

NO.
74

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

WEDNESDAY, JUNE 27, 2018

Wednesday, June 27, 2018
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, 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 acting Chaplain, Senator ALEXANDER as follows:

James 4:10

“Humble yourselves before the Lord and He will lift you up.”

Let us pray. We come humbly before You Lord as we gather in this Senate Chamber to do the work You would have us do as the state Senate for the people of our State.

Lift us up Lord, direct our path this day, bless each Senator and all the staff as we are grateful for the opportunity to serve You. Lead, guide and direct us in this Body in the work that is before us. In thy Holy name, Amen.

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

COMMUNICATION

June 4, 2018

The Honorable Jeffrey S. Gossett
Clerk of the Senate
Suite 401, Gressette Building
Columbia, SC 29201

Dear Mr. Clerk:

With regret, I am writing you today to resign from the South Carolina Senate effective immediately.

My service of thirty-four years to the people of District 20 in the South Carolina Senate has been a tremendous personal honor. Unfortunately, I have let them down by my actions and because of that, I must resign. I will miss serving with the members and staff of the Senate and will cherish the friendships I made.

[SJ]

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With warmest personal regards, I am

Sincerely,
John E. Courson

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the committee selection process in Rule 19 was waived and a vacancy was filled in the following manner:

Senator BENNETT fills a vacancy on the Ethics Committee.

STANDING COMMITTEE CHAIRS OF THE SENATE

AGRICULTURE AND NATURAL RESOURCES

Campbell, Paul G., Jr., Chairman

BANKING AND INSURANCE

Cromer, Ronnie W., Chairman

CORRECTIONS AND PENOLOGY

Martin, Shane R., Chairman

EDUCATION

Peeler, Harvey S., Jr., Chairman

ETHICS

Bennett, Sean M., Chairman

FINANCE

Leatherman, Hugh K., Sr., Chairman

FISH, GAME AND FORESTRY

Campsen, George E. "Chip", III, Chairman

GENERAL COMMITTEE

Shealy, Katrina F., Chairwoman

INTERSTATE COOPERATION

Leatherman, Hugh K., Sr., Chairman

INVITATIONS

Davis, Tom, Chairman

[SJ]

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JUDICIARY

Rankin, Luke A., Chairman

LABOR, COMMERCE AND INDUSTRY

Alexander, Thomas C., Chairman

MEDICAL AFFAIRS

Verdin, Daniel B. "Danny", III Chairman

RULES

Massey, A. Shane, Chairman

TRANSPORTATION

Grooms, Lawrence K. "Larry", Chairman

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Martin Ira Easler, 209 Short Street, Kingstree, SC 29556-3926

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

Susan G. Gladden, 438 Highway 20, Abbeville, SC 29620-4130

Initial Appointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Randy Brice Foxworth, 209 Short Street, Kingstree, SC 29510-3926

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

William Driggers, 209 Short Street, Kingstree, SC 29556-3926

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Brian McKnight, 209 Short Street, Kingstree, SC 29556-3926

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

Bryan Keith Griffin, 115 North Harvin Street, Sumter, SC 29150-4956

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

Fred H. Gordon, 115 North Harvin Street, Sumter, SC 29150-4956

Reappointment, Abbeville County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Philip D. Ray, 527 Noble Dr., Abbeville, SC 29620-4115

Reappointment, Abbeville County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Carolyn Brownlee, 417 Hanover Rd., Abbeville, SC 29620-5234

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Glen Kennedy, 209 Short Street, Kingstree, SC 29556-3926

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

Cecil Jackson, 115 North Harvin Street, Sumter, SC 29150-4956

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

Larry Blanding, 190 East Canal Street, Sumter, SC 29150-4951

Initial Appointment, Marlboro County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Grover McQueen, 502 McQueen Rd., Bennettsville, SC 29512-7923

Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Chuck Bagwell, 318 Woodgrove Trace, Spartanburg, SC 29301-6432

Initial Appointment, Georgetown County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Johnathan Guiles, 32 Genesis Dr., Georgetown, SC 29440-9398 *VICE*
Elaine C. Elliot

WEDNESDAY, JUNE 27, 2018

Reappointment, Abbeville County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Robert Devore, 758 Haddon Road, Donalds, SC 29638-8956

Initial Appointment, Hampton County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Tonja Alexander, P.O. Box 837, Varnville, SC 29944-0837

Initial Appointment, Marlboro County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Delton Powers, 107 S. Parsonage Street, Bennettsville, SC 29572
VICE Gail McInnis

Initial Appointment, Richland County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Roger Myers, 430 Old Bluff Road, Hopkins, SC 29061-9112 *VICE*
New Seat

Initial Appointment, York County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Brooke Rhodes, 12088 Smithford Road, Hickory Grove, SC 29717-7765 *VICE* Melvin Howell

Initial Appointment, Sumter County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Lee Anna Tindal, 190 East Canal Street, Sumter, SC 29150-4951

Leave of Absence

At 12:25 P.M., Senator NICHOLSON requested a leave of absence for Senator WILLIAMS for Wednesday, June 27, 2018 and Thursday, June 28, 2018.

Leave of Absence

At 12:25 P.M., Senator SETZLER requested a leave of absence for Senator McLEOD for the Wednesday, June 27, 2018 and Thursday, June 28, 2018.

Leave of Absence

At 12:33 P.M., Senator SETZLER requested a leave of absence for Senator SHEHEEN for the day.

WEDNESDAY, JUNE 27, 2018

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1268 -- Senators McLeod and Setzler: A SENATE RESOLUTION TO CONGRATULATE THE CARDINAL NEWMAN SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2018 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION AAA STATE BASEBALL CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 1269 -- Senator Setzler: A SENATE RESOLUTION TO HONOR PAMELA P. LACKEY, PRESIDENT OF AT&T SOUTH CAROLINA, ON THE OCCASION OF HER RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HER MANY YEARS OF DISTINGUISHED SERVICE TO THE RESIDENTS OF SOUTH CAROLINA, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

S. 1270 -- Senator Scott: A SENATE RESOLUTION TO CONGRATULATE LAVERN PRIOLEAU GLOVER UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER THIRTY-TWO YEARS OF DEDICATED PUBLIC SERVICE TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1271 -- Senator M. B. Matthews: A SENATE RESOLUTION TO CONGRATULATE BEATRICE "BEE" FIELDS GRAHAM ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

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S. 1272 -- Senator M. B. Matthews: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF HOWARD WILBUR DAVIS AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1273 -- Senator M. B. Matthews: A SENATE RESOLUTION TO CELEBRATE THE JOYOUS OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF ST. JOHN AFRICAN METHODIST EPISCOPAL CHURCH AND TO RECOGNIZE THE CONGREGATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE COTTAGEVILLE COMMUNITY.

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The Senate Resolution was adopted.

S. 1274 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE DAVE SPENCE UPON THE OCCASION OF HIS RETIREMENT AS PRESIDENT OF THE SOUTHERN REGIONAL EDUCATION BOARD AND TO COMMEND MR. SPENCE AND THE SOUTHERN REGIONAL EDUCATION BOARD FOR THEIR MANY YEARS OF DEDICATED PUBLIC SERVICE TO SOUTH CAROLINA AND THE SOUTHEAST.

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The Senate Resolution was adopted.

S. 1275 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE TURNER MEMORIAL AFRICAN METHODIST EPISCOPAL CHURCH UPON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY, TO RECOGNIZE AND HONOR THE CHURCH FOR ITS DEEP HERITAGE IN WEST COLUMBIA, AND TO COMMEND ITS LEADERSHIP AND CONGREGATION FOR THEIR MANY YEARS OF SERVICE TO THE COMMUNITY.

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The Senate Resolution was adopted.

S. 1276 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE GREGORY P. DIETTERICK UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS

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MANY YEARS OF DEDICATED PUBLIC SERVICE TO THE CITY OF SENECA, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1277 -- Senators Scott and M. B. Matthews: A SENATE RESOLUTION TO EXPRESS SYMPATHY ON THE PASSING OF REVEREND DR. JAMES DANIEL RILEY, JR., AND TO OFFER SINCERE CONDOLENCES TO HIS LARGE AND LOVING FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1278 -- Senator Scott: A SENATE RESOLUTION TO CONGRATULATE AND HONOR SHARON BURGESS MADISON ON THE OCCASION OF HER RETIREMENT ON JUNE 14, 2018, FROM THE ROLE OF DEPUTY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES AND TO WISH HER MUCH CONTINUED HAPPINESS AND SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1279 -- Senator Davis: A SENATE RESOLUTION TO CONGRATULATE THE PARRIS ISLAND YOUNG MARINES FOR GARNERING SECOND PLACE FOR THE KIKI CAMARENA AWARD IN THE 3RD DIVISION PRESENTED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION AND TO DESIGNATE OCTOBER 23 TO OCTOBER 31, 2018, AS "RED RIBBON WEEK" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1280 -- Senator Setzler: A JOINT RESOLUTION TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM HOLDING A HEARING ON THE MERITS FOR DOCKET IN WHICH REQUESTS WERE MADE PURSUANT TO THE BASE LOAD REVIEW ACT BEFORE NOVEMBER 1, 2018; TO REQUIRE THE PUBLIC SERVICE COMMISSION TO ISSUE AN ORDER FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT BY

[SJ]

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DECEMBER 21, 2018; TO CLARIFY THAT A FINAL DETERMINATION OF MATTERS OF THESE REQUESTS SHALL OCCUR EARLIER THAN ESTABLISHED IN THIS JOINT RESOLUTION; AND TO TEMPORARILY SUSPEND ANY STATUTE IN TITLE 58 THAT CONFLICTS WITH THE PROVISION OF THIS RESOLUTION FOR PURPOSES OF UTILITY RATES FOR MATTERS RELATED TO THE V.C. SUMMER NUCLEAR REACTOR UNITS 2 AND 3.

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

S. 1281 -- Senator Massey: A JOINT RESOLUTION TO PROHIBIT THE PUBLIC SERVICE COMMISSION HOLDING A HEARING ON THE MERITS FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL MARCH 1, 2019 AND TO REQUIRE A FINAL ORDER TO BE ISSUED SIX WEEKS AFTER THE CONCLUSION OF A HEARING ON THE MERITS; TO PROVIDE FOR DISCOVERY REQUEST DISPUTES; TO CLARIFY THAT THE COMMISSION'S FAILURE TO ISSUE A FINAL ORDER IN THE TIME PERIOD PRESCRIBED BY THIS JOINT RESOLUTION DOES NOT CONSTITUTE APPROVAL BY THE COMMISSION NOR MAY THE UTILITY PUT INTO EFFECT ITS REQUESTED RATE CHANGE; AND TO SUSPEND ANY CONFLICTING STATUTES IN TITLE 58 FOR PURPOSES OF UTILITY RATES RELATED TO V.C. SUMMER NUCLEAR REACTOR UNITS 2 & 3.

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

S. 1282 -- Senator Sabb: A SENATE RESOLUTION TO RECOGNIZE JULY 21, 2018 AS "BISHOP EDWARD BLAIN, II DAY" IN SOUTH CAROLINA, TO COMMEND BISHOP BLAIN FOR HIS MANY YEARS OF DEDICATED SERVICE AS FOUNDER AND SENIOR BISHOP OF THE GLORIOUS UNITED PENTECOSTAL CHURCH OF GOD, INC., AND TO CONGRATULATE HIM ON THE OCCASION OF HIS NINETY-FOURTH BIRTHDAY.

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The Senate Resolution was adopted.

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S. 1283 -- Senator Sabb: A SENATE RESOLUTION TO CONGRATULATE THE HONORABLE JAMES E. DOSTER, JR. UPON THE OCCASION OF HIS RETIREMENT FROM THE WILLIAMSBURG COUNTY SUMMARY COURT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE TO WILLIAMSBURG COUNTY, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1284 -- Senator Corbin: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE UNTIMELY PASSING OF ISABELLA "BELLA" MUNTEAN AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1285 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE AND COMMEND THE UNITED FAMILY REUNION ON ITS LAUDABLE EFFORTS TO RECOUNT THE HISTORY AND CONTRIBUTIONS OF ENSLAVED AFRICAN AMERICANS AND THEIR DESCENDANTS OF THE LANG SYNE, OAKLAND, GOSHEN, SANDY LAWN, AND TRUE BLUE PLANTATIONS AT FORT MOTTE IN CALHOUN COUNTY AND RECORD IT FOR FUTURE GENERATIONS AS A LESSON IN THE POWER OF KNOWLEDGE AND FAITH IN FORMING A STRONG COMMUNITY AND STATE.

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The Senate Resolution was adopted.

HOUSE CONCURRENCE

S. 1267 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE MID-CAROLINA MIDDLE SCHOOL ACADEMIC TEAM, COACHES, AND SCHOOL OFFICIALS ON WINNING THE 2018 SOUTH CAROLINA STATE CHAMPIONSHIP OF ACADEMICS.

Returned with concurrence.

Received as information.

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**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

**H. 4931--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

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

Senator TURNER 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 39; Nays 2

AYES

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

[SJ]

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Turner Verdin Young

Total--39

NAYS

Campsen Massey

Total--2

The Committee of Conference Committee was adopted as follows:

H. 4931 -- Conference Report

The General Assembly, Columbia, S.C., June 26, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4931 -- Reprs. 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.

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 05/09/18-S.)

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

/ SECTION 1. Section 59-103-15 of the 1976 Code is further amended to read:

“Section 59-103-15. (A)(1) The General Assembly has determined that the mission for higher education in South Carolina is to be a global leader in providing a coordinated, comprehensive system of excellence in education by providing instruction, research, and life-long learning opportunities which are focused on economic development and benefit the State of South Carolina.

(2) The goals to be achieved through this mission are:

(a) high academic quality;

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- (b) affordable and accessible education;
- (c) instructional excellence;
- (d) coordination and cooperation with public education;
- (e) cooperation among the General Assembly, Commission on Higher Education, Council of Presidents of State Institutions, institutions of higher learning, and the business community;
- (f) economic growth;
- (g) clearly defined missions.

(B) The General Assembly has determined that the primary mission or focus for each type of institution of higher learning or other post-secondary school in this State is as follows:

(1) Research institutions

(a) college-level baccalaureate education, master's, professional, and doctor of philosophy degrees which lead to continued education or employment;

(b) research through the use of government, corporate, nonprofit-organization grants, or state resources, or both;

(c) public service to the State and the local community;

(2) Four-year colleges and universities

(a) college-level baccalaureate education and selected master's degrees which lead to employment or continued education, or both, except for doctoral degrees currently being offered;

(b) bachelor of science degree in Mechanical Engineering approved by the Commission on Higher Education at South Carolina State University;

(c) bachelor of science degree in Electrical Engineering approved by the Commission on Higher Education at South Carolina State University;

(d) doctoral degree in Marine Science approved by the Commission on Higher Education;

(e) subject to subsection (C), doctoral degree in Nursing Practice approved by the Commission on Higher Education at Francis Marion University;

(f) subject to subsection (C), doctoral degree in Nursing Practice approved by the Commission on Higher Education at the University of South Carolina Aiken;

(g) subject to subsection (C), doctor of philosophy degree in Education Administration approved by the Commission on Higher Education at Coastal Carolina University;

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(h) subject to subsection (C), doctor of philosophy degree in Computer and Information Science approved by the Commission on Higher Education at the College of Charleston;

(i) limited and specialized research;

(j) public service to the State and the local community;

(3) Two-year institutions - branches of the University of South Carolina

(a) college-level pre-baccalaureate education necessary to confer associates degrees which lead to continued education at a four-year or research institution;

(b) public service to the State and the local community;

(4) State technical and comprehensive education system

(a) all post-secondary vocational, technical, and occupational diploma and associate degree programs leading directly to employment or maintenance of employment and associate degree programs which enable students to gain access to other post-secondary education;

(b) up-to-date and appropriate occupational and technical training for adults;

(c) special school programs that provide training for prospective employees for prospective and existing industry in order to enhance the economic development of South Carolina;

(d) public service to the State and the local community;

(e) continue to remain technical, vocational, or occupational colleges with a mission as stated in item (4) and primarily focused on technical education and the economic development of the State;

(f) subject to subsection (C), an Applied Baccalaureate in Advanced Manufacturing Technology degree approved first by the Board for Technical and Comprehensive Education and then the Commission on Higher Education.

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

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

/s/Sen. Clarence Ross Turner, III

/s/Sen. Tom Young, Jr.

/s/Sen. Karl B. Allen

On Part of the Senate.

/s/Rep. Bill Taylor

/s/Rep. Jason Thomas Elliott

/s/Rep. Terry Alexander

On Part of the House.

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, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 27, 2018

Mr. President and Senators:

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

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.

Very respectfully,
Speaker of the House

Received as information.

**H. 4931--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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 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.

[SJ]

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**S. 954--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: A JOINT RESOLUTION TO PROVIDE FOR AN EXPERIMENTAL RATE FOR CUSTOMERS OF A PUBLIC UTILITY WHO ARE PAYING COSTS ASSOCIATED WITH THE BASE LOAD REVIEW ACT; TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM HOLDING A HEARING ON THE MERITS FOR A MATTER RELATED TO THE BASE LOAD REVIEW ACT BEFORE NOVEMBER 1, 2018, BUT MUST ISSUE A FINAL ORDER ON THE MERITS BY DECEMBER 21, 2018; AND TO SUSPEND PROVISIONS IN TITLE 58 THAT ARE IN CONFLICT WITH THE PROVISIONS OF THIS JOINT RESOLUTION FOR MATTERS RELATED TO THE V.C. SUMMER NUCLEAR REACTOR UNITS 2 AND 3 UNTIL THE PUBLIC SERVICE COMMISSION ISSUES ITS FINAL ORDER IN THE MATTER.

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.

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

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	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott

[SJ]

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Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Young	

Total--41

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

S. 954 -- Conference Report

The General Assembly, Columbia, S.C., June 27, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: A JOINT RESOLUTION TO PROVIDE FOR AN EXPERIMENTAL RATE FOR CUSTOMERS OF A PUBLIC UTILITY WHO ARE PAYING COSTS ASSOCIATED WITH THE BASE LOAD REVIEW ACT; TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM HOLDING A HEARING ON THE MERITS FOR A MATTER RELATED TO THE BASE LOAD REVIEW ACT BEFORE NOVEMBER 1, 2018, BUT MUST ISSUE A FINAL ORDER ON THE MERITS BY DECEMBER 21, 2018; AND TO SUSPEND PROVISIONS IN TITLE 58 THAT ARE IN CONFLICT WITH THE PROVISIONS OF THIS JOINT RESOLUTION FOR MATTERS RELATED TO THE V.C. SUMMER NUCLEAR REACTOR UNITS 2 AND 3 UNTIL THE PUBLIC SERVICE COMMISSION ISSUES ITS FINAL ORDER IN THE MATTER.

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 04/19/18.)

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

Whereas, while SCANA has taken steps to reduce its own costs related to the abandoned Project, such as obtaining a guaranty settlement from Toshiba in the amount of approximately \$1.2 billion for SCANA's ownership interests, and also has received benefits from the recent

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federal tax code amendments, its customers' rates continue to reflect 100% of authorized Project costs prior to abandonment; and

Whereas, the General Assembly recognizes that SCANA, as a corporate entity, has legal rights and remedies that must be considered and respected throughout the process of resolving cost recovery issues for the abandoned Project, yet believes that recognition of SCANA's legal rights and remedies does not require that SCANA customers continue to pay 100% of the rates previously authorized by the Commission when the Project was expected, upon completion, to provide valuable services to the customers; and

Whereas, the General Assembly recognizes the need for adequate discovery by all parties, and therefore is extending the time period for the Public Service Commission to issue its final order in this matter; and Whereas, the General Assembly passed the BLRA in 2007 for the explicit purpose of providing "recovery of the prudently incurred costs associated with new base load plants...when constructed by investor-owned electrical utilities, while at the same time protecting customers of investor-owned electrical utilities from responsibility for imprudent financial obligations or costs"; and

Whereas, the General Assembly, with the passage of the BLRA in 2007 did not intend to, and could not, overrule a fundamental regulatory principal for utility rate-making that rates must be just and reasonable, the fundamental regulatory principal codified in South Carolina Code Section 58-27-810; and

Whereas, the General Assembly is concerned that the rates that SCANA customers are currently paying are unjust and unreasonable; and

Whereas, Section 1, Article IX of the Constitution of this State vests the General Assembly with authority to regulate investor-owned utilities in order to protect the public interest; and

Whereas, based upon information identified in this Joint Resolution, along with other information recently made available to the South Carolina House of Representative and the South Carolina Senate, the General Assembly finds that serious questions have arisen regarding the prudence of incurred costs that have led to rate increases pursuant to the BLRA for the abandoned Project, including SCANA's apparent failure to avoid or minimize costs that should have been avoided or minimized since at least 2011; and

Whereas, the General Assembly recognizes the protections provided by the Constitutions of the United States and the State of South Carolina, and has no desire or intention to set a rate that is unjust, unreasonable, or confiscatory, nor does it intend to jeopardize SCANA's ability to satisfy

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bond payment obligations associated with the V.C. Summer nuclear units 2 and 3; and

Whereas, the General Assembly also believes it is in the public interest of all its citizens, both private citizens and corporate, to rely upon incentives offered by the General Assembly to encourage growth in South Carolina, however, this reliance should be predicated upon a good faith effort to comply with all terms of any incentives so that noncompliance or misrepresentation in order to obtain offered incentives are not unfairly born by South Carolina's citizens;

Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The Public Service Commission shall not hold a hearing on the merits before November 1, 2018, for a docket in which requests were made pursuant to the Base Load Review Act; however, the Public Service Commission may hold an administrative or procedural hearing for such a docket prior to a hearing on the merits. The Public Service Commission must issue a final order on the merits for a docket in which requests were made pursuant to the Base Load Review Act no later than December 21, 2018.

SECTION 2. No final determination of matters described in this joint resolution, whether by a final order issued by the Public Service Commission or by operation of law, shall occur earlier than the time period prescribed in SECTION 1. The Public Service Commission's failure to issue a final order prior to the time period established in this joint resolution shall not constitute approval by the Public Service Commission and a utility must not put into effect the change in rates it requested in its schedule.

SECTION 3. Any statute in Title 58 in conflict with the provisions of this joint resolution are suspended for purposes of the utility rates for matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina. This suspension remains in effect until the Public Service Commission issues its final order in this matter.

SECTION 4. If any provision of this joint resolution 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 joint resolution and that the holding does not invalidate or render unenforceable another provision of this joint resolution.

SECTION 5. This joint resolution takes effect upon approval by the Governor. /

Amend title to conform.

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/s/Sen. Nikki G. Setzler	/s/Rep. Peter M. McCoy, Jr.
/s/Sen. Luke A. Rankin, Sr.	/s/Rep. Kirkman Finlay, III
/s/Sen. A. Shane Massey	/s/Rep. J. Todd Rutherford
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., June 27, 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. 954 -- Senators Leatherman, Setzler, Massey and Fanning: A JOINT RESOLUTION TO PROVIDE FOR AN EXPERIMENTAL RATE FOR CUSTOMERS OF A PUBLIC UTILITY WHO ARE PAYING COSTS ASSOCIATED WITH THE BASE LOAD REVIEW ACT; TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM HOLDING A HEARING ON THE MERITS FOR A MATTER RELATED TO THE BASE LOAD REVIEW ACT BEFORE NOVEMBER 1, 2018, BUT MUST ISSUE A FINAL ORDER ON THE MERITS BY DECEMBER 21, 2018; AND TO SUSPEND PROVISIONS IN TITLE 58 THAT ARE IN CONFLICT WITH THE PROVISIONS OF THIS JOINT RESOLUTION FOR MATTERS RELATED TO THE V.C. SUMMER NUCLEAR REACTOR UNITS 2 AND 3 UNTIL THE PUBLIC SERVICE COMMISSION ISSUES ITS FINAL ORDER IN THE MATTER.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 27, 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:

[SJ]

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S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: A JOINT RESOLUTION TO PROVIDE FOR AN EXPERIMENTAL RATE FOR CUSTOMERS OF A PUBLIC UTILITY WHO ARE PAYING COSTS ASSOCIATED WITH THE BASE LOAD REVIEW ACT; TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM HOLDING A HEARING ON THE MERITS FOR A MATTER RELATED TO THE BASE LOAD REVIEW ACT BEFORE NOVEMBER 1, 2018, BUT MUST ISSUE A FINAL ORDER ON THE MERITS BY DECEMBER 21, 2018; AND TO SUSPEND PROVISIONS IN TITLE 58 THAT ARE IN CONFLICT WITH THE PROVISIONS OF THIS JOINT RESOLUTION FOR MATTERS RELATED TO THE V.C. SUMMER NUCLEAR REACTOR UNITS 2 AND 3 UNTIL THE PUBLIC SERVICE COMMISSION ISSUES ITS FINAL ORDER IN THE MATTER.

Very respectfully,

Speaker of the House

Received as information.

Motion Adopted

On motion of Senator REESE, with unanimous consent, Senators TALLY, GROOMS and REESE were granted leave to attend a conference committee meeting and were granted leave to vote from the balcony.

**S. 709--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

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

Senator NICHOLSON spoke on the report.

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

[SJ]

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

Ayes 40; Nays 1

AYES

Alexander	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	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Young		

Total--40

NAYS

Corbin

Total--1

The Committee of Conference Committee was adopted as follows:

S. 709 -- Conference Report

The General Assembly, Columbia, S.C., June 27, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

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 04/26/18-H.)

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

/ SECTION 1. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-160. (A) Prior to the beginning of the 2019-2020 School Year, the State Department of Education and the Office of the State Fire Marshal shall collaborate and develop model fire and safety policies and program guidelines that must be made available to each school district and charter school in the state. The provisions of this section do not apply to charter schools whose instruction is primarily delivered online.

(B) Each school district board of trustees and the governing body of each charter school shall adopt a policy and program for school facility fire and safety, including inspections, before the beginning of the 2020-2021 School Year. The policy and program must:

(1) be adopted in open meetings in which the public may provide comment on the terms of the policies and programs;

(2) include routine self-assessments; and

(3) be published on the district’s or charter school’s Internet website in a prominent location that is easily accessible by the public.

(C) Prior to July 1, 2021, each district and charter school shall submit its fire and safety policy and program to the Office of the State Fire Marshal and the State Department of Education. The office and department shall collaborate in the review of the school policies and programs. Within one hundred twenty days of the receipt of a policy or program, the office and department must jointly provide written comments to the district on how the policies and programs may be improved.

(D) Local school district boards of trustees and charter school governing bodies may request technical assistance in the development of fire and safety policies and programs.”

SECTION 2. Section 59-63-910 of the 1976 Code is amended to read:

“Section 59-63-910. ~~(A) All teachers or superintendents in charge of the schools of the State which are supported in whole or in part by taxation public schools, including charter schools whose instruction is not primarily delivered online, shall conduct fire, active shooter/intruder, and severe weather/earthquake drills at least once each month. Any teacher or superintendent failing to observe the provisions of this section shall be fined not less than ten dollars nor more than twenty five dollars for each offense. Such fine shall be deducted from his salary and turned~~

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over to the county treasurer for ordinary county purposes Within each school year, schools must conduct at least two fire drills, two active shooter/intruder drills, and two severe weather/earthquake drills, with at least one of each drill conducted each semester.

(B) Before August 1, 2018, the State Department of Education and the South Carolina Law Enforcement Division shall develop guidelines for the conduct of active shooter/intruder training required in this section, and developmentally appropriate training materials. The department and the State Law Enforcement Division must consult with school-employed mental health professionals and the State Fire Marshal in creating and updating the guidelines. These guidelines must be included in annual teacher collegial development required by Section 59-1-425(A).”

SECTION 3. Section 59-63-920 of the 1976 Code is amended to read:

“Section 59-63-920. The principal or ~~supervising teacher~~ charter school leader of each school shall ~~indicate on his monthly pay voucher whether he has complied~~ comply with the requirements of Section 59-63-910, ~~and should it appear that he has failed to do so the superintendent of education shall deduct from that teacher’s salary the minimum fine for the first offense and the maximum fine for each following offense~~ and document their compliance.”

SECTION 4. Section 59-63-930 of the 1976 Code is repealed.

SECTION 5. Article 9, Chapter 63, Title 59 of the 1976 Code is redesignated “Safety and Security Drills.”

SECTION 6. This act takes effect upon approval by the Governor./
Amend title to conform.

/s/Sen. Floyd Nicholson

/s/Rep. Merita Ann Allison

/s/Sen. Greg Hembree

/s/Rep. R. Raye Felder

/s/Sen. Clarence Ross Turner, III

/s/Rep. Marvin R. Pendarvis

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., June 27, 2018

Mr. President and Senators:

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

[SJ]

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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.

Very respectfully,

Speaker of the House

Received as information.

**S. 709--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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.

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.

**H. 4375--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, 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

[SJ]

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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.

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.
Senator MASSEY spoke on the report.

ACTING PRESIDENT PRESIDES

Senator HUTTO assumed the Chair.

Senator RANKIN spoke on the report.

PRESIDENT PRESIDES

The PRESIDENT assumed the Chair.

Senator HUTTO spoke on the report.

ACTING PRESIDENT PRESIDES

Senator GOLDFINCH assumed the Chair.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

Point of Quorum

At 2:55 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Objection

Senator MALLOY asked unanimous consent to make a motion to carry over the Bill, with Senator HUTTO retaining the floor.
Senator LEATHERMAN objected.

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Senator HUTTO resumed speaking on the conference report.

Motion Adopted

On motion of Senator CAMPSSEN, with unanimous consent, Senators SCOTT, YOUNG and CAMPSSEN were granted leave to attend a conference committee meeting and were granted leave to vote from the balcony.

Senator HUTTO moved to carry over the conference report.

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

Ayes 0; Nays 40

AYES

Total--0

NAYS

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

Total--40

The Senate refused to carry over the conference report.

The question then being the adoption of the conference report.

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

Ayes 37; Nays 2

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AYES

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

Total--37

NAYS

Hutto *Matthews, Margie*

Total--2

The conference report was adopted.

H. 4375 -- Conference Report

The General Assembly, Columbia, S.C., June 27, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4375 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, 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

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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.

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

That the same do pass with the following amendments:

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

/ SECTION 1. Section 58-33-220 of the 1976 Code is amended by adding appropriately numbered items to read:

“() ‘Imprudent’ or ‘imprudence’ includes, but is not limited to, lack of caution, care, or diligence as determined by the commission in regard to any action or decision taken by the utility or one acting on its behalf including, but not limited to, its officers, board, agents, employees, contractors, subcontractors, consultants affecting the project or any other person acting on behalf of or for the utility affecting the project. Imprudent or imprudence includes, but does not require, a finding of negligence, carelessness, or recklessness.

Imprudence on behalf of any contractor, subcontractor, agent, or person hired to construct a plant or perform any action or service on behalf of the utility shall be attributed to the utility.

() ‘Prudent’, ‘prudence’, or ‘prudency’ means a high standard of caution, care, and diligence in regard to any action or decision taken by the utility or one acting on its behalf including, but not limited to, its officers, board, agents, employees, contractors, subcontractors, consultants affecting the project or any other person acting on behalf of or for the utility affecting the project.

To the extent a utility enters a contract with a third party that delegates some or all decision-making authority related to the project, the utility retains the burden of establishing the prudency of specific items of cost or specific third-party decisions.

‘Prudent’, ‘prudence’, or ‘prudency’ also requires that any action or decision be made in a timely manner.

In determining whether any action or decision was prudent, the commission shall consider, including, but not limited to:

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(a) whether the utility acts in a timely manner, with any passage of time which results in increased costs or expense prior to the utility acting or making the decision weighing against a finding of prudence;

(b) whether prior actions or decisions by the utility were imprudent and such imprudent actions led to a decision by the utility that could otherwise be prudent. Such circumstances weigh against a finding of prudence; and

(c) any other relevant factors, including commission of a fraudulent act, which are deemed not to be prudent.

As used in item (c), 'fraud' includes, in addition to its normal legal connotation, concealment, omission, misrepresentation, or nondisclosure of a material fact in any proceeding or filing before the commission or Office of Regulatory Staff. Proceedings and filings to which the provisions of this paragraph apply include, but are not limited to, rate or revised rate filings, responsive filings, motions, pleadings, briefs, memoranda, document requests, and other communications before the commission or Office of Regulatory Staff."

SECTION 2. A. As of the effective date of this act, the Public Service Commission must not accept a base load review application, nor may it consider any requests made pursuant to Article 4, Chapter 33 of Title 58 other than in a docket currently pending before the Commission.

B. The provisions of Article 4, Chapter 33 of Title 58 are repealed upon the conclusion of litigation concerning the abandonment of V.C. Summer Units 2 and 3.

SECTION 3. Title 58 of the 1976 Code is amended by adding:

"CHAPTER 34

Determination of Electricity Rates

Section 58-34-10. (A) The investor-owned utility holding the majority interest in the V. C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina, has entered into a merger agreement with an out-of-state investor-owned utility. This merger agreement contemplates the continuation of rate increases imposed under the Base Load Review Act contained in Article 4, Chapter 33, Title 58.

(B) Pursuant to the authority vested in the General Assembly by Section 1, Article IX of the Constitution of this State, the General Assembly is required to regulate investor owned utilities in order to protect the public interest. The General Assembly has determined that Section 1, Article IX of the Constitution requires that the General Assembly exercise its authority to set certain utility rates for the purpose of protecting the public interest until a determination can be made by the appropriate regulatory and judicial authorities. This rate shall apply to all

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customers of the investor-owned utility identified in subsection (A), which has imposed nine rate increases for the purpose of funding the V. C. Summer project.

Section 58-34-20. Within five calendar days after the effective date of this chapter, the Public Service Commission, by order, is directed to exercise its authority pursuant to Section 58-27-870(F) to provide an experimental rate that customers of the utility identified in Section 58-34-10 shall pay during the pendency of litigation currently before the commission which shall include full and final compliance by the utility with the order issued by Public Service Commission under this section or until replaced by an order of the commission under Section 58-34-30. This experimental rate shall cause rates to be reduced on a going forward basis in an amount equal to the electric utility rates these ratepayers are paying reduced by the following rate increases imposed under the provisions of the Base Load Review Act in the Public Service Commission's orders Docket No. 2011-207-E , Order No. 2011-738, Docket No. 2012-186-E , Order No. 2012-761, Docket No. 2013-150-E , Order No. 2013-680(A), Docket No. 2014-187-E , Order No. 2014-785, Docket No. 2015-160-E , Order No. 2015-712, Docket No. 2016-224-E, Order No. 2016-758, for the period of no earlier than April 1, 2018, until the issuance of the Public Service Commission's final order on the merits on the matters before the commission.

Section 58-34-30. Notwithstanding any other provision of law, the experimental rate set pursuant to Section 58-34-20 shall remain in full force and effect during the pendency of the matters before the commission. However, the commission shall monitor the net effect of the experimental rate and may alter the experimental rate, on its own motion, only if it determines that an adjustment to the experimental rate is necessary to satisfy constitutional requirements of utility ratemaking. If required to adjust the rate, the commission shall, under applicable provisions of law, determine the just and reasonable rates for these ratepayers after considering all factors and evidence. In determining such rate and in considering the constitutionally allowable zone of reasonableness in which rates may properly fall, the commission is directed to set the lowest possible rate within the zone of reasonableness. Nothing herein prevents the commission from adopting as its own rate the experimental rate directed by the General Assembly in Section 58-34-10 and ordered pursuant to Section 58-34-20.

Section 58-34-40. Any provision of Article 7, Chapter 27, Title 58 in conflict with the provisions of this chapter, including, but not limited to, Section 58-27-870(B), are suspended for purposes of the utility rates

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provided for by this chapter and for any pending matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina, pending before the commission on or after the effective date of this chapter. The suspension remains in effect during the pendency of any litigation or appeal concerning the experimental or interim rates directed by the General Assembly or ordered by the Public Service Commission pursuant to this chapter, or related issues surrounding the establishment of these rates, until a final determination of the matter, including any subsequent appeals, is made by the appropriate court.

Section 58-34-50. Section 58-27-930 and the time limitations contained in Section 58-33-240(A) and (E) are hereby suspended for purposes of the utility rates provided for by this chapter and for any pending matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina, pending before the commission on or after the effective date of this chapter. The suspension remains in effect during the pendency of any litigation or appeal concerning the experimental or interim rates directed by the General Assembly or ordered by the Public Service Commission pursuant to this chapter, or related issues surrounding the establishment of these rates, until a final determination of the matter, including any subsequent appeals, is made by the appropriate court.”

SECTION 4. Section 58-33-280(G) of the 1976 Code is amended to read:

“(G) Where both Office of Regulatory Staff and the utility agree in writing on the revised rates to be implemented, the commission ~~shall~~ may give substantial weight to the agreement in issuing its revised rates order but may consider additional factors at its discretion.”

SECTION 5. Section 37-6-602 of the 1976 Code of Laws is amended to read:

“Section 37-6-602. 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 6. Section 37-6-604 of the 1976 Code of Laws is amended to read:

“Section 37-6-604. (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

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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.

(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 7. Section 37-6-607 of the 1976 Code of Laws is amended to read:

~~“Section 37-6-607. With the exception of matters arising under Title 58, the~~ 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 8. 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.

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(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 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 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 9. Section 58-4-80 of the 1976 Code of Laws is amended to read:

“Section 58-4-80. 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 10. Section 58-4-55 of the 1976 Code is amended to read:

“Section 58-4-55. (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 first executed or sought. The

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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 the

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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."

SECTION 11. If any provision of this act is enjoined, 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 injunction or holding does not invalidate or render unenforceable another provision of this act.

SECTION 12. This act takes effect upon approval by the Governor and applies to all cases, proceedings, petitions, or matters pending before the Public Service Commission or in any other court or venue on or after the effective date of this act. /

Amend title to conform.

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/s/Sen. Nikki G. Setzler	/s/Rep. J. Todd Rutherford
/s/Sen. Luke A. Rankin	/s/Rep. Peter M. McCoy, Jr.
/s/Sen. A. Shane Massey	/s/Rep. Kirkman Finlay III
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., June 27, 2018

Mr. President and Senators:

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

H. 4375 -- Reprs. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J.E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Fry, Robinson-Simpson, V.S. Moss, Clyburn, Martin, Magnuson, Bennett, Arrington, Daning, Weeks, 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.

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**H. 4375--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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.

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.

**H. 4009--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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

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

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

Senator MALLOY 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 38; Nays 0

AYES

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

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Malloy	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Young	

Total--38

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 4009 -- Conference Report

The General Assembly, Columbia, S.C., May 23, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4009 -- Reprs. 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

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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.

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 5/8/18--S.)

Amend the bill, as and if amended, by striking after the title and before the enacting clause and inserting:

/ Whereas, since 1950, with the inaugural running of the Southern 500, the first stock car race on a paved track, South Carolina has served as a cornerstone in the development of stock car racing, one of the fastest growing and most popular spectator sports in the country; and

Whereas, South Carolina lays claim to many of the legends of NASCAR racing, including Rex White, David Pearson, Bud Moore, James Hylton, Tiny Lund, and Cale Yarborough; and

Whereas, the State of South Carolina is rich in historical references to the sport of stock car racing, as evidenced by the Darlington Raceway Stock Car Museum and the National Motorsports Press Association Hall of Fame, in addition to dirt raceways across the State of South Carolina that served as home to the fledgling sport of NASCAR racing in the 1950s; and

Whereas, the NASCAR events in South Carolina focus our nation's attention and the attention of the world upon our great State as a sport and tourism destination each year; and

Whereas, the annual economic impact that NASCAR racing has on South Carolina is in excess of fifty million dollars, as NASCAR fans from across the country and around the world visit the State each year to attend racing events and then vacation in communities throughout the Palmetto State. Now, therefore, /

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

/ SECTION 1. Title 12 of the 1976 Code is amended by adding:

“CHAPTER 69

Motorsports Entertainment Complex Investment

Section 12-69-10. This chapter may be cited as the ‘Motorsports Entertainment Complex Investment Act’.

Section 12-69-20. For purposes of this chapter:

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(1) 'Company' means any corporation, partnership, limited liability company, or other business entity.

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

(3) 'Motorsports entertainment complex' has the same meaning as provided in Section 12-21-2425.

Section 12-69-30. (A) A company, upon making application for, meeting the requirements of, and receiving written certification of that designation from the department, as provided in subsection (B), is exempt from state and local sales tax on building materials, supplies, fixtures, and equipment for the construction, repair, or improvement of or that become a part of a motorsports entertainment complex.

(B) A company shall become a qualified company by applying with the department. The director of the department shall approve the application so long as the application is accompanied by a practical plan to make a capital investment of at least ten million dollars on any motorsport entertainment complex in this State within the five-year period immediately following the approval of the application. Upon receiving written certification from the department, a company may utilize the exemption specified in subsection (A).

(C) Once a company has met the requirements of subsection (B), the department shall issue a sales and use tax exemption certificate to the company as evidence of the exemption. The exemption is effective upon receipt and shall remain effective until December thirty-first of the fifth full calendar year after its issuance. Once the exemption certificate is ineffective, the company must return the exemption certificate to the department and submit a report to the department of the actual expenditures made in South Carolina in connection with the investment. The company must designate a member or representative of the company to work with the department on reporting of the investment.

(D) A company that is approved and receives a sales and use tax exemption certificate but fails to meet the capital investment requirements within the five-year period, is liable for the sales and use taxes that would have been paid had the approval not been granted in the same proportion as the actual capital investment failed to meet the required capital investment. The company must be given a sixty-day period in which to pay the sales and use taxes without incurring penalties. The sales and use taxes are considered due as of the date the tangible personal property was purchased in or brought into South Carolina for use, storage, or consumption."

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SECTION 2. Except where specified otherwise, this act takes effect upon approval by the Governor and applies to tax years beginning after 2017. /

Amend title to read:

/ 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. /

/s/Sen. Gerald Malloy /s/Rep. James H. "Jay" Lucas

/s/Sen. Paul G. Campbell, Jr. /s/Rep. J. Gary Simrill

/s/Sen. Shane R. Martin /s/Rep. Robert Q. Williams

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., June 27, 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. 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

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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 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. 3789--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

[SJ]

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

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 39; Nays 1

AYES

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

Total--39

NAYS

Corbin

Total--1

The Committee of Conference Committee was adopted as follows:

H. 3789 -- Conference Report

The General Assembly, Columbia, S.C., June 27, 2018

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3789 -- Reps. Govan, Yow, Henegan, J.E. Smith, Thigpen, Hart, Clemmons, Whipper and Brown: A BILL TO AMEND THE CODE OF

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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.

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 5/10/17-H.)

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

/ Whereas, the South Carolina General Assembly recognizes the efforts of the South Carolina National Guard in administering the South Carolina Youth Challenge Academy program designed to help at-risk youth learn basic skills and achieve the education necessary to succeed in life; and

Whereas, offering two classes a year, the program provides a unique educational environment and serves the state's youth looking for a second chance to succeed; and

Whereas, the program is led by current and retired members of the South Carolina Army National Guard and other branches of the military providing military leadership and discipline to students in the program with the eight core components of the intensive residential program being academic excellence, life-coping skills, job skills, health and hygiene, responsible citizenship, service to community, leadership/followership, and physical fitness; and

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Whereas, in partnership with the federal Department of Labor, the State is pleased to offer youth who successfully graduate from the program an opportunity to take part in a five and one-half month South Carolina Jobs Challenge Program which provides training for careers in such fields as nursing assistance, welding, and computer technology; and

Whereas, this approximate yearlong commitment by youths ages sixteen to nineteen towards building a better future warrants allowing those youths that may have a criminal record otherwise eligible for expungement to apply to have their record expunged upon the successful graduation and completion of the South Carolina Youth Challenge Academy and the South Carolina Jobs Challenge Program administered by the South Carolina Army National Guard. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “South Carolina Youth Challenge Academy and South Carolina Jobs Challenge Program Expungement Act”.

SECTION 2. Chapter 22, Title 17 of the 1976 Code is amended by adding:

“Article 10

South Carolina Youth Challenge Academy and South Carolina Jobs Challenge Program Expungement

Section 17-22-1010. (A) A person who is eligible for expungement of his criminal record pursuant to the provisions of Sections 22-5-910, 22-5-920, 34-11-90(e), and 56-5-750(F) may apply to have his record expunged pursuant to the procedures provided in Article 9 if he graduates and successfully completes the South Carolina Youth Challenge Academy and the South Carolina Jobs Challenge Program administered by the South Carolina Army National Guard. Notwithstanding another provision of law, such person may apply for expungement immediately upon graduation and successful completion of the South Carolina Youth Challenge Academy and the South Carolina Jobs Challenge Program.

(B) If the person has had no other conviction during the approximately one-year period as provided in subsection (A), 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.

(C) If the expungement order is granted by the court, the records must be destroyed or retained by any law enforcement agency or municipal, county, or state agency or department pursuant to the provisions of Section 17-1-40.

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(D) The effect of the expungement order is to restore the person, in the contemplation of the law, to the status he occupied before the arrest or indictment or information. No person as to whom the order has been entered may be held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose.

(E) 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.

(F) As used in this section, 'conviction' includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail.”

SECTION 3. Section 17-22-910 of the 1976 Code, as last amended by Act 22 of 2015, is further 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:

- (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 56-5-750(F), first offense failure to stop when signaled by a law enforcement vehicle;
- (6) Section 17-22-150(a), pretrial intervention;
- (7) Section 17-1-40, criminal records destruction, except as provided in Section 17-22-950;
- (8) Section 63-19-2050, juvenile expungements;
- (9) Section 17-22-530(A), alcohol education program;
- (10) Section 17-22-330(A), traffic education program; ~~and~~
- (11) Section 17-22-1010, youth challenge academy and jobs challenge program; and

~~(H)~~(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

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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 4. Section 17-22-940(E) of the 1976 Code, as last amended by Act 276 of 2014, is further amended to read:

"(E) 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), or 17-22-1010, the circuit pretrial intervention director, alcohol education program director, traffic education program director, South Carolina Youth Challenge Academy 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."

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

/s/Sen. George E. Campsen, III	/s/Rep. Thomas E. Pope
/s/Senator John L. Scott	/s/Rep. J. David Weeks
/s/Senator Tom Young, Jr.	/s/Rep. Chris Murphy
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

Message from the House

Columbia, S.C., June 27, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.272, H. 4973 by a vote of 60 to 46:

[SJ]

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(R272, H4973) -- Reps. Bales, Taylor, Brown, Hosey, Simrill, Hixon, Blackwell and Young: AN ACT TO AMEND SECTION 56-3-2150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL LICENSE PLATES ISSUED TO CERTAIN CURRENT AND RETIRED PUBLIC OFFICIALS, SO AS TO DELETE THE PROVISION THAT REQUIRES A FORMER MEMBER OF THE GENERAL ASSEMBLY TO RECEIVE RETIREMENT BENEFITS TO OBTAIN A SPECIAL LICENSE PLATE, TO PROVIDE THAT A FORMER MEMBER OF THE GENERAL ASSEMBLY MAY BE ISSUED TWO SPECIAL LICENSE PLATES, AND TO PROVIDE THAT A PERSON WHO RESIGNS FROM OFFICE AS A RESULT OF AN INVESTIGATION OR CONVICTION OF CERTAIN CRIMES MAY NOT APPLY FOR OR MAINTAIN A SPECIAL LICENSE PLATE; TO AMEND SECTION 56-3-2350, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF A SPECIAL REGISTRATION FOR A PERSON ENGAGED IN THE BUSINESS OF OPERATING MOTOR VEHICLES TO FACILITATE THE MOVEMENT OF CERTAIN VEHICLES, SO AS TO DEFINE THE TERM "FINANCIAL INSTITUTION", AND TO PROVIDE THAT A FINANCIAL INSTITUTION ENGAGED IN THE BUSINESS OF REPOSSESSING VEHICLES UNDER CERTAIN CIRCUMSTANCES MAY APPLY FOR SPECIAL REGISTRATION PURSUANT TO THIS PROVISION, TO REVISE THE APPLICATION FOR PERSONS ENGAGED IN THE BUSINESS OF OPERATING VEHICLES TO MOVE VEHICLES FROM A MANUFACTURER TO A DEALER OR DISTRIBUTOR OR FROM A RAILROAD TERMINAL TO CERTAIN LOCATIONS, AND TO PROVIDE THAT ALL REGISTRATION RECORDS AND REGISTERED VEHICLES MUST BE AVAILABLE TO THE DEPARTMENT FOR INSPECTION; AND TO AMEND SECTION 56-3-2370, RELATING TO THE TRANSFER OF TRANSPORTER LICENSE PLATES, SO AS TO REVISE THE PURPOSES FOR WHICH THE LICENSE PLATES MAY BE USED.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 27, 2018

Mr. President and Senators:

[SJ]

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WEDNESDAY, JUNE 27, 2018

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.237, H. 3209 by a vote of 108 to 1:

(R237, H3209) -- Reps. Pope, Robinson-Simpson, Crosby, Whipper, Brown, M. Rivers, King, Magnuson, Norrell, Martin, B. Newton, Long, Govan, Henegan, Dillard and Gilliard: AN ACT TO AMEND SECTION 17-22-910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS FOR THE EXPUNGEMENT OF CRIMINAL RECORDS FOR CERTAIN OFFENSES, SO AS TO ADD FIRST OFFENSE SIMPLE POSSESSION OR POSSESSION WITH INTENT TO DISTRIBUTE DRUGS TO THE LIST OF OFFENSES ELIGIBLE FOR EXPUNGEMENT, AND 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 TO CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY TO THE OFFENSES DELINEATED; TO AMEND SECTION 22-5-910, RELATING TO SUMMARY COURT OFFENSES ELIGIBLE FOR EXPUNGEMENT, SO AS TO EXPAND ELIGIBILITY BEYOND FIRST OFFENSES AND CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY; TO AMEND SECTION 22-5-920, RELATING TO EXPUNGEMENT OF PERSONS CONVICTED AS YOUTHFUL OFFENDERS, SO AS TO REDEFINE "CONVICTION" TO EXPAND ELIGIBILITY, TO INCLUDE THAT A PERSON REQUIRED TO REGISTER ON THE SEX OFFENDER REGISTRY IS NOT ELIGIBLE FOR EXPUNGEMENT, AND PROVIDE RETROACTIVE APPLICATION UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 22-5-930 SO AS TO PROVIDE FOR EXPUNGEMENT ELIGIBILITY FOR FIRST OFFENSE CONVICTIONS OF CERTAIN CONTROLLED SUBSTANCE OFFENSES; TO AMEND SECTION 63-19-2050, RELATING TO DESTRUCTION OF RECORDS OF PERSONS ADJUDICATED DELINQUENT, SO AS TO ALLOW FOR EXPUNGEMENT OF ANY NUMBER OF OFFENSES FROM A SINGLE SENTENCING PROCEEDING FOR CLOSELY CONNECTED OFFENSES; TO AMEND SECTION 17-22-940, RELATING TO FEES ASSOCIATED WITH THE EXPUNGEMENT PROCESS, SO AS TO RESTRUCTURE THE FEES PROCESS AND ALLOW FOR THE COLLECTION OF PRIVATE DONATIONS, AND TO MAKE CONFORMING CHANGES; AND BY ADDING

[SJ]

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SECTION 17-22-960 SO AS TO PROVIDE IMMUNITY FOR EMPLOYERS WHO HIRE PERSONS WHOSE CRIMINAL RECORDS HAVE BEEN EXPUNGED.

Very respectfully,

Speaker of the House

Received as information.

VETO OVERRIDDEN

(R237, H3209) -- Reps. Pope, Robinson-Simpson, Crosby, Whipper, Brown, M. Rivers, King, Magnuson, Norrell, Martin, B. Newton, Long, Govan, Henegan, Dillard and Gilliard: AN ACT TO AMEND SECTION 17-22-910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS FOR THE EXPUNGEMENT OF CRIMINAL RECORDS FOR CERTAIN OFFENSES, SO AS TO ADD FIRST OFFENSE SIMPLE POSSESSION OR POSSESSION WITH INTENT TO DISTRIBUTE DRUGS TO THE LIST OF OFFENSES ELIGIBLE FOR EXPUNGEMENT, AND 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 TO CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY TO THE OFFENSES DELINEATED; TO AMEND SECTION 22-5-910, RELATING TO SUMMARY COURT OFFENSES ELIGIBLE FOR EXPUNGEMENT, SO AS TO EXPAND ELIGIBILITY BEYOND FIRST OFFENSES AND CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY; TO AMEND SECTION 22-5-920, RELATING TO EXPUNGEMENT OF PERSONS CONVICTED AS YOUTHFUL OFFENDERS, SO AS TO REDEFINE "CONVICTION" TO EXPAND ELIGIBILITY, TO INCLUDE THAT A PERSON REQUIRED TO REGISTER ON THE SEX OFFENDER REGISTRY IS NOT ELIGIBLE FOR EXPUNGEMENT, AND PROVIDE RETROACTIVE APPLICATION UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 22-5-930 SO AS TO PROVIDE FOR EXPUNGEMENT ELIGIBILITY FOR FIRST OFFENSE CONVICTIONS OF CERTAIN CONTROLLED SUBSTANCE OFFENSES; TO AMEND SECTION 63-19-2050, RELATING TO DESTRUCTION OF RECORDS OF PERSONS ADJUDICATED DELINQUENT, SO AS TO ALLOW FOR EXPUNGEMENT OF ANY NUMBER OF OFFENSES FROM A SINGLE SENTENCING PROCEEDING FOR CLOSELY

[SJ]

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CONNECTED OFFENSES; TO AMEND SECTION 17-22-940, RELATING TO FEES ASSOCIATED WITH THE EXPUNGEMENT PROCESS, SO AS TO RESTRUCTURE THE FEES PROCESS AND ALLOW FOR THE COLLECTION OF PRIVATE DONATIONS, AND TO MAKE CONFORMING CHANGES; AND BY ADDING SECTION 17-22-960 SO AS TO PROVIDE IMMUNITY FOR EMPLOYERS WHO HIRE PERSONS WHOSE CRIMINAL RECORDS HAVE BEEN EXPUNGED.

The veto of the Governor was taken up for immediate consideration.

Senator HEMBREE argued in favor of overriding the veto.

Senator HEMBREE 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 35; Nays 5

AYES

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

Total--35

NAYS

Corbin	Peeler	Rice
Senn	Verdin	

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Total--5

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

H. 4950--GENERAL APPROPRIATIONS BILL

Senator LEATHERMAN was recognized to give a status report on the Committee of Conference.

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed that if and when the Senate adjourns today, it stand adjourned to meet tomorrow at 10:00 A.M.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Martin Ira Easler, 209 Short Street, Kingstree, SC 29556-3926

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

Susan G. Gladden, 438 Highway 20, Abbeville, SC 29620-4130

Initial Appointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Randy Brice Foxworth, 209 Short Street, Kingstree, SC 29510-3926

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

William Driggers, 209 Short Street, Kingstree, SC 29556-3926

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Brian McKnight, 209 Short Street, Kingstree, SC 29556-3926

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

Bryan Keith Griffin, 115 North Harvin Street, Sumter, SC 29150-4956

Reappointment, Sumter County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2022

Fred H. Gordon, 115 North Harvin Street, Sumter, SC 29150-4956

Reappointment, Abbeville County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Philip D. Ray, 527 Noble Dr., Abbeville, SC 29620-4115

Reappointment, Abbeville County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Carolyn Brownlee, 417 Hanover Rd., Abbeville, SC 29620-5234

Reappointment, Williamsburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Glen Kennedy, 209 Short Street, Kingstree, SC 29556-3926

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

Cecil Jackson, 115 North Harvin Street, Sumter, SC 29150-4956

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

Larry Blanding, 190 East Canal Street, Sumter, SC 29150-4951

Initial Appointment, Marlboro County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Grover McQueen, 502 McQueen Rd., Bennettsville, SC 29512-7923

Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Chuck Bagwell, 318 Woodgrove Trace, Spartanburg, SC 29301-6432

Initial Appointment, Georgetown County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Johnathan Guiles, 32 Genesis Dr., Georgetown, SC 29440-9398 *VICE*
Elaine C. Elliot

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Reappointment, Abbeville County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022
Robert Devore, 758 Haddon Road, Donalds, SC 29638-8956

Initial Appointment, Hampton County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022
Tonja Alexander, P.O. Box 837, Varnville, SC 29944-0837

Initial Appointment, Marlboro County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019
Delton Powers, 107 S. Parsonage Street, Bennettsville, SC 29572
VICE Gail McInnis

Initial Appointment, Richland County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022
Roger Myers, 430 Old Bluff Road, Hopkins, SC 29061-9112 *VICE*
New Seat

Initial Appointment, York County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019
Brooke Rhodes, 12088 Smithford Road, Hickory Grove, SC 29717-7765 *VICE* Melvin Howell

Initial Appointment, Sumter County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022
Lee Anna Tindal, 190 East Canal Street, Sumter, SC 29150-4951

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John “Johnny” Walter Fields of Seneca, S.C. Johnny served in the United States Army and received a Purple Heart for valor in the field. He later earned a Juris Doctor degree from the University of South Carolina. He served as the Seneca City Judge and as Assistant Solicitor before becoming a member of City Council. He served on the board of trustees for the University of South Carolina. Johnny was a member of Bethel Presbyterian Church. Johnny was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators SETZLER ALEXANDER, ALLEN, BENNETT, CAMPBELL, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GOLDFINCH, GREGORY, GROOMS, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, MALLOY, MARTIN MASSEY, JOHN MATTHEWS, MARGIE BRIGHT MATTHEWS, McELVEEN, McLEOD, NICHOLSON, PEELER, RANKIN, REESE, RICE, SABB, SCOTT, SENN, SHEALY, SHEHEEN, TALLEY, TIMMONS, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Thomas Young Coleman of Saluda, S.C. Thomas was the son of our beloved Dr. Kathryn Coleman of Clemson University. Thomas was a 2011 graduate of Saluda High School and was very active with the 4H and FFA in Saluda County. He was a member of the Saluda County Cattleman Association, the South Carolina Cattleman Association and participated in the Farm Bureau Young Farmer Program. Thomas enjoyed fishing, hunting and riding dirt bikes. Thomas was a loving husband, doting father and devoted son who will be dearly missed.

Motion Adopted

At 5:11 P.M., on motion of Senator LEATHERMAN, the Senate adjourned pursuant to H. 5383, the *Sine Die* Resolution.

[SJ]

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