

NO. 28

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

WEDNESDAY, FEBRUARY 20, 2019
(STATEWIDE SESSION)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from 1 Corinthians 12:6: "There are varieties of activities, but it is the same God who activates all of them."

Let us pray. Lord, help us to use the gifts You give for the good of our community, State, and Nation. Bless each of Your people who give of their talents given by You for the people they serve. Be their guide as they move through the day in their appointed task. Bless our defenders of freedom and first responders as they care and protect us. Grant Your favor upon our Nation, President, State, Governor, Speaker, staff, and all who use their talents given by You, O Lord. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

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

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. BURNS moved that when the House adjourns, it adjourn in memory of Dr. Joe Frank Hayes, Sr., which was agreed to.

SILENT PRAYER

The House stood in silent prayer for Representative Bales.

WEDNESDAY, FEBRUARY 20, 2019

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., February 19, 2019

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber on Wednesday, February 20, 2019, at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,
President

On motion of Rep. CLYBURN the invitation was accepted.

HOUSE RESOLUTION

The following was introduced:

H. 4027 -- Reps. Bernstein, Finlay, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE HAMMOND SCHOOL MATH TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXEMPLARY PERFORMANCE AND TO CONGRATULATE THEM FOR WINNING THE 2019 SOUTH CAROLINA

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INDEPENDENT SCHOOL ASSOCIATION HIGH SCHOOL
DIVISION I MATH MEET.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4028 -- Reps. Bernstein and Finlay: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE HAMMOND SCHOOL MATH TEAM OF RICHLAND COUNTY WITH THE TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2019 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION HIGH SCHOOL DIVISION I MATH MEET.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Hammond School Math Team of Richland County with the team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for winning the 2019 South Carolina Independent School Association High School Division I Math Meet.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4029 -- Reps. McCravy, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey,

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Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE NINETY SIX HIGH SCHOOL INDOOR PERCUSSION ENSEMBLE AND DIRECTOR FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2018 SOUTH CAROLINA BAND DIRECTORS ASSOCIATION WINTER ENSEMBLE PERCUSSION SCHOLASTIC CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4030 -- Rep. McCravy: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE NINETY SIX HIGH SCHOOL INDOOR PERCUSSION ENSEMBLE OF GREENWOOD COUNTY WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2018 SOUTH CAROLINA BAND DIRECTORS ASSOCIATION WINTER ENSEMBLE PERCUSSION SCHOLASTIC CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Ninety Six High School Indoor Percussion ensemble of Greenwood County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2018

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South Carolina Band Directors Association Winter Ensemble Percussion
Scholastic Class A State Championship title.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 527 -- Senator Hembree: A CONCURRENT RESOLUTION TO
RECOGNIZE AND HONOR MS. BETTY LOU STEPHENS FOR
HER SIGNIFICANT PARTICIPATION IN THE HORRY ELECTRIC
COOPERATIVE, INC., AND TO CONGRATULATE HER UPON
BEING NAMED THE COOPERATIVE'S 2019 RURAL LADY OF
THE YEAR.

The Concurrent Resolution was agreed to and ordered returned to the
Senate with concurrence.

INTRODUCTION OF BILLS

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

H. 4031 -- Reps. King, McDaniel and Henegan: A JOINT
RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3,
ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA,
1895, RELATING TO THE ELECTION OF MEMBERS OF THE
SUPREME COURT, SO AS TO PROVIDE THAT MEMBERS OF
THE SUPREME COURT MUST BE POPULARLY ELECTED FROM
THE STATE AT LARGE BY THE QUALIFIED VOTERS OF THE
STATE IN A NONPARTISAN ELECTION; TO AMEND SECTION 8,
ARTICLE V OF THE CONSTITUTION OF THIS STATE,
RELATING TO THE ELECTION OF MEMBERS OF THE COURT
OF APPEALS, SO AS TO PROVIDE THAT JUDGES OF THE
COURT OF APPEALS MUST BE POPULARLY ELECTED FROM
THE STATE AT LARGE BY THE QUALIFIED VOTERS OF THE
STATE IN A NONPARTISAN ELECTION; TO AMEND SECTION
13, ARTICLE V OF THE CONSTITUTION OF THIS STATE,
RELATING TO JUDICIAL CIRCUIT JUDGES, SO AS TO PROVIDE
THAT CIRCUIT COURT JUDGES MUST BE POPULARLY
ELECTED EITHER FROM THE STATE AT LARGE IN A
NONPARTISAN ELECTION WHEN RESIDENCE IN A

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PARTICULAR COUNTY OR CIRCUIT IS NOT A QUALIFICATION FOR OFFICE, OR FROM THE JUDICIAL CIRCUITS DIVIDED BY THE GENERAL ASSEMBLY BY THE QUALIFIED VOTERS OF EACH CIRCUIT IN A NONPARTISAN ELECTION; TO AMEND SECTION 18, ARTICLE V OF THE CONSTITUTION OF THIS STATE, RELATING TO THE FILLING OF VACANCIES ON THE SUPREME COURT, COURT OF APPEALS AND CIRCUIT COURT, SO AS TO PROVIDE THAT ALL VACANCIES MUST BE FILLED BY APPOINTMENT BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, FOR THE UNEXPIRED TERM OF THE PREDECESSOR; AND TO DELETE SECTION 27, ARTICLE V OF THE CONSTITUTION OF THIS STATE RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION.

Referred to Committee on Judiciary

S. 323 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-54-265 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO SUBMIT CERTAIN INFORMATION TO A FINANCIAL INSTITUTION REGARDING A DEBTOR THAT HAS BEEN NAMED ON A WARRANT FOR DISTRAINT, AND TO REQUIRE THE FINANCIAL INSTITUTION PROVIDE CERTAIN INFORMATION TO THE DEPARTMENT.

Referred to Committee on Ways and Means

ROLL CALL

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

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clemonns	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry

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Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
Johnson	Jordan	Kimmons
King	Kirby	Ligon
Loftis	Long	Lowe
Lucas	Mace	Mack
Magnuson	Martin	McCoy
McCrary	McDaniel	McGinnis
McKnight	Moore	Morgan
D. C. Moss	Murphy	B. Newton
Norrell	Ott	Parks
Pendarvis	Pope	Ridgeway
Rivers	Robinson	Rose
Rutherford	Sandifer	Simmons
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
White	Whitmire	R. Williams
S. Williams	Willis	Young
Yow		

Total Present--118

STATEMENT OF ATTENDANCE

Reps. FRY and WHITE signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, February 19.

LEAVE OF ABSENCE

The SPEAKER granted Rep. WOOTEN a leave of absence for the day due to a death in the family.

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LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

The SPEAKER granted Rep. W. NEWTON a leave of absence for the day due to a family commitment.

SPECIAL PRESENTATION

Reps. MURPHY, BENNETT, CHELLIS, JEFFERSON, KIMMONS, MACK and PENDARVIS presented to the House the Pinewood Preparatory School Competitive Cheer Team, coaches, and other school officials.

SPECIAL PRESENTATION

Reps. THAYER, W. COX and WEST presented to the House the Palmetto High School Varsity Cheerleading Squad, coaches, and other school officials.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

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

CO-SPONSOR ADDED

Bill Number: H. 3063
Date: ADD:
02/20/19 RIVERS

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CO-SPONSOR ADDED

Bill Number: H. 3145
Date: ADD:
02/20/19 COLLINS

CO-SPONSOR ADDED

Bill Number: H. 3289
Date: ADD:
02/20/19 YOUNG

CO-SPONSOR ADDED

Bill Number: H. 3300
Date: ADD:
02/20/19 HIXON

CO-SPONSOR ADDED

Bill Number: H. 3438
Date: ADD:
02/20/19 HIXON

CO-SPONSOR ADDED

Bill Number: H. 3656
Date: ADD:
02/20/19 COGSWELL

CO-SPONSORS ADDED

Bill Number: H. 3659
Date: ADD:
02/20/19 TOOLE, WILLIS and BRADLEY

CO-SPONSOR ADDED

Bill Number: H. 3722
Date: ADD:
02/20/19 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3732
Date: ADD:
02/20/19 MURPHY

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CO-SPONSORS ADDED

Bill Number: H. 3759
Date: ADD:
02/20/19 MCGINNIS and HARDEE

CO-SPONSOR ADDED

Bill Number: H. 3936
Date: ADD:
02/20/19 CHELLIS

CO-SPONSOR ADDED

Bill Number: H. 3967
Date: ADD:
02/20/19 GARVIN

CO-SPONSORS ADDED

Bill Number: H. 3999
Date: ADD:
02/20/19 TAYLOR, MURPHY, MCCRAVY, THAYER and
WEST

CO-SPONSOR REMOVED

Bill Number: H. 3322
Date: REMOVE:
02/20/19 MAGNUSON

H. 3845--DEBATE ADJOURNED

The following Joint Resolution was taken up:

H. 3845 -- Reps. Elliott and Loftis: A JOINT RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT TO PROVIDE CERTAIN FUNDS FOR THREE-AND FOUR-YEAR-OLD CHILDREN WITH A DISABILITY WHO ARE ELIGIBLE FOR SERVICES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AND ATTENDED SCHOOLS THAT DID NOT RECEIVE CERTAIN FUNDING.

Rep. ELLIOTT moved to adjourn debate on the Joint Resolution until Tuesday, March 19, which was agreed to.

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SENT TO THE SENATE

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 3180 -- Reps. G. M. Smith, Erickson, Yow, Huggins, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 1, TITLE 25 SO AS TO ENACT THE "SOUTH CAROLINA SERVICEMEMBERS CIVIL RELIEF ACT"; TO DEFINE THE ACT'S RELEVANT TERMS; TO ENUMERATE CERTAIN RIGHTS, BENEFITS, AND OBLIGATIONS OF SERVICEMEMBERS AND THEIR DEPENDENTS; TO AUTHORIZE THE ATTORNEY GENERAL TO BRING A CIVIL ACTION FOR INTENTIONAL VIOLATIONS OF THE ACT; TO ESTABLISH REMEDIES AND PENALTIES; AND TO REQUIRE THE ADJUTANT GENERAL TO POST CERTAIN INFORMATION REGARDING THE ACT ON THE SOUTH CAROLINA NATIONAL GUARD WEBSITE.

H. 3157 -- Reps. Parks and McCravy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS; TO ESTABLISH THE BOARD OF GENETIC COUNSELOR EXAMINERS; TO PROVIDE THE POWERS AND DUTIES OF THE BOARD; TO DEFINE NECESSARY TERMINOLOGY; TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD; TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES; AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.

H. 3253 -- Reps. Henegan, Yow, Brawley, King, McDaniel, Gilliard and Moore: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-7-355 SO AS TO AUTHORIZE THE STATE BOARD OF BARBER EXAMINERS TO ISSUE MOBILE BARBERSHOP PERMITS, TO ESTABLISH PERMIT REQUIREMENTS, AND TO FURTHER PROVIDE FOR THE REGULATION OF MOBILE BARBERSHOPS.

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H. 3092 -- Reps. Pitts, White, Kirby and Ligon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-1241 SO AS TO PROHIBIT THE PROPAGATION OF ANIMALS OTHER THAN THE AUTHORIZED SPECIES; BY ADDING SECTION 50-11-1305 SO AS TO ESTABLISH THAT WILDLIFE LAWS AND REGULATIONS ARE IN FULL FORCE AND EFFECT ON SHOOTING PRESERVES; TO AMEND SECTION 50-11-1200, RELATING TO OPERATING LICENSES FOR PRIVATELY OWNED SHOOTING PRESERVES, SO AS TO PROVIDE ADDITIONAL LICENSE REQUIREMENTS; TO AMEND SECTION 50-11-1280, RELATING TO HARVEST LIMITS ON SHOOTING PRESERVE SPECIES, SO AS TO PROVIDE THAT HARVEST LIMITS ON OTHER SPECIES APPLY ON SHOOTING PRESERVES; TO AMEND SECTION 50-11-1290, RELATING TO THE TAGGING OF HARVESTED DESIGNATED SHOOTING PRESERVE SPECIES, SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR THE REMOVAL OF CERTAIN SPECIES FROM A SHOOTING PRESERVE; AND TO REPEAL SECTION 50-9-340 RELATING TO HUNTER EDUCATION REQUIREMENTS FOR SHOOTING PRESERVES.

H. 3750 -- Reps. Hewitt, Yow, Ott, Crawford, Kirby, Hardee, Hiott, W. Newton, Huggins and Ligon: A BILL TO AMEND SECTION 50-9-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEER HUNTING, SO AS TO PROVIDE THAT A RESIDENT WHO PURCHASES A SOUTH CAROLINA HUNTING LICENSE AND A BIG GAME PERMIT MUST RECEIVE AT LEAST TWO ANTLERLESS DEER TAGS THAT ARE NOT DATE SPECIFIC.

H. 3619--RECOMMITTED

The following Joint Resolution was taken up:

H. 3619 -- Rep. Howard: A JOINT RESOLUTION TO URGE LENDING INSTITUTIONS THAT DO BUSINESS IN THE STATE OF SOUTH CAROLINA TO IMPLEMENT A NINETY-DAY MORATORIUM FOR FORECLOSURES AND LATE FEES ON CONSUMER DEBT FOR FEDERAL EMPLOYEES WHO ARE CURRENTLY UNPAID BECAUSE OF THE GOVERNMENT SHUTDOWN.

Rep. HOWARD moved to recommit the Joint Resolution to the Committee on Labor, Commerce and Industry, which was agreed to.

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H. 3699--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3699 -- Reps. Bailey, Hewitt and Hardee: A BILL TO AMEND SECTION 48-39-145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATION FEES FOR PERMITS TO ALTER CRITICAL AREAS, SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEFER TO THE UNITED STATES ARMY CORPS OF ENGINEERS IN DETERMINING THE SIZE OF A PRIVATE RECREATIONAL DOCK CONSTRUCTED ON THE ATLANTIC INTRACOASTAL WATERWAY FEDERAL NAVIGATION PROJECT.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3699 (COUNCIL\cz\3699C001.RT.CZ19), which was adopted:

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

/ SECTION 1. Section 48-39-145 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“() For permit applications to construct private recreational docks on the Atlantic Intracoastal Waterway Federal Navigation Project in a county where more than eighty percent of the Atlantic Intracoastal Waterway is outside of the critical area, the department shall defer to the United States Army Corps of Engineers in determining the total allowable dock square footage of the structure.” /

Renumber sections to conform.

Amend title to conform.

Rep. HEWITT explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yea 102; Nays 1

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales

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Ballentine	Bamberg	Bennett
Bernstein	Blackwell	Bradley
Brown	Bryant	Burns
Calhoon	Caskey	Chellis
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Gagnon	Garvin	Gilliard
Govan	Hardee	Hayes
Henderson-Myers	Henegan	Hewitt
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	Johnson
Jordan	Kimmons	King
Kirby	Ligon	Loftis
Long	Lowe	Lucas
Mace	Magnuson	Martin
McCoy	McCravy	McDaniel
McGinnis	McKnight	Moore
Morgan	D. C. Moss	Murphy
B. Newton	Norrell	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Rose
Sandifer	Simmons	Simrill
G. R. Smith	Sottile	Spires
Tallon	Taylor	Thayer
Thigpen	Toole	Trantham
Weeks	White	Whitmire
R. Williams	Willis	Young

Total--102

Those who voted in the negative are:

Cogswell

Total--1

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

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H. 3732--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3732 -- Reps. Hewitt, Fry, West, Sandifer and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-69-255 SO AS TO REQUIRE VETERINARIANS TO COMPLETE CONTINUING EDUCATION RELATED TO PRESCRIBING AND MONITORING CERTAIN CONTROLLED SUBSTANCES.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3732 (COUNCIL\3732C001.RT.CZ19), which was adopted:

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

/ SECTION 1. Article 1, Chapter 69, Title 40 of the 1976 Code is amended by adding:

“Section 40-69-255. As part of the biennial continuing education required by the board or pursuant to law, including Regulation 120-6, South Carolina Code of State Regulations, a veterinarian authorized pursuant to state and federal law to prescribe controlled substances shall obtain a South Carolina Department of Health and Environmental Control Controlled Substances Registration and complete at least two hours of continuing education every two years related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44-53-210, 44-53-230, and 44-53-250.” /

Renumber sections to conform.

Amend title to conform.

Rep. HEWITT explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yea 89; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine

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Bennett	Bernstein	Blackwell
Bradley	Burns	Calhoon
Chellis	Clary	Clemmons
Cogswell	Collins	B. Cox
W. Cox	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Gagnon
Garvin	Gilliam	Govan
Hayes	Henderson-Myers	Henegan
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Jefferson	Johnson
Kimmons	King	Kirby
Ligon	Loftis	Long
Lowe	Lucas	Mace
Magnuson	McCoy	McCravy
McDaniel	McGinnis	McKnight
Morgan	D. C. Moss	Murphy
B. Newton	Norrell	Ott
Parks	Pope	Ridgeway
Rivers	Rose	Sandifer
Simmons	Simrill	G. R. Smith
Sottile	Spires	Tallon
Taylor	Thayer	Thigpen
Toole	Trantham	Weeks
White	Whitmire	R. Williams
Willis	Yow	

Total--89

Those who voted in the negative are:

Total--0

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

STATEMENT FOR JOURNAL

I was on excused leave due to a prior family commitment when the House gave second reading to H.3732, legislation which provides

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continuing education requirements for veterinarians authorized to prescribe controlled substances. As this bill helps address the opioid epidemic, I would have voted to give this bill second reading.

Rep. Wm. Weston Newton

H. 3449--INTERRUPTED DEBATE

The following Bill was taken up:

H. 3449 -- Reps. Hiott, Lucas, Kirby, Forrest, Young, Hixon, B. Newton, Erickson, Bradley, Mace, Atkinson, Ligon, Magnuson and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-55-70 SO AS TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE IS RESPONSIBLE FOR THE REGULATION OF HEMP IN SOUTH CAROLINA IN STRICT COMPLIANCE WITH THE STANDARDS AND PRACTICES ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE; AND TO REPEAL SECTIONS 46-55-20 THROUGH 46-55-60, ALL RELATING TO INDUSTRIAL HEMP.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3449 (COUNCIL\cz\3449C001.JN.CZ19):

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

/ SECTION 1. Title 46 of the 1976 Code is amended by adding:

“CHAPTER 56

South Carolina Hemp Farming Act

Section 46-56-10. This chapter must be known and may be cited as the ‘South Carolina Hemp Farming Act’.

Section 46-56-20. The General Assembly finds that hemp is a viable agricultural crop in South Carolina. This chapter is intended to:

(1) promote the cultivation and processing of hemp and to open new commercial markets for farmers and businesses through the sale of hemp products;

(2) promote the expansion of this State’s hemp industry to the maximum extent permitted by law, allowing farmers and businesses to cultivate, handle, and process industrial hemp and sell industrial hemp products for commercial purposes;

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(3) encourage and empower research into hemp growth and hemp products at state institutions of higher education and in the private sector; and

(4) move this state and its citizens to the forefront of the hemp industry.

Section 46-56-30. As used in this chapter:

(1) 'Cannabidiol' or 'CBD' means the compound by the same name derived from the hemp variety of the *Cannabis sativa* L. plant.

(2) 'Commercial sales' mean the sale of hemp products in the stream of commerce, at retail, wholesale and online.

(3) 'Commissioner' is the Commissioner of the South Carolina Department of Agriculture.

(4) 'Cultivating' means planting, watering, growing, and harvesting a plant or crop.

(5) 'Department' means the South Carolina Department of Agriculture.

(6) 'Federally defined THC level for hemp' means a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp defined in 7 U.S.C. sec 5940, whichever is greater.

(7) 'Handling' means possessing or storing hemp for any period of time. Handling includes possessing or storing hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person. Handling does not mean possessing or storing finished hemp products.

(8) 'Hemp' means the plant *Cannabis sativa* L. and any part of that plant, including the non-sterilized seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the federally defined THC level for hemp. Hemp is considered an agricultural commodity. The term also includes all industrial grown hemp and hemp products.

(9) 'Hemp products' means all products with the federally defined THC level for hemp derived from, or made by, processing hemp plants or hemp plant parts, that are prepared in a form available for commercial sale, including, but not limited to cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol. Unprocessed or raw plant material, including non-sterilized hemp seeds is not considered a hemp product.

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(10) 'Licensee' means an individual or business entity possessing a license issued by the department under the authority of this chapter to grow, handle, cultivate, or process hemp.

(11) 'Marijuana,' has the same meaning as in Section 44-53-110 and does not include hemp or hemp products.

(12) 'Processing' means converting an agricultural commodity into a marketable form.

(13) 'State plan' means the plan submitted by the department and approved by the Secretary of the United States Department of Agriculture under which the department regulates hemp production.

(14) 'THC' means tetrahydrocannabinol. The THC found in hemp is not considered to be THC in qualifying as a controlled substance.

(15) 'University' means any public institution of higher education offering a four-year baccalaureate degree or private institution of higher education accredited by the Southern Association of Colleges and Schools offering a four-year baccalaureate degree throughout the State.

Section 46-56-40. (A)(1) There is created the South Carolina Hemp Program to enable the department, its licensees, and affiliated universities to promote the cultivation and processing of hemp and the commercial sales of hemp products. The department, its licensees, the licensees' agents, and affiliated universities may cultivate, handle, and process hemp in this State and may transport hemp within and outside of this State.

(2) It is lawful to possess, transport, sell, and purchase legally produced hemp products in this State. Nothing in this chapter authorizes a person to violate a federal or state law or regulation.

(B) A person only may cultivate, handle, or process hemp in this State with a hemp license issued by the department under the state plan. A person seeking to cultivate hemp:

(1) provide to the department the legal description and global positioning coordinates sufficient for locating the fields or greenhouses used to cultivate hemp;

(2) provide written consent allowing representatives of the department, South Carolina Law Enforcement Division (SLED), and local law enforcement, to enter onto all premises where hemp is cultivated, processed, or stored for the purposes of conducting physical inspections, obtaining samples of hemp or hemp products, or otherwise ensuring compliance with the requirements of applicable laws and regulations;

(3) subject hemp to the testing procedure set forth in the state plan using post-decarboxylation or other similarly reliable methods to

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test the delta-9 THC concentration levels of hemp produced in the State; and

(4) undergo a state criminal records check, supported by fingerprints, by SLED and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these records checks must be reported to the department. SLED is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. No person who has been convicted of a felony, a drug-related misdemeanor, or drug related violation in the ten years prior to the submission of the application is eligible to obtain a license.

(C)(1) A licensee is required to conduct a corrective action plan if the commissioner determines that the licensee has negligently violated applicable state laws, regulations, or the state plan by:

(a) failing to provide a legal description and global positioning coordinates of land on which hemp is cultivated;

(b) failing to obtain a proper license or other required authorization from the commissioner; or

(c) producing Cannabis sativa L. with more than the federally defined THC level for hemp.

(2) A corrective action plan should include a:

(a) reasonable date by which the licensee must correct the violation; and

(b) requirement that the licensee periodically report to the commissioner on the compliance of the hemp producer with the provisions of this chapter and the state plan for a period of not less than the next two calendar years.

(3) A licensee that negligently violates state laws or regulations may not be subject to criminal or civil liability other than the enforcement action provided in this section.

(4) A licensee that negligently violates the state plan three times within a five-year period is ineligible to produce hemp for a period of five years beginning on the date of the third violation.

(5) If the commissioner determines that a licensee violated a state law with a culpable mental state greater than negligence, the commissioner must immediately report the hemp producer to the United States Attorney General and the South Carolina Attorney General.

Section 46-56-50. The department may charge a reasonable application fee, license fee, and renewal of license fee that must be remitted to administer the South Carolina Hemp Program. Licensing fees for:

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(1) hemp growers and handlers may not exceed one thousand dollars each year per registrant; and

(2) processors may not exceed the cost calculated by the department to cover the costs incurred under the processor licensing program.

Section 46-56-60. (A) Within sixty days of the effective date of this chapter, the commissioner shall submit a state plan to the Secretary of the United States Department of Agriculture regulating hemp production in South Carolina. The plan shall include a:

(1) practice to maintain relevant information relating to land on which hemp is produced including a legal description of the land for a period of no less than three years;

(2) procedure for testing delta-9 THC concentration levels on hemp produced in this State using post-decarboxylation or a similarly reliable method;

(3) procedure for the effective disposal of products that are in violation of this chapter; and

(4) procedure to comply with the enforcement of this chapter.

(B) If the secretary disapproves the state plan, the commissioner, in consultation with the Governor and Attorney General, shall submit an amended state plan.

Section 46-56-70. The South Carolina Hemp Program does not apply to the possession, handling, transport, or sale of hemp products and extracts, including those containing hemp-derived cannabinoids such as CBD.

Section 46-56-80. A person who manufactures, distributes, dispenses, delivers, purchases, aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, or purchase, or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana, in a manner intended to disguise the marijuana due to its proximity to industrial hemp, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both. The penalty provided for in this section may be imposed in addition to any other penalties provided by law."

SECTION 2. Chapter 55, Title 46 of the 1976 Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

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Rep. KIRBY spoke in favor of the amendment.

Rep. FINLAY spoke in favor of the amendment.

Rep. RUTHERFORD spoke against the amendment.

Further proceedings were interrupted by time expiring on the uncontested calendar the pending question being consideration of Amendment 1.

RECURRENCE TO THE MORNING HOUR

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

SPEAKER *PRO TEMPORE* IN CHAIR

H. 3449--DEBATE ADJOURNED

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

H. 3449 -- Reps. Hiott, Lucas, Kirby, Forrest, Young, Hixon, B. Newton, Erickson, Bradley, Mace, Atkinson, Ligon, Magnuson and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-55-70 SO AS TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE IS RESPONSIBLE FOR THE REGULATION OF HEMP IN SOUTH CAROLINA IN STRICT COMPLIANCE WITH THE STANDARDS AND PRACTICES ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE; AND TO REPEAL SECTIONS 46-55-20 THROUGH 46-55-60, ALL RELATING TO INDUSTRIAL HEMP.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3449 (COUNCIL\3449C001.JN.CZ19):

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

/ SECTION 1. Title 46 of the 1976 Code is amended by adding:

“CHAPTER 56

South Carolina Hemp Farming Act

Section 46-56-10. This chapter must be known and may be cited as the ‘South Carolina Hemp Farming Act’.

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Section 46-56-20. The General Assembly finds that hemp is a viable agricultural crop in South Carolina. This chapter is intended to:

(1) promote the cultivation and processing of hemp and to open new commercial markets for farmers and businesses through the sale of hemp products;

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(3) 'Commissioner' is the Commissioner of the South Carolina Department of Agriculture.

(4) 'Cultivating' means planting, watering, growing, and harvesting a plant or crop.

(5) 'Department' means the South Carolina Department of Agriculture.

(6) 'Federally defined THC level for hemp' means a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp defined in 7 U.S.C. sec 5940, whichever is greater.

(7) 'Handling' means possessing or storing hemp for any period of time. Handling includes possessing or storing hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person. Handling does not mean possessing or storing finished hemp products.

(8) 'Hemp' means the plant *Cannabis sativa L.* and any part of that plant, including the non-sterilized seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the federally defined THC level for hemp. Hemp is considered an agricultural commodity. The term also includes all industrial grown hemp and hemp products.

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(2) provide written consent allowing representatives of the department, South Carolina Law Enforcement Division (SLED), and local law enforcement, to enter onto all premises where hemp is cultivated, processed, or stored for the purposes of conducting physical inspections, obtaining samples of hemp or hemp products, or otherwise ensuring compliance with the requirements of applicable laws and regulations;

(3) subject hemp to the testing procedure set forth in the state plan using post-decarboxylation or other similarly reliable methods to test the delta-9 THC concentration levels of hemp produced in the State; and

(4) undergo a state criminal records check, supported by fingerprints, by SLED and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these records checks must be reported to the department. SLED is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. No person who has been convicted of a felony, a drug-related misdemeanor, or drug related violation in the ten years prior to the submission of the application is eligible to obtain a license.

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SECTION 2. Chapter 55, Title 46 of the 1976 Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT moved to adjourn debate on the Bill until Thursday, February 21, which was agreed to.

Rep. LUCAS moved that the House do now adjourn, pending the ratification of acts, which was agreed to.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 20, 2019, at 2:05 p.m. and the following Acts and Joint Resolutions were ratified:

(R. 2, S. 168) -- Senators Hembree, Leatherman, Climer, Setzler, Young, Cromer, Verdin, Johnson, Rice, Alexander and Campsen: A JOINT RESOLUTION TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP RECOMMENDATIONS FOR REDUCING AND STREAMLINING THE AMOUNT OF PAPERWORK AND REPORTING REQUIREMENTS OF TEACHERS, SCHOOLS, AND SCHOOL DISTRICTS, TO PROVIDE REQUIREMENTS FOR THE CONTENT OF THESE RECOMMENDATIONS, AND TO PROVIDE THE DEPARTMENT SHALL REPORT ITS RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE AUGUST 1, 2019.

(R. 3, S. 228) -- Senator Gambrell: AN ACT TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TRI-COUNTY TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

(R. 4, S. 335) -- Senator Massey: AN ACT TO AMEND ACT 516 OF 1976, RELATING TO THE ELECTION OF COMMISSIONERS

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OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER'S TERM OF OFFICE TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER THIRTY-FIRST OF EACH EVEN-NUMBERED YEAR; AND TO AMEND ACT 1006 OF 1958, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER'S TERM TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION, TO CHANGE THE ELECTION DATE FOR COMMISSIONERS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER AND TO PROVIDE FOR STAGGERED TERMS, TO REVISE THE PROCEDURES FOR ADVERTISING ELECTIONS FOR COMMISSIONERS IN A NEWSPAPER OF GENERAL CIRCULATION, TO REQUIRE COMMISSION CANDIDATES TO FILE STATEMENTS OF INTENTION OF CANDIDACY WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, AND TO ESTABLISH THE FILING PERIOD FOR THE ELECTION OF COMMISSIONERS.

(R. 5, H. 3630) -- Reps. Stavrinakis, McCoy, Collins, W. Newton, Mace, Clary, Brown, Gilliard, King, Mack, Erickson, Bradley, McDaniel, Moore, Simmons, Funderburk and Norrell: A JOINT RESOLUTION TO DELAY THE PROPERTY TAX PENALTY SCHEDULE BY THREE MONTHS ON REAL PROPERTY OWNED BY CERTAIN INDIVIDUALS AFFECTED BY THE SHUTDOWN OF THE FEDERAL GOVERNMENT.

ADJOURNMENT

At 11:54 a.m. the House, in accordance with the motion of Rep. BURNS, adjourned in memory of Dr. Joe Frank Hayes, Sr., to meet at 10:00 a.m. tomorrow.

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H. 3092	12	H. 3732	9, 15
H. 3145	9	H. 3750	12
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H. 3180	11	H. 3845	10
H. 3253	11	H. 3936	10
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H. 3630	28	H. 4031	5
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H. 3659	9	S. 323	6
H. 3699	13	S. 527	5