIGHWAYS WITHIN ITS JURISDICTION WHEN THE VEHICLES ARE OFFERED TO THE PUBLIC FOR RENTAL ON A DAILY, WEEKLY, OR MONTHLY BASIS, AND TO PROVIDE THAT MUNICIPALITIES MAY ADOPT A SIMILAR ORDINANCE IN THE ABSENCE OF COUNTY ORDINANCES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (4466R002), which was adopted:

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

/SECTION 1. Section 56-2-105 of the 1976 Code is amended to read:

“Section 56-2-105. (A) For the purposes of this section, ‘gated community’ means any homeowners’ community with at least one access controlled ingress and egress which includes the presence of a

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guard house, a mechanical barrier, or another method of controlled conveyance.

(B) An individual or business owner of a vehicle commonly known as a golf cart may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the golf cart and upon payment of a five dollar fee.

(C) During daylight hours only:

(1) A permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

(2) A permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

(3) Within four miles of the registration holder's address, and while traveling along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty-five miles an hour.

(4) A permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

(D) A person operating a permitted golf cart must be at least sixteen years of age and hold a valid driver's license. The operator of a permitted golf cart being operated on a highway or street must have in his possession:

- (1) the registration certificate issued by the department;
- (2) proof of liability insurance for the golf cart; and
- (3) his driver's license.

(E) A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

(F)(1) A political subdivision may, on designated streets or roads within the political subdivision's jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles.

(2) A political subdivision may, on primary highways, secondary highways, streets, or roads within the political subdivision's jurisdiction, create separate golf cart paths on the shoulder of its primary highways, secondary highways, streets, and roads for the purpose of golf cart transportation, if:

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- (a) the political subdivision obtains the necessary approvals, if any, to create the golf cart paths; and
- (b) the golf cart path is:
  - (i) separated from the traffic lanes by a hard concrete curb;
  - (ii) separated from the traffic lanes by parking spaces; or
  - (iii) separated from the traffic lanes by a distance of four feet or more.

(3) In a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons:

(a) if a municipality has jurisdiction over a barrier island, the municipality may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the barrier island within the municipality, provided the golf cart is equipped with working headlights and rear lights; or

(b) if a barrier island is not within the jurisdiction of a municipality, the county in which the barrier island is located may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the county, provided the golf cart is equipped with working headlights and rear lights.

If a municipality or county enacts an ordinance allowing golf carts to operate at night on a barrier island, the requirements of subsection (C), other than operation in daylight hours only, shall still apply to all permitted golf carts.

(4)(a) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section.

(b) Notwithstanding the provisions of this item, a county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering golf carts for rental or lease on an hourly, daily, weekly, or monthly basis that operate upon the public streets and highways within the jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased golf carts may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.

(G) The provisions of this section that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.”

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SECTION 2. Article 3, Chapter 2, Title 56 of the 1976 Code is amended by adding:

Section 56-2-3110. A county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering mopeds for rental or lease on an hourly, daily, weekly, or monthly basis that operate upon the public streets and highways within its jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased mopeds may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.

SECTION 3. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16-11-605. (A) Except as provided in subsection (B), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of four hundred feet from a state or federal military installation with restricted public access without written consent from the commander of the specific military installation or his designee. If specific approvals have been given, all flights must be conducted within the requirements set forth by the Federal Aviation Administration for the operations of unmanned aerial vehicles.

(B) This section does not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle for the purpose of monitoring, operating, maintaining, or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and notifies the commander of the specific military installation prior to operating the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days.”

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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

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

The amendment was adopted.

Senator McELVEEN proposed the following amendment (4466TM1, which was adopted:

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

/ SECTION \_\_\_\_ Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16 11 605. (A) Except as provided in subsection (B), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of four hundred feet from a state or federal military installation with restricted public access without written consent from the commander of the specific military installation or his designee. If specific approvals have been given, all flights must be conducted within the requirements set forth by the Federal Aviation Administration for the operations of unmanned aerial vehicles.

(B) This section does not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle for the purpose of monitoring, operating, maintaining, or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and notifies the commander of the specific military installation prior to operating the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days.” /

Renumber sections to conform.  
Amend title to conform.

Senator McELVEEN explained the amendment.



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The amendment was adopted.

Senator GROOMS explained the Bill.

The question then being third reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

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

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**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

H. 4466 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-2-3110 SO AS TO PROVIDE THAT A COUNTY MAY ADOPT AN ORDINANCE THAT REGULATES THE OPERATION OF CERTAIN UNLICENSED VEHICLES UPON THE PUBLIC STREETS AND HIGHWAYS WITHIN ITS JURISDICTION WHEN THE VEHICLES ARE OFFERED TO THE PUBLIC FOR RENTAL ON A DAILY, WEEKLY, OR MONTHLY BASIS, AND TO PROVIDE THAT MUNICIPALITIES MAY ADOPT A SIMILAR ORDINANCE IN THE ABSENCE OF COUNTY ORDINANCES.

Very respectfully,

Speaker of the House

Received as information.

**H. 4466--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

H. 4466 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-2-3110 SO AS TO PROVIDE THAT A COUNTY MAY ADOPT AN ORDINANCE THAT REGULATES THE OPERATION OF CERTAIN UNLICENSED VEHICLES UPON THE PUBLIC STREETS AND HIGHWAYS WITHIN ITS JURISDICTION WHEN THE VEHICLES ARE OFFERED TO THE PUBLIC FOR RENTAL ON A DAILY, WEEKLY, OR MONTHLY BASIS, AND TO PROVIDE THAT MUNICIPALITIES MAY ADOPT A SIMILAR ORDINANCE IN THE ABSENCE OF COUNTY ORDINANCES.

On motion of Senator HUTTO the Senate insisted upon its amendments to H. 4466 and asked for a Committee of Conference.

Whereupon, Senators HUTTO, RANKIN and GROOMS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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**HOUSE BILLS RETURNED**

The following Bills and Resolutions were read the third time and ordered returned to the House with amendments:

H. 5153 -- Rep. Delleney: A BILL TO AMEND SECTION 42-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN WORKERS' COMPENSATION COMMISSION HEARINGS CONCERNING COMPENSATION PAYABLE, SO AS TO PROVIDE THESE HEARINGS MUST BE HELD IN THE DISTRICTS IN WHICH THE INJURIES OCCURRED INSTEAD OF THE CITIES OR COUNTIES IN WHICH THE INJURIES OCCURRED, AND TO PROVIDE THESE DISTRICTS MUST BE DETERMINED BY THE COMMISSION.

The Senate proceeded to a consideration of the Bill.

The question then being third reading of the Bill.

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

**Ayes 23; Nays 17**

**AYES**

Bennett	Campbell	Campsen
Cash	Climer	Corbin
Davis	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Leatherman	Massey	Rankin
Reese	Rice	Shealy
Talley	Timmons	Turner
Verdin	Young	

**Total--23**

**NAYS**

Alexander	Cromer	Jackson
Johnson	Kimpson	Malloy
Martin	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Sabb	Scott	Senn
Setzler	Williams	

**Total--17**

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

H. 5090 -- Reps. Clemmons and Yow: 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 PROHIBIT THE SALE OF PARTS OF WILD TURKEYS AND THE SALE OF CAPES, BEARDS, AND FANS.

H. 4815 -- Reps. Arrington and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-67-75 SO AS TO PROVIDE SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE PATHOLOGY ASSISTANTS UNDER THEIR SUPERVISION SHALL ADHERE TO CERTAIN GUIDELINES; TO AMEND SECTION 40-67-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS, SO AS TO REVISE THE DEFINITION OF SPEECH-LANGUAGE PATHOLOGISTS; TO AMEND SECTION 40-67-30, RELATING TO THE SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY INTERNS AND ASSISTANTS, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 40-67-110, RELATING TO DISCIPLINARY MATTERS, SO AS TO PROVIDE THAT THE FAILURE TO ADHERE TO CERTAIN SUPERVISORY GUIDELINES AMONG THE FORMS OF CONDUCT ARE SUBJECT TO DISCIPLINE; TO AMEND SECTION 40-67-260, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR LICENSE RENEWAL, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-280, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR INACTIVE LICENSE REACTIVATIONS, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-300, RELATING TO THE APPLICABILITY OF THE CHAPTER, SO AS TO LIMIT THE EXEMPTION FOR SPEECH-PATHOLOGISTS AND

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AUDIOLOGISTS EMPLOYED BY THE FEDERAL GOVERNMENT OR THE STATE TO THOSE SO EMPLOYED BEFORE JANUARY 1, 2019, AND TO REMOVE AN EXEMPTION FOR PERSONS LICENSED UNDER TITLE 40 OR ANOTHER PROVISION OF LAW WHOSE SCOPE OF PRACTICE OVERLAPS WITH THE PRACTICE OF SPEECH PATHOLOGY OR AUDIOLOGY; TO REDESIGNATE CHAPTER 67, TITLE 40 AS "SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS"; AND TO REPEAL ACT 124 OF 2015 RELATING TO THE TEMPORARY EXEMPTION OF CERTAIN APPLICANTS FOR LICENSURE AS SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS FROM THE REQUIREMENT OF HAVING A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION.

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

**Ayes 43; Nays 2**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--43**

**NAYS**

Corbin	Rice
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**Total--2**

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**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3209 -- Reps. Pope, Robinson-Simpson, Crosby, Whipper, Brown, M. Rivers, King, Magnuson, Norrell, Martin, B. Newton, Long, Govan, Henegan, Dillard and Gilliard: A BILL TO AMEND SECTION 17-22-910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS FOR THE EXPUNGEMENT OF CRIMINAL RECORDS FOR CERTAIN OFFENSES, SO AS TO PROVIDE FOR ELIGIBILITY FOR EXPUNGEMENT OF OFFENSES SUBSEQUENTLY REPEALED WHEN THE ELEMENTS OF THE OFFENSE ARE CONSISTENT WITH AN EXISTING SIMILAR OFFENSE WHICH IS SUBJECT TO EXPUNGEMENT, AND CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY TO THE OFFENSES DELINEATED.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (JUD3209.017), which was adopted:

Amend the bill, as and if amended, page 5, by striking lines 28 through 32, in Section 22-5-930(B), as contained in SECTION 4, and inserting there in the following:

/ drug conviction or any felony conviction may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. /

Amend the bill further, as and if amended, page 5, by striking lines 39 through 40, in Section 22-5-930(D), as contained in SECTION 4, and inserting therein the following:

/ (D) No person may have the person's record expunged under this section if the person has pending criminal charges of any kind unless the charges have been pending for more than five years; however, this five year time period is tolled for any time the defendant has been under a bench warrant for failure to appear. No /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

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Senator TIMMONS proposed the following amendment (JUD3209.011), which was adopted:

Amend the bill, as and if amended, by striking page 7, lines 21-22, as contained in SECTION 8, and inserting therein the following:

/ SECTION 8. Section 17-22-940 is amended to read:

“17-22-940 (A) In exchange for the expungement service that is provided by the solicitor’s office, the applicant is responsible for payment to the solicitor’s office of an administrative fee in the amount of two hundred fifty dollars per individual order, which must be retained by that office to defray the costs associated with the expungement process except as provided in items (1) and (2)~~subsection (B)~~. The two hundred fifty dollar fee is nonrefundable, regardless of whether the offense is later determined to be statutorily ineligible for expungement or the solicitor or his designee does not consent to the expungement.

(1) Any person who applies to the solicitor’s office for an expungement of general session charges pursuant to Section 17-1-40 is exempt from paying the administrative fee, unless the charge that is the subject of the expungement request was dismissed, discharged, or nolle prossed as part of the plea arrangement under which the defendant pled guilty and was sentenced to other charges.

(2) Each solicitor’s office shall establish an account to collect private donations for the purpose of assisting in defraying the administrative fee of an expungement by up to fifty percent (50%). These funds shall be available on a first come first serve basis to applicants. This item does not require the solicitor to request or solicit funds for this account.

~~(B) Any person who applies to the solicitor’s office for an expungement of general sessions charges pursuant to Section 17-1-40 is exempt from paying the administrative fee, unless the charge that is the subject of the expungement request was dismissed, discharged, or nolle prossed as part of a plea arrangement under which the defendant pled guilty and was sentenced on other charges.~~

~~(C)~~(B) The solicitor’s office shall implement policies and procedures consistent with this section to ensure that the expungement process is properly conducted. This includes, but is not limited to:

(1) assisting the applicant in completing the expungement order form;

(2) collecting from the applicant and distributing to the appropriate agencies separate certified checks or money orders for charges prescribed by this article;

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(3) collecting funds from individuals choosing to contribute to the fund to defray the costs of administrative fees for expungements;

~~(3)~~(4) coordinating with the South Carolina Law Enforcement Division (SLED) and, in the case of juvenile expungements, the Department of Juvenile Justice, to confirm that the criminal charge is statutorily appropriate for expungement;

~~(4)~~(5) obtaining and verifying the presence of all necessary signatures;

~~(5)~~(6) filing the completed expungement order with the clerk of court; and

~~(6)~~(7) providing copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the:

(a) arresting law enforcement agency;

(b) detention facility or jail;

(c) solicitor's office;

(d) magistrates or municipal court where the arrest warrant originated;

(e) magistrates or municipal court that was involved in any way in the criminal process of the charge sought to be expunged;

(f) Department of Juvenile Justice; and

(g) SLED.

~~(D)~~(C) The solicitor or his designee also must provide a copy of the completed expungement order to the applicant or his retained counsel.

~~(E)~~(D) In cases when charges are sought to be expunged pursuant to Section 17-22-150(a), 17-22-530(a), 22-5-910, or 44-53-450(b), the circuit pretrial intervention director, alcohol education program director, traffic education program director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.

~~(F)~~(E) SLED shall verify and document that the criminal charges in all cases, except in cases when charges are sought to be expunged pursuant to Section 17-1-40, are appropriate for expungement before the solicitor or his designee, and then a circuit court judge, or a family court judge in the case of a juvenile, signs the application for expungement. If the expungement is sought pursuant to Section 34-11-90(e), Section 22-5-910, Section 22-5-920, or Section 56-5-750(f), the conviction for any traffic-related offense which is punishable only by a fine or loss of points will not be considered as a bar to expungement.



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(1) SLED shall receive a twenty-five dollar certified check or money order from the solicitor or his designee on behalf of the applicant made payable to SLED for each verification request, except that no verification fee may be charged when an expungement is sought pursuant to Section 17-1-40, 17-22-150(a), or 44-53-450(b). SLED then shall forward the necessary documentation back to the solicitor's office involved in the process.

(2) In the case of juvenile expungements, verification and documentation that the charge is statutorily appropriate for expungement must first be accomplished by the Department of Juvenile Justice and then SLED.

(3) Neither SLED, the Department of Juvenile Justice, nor any other official shall allow the applicant to take possession of the application for expungement during the expungement process.

~~(G)~~(F) The applicant also is responsible to the clerk of court for the filing fee per individual order as required by Section 8-21-310(21), which must be forwarded to the clerk of court by the solicitor or his designee and deposited in the county general fund. If the charge is determined to be statutorily ineligible for expungement, this prepaid clerk of court filing fee must be refunded to the applicant by the solicitor or his designee.

~~(H)~~(G) Each expungement order may contain only one charge sought to be expunged, except in those circumstances when expungement is sought for multiple charges occurring out of a single incident and subject to expungement pursuant to Section 17-1-40 or 17-22-150(a). Only in those circumstances may more than one charge be included on a single application for expungement and, when applicable, only one two hundred fifty-dollar fee, one twenty-five dollar SLED verification fee, and one thirty-five dollar clerk of court filing fee may be charged.

~~(H)~~(H) A filing fee may not be charged by the clerk's office to an applicant seeking the expungement of a criminal record pursuant to Section 17-1-40, when the charge was discharged, dismissed, nolle prossed, or the applicant was acquitted.

~~(I)~~(I) Nothing in this article precludes an applicant from retaining counsel to apply to the solicitor's office on his behalf or precludes retained counsel from initiating an action in circuit court seeking a judicial determination of eligibility when the solicitor, in his discretion, does not consent to the expungement. In either event, retained counsel is responsible to the solicitor or his designee, when applicable, for the two hundred fifty-dollar fee, the twenty-five dollar SLED verification

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fee, and the thirty-five dollar clerk of court filing fee which must be paid by retained counsel's client.

~~(K)~~(J) The solicitor or his designee has the discretion to waive the two hundred fifty-dollar fee only in those cases when it is determined that a person has been falsely accused of a crime as a result of identity theft.

~~(L)~~(K) Each solicitor's office shall maintain a record of all fees collected related to the expungement of criminal records, which must be made available to the Chairmen of the House and Senate Judiciary Committees. Those records shall remain confidential otherwise."

SECTION 9. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator TIMMONS explained the amendment.

The amendment was adopted.

Senator GOLDFINCH proposed the following amendment (JUD3209.012), which was withdrawn:

Amend the bill, as and if amended, page 3, as contained in SECTION 2, by striking line 2 and inserting therein the following:

/ three-year period as provided in ~~subsection~~ subsections (A) and (G), or during the /

Amend the bill further, as and if amended, page 3, as contained in SECTION 2, by striking line 30 and inserting therein the following:

/ section.

(G) If a misdemeanor arrest and conviction, including a conviction in magistrates or general sessions court, occurred prior to a veteran's discharge from military service, the veteran, after three years from the date of the completion of the sentence, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant, unless otherwise provided for in Subsection (B) of this section. The provisions of this section apply retroactively to allow expungements by veterans convicted prior to the enactments of this section. However, this section does not apply to an offense involving the operation of a motor vehicle. For the purposes of this section 'veteran' is defined in Section 25-11-40 (A)." /

Renumber sections to conform.

Amend title to conform.

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On motion of Senator GOLDFINCH, the amendment was withdrawn.

There being no further amendments, the question being third reading of the Bill.

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

**Ayes 38; Nays 2**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Cromer	Davis	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--38**

**NAYS**

Corbin	Senn
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**Total--2**

On motion of Senator HEMBREE, third reading was reconsidered.

Senator HEMBREE proposed the following amendment (JUD3209.018), which was adopted:

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

/ SECTION 1. Section 17-22-910 of the 1976 Code, as last amended by Act 22 of 2015, is amended to read:

“Section 17-22-910. (A) Applications for expungement of all criminal records must be administered by the solicitor’s office in each circuit in the State as authorized pursuant to:

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- (1) Section 34-11-90(e), first offense misdemeanor fraudulent check;
- (2) Section 44-53-450(b), conditional discharge;
- (3) Section 22-5-910, first offense conviction in magistrates court;
- (4) Section 22-5-920, youthful offender act;
- (5) Section 22-5-930, first offense simple possession or possession with intent to distribute drug convictions;
- (6) Section 56-5-750(f), first offense failure to stop when signaled by a law enforcement vehicle;
- ~~(6)~~(7) Section 17-22-150(a), pretrial intervention;
- ~~(7)~~(8) Section 17-1-40, criminal records destruction, except as provided in Section 17-22-950;
- ~~(8)~~(9) Section 63-19-2050, juvenile expungements;
- ~~(9)~~(10) Section 17-22-530(A), alcohol education program;
- ~~(10)~~(11) Section 17-22-330(A), traffic education program; and
- ~~(11)~~(12) any other statutory authorization.

(B) A person's eligibility for expungement of an offense contained in this section, or authorized by any other provision of law, must be based on the offense that the person pled guilty to or was convicted of committing and not on an offense for which the person may have been charged. In addition, if an offense for which a person was convicted is subsequently repealed and the elements of the offense are consistent with an existing similar offense which is currently eligible for expungement, a person's eligibility for expungement of an offense must be based on the existing similar offense.

(C) The provisions of this section apply retroactively to allow expungement as provided by law for each offense delineated in subsection (A) by persons convicted prior to the enactment of this section or the addition of a specific item contained in subsection (A)."

SECTION 2. Section 22-5-910 of the 1976 Code, as last amended by Act 132 of 2016, is amended to read:

"Section 22-5-910. (A) Following a ~~first offense~~ conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this section does not apply to an offense involving the operation of a motor vehicle.

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(B) Following a ~~first offense~~ conviction for domestic violence in the third degree pursuant to Section 16-25-20(D), or Section 16-25-20(B)(1) as it existed before June 4, 2015, the defendant after five years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(C) If the defendant has had no other conviction, including out-of-state convictions, during the three-year period as provided in subsection (A), or during the five-year period as provided in subsection (B), the circuit court may issue an order expunging the records including any associated bench warrant. ~~No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.~~

(D) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of the expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(E) As used in this section, 'conviction' includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail. For the purpose of this section, any number of offenses for crimes carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, for which the individual received sentences at a single sentencing proceeding that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(F) No person may have the person's record expunged under this section if the person has pending criminal charges of any kind unless the charges have been pending for more than five years; however, this five year time period is tolled for any time the defendant has been under a bench warrant for failure to appear. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section."

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SECTION 3. Section 22-5-920 of the 1976 Code, as last amended by Act 132 of 2016, is amended to read:

“Section 22-5-920. (A) As used in this section, ‘conviction’ includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail. For the purpose of this section, any number of offenses for which the individual received a youthful offender sentence at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(B)(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, who has not been convicted of any offense, including an out-of-state offense, while serving the youthful offender sentence, including probation and parole, and for a period of after five years from the date of completion of the defendant’s sentence, including probation and parole, may apply, or cause someone acting on the defendant’s behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

(2) However, this section does not apply to:

- (a) an offense involving the operation of a motor vehicle;
- (b) an offense classified as a violent crime in Section 16-1-60;

or

(c) an offense contained in Chapter 25, Title 16, except as otherwise provided in Section 16-25-30; or

(d) an offense for which the individual is required to register in accordance with the South Carolina Sex Offender Registry Act.

(3) If the defendant has had no other conviction, to include out-of-state convictions, during the service of the youthful offender sentence, including probation and parole, and during the five-year period following completion of the defendant’s sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person’s records expunged under this section more than once. A person may have the person’s record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person’s record expunged pursuant to the provisions of this section; however, a person who was convicted prior to June 2, 2010, and

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was a youthful offender as that term is defined in Section 24-19-10(d) is eligible to have his record expunged pursuant to the provisions of this section.

(C) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of its expungement to ensure that no person takes advantage of the rights permitted by this section more than once. This nonpublic record is not subject to release under Section 34-11-95, the Freedom of Information Act, or another provision of law, except to those authorized law enforcement or court officials who need this information in order to prevent the rights afforded by this section from being taken advantage of more than once.”

SECTION 4. Article 11, Chapter 5, Title 22 of the 1976 Code is amended by adding:

“Section 22-5-930. (A) Following a first offense conviction for either simple possession of a controlled substance under Article 3, Chapter 53, Title 44 or unlawful possession of a prescription drug under Section 40-43-86(EE), including those charges for which the person would now be eligible for a conditional discharge pursuant to Section 44-53-450, the defendant after three years from the date of the completion of the sentence, including probation and parole, for this conviction, and including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(B) Following a first offense conviction for possession with intent to distribute a controlled substance under Article 3, Chapter 53, Title 44, the defendant after twenty years from the date of the completion of any sentence, including probation and parole, for a drug conviction or any felony conviction may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(C) If the defendant had no other convictions, to include out-of-state convictions, during the three-year period as provided in subsection (A) or no other drug conviction or felony conviction during the twenty-year period as provided in subsection (B), the circuit court may issue an order expunging the records including any associated bench warrant.

(D) No person may have the person’s record expunged under this section if the person has pending criminal charges of any kind unless the charges have been pending for more than five years; however, this five year time period is tolled for any time the defendant has been under a

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bench warrant for failure to appear. No person may have the person's records expunged under this section more than once. No person may have the person's records expunged pursuant to this section if the person has had a conditional discharge within the five years prior to the date of arrest for the charge sought to be expunged if the charge sought to be expunged is simple possession of marijuana, or within the ten years prior to the date of arrest for the charge sought to be expunged if the charge sought to be expunged is for the simple possession of any other controlled substance or the unlawful possession of a prescription drug under Section 40-43-86(EE). A person may have the person's record expunged even though the conviction occurred before the effective date of this section; however, the expungement will not affect a subsequent enhanced conviction or sentence that occurred before the effective date of this section.

(E) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(F) As used in this section, 'conviction' includes a guilty plea, a nolo contendere, or the forfeiting of bail. For the purpose of this section, any number of offenses for which the individual received sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes."

SECTION 5. Section 63-19-2050(C)(2) of the 1976 Code is amended to read:

"(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order. For the purpose of this section, any number of offenses for which the individual received youthful offender sentences at a single sentencing proceeding for offenses that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes."

SECTION 6. Section 17-22-940 of the 1976 Code, as last amended by Act 276 of 2014, is amended to read:



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“Section 17-22-940. (A) In exchange for the expungement service that is provided by the solicitor’s office, the applicant is responsible for payment to the solicitor’s office of an administrative fee in the amount of two hundred fifty dollars per individual order, which must be retained by that office to defray the costs associated with the expungement process except as provided in ~~subsection (B)~~ items (1) and (2). The two hundred fifty dollar fee is nonrefundable, regardless of whether the offense is later determined to be statutorily ineligible for expungement or the solicitor or his designee does not consent to the expungement.

(1) Any person who applies to the solicitor’s office for an expungement of general session charges pursuant to Section 17-1-40 is exempt from paying the administrative fee, unless the charge that is the subject of the expungement request was dismissed, discharged, or nolle prossed as part of the plea arrangement under which the defendant pled guilty and was sentenced to other charges.

(2) Each solicitor’s office shall establish an account to collect private donations for the purpose of assisting in defraying the administrative fee of an expungement by up to fifty percent (50%). These funds shall be available on a first come first serve basis to applicants. This item does not require the solicitor to request or solicit funds for this account.

~~(B) Any person who applies to the solicitor’s office for an expungement of general sessions charges pursuant to Section 17-1-40 is exempt from paying the administrative fee, unless the charge that is the subject of the expungement request was dismissed, discharged, or nolle prossed as part of a plea arrangement under which the defendant pled guilty and was sentenced on other charges.~~

~~(C)~~(B) The solicitor’s office shall implement policies and procedures consistent with this section to ensure that the expungement process is properly conducted. This includes, but is not limited to:

(1) assisting the applicant in completing the expungement order form;

(2) collecting from the applicant and distributing to the appropriate agencies separate certified checks or money orders for charges prescribed by this article;

(3) collecting funds from individuals choosing to contribute to the fund to defray the costs of administrative fees for expungements;

~~(3)~~(4) coordinating with the South Carolina Law Enforcement Division (SLED) and, in the case of juvenile expungements, the Department of Juvenile Justice, to confirm that the criminal charge is statutorily appropriate for expungement;

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~~(4)(5)~~ obtaining and verifying the presence of all necessary signatures;

~~(5)(6)~~ filing the completed expungement order with the clerk of court; and

~~(6)(7)~~ providing copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the:

- (a) arresting law enforcement agency;
- (b) detention facility or jail;
- (c) solicitor's office;
- (d) magistrates or municipal court where the arrest warrant originated;
- (e) magistrates or municipal court that was involved in any way in the criminal process of the charge sought to be expunged;
- (f) Department of Juvenile Justice; and
- (g) SLED.

~~(D)(C)~~ The solicitor or his designee also must provide a copy of the completed expungement order to the applicant or his retained counsel.

~~(E)(D)~~ In cases when charges are sought to be expunged pursuant to Section 17-22-150(a), 17-22-530(A), 17-22-330(A), 22-5-910, or 44-53-450(b), the circuit pretrial intervention director, alcohol education program director, traffic education program director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.

~~(F)(E)~~ SLED shall verify and document that the criminal charges in all cases, except in cases when charges are sought to be expunged pursuant to Section 17-1-40, Section 17-22-150(a), Section 17-22-530(A), Section 17-22-330(A), or Section 44-53-450(b), are appropriate for expungement before the solicitor or his designee, and then a circuit court judge, or a family court judge in the case of a juvenile, signs the application for expungement. If the expungement is sought pursuant to Section 34-11-90(e), Section 22-5-910, Section 22-5-920, Section 63-19-2050, or Section 56-5-750(f), the conviction for any minor traffic-related offense which is punishable only by a fine or loss of points that is not related in any way to driving under the influence of alcohol or other drugs will not be considered as a bar to expungement.

(1) SLED shall receive a twenty-five dollar certified check or money order from the solicitor or his designee on behalf of the applicant made payable to SLED for each verification request, except that no

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verification fee may be charged when an expungement is sought pursuant to Section 17-1-40, Section 17-22-530(A), Section 17-22-330(A), Section 17-22-150(a), or Section 44-53-450(b). SLED then shall forward the necessary documentation back to the solicitor's office involved in the process.

(2) In the case of juvenile expungements, verification and documentation that the charge is statutorily appropriate for expungement must first be accomplished by the Department of Juvenile Justice and then SLED.

(3) Neither SLED, the Department of Juvenile Justice, nor any other official shall allow the applicant to take possession of the application for expungement during the expungement process.

~~(G)~~(F) The applicant also is responsible to the clerk of court for the filing fee per individual order as required by Section 8-21-310(21), which must be forwarded to the clerk of court by the solicitor or his designee and deposited in the county general fund. If the charge is determined to be statutorily ineligible for expungement, this prepaid clerk of court filing fee must be refunded to the applicant by the solicitor or his designee.

~~(H)~~(G) Each expungement order may contain only one charge sought to be expunged, except in those circumstances when expungement is sought for multiple charges occurring out of a single incident and subject to expungement pursuant to Section 17-1-40 or 17-22-150(a). Only in those circumstances may more than one charge be included on a single application for expungement and, when applicable, only one two hundred fifty-dollar fee, one twenty-five dollar SLED verification fee, and one thirty-five dollar clerk of court filing fee may be charged.

~~(I)~~(H) A filing fee may not be charged by the clerk's office to an applicant seeking the expungement of a criminal record pursuant to Section 17-1-40, when the charge was discharged, dismissed, nolle prossed, or the applicant was acquitted.

~~(J)~~(I) Nothing in this article precludes an applicant from retaining counsel to apply to the solicitor's office on his behalf or precludes retained counsel from initiating an action in circuit court seeking a judicial determination of eligibility when the solicitor, in his discretion, does not consent to the expungement. In either event, retained counsel is responsible to the solicitor or his designee, when applicable, for the two hundred fifty-dollar fee, the twenty-five dollar SLED verification fee, and the thirty-five dollar clerk of court filing fee which must be paid by retained counsel's client.

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~~(K)~~(J) The solicitor or his designee has the discretion to waive the two hundred fifty-dollar fee only in those cases when it is determined that a person has been falsely accused of a crime as a result of identity theft.

~~(L)~~(K) Each solicitor's office shall maintain a record of all fees collected related to the expungement of criminal records, which must be made available to the Chairmen of the House and Senate Judiciary Committees. Those records shall remain confidential otherwise."

SECTION 7. Article 9, Chapter 22, Title 17 of the 1976 Code is amended by adding:

"Section 17-22-960. Any employer that employs a worker who has had an expungement shall not, at any time, be subject to any administrative or legal claim or cause of action related to the worker's expunged offense. Except for criminal justice agencies, employers shall not use expunged information adversely against an employee. No information related to an expungement shall be used or introduced as evidence in any administrative or legal proceeding involving negligent hiring, negligent retention, or similar claims."

SECTION 8. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 38; Nays 2**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Cromer	Davis	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley

[SJ]

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Timmons  
Williams

Turner  
Young

Verdin

**Total--38**

**NAYS**

Corbin

Senn

**Total--2**

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

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3055 -- Reps. Robinson-Simpson, Clyburn, Gilliard, Mack, King and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "RESTORATIVE JUVENILE PRACTICES AND APPROACHES ACT" BY CREATING THE "JUVENILE RESTORATIVE PRACTICES STUDY COMMITTEE" TO REVIEW JUVENILE JUSTICE LAWS AND MAKE RECOMMENDATIONS CONCERNING RELATED REFORMS; AND TO PROVIDE FOR THE COMPOSITION, DUTIES, STAFFING, AND DISSOLUTION OF THE COMMITTEE.

The Senate proceeded to a consideration of the Bill.

Senators HEMBREE and MALLOY proposed the following amendment (JUD3055.004), which was adopted:

Amend the bill, as and if amended, by striking lines beginning on page 2, line 39 and ending on page 3, line 17 and inserting:

/ (C) The study committee must be composed of thirteen members appointed as follows:

(1) one member appointed by the Executive Director of the South Carolina Commission of Indigent Defense;

(2) one member appointed by the Executive Director of the South Carolina Commission on Prosecution Coordination;

(3) one member appointed by the Director of the South Carolina Department of Social Services or his designee;

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(4) one member appointed by the Director of the Department of Juvenile Justice, one of whom must be currently employed in a Department of Juvenile Justice County office;

(5) one sitting Family Court Judge appointed by the Chief Justice of South Carolina;

(6) one member appointed by the Director of Mental Health;

(7) one member appointed by the Superintendent of Education;

(8) three of whom shall be members of the Senate, appointed by the Chair of the Senate Judiciary Committee or his designee;

(9) three of whom shall be members of the House of Representatives, appointed by the Chairman of the House Judiciary Committee or his designee. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

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**NAYS**

**Total--0**

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

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 4479 -- Reps. Tallon, Hixon and W. Newton: A BILL TO AMEND SECTION 23-23-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO APPOINT ATTORNEYS EMPLOYED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO SIT AS HEARING OFFICERS FOR CONTESTED CASE HEARINGS; AND BY ADDING SECTION 23-23-150, SO AS TO PROVIDE THAT NO PERSON WHO HAS A PENDING ALLEGATION OF MISCONDUCT MAY BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR AS A TELECOMMUNICATIONS OPERATOR, MAY HAVE THE AUTHORITY OF A LAW ENFORCEMENT OFFICER, PERFORM ANY DUTIES OF A LAW ENFORCEMENT OFFICER, OR EXERCISE THE POWER OF ARREST UNTIL THE LAW ENFORCEMENT TRAINING COUNCIL OR AN APPELLATE COURT HAS ISSUED A DECISION AUTHORIZING THE PERSON TO BE EMPLOYED IN THOSE AREAS, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE NOTIFIED BY CERTIFIED MAIL OF THE ALLEGATION OF MISCONDUCT AND HIS RIGHT TO A CONTESTED CASE HEARING, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY MUST REQUEST A CONTESTED CASE HEARING WITHIN SIXTY DAYS AFTER RECEIPT OF THE ALLEGATION OF MISCONDUCT AND RIGHT TO A CONTESTED CASE HEARING, AND TO PROVIDE FOR THE PROCEDURES OF A CONTESTED CASE HEARING.

The Senate proceeded to a consideration of the Bill.

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Senator SENN proposed the following amendment (JUD4479.004), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 beginning on page 2, line 16 and ending on page 4, line 3 and inserting:

/ SECTION 2. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23-23-150. (A) For purposes of this section:

(1) ‘the Academy’ means the South Carolina Criminal Justice Academy,

(2) ‘the Council’ means the Law Enforcement Training Council, and

(3) ‘misconduct’ means:

(a) a conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction;

(b) the unlawful use of a controlled substance;

(c) the repeated use of excessive force in dealing with the public or prisoners;

(d) dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;

(e) the physical or psychological abuse of members of the public or prisoners;

(f) the misrepresentation of employment-related information;

(g) willfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State;

(h) willfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;

(i) willfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

(j) the falsification of any application for certification and training based upon which the officer was admitted for training; or

(k) providing false information to the Criminal Justice Academy.



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(B) The sheriff or the chief executive officer of a law enforcement agency or department within the State must report to the Academy the occurrence of any act or multiple acts of misconduct by a law enforcement officer which could result in the withdrawal of the certification of the law enforcement officer who is currently or was last employed by his agency. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the Council. A willful failure to report information related to acts of misconduct shall subject the violator to a civil penalty as provided by the Council.

(C) A person against whom an allegation of misconduct has been received by the Academy shall be notified of the allegation of misconduct and his right to a contested case hearing, either by delivering a copy of the allegation personally or by leaving a copy of the allegation at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.

(D) A person against whom an allegation of misconduct has been received by the Academy may request a contested case hearing. The request must be made within one year after receipt of the allegation of misconduct and the service of the allegation on the officer, whichever is later. A person who fails to request a contested case hearing within the time allowed shall be deemed to have waived his right to a contested case hearing. The Law Enforcement Training Council shall proceed to enter a final agency decision to deny the person his law enforcement certification or telecommunications certification for a specified time period, up to a permanent denial. Hearings must be scheduled and conducted expeditiously and efficiently, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The Academy shall schedule a contested hearing within sixty days of receiving a request for a hearing, however, a continuance may be granted for cause.

(E) The parties must be sent, via certified mail, or electronically if requested, a copy of the hearing officer's recommendation to the full Law Enforcement Training Council. Either party who opposes the recommendation may file a motion in opposition of the hearing officer's recommendation but must do so within fifteen working days of receipt. Another party may file a response to the motion in opposition but must do so within ten working days of the receipt of the motion in opposition. These motions shall be submitted to the full Law Enforcement Training Council, along with the recommendation, hearing transcript, and

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exhibits. The Council may schedule oral arguments for the next quarterly scheduled meeting. After reviewing the motions, recommendation, hearing transcript, and exhibits, the council may vote and issue a final agency decision at any time other than at a quarterly or special meeting.

(F) The Council must not accept an allegation of law enforcement certification misconduct in an original personnel change in status form, amended form, or any other form more than thirty days after the officer's separation from an agency, unless extenuating circumstances exist, as determined by the Council.

(G) No person who has a pending allegation of misconduct filed against him pursuant to Subsection (B) by a law enforcement agency with the Criminal Justice Academy may be employed as a law enforcement officer or as a telecommunications operator; have the authority of a law enforcement officer; perform any duties of a law enforcement officer, including those duties involving the control and direction of members of the public, detainees, or prisoners; or exercise the power of arrest until:

(1) the Council has issued a final agency decision that the person may be granted certification, be granted certification with probation, be granted certification with any additional requirements deemed just and proper by the Council, or be granted certification with a public reprimand; or

(2) an appellate court issues a ruling that the Law Enforcement Training Council shall issue the person his law enforcement certification or telecommunications certification and the Law Enforcement Training Council or Criminal Justice Academy has not appealed the ruling.

(H) A law enforcement candidate, law enforcement officer, or telecommunications operator must keep the Academy informed of his current address and must notify the Academy of any change of address within thirty days.

(I) All information submitted by a law enforcement agency or department to the Criminal Justice Academy related to the separation of a law enforcement officer must be submitted by a certified law enforcement officer from the agency or department.

(J) In addition to other actions outlined in regulations promulgated by the Law Enforcement Training Council, willful submission of false, misleading, incomplete, deceitful, or incorrect statements to the Criminal Justice Academy, or its representatives, constitutes law enforcement certification misconduct and must be addressed as other allegations of misconduct are addressed by the council." /

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Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator HEMBREE proposed the following amendment (JUD4479.009), which was adopted:

Amend the bill, as and if amended, page 4 by striking line 10 and inserting:

/ the hearing officer to extend for a specified time period.

(J) In addition to the allegations of misconduct specified in this section, any finding by a law enforcement agency as to the use of excessive force by a law enforcement officer must be reported to the Academy by the appropriate law enforcement agency or department within thirty days of the finding, the information of which must be maintained by the Academy for investigative and personnel hiring purposes. This information is not a public document and not subject to disclosure other than to a law enforcement or prosecution agency, or attorneys representing a law enforcement or prosecution agency, except by court order. This exemption does not preclude the disclosure of any information contained in these records from another source or by another provision of law.

(K) If an officer with an allegation of misconduct is found not guilty or not at-fault, the records of the misconduct allegation must be expunged by the Council within thirty days.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (JUD4479.011), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 3-6 and inserting:

/ (D) A person against whom an allegation of misconduct has been received by the Academy may request a contested case hearing. The request must be made within three years after receipt of the

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allegation of misconduct and the service of the allegation on the officer, whichever is later. A /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator HEMBREE proposed the following amendment (JUD4479.008), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 6-10 and inserting:

/ (I) For any allegation of misconduct of a law enforcement officer pursuant to this section, SLED, the appropriate investigating agency, or the internal affairs division of the agency must complete their investigation within ninety days from the date of the request for a hearing by the officer unless they seek leave from the hearing officer to extend for a specified time period.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

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

**Ayes 38; Nays 0**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
McElveen	McLeod	Nicholson
Peeler	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley

[SJ]

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Timmons  
Williams

Turner  
Young

Verdin

**Total--38**

**NAYS**

**Total--0**

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

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3820 -- Reps. Fry, Bedingfield, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Hamilton, Elliott, Jordan, B. Newton, Martin, Erickson, Lowe, Atwater, Willis, Jefferson, W. Newton, Thigpen, Bennett, Crosby, Long, Putnam, Cogswell, Henderson-Myers and Govan: A BILL TO AMEND SECTION 59-32-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC SCHOOL COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO REQUIRE CERTAIN INSTRUCTION IN PRESCRIPTION OPIOID ABUSE PREVENTION IN GRADES NINE THROUGH TWELVE BEGINNING WITH THE 2017-2018 SCHOOL YEAR.

The Senate proceeded to a consideration of the Bill.

Senator SHEHEEN proposed the following amendment (3820R002.KMM.VAS), which was adopted:

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

/SECTION 1. Article 1, Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59-103-155. Any public or private institution of higher education in the State from which a student may earn a degree in a health care profession that allows the person to prescribe controlled substances listed in Schedules II, III, and IV in the State shall require for those programs that students complete coursework on the prescription and monitoring of Schedule II, III, and IV controlled substances, including coursework on the prescription of Schedule II controlled substances to treat or manage pain, and strategies that can be employed to recognize

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signs of and reduce the likelihood of patient addiction. These institutions of higher education shall coordinate with the state's Commission on Higher Education, Board of Medical Examiners, Board of Dentistry, and Board of Nursing to develop the curriculum."

SECTION 2. Section 59-32-20 of the 1976 Code is amended to read:

"Section 59-32-20. (A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.

(B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year-old kindergarten through twelfth grade.

(C) Before August 1, 2017, and through the cyclical review process and if deemed necessary, the board shall include instruction on alcohol and prescription drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between opioid abuse and addiction to other drugs, such as heroin, in the health standards. In addition, the board shall make available to districts a list of instructional materials that meet state standards. Districts shall continue to adopt or develop curriculum locally."

SECTION 3. Section 59-29-80(A) of the 1976 Code is amended to read:

"Section 59-29-80. (A) There ~~shall be~~ is established and provided in all the public schools of this State physical education, training, and instruction of pupils of both sexes, ~~and every~~. Every pupil attending ~~any~~ public school, in so far as he is physically fit and able to do so, shall take the course or courses provided by this section. Suitable modified courses ~~shall~~ must be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. However, in ~~any~~ a public school ~~which~~ that offers a military or naval ROTC program sponsored by one of the military services of the United States, training in such a program ~~may~~ must be ~~deemed~~ considered to be the equivalent ~~to~~ of physical education instruction; and ~~may~~ must be accepted in lieu of such instruction for all purposes, academic or nonacademic, as may hereinafter be provided. Additionally, in a public school that offers

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instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts and that incorporates the South Carolina Academic Standards for Physical Education, this instruction must be considered to be the equivalent of physical education instruction and must be accepted in lieu of physical education instruction for all purposes.”

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

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
McElveen	McLeod	Nicholson
Peeler	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--38**

**NAYS**

**Total--0**

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

**HOUSE BILLS RETURNED**

H. 5042 -- Reps. Felder and Allison: A BILL TO AMEND SECTION 59-20-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE PROGRAM FOR IDENTIFYING PUBLIC SCHOOL DISTRICT FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT CAN COMPROMISE THE FISCAL INTEGRITY OF THE DISTRICTS AND FOR ADVISING THE DISTRICTS ON APPROPRIATE CORRECTIVE ACTIONS, SO AS TO REVISE RELATED PROCEDURES.

H. 3068 -- Reps. J.E. Smith and Clyburn: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT ATHLETES, SO AS TO ENACT THE "UNIFORM ATHLETE AGENTS ACT OF 2017", TO ADOPT THE INTERSTATE COMPACT FOR REGISTRATION OF STUDENT ATHLETE AGENTS AND MAKE NECESSARY CONFORMING CHANGES, TO REVISE VARIOUS PROVISIONS IN CONSIDERATION OF THE EXPANDED IMPACT OF SOCIAL MEDIA ON THE SOLICITATION AND RECRUITMENT OF STUDENT ATHLETES BY ATHLETE AGENTS, TO REVISE REQUIREMENTS REGARDING THE ESTABLISHMENT OF RELATIONSHIPS BETWEEN STUDENT ATHLETES AND ATHLETE AGENTS, AND TO REVISE VARIOUS AVAILABLE REMEDIES, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG explained the Bill.

The question then being third reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer

[SJ]



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Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

The Bill was amended, read the third time and ordered returned to the House.

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3846 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 40-59-260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS FROM HOMEBUILDERS LICENSURE REQUIREMENTS FOR CERTAIN RESIDENTIAL PROPERTY IMPROVEMENTS MADE BY PROPERTY OWNERS FOR PERSONAL USE, SO AS TO REMOVE A PROVISION WHICH DISQUALIFIES PROPERTY OWNERS WHO SELL OR RENT SUCH AN IMPROVED PROPERTY WITHIN TWO YEARS AFTER THE IMPROVEMENTS ARE MADE FROM THIS EXCEPTION, AND TO MAKE A CONFORMING CHANGE IN A RELATED DISCLOSURE GIVEN TO PROPERTY OWNERS SEEKING TO QUALIFY FOR THE EXCEPTION.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO proposed the following amendment (3846CBH1), which was adopted:

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Amend the bill, as and if amended, page 1, Section 40-59-20(7), by striking lines 38-41 and inserting the following:

/ of Chapter 11. Residential specialty contracting includes the /

Further amend the bill, as and if amended, page 2, by striking lines 21-24 and inserting the following:

/ A residential specialty contractor is prohibited from undertaking work outside the scope of his license or registration. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
McElveen	McLeod	Nicholson
Peeler	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--38**

**NAYS**

**Total--0**

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

**HOUSE BILLS RETURNED**

H. 4973 -- Reps. Bales, Taylor, Brown, Hosey, Simrill, Hixon, Blackwell and Young: A BILL TO AMEND SECTION 56-3-2150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL LICENSE PLATES ISSUED TO CERTAIN CURRENT AND RETIRED PUBLIC OFFICIALS, SO AS TO PROVIDE THAT TWO SPECIAL LICENSE PLATES MAY BE ISSUED TO EACH OF THESE OFFICIALS, AND THAT A SPECIAL LICENSE PLATE ISSUED TO A MEMBER OF THE GENERAL ASSEMBLY WHO IS RECEIVING RETIREMENT BENEFITS MUST CONTAIN THE SEAL IMPRINTED ON SPECIAL LICENSE PLATES ISSUED TO CURRENT MEMBERS OF THE GENERAL ASSEMBLY.

H. 3775 -- Reps. Knight, Delleney, Cobb-Hunter, Felder, J.E. Smith, Simrill, Douglas, West, Wheeler, Thigpen, Williams, McEachern, Johnson, Pitts, Ridgeway, Rutherford, Henegan, Collins, Brawley and King: A BILL TO AMEND SECTION 44-63-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ORIGINAL BIRTH CERTIFICATES OF ADOPTED PERSONS, SO AS TO ALLOW AN ADULT ADOPTEE TWENTY-ONE YEARS OF AGE OR OLDER TO OBTAIN A COPY OF THE ADOPTEE'S OWN ORIGINAL BIRTH CERTIFICATE, TO ALLOW A BIOLOGICAL PARENT TO EXECUTE A CONTACT PREFERENCE FORM AT ANY TIME TO BE PROVIDED TO THE ADULT ADOPTEE WITH THE COPY OF THE ORIGINAL BIRTH CERTIFICATE, AND TO PROVIDE FOR THE SUBMISSION OF A MEDICAL HISTORY FORM BY A BIOLOGICAL PARENT.

H. 4698 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 40-47-32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS TO OBTAIN A LICENSE TO PRACTICE MEDICINE IN THE STATE, SO AS TO WAIVE CERTAIN ADDITIONAL EXAMINATION REQUIREMENTS FOR APPLICANTS WHO ARE TO PRACTICE IN A POSITION WITHIN THE DISABILITY DETERMINATION SERVICES UNIT OF THE STATE AGENCY OF VOCATIONAL REHABILITATION.

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H. 4795 -- Reps. Herbkersman, Simrill, W. Newton and Bradley: A BILL TO AMEND SECTION 56-15-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERMS "DEALER" OR "MOTOR VEHICLE DEALER" TO EXCLUDE CERTAIN PERSONS CONDUCTING AUCTIONS IN CONJUNCTION WITH THE ANNUAL HILTON HEAD ISLAND CONCOURS D'ELEGANCE.

H. 4799 -- Reps. Howard, Gilliard, Davis, Brawley and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 45, TITLE 40 ENTITLED THE "PHYSICAL THERAPY LICENSURE COMPACT"; TO PROVIDE FOR THE ENTRY OF SOUTH CAROLINA INTO THIS MULTI-STATE COMPACT, TO PROVIDE FOR THE STRUCTURE, FUNCTIONS, POWERS, AND DUTIES OF THE GOVERNING BODY OF THE COMPACT; TO PROVIDE THE OBLIGATIONS, BENEFITS, AND RIGHTS OF COMPACT MEMBERS; AND TO DESIGNATE THE EXISTING PROVISIONS OF ARTICLE 3, CHAPTER 45, TITLE 40 AS "GENERAL PROVISIONS".

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 5231 -- Reps. Pitts, West and White: A BILL TO AMEND SECTION 50-9-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTRIBUTION OF REVENUES GENERATED FROM THE SALE OF PRIVILEGES TO HUNT AND FISH BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REVISE THE DISTRIBUTION OF REVENUE GENERATED FROM THE SALE OF RECREATIONAL AND COMMERCIAL MARINE LICENSES, PERMITS, AND TAGS.

Senator McELVEEN proposed the following amendment (5231TM2), which was adopted:

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

/ SECTION \_\_\_\_\_. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

"Section 16 11 605. (A) Except as provided in subsection (B), a person shall not operate an unmanned aerial vehicle within a horizontal

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distance of five hundred feet or a vertical distance of four hundred feet from a state or federal military installation with restricted public access without written consent from the commander of the specific military installation or his designee. If specific approvals have been given, all flights must be conducted within the requirements set forth by the Federal Aviation Administration for the operations of unmanned aerial vehicles.

(B) This section does not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle for the purpose of monitoring, operating, maintaining, or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and notifies the commander of the specific military installation prior to operating the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days.” /

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

/ SECTION \_\_. If any provision of this act is held or determined to be unconstitutional, invalid, or otherwise unenforceable by a court of competent jurisdiction, it is the intention of the General Assembly that the provision is severable from the remaining provisions of this act and that the holding does not invalidate or render unenforceable another provision of this act. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Senator McELVEEN explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill.

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

**Ayes 39; Nays 2**

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**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	<i>Matthews, Margie</i>	McElveen
McLeod	Peeler	Rankin
Reese	Rice	Sabb
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--39**

**NAYS**

Massey	Senn
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**Total--2**

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

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

H. 5231 -- Reps. Pitts, West and White: A BILL TO AMEND SECTION 50-9-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTRIBUTION OF REVENUES GENERATED FROM THE SALE OF PRIVILEGES TO HUNT AND FISH BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REVISE THE DISTRIBUTION OF REVENUE GENERATED FROM THE SALE OF RECREATIONAL AND COMMERCIAL MARINE LICENSES, PERMITS, AND TAGS.

Very respectfully,

Speaker of the House

Received as information.

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**H. 5231--SENATE INSISTS ON THEIR AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

H. 5231 -- Reps. Pitts, West and White: A BILL TO AMEND SECTION 50-9-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTRIBUTION OF REVENUES GENERATED FROM THE SALE OF PRIVILEGES TO HUNT AND FISH BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REVISE THE DISTRIBUTION OF REVENUE GENERATED FROM THE SALE OF RECREATIONAL AND COMMERCIAL MARINE LICENSES, PERMITS, AND TAGS.

On motion of Senator SHEHEEN, the Senate insisted upon its amendments to H. 5231 and asked for a Committee of Conference.

Whereupon, Senators CAMPSSEN, McELVEEN and TALLEY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Pitts, Hixon and Atkinson to the Committee of Conference on the part of the House on:

H. 5231 -- Reps. Pitts, West and White: A BILL TO AMEND SECTION 50-9-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTRIBUTION OF REVENUES GENERATED FROM THE SALE OF PRIVILEGES TO HUNT AND FISH BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REVISE THE DISTRIBUTION OF REVENUE GENERATED FROM THE SALE OF RECREATIONAL AND COMMERCIAL MARINE LICENSES, PERMITS, AND TAGS.

Very respectfully,

Speaker of the House

Received as information

**CARRIED OVER**

S. 189 -- Senator Goldfinch: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 43

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TO TITLE 33 SO AS TO ENACT THE “UNIFORM LIMITED LIABILITY COMPANY ACT OF 2017”, TO PROVIDE FOR THE MANNER IN AND REQUIREMENTS UNDER WHICH LIMITED LIABILITY COMPANIES ARE ORGANIZED, OPERATED, REGULATED, DISSOLVED, TRANSFERRED, AND CONVERTED; AND TO REPEAL CHAPTER 44, TITLE 33 RELATING TO THE “UNIFORM LIMITED LIABILITY COMPANY ACT OF 1996”.

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

**OBJECTION**

H. 3038 -- Reps. Duckworth, Clemmons, Johnson, Atkinson, Daning and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 42 TO TITLE 40 SO AS TO PROVIDE FOR THE LICENSURE OF LOCKSMITHS; TO DEFINE NECESSARY TERMINOLOGY; TO CREATE THE BOARD OF LOCKSMITHS AND TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE BOARD; TO REQUIRE APPLICANTS FOR LICENSURE TO SATISFY CERTAIN CRITERIA, COMPLETE WRITTEN TESTING REQUIREMENTS, AND SUBMIT TO FINGERPRINT-BASED NATIONAL CRIMINAL BACKGROUND RECORDS CHECKS; AND TO REQUIRE LOCKSMITHS TO COMPLETE CERTAIN CONTINUING EDUCATION REQUIREMENTS TO MAINTAIN LICENSURE.

Senator CORBIN objected to consideration of the Bill.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 1:29 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**



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**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.181, H. 4592 by a vote of 91 to 0:

Very respectfully,  
Speaker of the House  
Received as information.

**VETO OVERRIDDEN**

(R181, H4592) -- Reps. Allison and Forrester: AN ACT TO AMEND ACT 248 OF 1969, AS AMENDED, RELATING TO THE CREATION OF THE STARTEX AREA FIRE DISTRICT IN SPARTANBURG COUNTY, SO AS TO INCREASE THE BORROWING LIMITS OF THE DISTRICT FROM FIVE HUNDRED THOUSAND TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

The veto of the Governor was taken up for immediate consideration.

Senator TALLEY moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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

**Ayes 43; Nays 0; Present 1**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Sabb	Scott

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Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--43**

**NAYS**

**Total--0**

**PRESENT**

Rice

**Total--1**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**AMENDED, READ THE THIRD TIME**

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, Henderson and Govan: A BILL TO AMEND SECTION 58-33-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE BASE LOAD REVIEW ACT, SO AS TO ADD CERTAIN DEFINITIONS; TO REPEAL ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT, AND TO PROVIDE A SPECIFIC EXCEPTION TO THIS REPEAL; BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND PROCEDURES UNDER WHICH ELECTRICITY RATES FOR CERTAIN RATEPAYERS WHO ARE PAYING ADDITIONAL CHARGES UNDER THE BASE LOAD REVIEW ACT FOR THE CONSTRUCTION OF NUCLEAR PLANTS OR PROJECTS SHALL

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BE REVISED AND DETERMINED; AND TO PROVIDE FOR PROCEDURES AND PROVISIONS OF LAW WHICH APPLY AND DO NOT APPLY IN REGARD TO THE ADJUSTMENT OF ELECTRICITY RATES AS PROVIDED BY CHAPTER 34.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

**Amendment No. 3**

Senator MASSEY proposed the following amendment (JUD4375.005), which was adopted:

Amend the bill, as and if amended, by striking SECTION 6, lines 34-37 on page 3, and inserting:

/ SECTION 6. Section 37-6-602 of the 1976 Code of Laws is amended to read:

The Consumer Advocate may be the Administrator of Consumer Affairs or he may be appointed by the administrator with the approval of the Commission on Consumer Affairs. The Consumer Advocate must be an attorney qualified to practice in all courts of this State with a minimum of ~~three~~ eight years' practice experience.

SECTION 7. Section 37-6-604 of the 1976 Code of Laws is amended to read:

(A) The functions and duties of the Division of Consumer Advocacy are:

(1) to provide legal representation of the consumer interest before the state and federal regulatory agencies which undertake to fix rates or prices for consumer products or services or to enact regulations or establish policies related thereto and to provide legal representation of the consumer interest concerning insurance matters, certificates of need for health facilities and services as required for an activity under Section 44-7-160, and other health-related provisions;

(2) to monitor existing regulations, rate structures, and policies of that agency of special interest to consumers and report to the public through the news media proposed changes therein under consideration and the effect of those changes on the lives of the citizens of the State; and

(3) to evaluate and act upon requests from consumers concerning the matters set forth in items (1) and (2), except that any proceedings initiated by the Consumer Advocate must be brought on behalf of the public at large and not for individuals; initiation or continuation of any proceedings is in the sole discretion of the Consumer Advocate.

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(B) The annual report required of the Commission on Consumer Affairs must include a report on the activities of the Division of Consumer Advocacy.

(C) ~~After January 1, 2005, the division must not represent consumers in matters arising under Title 58. Matters or appeals under Title 58 that are pending on January 1, 2005, shall be transferred to the Office of Regulatory Staff.~~ The Consumer Advocate shall be provided notice of any matter filed at the Public Service Commission that could impact consumers' utility rates, and may intervene as a party to advocate for the interest of consumers before the Public Service Commission and appellate courts in such matters as the Consumer Advocate deems necessary and appropriate.

SECTION 8. Section 37-6-607 of the 1976 Code of Laws is amended to read:

~~With the exception of matters arising under Title 58, the~~ Consumer Advocate is considered to have an interest sufficient to maintain actions for judicial review and may, as of right and in the manner prescribed by law, intervene or otherwise participate in any civil proceeding which involves the review or enforcement of an agency action that the Consumer Advocate determines may substantially affect the interests of consumers.

SECTION 9. Section 58-4-10 of the 1976 Code of Laws is amended to read:

“Section 58-4-10. (A) There is hereby created the Office of Regulatory Staff as a separate agency of the State with the duties and organizations as hereinafter provided.

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

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

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

(3) ~~preservation of the financial integrity of the state's public utilities and~~ continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

(C) The Office of Regulatory Staff is subject to the provision of Section 58-3-260 prohibiting ex parte communications with the

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commission, and any advice given to the commission by the regulatory staff must be given in a form, forum, and manner as may lawfully be given by any other party or person.”

SECTION 10. Section 58-4-80 of the 1976 Code of Laws is amended to read:

The executive director representing the regulatory staff is considered to have an interest sufficient to maintain actions for judicial review from commission orders or decisions and may, as of right and in a manner prescribed by law, intervene or otherwise participate in any civil proceeding which involves the review or enforcement of commission action that the executive director determines may substantially affect the public interest. This right includes intervention in any action for judicial review from commission orders or decisions that are pending at any stage of the action. The executive director representing the regulatory staff has the same rights of appeal from commission orders or decisions as other parties to commission proceedings. On appeal, the Office of Regulatory Staff does not represent the commission.

SECTION 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senators SHEHEEN and KIMPSON desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 4**

Senator MASSEY proposed the following amendment (JUD4375.006), which was adopted:

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

/ SECTION\_\_\_. Section 58-4-55 of the 1976 Code is amended to read:

(A) The regulatory staff, in accomplishing its responsibilities under Section 58-4-50, may require the production of books, records, and other information to be produced at the regulatory staff's office, that, upon request of the regulatory staff, must be submitted under oath and without the requirement of a confidentiality agreement or protective order being

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first executed or sought. The regulatory staff must treat the information as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq. and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission.

If the books, records, or other information provided do not appear to disclose full and accurate information and, if such apparent deficiencies are not cured after reasonable notice, the regulatory staff may require the attendance and testimony under oath of the officers, accountants, or other agents of the parties having knowledge thereof at such place as the regulatory staff may designate and the expense of making the necessary examination or inspection for the procuring of the information must be paid by the party examined or inspected, to be collected by the regulatory staff by suit or action, if necessary. If, however, the examination and inspection and the reports thereof disclose that full and accurate information had previously been made, the expense of making the examination and inspection must be paid out of the funds of the regulatory staff.

(B) If the regulatory staff initiates an inspection, audit, or examination of a public utility, the public utility that is the subject of the inspection, audit, or examination may petition the commission to terminate or limit the scope of such inspection, audit, or examination. The commission must grant such petition if it finds that such inspection, audit, or examination is arbitrary, capricious, unnecessary, unduly burdensome, or unrelated to the public utility's regulated operations.

(1) If such an inspection, audit, or examination is not part of a contested case proceeding, the public utility may also raise objections or seek relief available under the South Carolina Rules of Civil Procedure to a party upon whom discovery is served or to a person upon whom a subpoena is served. The commission shall provide the regulatory staff reasonable notice to respond to any such objection or request. Absent

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the consent of the public utility raising such an objection or request and the Office of Regulatory Staff, the commission must rule on such an objection or request within sixty days of the date it was filed. During the pendency of the commission's ruling, the public utility making such an objection or request is not required to produce or provide access to any documents or information that is the subject of the objection or request.

(2) If such an inspection, audit, or examination is part of a contested case proceeding, the commission shall address objections to information sought by the regulatory staff in the same manner in which it addresses objections to discovery issued by the parties to the contested case proceeding.

(C) Any public utility that provides the regulatory staff with copies of or access to documents or information in the course of an inspection, audit, or examination that is not part of a contested case proceeding may designate any such documents or information as confidential or proprietary if it believes in good faith that such documents or information would be entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The regulatory staff may petition the commission for an order that some or all of the documents so designated are not entitled to protection from public disclosure and it shall be incumbent on the utility to prove that such documents are entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The commission shall rule on such petition after providing the regulatory staff and the utility an opportunity to be heard. Unless the commission's order on such a petition contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq. and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information in order to rule on such a petition, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection during the pendency of the petition.

(D) Nothing in this section restricts the regulatory staff's ability to serve discovery in a contested case proceeding that seeks the type of documents or information the regulatory staff has obtained in the course of any review, investigation, inspection, audit, or examination, nor does

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anything in this section restrict the ability of any public utility to object to such discovery or to seek relief regarding such discovery, including without limitation the entry of a protective order. The regulatory staff shall not be required to execute a confidentiality agreement or seek a protective order prior to accessing the public utility's documents or information, and such information or documents shall be treated as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq. and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission.

(E) The Office of Regulatory Staff, in order to accomplish any of the responsibilities assigned to it by Chapter 4, Title 58 or any other provision of law, may apply to the circuit court for subpoenas to be issued to entities over which the Public Service Commission does not have jurisdiction. Such subpoenas will be issued by the circuit court in the same manner as subpoenas are issued to parties to proceedings before that court, and all rules applicable to the issuance of such subpoenas, including enforcement and penalties, shall apply to subpoenas issued at the request of the regulatory staff. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senators SHEHEEN and KIMPSON desired to be recorded as voting against the adoption of the amendment.

On motion of Senator MASSEY, Amendment No. 5 was withdrawn.



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**Amendment No. 6**

Senator DAVIS proposed the following amendment (4375R004.SP.TD), which was tabled:

Amend the bill, as and if amended, by striking Section 58-4-10(B) and inserting:

/ (B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission. For purposes of this chapter, 'public interest' means the a balancing of the following:

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

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

~~(3) preservation of the financial integrity of the state's public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services. 'Public interest' further includes concerns of the using and consuming public with respect to the procurement of lowest-cost energy from independent power producers.~~ /

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

/SECTION \_\_. Title 58 of the 1976 Code is amended by adding:

**"CHAPTER 41**

**Procurement of Lowest-Cost Energy from Independent Power Producers**

Section 58-41-10. This chapter may be cited as the 'Energy Freedom Act.'

Section 58-41-30. As used in this chapter:

(1) 'AC' means alternating current as measured at the point of interconnection of the small power producer's facility to the interconnecting electrical utility's transmission or distribution system.

(2) 'Avoided costs' means an electrical utility's most recently approved or established avoided cost rates in this State for purchases of electricity from qualifying facilities pursuant to Section 210 of the Public Utility Regulatory Policies Act and this chapter.

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

(4) 'Electrical utility' shall be defined as set forth in Section 58-27-10(7), provided, however, that electrical utilities serving less than

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one hundred thousand customer accounts shall be exempt from the provisions of this chapter.

(5) ‘PURPA’ means the Public Utility Regulatory Policies Act of 1978, as amended.

(6) ‘Small power producer’ means a person or corporation owning or operating a ‘qualifying small power production facility’ as defined in 16 U.S.C. Section 796, as amended.

(7) ‘Standard offer’ means avoided cost rates and power purchase agreement terms and conditions approved by the commission and applicable to purchases of energy and capacity by electrical utilities as provided in this chapter from small power producers up to five megawatts AC in size.

Section 58-41-40. (A) The commission shall conduct a proceeding not later than ninety days after the effective date of this act, and at least every two years thereafter, to review and approve electrical utilities’ avoided cost methodologies, standard offers, and adherence to commission-approved interconnection standards and this chapter and to form power purchase agreements consistent with PURPA. Such proceedings shall be separate from the electrical utilities’ annual fuel cost proceedings pursuant to Section 58-27-865 and shall include an opportunity for intervention, discovery, testimony, and an evidentiary hearing. The Office of Regulatory Staff shall represent the interests of the public at all proceedings.

(B) In approving the avoided cost methodology, standard offer, and form contract for each electrical utility, the commission shall ensure that, to the extent possible, small power producers are treated on a fair and equal footing with electrical utility-owned resources through the provision of rates for the purchase of energy and capacity that fully and accurately reflect the electrical utility’s avoided costs and power purchase agreement terms and conditions and that are commercially reasonable and provide the small power producer a reasonable opportunity to attract capital. The commission shall also ensure that each electrical utility’s avoided cost methodology fairly accounts for costs avoided by the electrical utility if the small power producer’s facility includes energy storage equipment. Avoided cost methodologies proposed by electrical utilities and approved by the commission may account for differences in costs avoided based on the geographic location and resource type of a small power producer’s facility.

(C) Every six months, each electrical utility shall submit to the commission for approval updates to the inputs used to calculate its standard offer avoided cost rates based on the commission’s approved

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avoided cost methodology. After providing interested parties the opportunity to participate fully in the proceeding, the commission shall establish updated standard offer avoided cost rates for the electrical utility.

(D) The avoided cost rates offered by an electrical utility to a small power producer not eligible for the standard offer shall be calculated based on the avoided cost methodology approved by the commission in its most recent proceeding. In the event that a small power producer and an electrical utility are unable to mutually agree on an avoided cost rate, the small power producer shall have the right to have any disputed issues resolved by the commission through arbitration or in a formal complaint proceeding.

(E) In each proceeding required by this chapter, the commission shall approve a standard offer power purchase agreement to be used by each electrical utility in purchasing energy, capacity, and other related services from small power producers eligible for the standard offer. In addition, the commission shall either require the use of the standard offer power purchase agreement or approve a separate form power purchase agreement to be used by each electrical utility in purchasing energy, capacity, and other related services from small power producers not eligible for the standard offer. The commission shall determine what contract length for power purchase agreements between electrical utilities and small power producers is necessary to give such small power producers a commercially reasonable opportunity to attract capital.

(F) In no event shall a power purchase agreement approved by the commission or offered by an electrical utility to a small power producer:

(1) allow for curtailment by the electrical utility of generation from the small power producer's facility for any reason other than a system emergency as defined in PURPA and the PURPA regulations of the Federal Energy Regulatory Commission;

(2) allow the electrical utility to terminate the power purchase agreement or collect damages from the small power producer due to a delay in achieving commercial operation of the small power producer's facility if such delay is due to the electrical utility's delay in connecting the facility to its transmission or distribution system; or

(3) allow the electrical utility to charge, or reduce the price paid to, the small power producer based on costs incurred by the electrical utility to respond to the intermittent nature of electrical generation by the small power producer, which costs shall be recoverable by the electrical utility as part of its annual fuel cost proceedings pursuant to Section 58-27-865.

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(G) An electrical utility's standard offer avoided cost rates approved by the commission pursuant to this chapter shall serve as the electrical utility's avoided costs for the purpose of recovering fuel costs associated with an approved distributed energy resource plan as required under Section 58-27-865." /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 26; Nays 17**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Gambrell
Goldfinch	Grooms	Hembree
Johnson	Leatherman	Malloy
Massey	<i>Matthews, Margie</i>	McElveen
Rankin	Reese	Sabb
Scott	Setzler	Talley
Turner	Williams	

**Total--26**

**NAYS**

Cash	Davis	Fanning
Gregory	Hutto	Jackson
Martin	<i>Matthews, John</i>	McLeod
Nicholson	Peeler	Rice
Senn	Shealy	Timmons
Verdin	Young	

**Total--17**

The amendment was laid on the table.

The question then was third reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--43**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn,

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Martin, Magnuson, Bennett, Arrington, Daning, Weeks, Henderson and Govan: A BILL TO AMEND SECTION 58-33-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE BASE LOAD REVIEW ACT, SO AS TO ADD CERTAIN DEFINITIONS; TO REPEAL ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT, AND TO PROVIDE A SPECIFIC EXCEPTION TO THIS REPEAL; BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND PROCEDURES UNDER WHICH ELECTRICITY RATES FOR CERTAIN RATEPAYERS WHO ARE PAYING ADDITIONAL CHARGES UNDER THE BASE LOAD REVIEW ACT FOR THE CONSTRUCTION OF NUCLEAR PLANTS OR PROJECTS SHALL BE REVISED AND DETERMINED; AND TO PROVIDE FOR PROCEDURES AND PROVISIONS OF LAW WHICH APPLY AND DO NOT APPLY IN REGARD TO THE ADJUSTMENT OF ELECTRICITY RATES AS PROVIDED BY CHAPTER 34.

Very respectfully,

Speaker of the House

Received as information.

**NONCONCURRENCE**

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, Henderson and Govan: A BILL TO AMEND SECTION 58-33-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE BASE LOAD REVIEW ACT, SO AS TO ADD CERTAIN DEFINITIONS; TO REPEAL ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT, AND TO PROVIDE A SPECIFIC EXCEPTION TO THIS REPEAL; BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND PROCEDURES UNDER WHICH ELECTRICITY RATES FOR CERTAIN RATEPAYERS WHO ARE PAYING ADDITIONAL CHARGES UNDER THE BASE LOAD REVIEW ACT FOR THE CONSTRUCTION OF NUCLEAR PLANTS OR PROJECTS SHALL BE REVISED AND DETERMINED; AND TO PROVIDE FOR

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PROCEDURES AND PROVISIONS OF LAW WHICH APPLY AND DO NOT APPLY IN REGARD TO THE ADJUSTMENT OF ELECTRICITY RATES AS PROVIDED BY CHAPTER 34.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

On motion of Senator MASSEY, with unanimous consent, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 10, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, Henderson and Govan: A BILL TO AMEND SECTION 58-33-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE BASE LOAD REVIEW ACT, SO AS TO ADD CERTAIN DEFINITIONS; TO REPEAL ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT, AND TO PROVIDE A SPECIFIC EXCEPTION TO THIS REPEAL; BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND PROCEDURES UNDER WHICH ELECTRICITY RATES FOR CERTAIN RATEPAYERS WHO ARE PAYING ADDITIONAL CHARGES UNDER THE BASE LOAD REVIEW ACT FOR THE CONSTRUCTION OF NUCLEAR PLANTS OR PROJECTS SHALL BE REVISED AND DETERMINED; AND TO PROVIDE FOR PROCEDURES AND PROVISIONS OF LAW WHICH APPLY AND DO NOT APPLY IN REGARD TO THE ADJUSTMENT OF ELECTRICITY RATES AS PROVIDED BY CHAPTER 34.

asks for a Committee of Conference, and has appointed Reps. McCoy, Finlay and Rutherford to the committee on the part of the House.

Very respectfully,

[SJ]

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Speaker of the House

Received as information.

**CONFERENCE COMMITTEE APPOINTED**

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrinnakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, Henderson and Govan: A BILL TO AMEND SECTION 58-33-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE BASE LOAD REVIEW ACT, SO AS TO ADD CERTAIN DEFINITIONS; TO REPEAL ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT, AND TO PROVIDE A SPECIFIC EXCEPTION TO THIS REPEAL; BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND PROCEDURES UNDER WHICH ELECTRICITY RATES FOR CERTAIN RATEPAYERS WHO ARE PAYING ADDITIONAL CHARGES UNDER THE BASE LOAD REVIEW ACT FOR THE CONSTRUCTION OF NUCLEAR PLANTS OR PROJECTS SHALL BE REVISED AND DETERMINED; AND TO PROVIDE FOR PROCEDURES AND PROVISIONS OF LAW WHICH APPLY AND DO NOT APPLY IN REGARD TO THE ADJUSTMENT OF ELECTRICITY RATES AS PROVIDED BY CHAPTER 34.

Whereupon, Senators SETZLER, RANKIN and MASSEY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 4379 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrinnakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Bennett, Arrington, Daning, Pendarvis, Govan and Toole: A BILL TO



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AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 7, TITLE 1 SO AS TO CREATE THE UTILITIES CONSUMER ADVOCATE IN THE OFFICE OF THE ATTORNEY GENERAL, AND TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE UTILITIES CONSUMER ADVOCATE, AMONG OTHER THINGS; TO AMEND SECTION 58-4-10, RELATING TO THE OFFICE OF REGULATORY STAFF AND ITS MISSION, SO AS TO REMOVE THE PRESERVATION OF THE FINANCIAL INTEGRITY OF THE STATE'S PUBLIC UTILITIES, CONTINUED INVESTMENT, AND MAINTENANCE OF FACILITIES FROM THE MISSION; TO AMEND SECTION 58-4-50, RELATING TO REGULATORY STAFF DUTIES AND RESPONSIBILITIES, SO AS TO ADD THAT THE OFFICE SHALL PROVIDE RESEARCH, EXPERTISE, AND OTHER ASSISTANCE TO THE UTILITIES CONSUMER ADVOCATE AND MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 58-4-55, RELATING TO THE OFFICE OF REGULATORY STAFF'S ABILITY TO REQUEST CERTAIN INFORMATION, SO AS TO ADD THAT THE OFFICE SHALL HAVE SUBPOENA POWERS AND THAT THE UTILITIES CONSUMER ADVOCATE MAY REQUEST THE EXECUTIVE DIRECTOR TO ISSUE SUBPOENAS ON HIS BEHALF, AND TO PROVIDE A PENALTY FOR FAILURE TO PROVIDE REQUESTED INFORMATION UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 58-4-80, RELATING TO INTERVENTION IN CIVIL PROCEEDINGS BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT ON APPEAL THE OFFICE DOES NOT REPRESENT THE PUBLIC SERVICE COMMISSION.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

**Amendment No. 1A**

Senator DAVIS proposed the following amendment (4379R004.SP.TD), which was adopted:

Amend the bill, as and if amended, by striking Section 58-4-10(B) and inserting:

/ (B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the

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commission. For purposes of this chapter, 'public interest' means the a balancing of the following:

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

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

(3) ~~preservation of the financial integrity of the state's public utilities and~~ continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services. 'Public interest' further includes concerns of the using and consuming public with respect to the procurement of lowest-cost energy from independent power producers. /

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

/SECTION \_\_. Title 58 of the 1976 Code is amended by adding:

“CHAPTER 41

Procurement of Lowest-Cost Energy from Independent Power Producers

Section 58-41-10. This chapter may be cited as the 'Energy Freedom Act.'

Section 58-41-30. As used in this chapter:

(1) 'AC' means alternating current as measured at the point of interconnection of the small power producer's facility to the interconnecting electrical utility's transmission or distribution system.

(2) 'Avoided costs' means an electrical utility's most recently approved or established avoided cost rates in this State for purchases of electricity from qualifying facilities pursuant to Section 210 of the Public Utility Regulatory Policies Act and this chapter.

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

(4) 'Electrical utility' shall be defined as set forth in Section 58-27-10(7), provided, however, that electrical utilities serving less than one hundred thousand customer accounts shall be exempt from the provisions of this chapter.

(5) 'PURPA' means the Public Utility Regulatory Policies Act of 1978, as amended.

(6) 'Small power producer' means a person or corporation owning or operating a 'qualifying small power production facility' as defined in 16 U.S.C. Section 796, as amended.

(7) 'Standard offer' means avoided cost rates and power purchase agreement terms and conditions approved by the commission and

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applicable to purchases of energy and capacity by electrical utilities as provided in this chapter from small power producers up to five megawatts AC in size.

Section 58-41-40. (A) The commission shall conduct a proceeding not later than ninety days after the effective date of this act, and at least every two years thereafter, to review and approve electrical utilities' avoided cost methodologies, standard offers, and adherence to commission-approved interconnection standards and this chapter and to form power purchase agreements consistent with PURPA. Such proceedings shall be separate from the electrical utilities' annual fuel cost proceedings pursuant to Section 58-27-865 and shall include an opportunity for intervention, discovery, testimony, and an evidentiary hearing. The Office of Regulatory Staff shall represent the interests of the public at all proceedings.

(B) In approving the avoided cost methodology, standard offer, and form contract for each electrical utility, the commission shall ensure that, to the extent possible, small power producers are treated on a fair and equal footing with electrical utility-owned resources through the provision of rates for the purchase of energy and capacity that fully and accurately reflect the electrical utility's avoided costs and power purchase agreement terms and conditions and that are commercially reasonable and provide the small power producer a reasonable opportunity to attract capital. The commission shall also ensure that each electrical utility's avoided cost methodology fairly accounts for costs avoided by the electrical utility if the small power producer's facility includes energy storage equipment. Avoided cost methodologies proposed by electrical utilities and approved by the commission may account for differences in costs avoided based on the geographic location and resource type of a small power producer's facility.

(C) Every six months, each electrical utility shall submit to the commission for approval updates to the inputs used to calculate its standard offer avoided cost rates based on the commission's approved avoided cost methodology. After providing interested parties the opportunity to participate fully in the proceeding, the commission shall establish updated standard offer avoided cost rates for the electrical utility.

(D) The avoided cost rates offered by an electrical utility to a small power producer not eligible for the standard offer shall be calculated based on the avoided cost methodology approved by the commission in its most recent proceeding. In the event that a small power producer and an electrical utility are unable to mutually agree on an avoided cost rate,

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the small power producer shall have the right to have any disputed issues resolved by the commission through arbitration or in a formal complaint proceeding.

(E) In each proceeding required by this chapter, the commission shall approve a standard offer power purchase agreement to be used by each electrical utility in purchasing energy, capacity, and other related services from small power producers eligible for the standard offer. In addition, the commission shall either require the use of the standard offer power purchase agreement or approve a separate form power purchase agreement to be used by each electrical utility in purchasing energy, capacity, and other related services from small power producers not eligible for the standard offer. The commission shall determine what contract length for power purchase agreements between electrical utilities and small power producers is necessary to give such small power producers a commercially reasonable opportunity to attract capital.

(F) In no event shall a power purchase agreement approved by the commission or offered by an electrical utility to a small power producer:

(1) allow for curtailment by the electrical utility of generation from the small power producer's facility for any reason other than a system emergency as defined in PURPA and the PURPA regulations of the Federal Energy Regulatory Commission;

(2) allow the electrical utility to terminate the power purchase agreement or collect damages from the small power producer due to a delay in achieving commercial operation of the small power producer's facility if such delay is due to the electrical utility's delay in connecting the facility to its transmission or distribution system; or

(3) allow the electrical utility to charge, or reduce the price paid to, the small power producer based on costs incurred by the electrical utility to respond to the intermittent nature of electrical generation by the small power producer, which costs shall be recoverable by the electrical utility as part of its annual fuel cost proceedings pursuant to Section 58-27-865.

(G) An electrical utility's standard offer avoided cost rates approved by the commission pursuant to this chapter shall serve as the electrical utility's avoided costs for the purpose of recovering fuel costs associated with an approved distributed energy resource plan as required under Section 58-27-865." /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

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**Amendment No. 3**

Senator CLIMER proposed the following amendment (4379R003.SP.WC), which was tabled:

Amend the bill, as and if amended, by striking Section 58-41-40(E) and inserting:

/ (E) The commission shall determine what contract length for power purchase agreements between electrical utilities and small power producers is necessary to give such small power producers a commercially reasonable opportunity to attract capital, provided, however, that the small power producer may not charge a rate in an amount that exceeds avoided costs. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

Senator DAVIS spoke on the amendment.

Senator DAVIS moved to lay the amendment on the table.

The amendment was laid on the table.

The question then was third reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Timmons
Turner	Verdin	Williams
Young		

**THURSDAY, MAY 10, 2018**

**Total--43**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

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

**AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3867 -- Reps. Herbkersman, Pitts, Hayes, Anthony, Cobb-Hunter, Whipper and Brown: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROPERTY TAX, SO AS TO EXEMPT ALL PROPERTY DEVOTED TO HOUSING LOW INCOME RESIDENTS IF THE PROPERTY IS OWNED BY AN INSTRUMENTALITY OF A NONPROFIT HOUSING CORPORATION.

The Senate proceeded to a consideration of the Bill.

Senator GREGORY proposed the following amendment (3867R012.SP.CKG), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 2 and 3.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question then being third reading of the Bill.

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

**Ayes 36; Nays 3**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Davis	Fanning

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Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Turner	Williams	Young

**Total--36**

**NAYS**

Corbin	Martin	Peeler
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**Total--3**

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

H. 3146 -- Reps. Delleney, G.R. Smith, B. Newton, Pitts, G.M. Smith, Daning, Taylor, Martin, W. Newton, Elliott, Loftis, Burns, Hixon, Erickson and Willis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, AS AMENDED, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, TO SERVE AT THE PLEASURE OF THE GOVERNOR BEGINNING IN JANUARY 2023, OR UPON A VACANCY IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION AFTER THE DATE OF THE RATIFICATION OF THIS AMENDMENT, WHICHEVER OCCURS FIRST, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE.

The Senate proceeded to a consideration of the Resolution.

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Senator MALLOY explained the Resolution.  
Senator JOHNSON spoke on the Resolution.  
Senator MALLOY spoke on the Resolution.  
Senator SHEHEEN spoke on the Resolution.

The question then being the third reading of the Resolution.

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

**Ayes 38; Nays 6**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Hembree	Hutto
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Rice
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--38**

**NAYS**

Allen	Jackson	Johnson
Kimpson	Reese	Sabb

**Total--6**

Ordered enrolled for Ratification.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:



**THURSDAY, MAY 10, 2018**

Reappointment, McCormick County Magistrate, with the term to  
commence April 30, 2018, and to expire April 30, 2022

John Long, 132 Antioch Dr., McCormick, SC 29835-4235

Reappointment, McCormick County Magistrate, with the term to  
commence April 30, 2018, and to expire April 30, 2022

Patty Smith, 3145 Upper Mill Rd., McCormick, SC 29835-7243

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to stand  
adjourned pursuant to H. 5383, the *Sine Die* Resolution.

**ADJOURNMENT**

At 5:00 P.M., on motion of Senator LEATHERMAN, the Senate  
adjourned pursuant to H. 5383, the *Sine Die* Resolution.

\* \* \*

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