

NO. 51

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

WEDNESDAY, APRIL 3, 2019
(STATEWIDE SESSION)

Wednesday, April 3, 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 Psalm 33:1: "Rejoice in the Lord, O righteous, praise befits the upright."

Let us pray. We give You thanks, O Lord for another day when we can do the work of the people of this State. Grant these Representatives the will and desire to accomplish what is expected of them in doing the right thing. Fill them with faith and trust when the going gets tough. Remember our defenders of freedom and first responders as they protect and defend us. Bless our Nation, President, State, Governor, Speaker, staff, and all who give of their time and talents to this great cause given to them. 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. RIDGEWAY moved that when the House adjourns, it adjourn in memory of Thomas Finley Coffey, Sr., which was agreed to.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., April 2, 2019

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time for the purpose of ratifying Acts.

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Very respectfully,
President

On motion of Rep. B. NEWTON the invitation was accepted.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., Tuesday, April 2, 2019

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 540:

S. 540 -- Senator Alexander: A BILL TO PROVIDE THAT THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE MAY NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE CURRENT VACANCY IN THE POSITION OF EXECUTIVE DIRECTOR IS FILLED OR JULY 1, 2019, WHICHEVER OCCURS FIRST.

and has ordered the Bill enrolled for ratification.

Very respectfully,
President

Received as information.

REPORTS OF STANDING COMMITTEES

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3577 -- Reps. Allison, Taylor and Felder: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-25-25 SO AS TO PROVIDE EDUCATOR PREPARATION PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION MAY SUBMIT SEPARATE AND DISTINCT EDUCATOR PREPARATION PROGRAMS FOR ALTERNATIVE PREPARATION TO THE STATE BOARD OF EDUCATION FOR

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APPROVAL, TO PROVIDE THESE PROGRAMS ARE NOT REQUIRED TO BE NATIONALLY ACCREDITED BUT MUST MEET CERTAIN OTHER REQUIREMENTS, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION ANNUALLY SHALL REPORT RELATED DATA TO THE STATE BOARD OF EDUCATION AND THE GENERAL ASSEMBLY; AND TO AMEND SECTION 59-26-20, RELATING TO DUTIES OF THE STATE BOARD OF EDUCATION AND COMMISSION ON HIGHER EDUCATION CONCERNING THE TRAINING, CERTIFICATION, AND EVALUATION OF PUBLIC EDUCATORS, SO AS TO PROVIDE THE STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS REGARDING A CYCLICAL EVALUATION PROCESS FOR APPROVED TEACHER EDUCATOR PROGRAMS, AND TO PROVIDE RELATED REQUIREMENTS.

Ordered for consideration tomorrow.

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3403 -- Reps. Collins, Allison, Felder, Govan, Taylor, Bradley, West, Erickson, Stringer and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-360 SO AS TO PROVIDE A PROCESS FOR THE EXEMPTION OF COMPETENCY-BASED SCHOOLS FROM CERTAIN APPLICABLE LAWS AND REGULATIONS, AND PROVIDE RELATED REQUIREMENTS FOR COMPETENCY-BASED SCHOOLS, THE STATE DEPARTMENT OF EDUCATION, AND THE COMMISSION ON HIGHER EDUCATION.

Ordered for consideration tomorrow.

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3757 -- Reps. Lucas, Collins and Calhoun: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-1-2040 SO AS TO PROVIDE DEFINITIONS, TO ESTABLISH THE WORKFORCE AND EDUCATION DATA OVERSIGHT COMMITTEE; TO PROVIDE THE FUNCTIONS OF THE COMMITTEE, TO PROVIDE THAT CERTAIN DEPARTMENTS SHALL SUBMIT CERTAIN DATA TO THE

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REVENUE AND FISCAL AFFAIRS OFFICE, TO PROVIDE FOR THE USES OF THE DATA COLLECTED, TO PROVIDE FOR ADMINISTRATIVE OVERSIGHT, TO PROVIDE FOR AUDITS, AND TO PROVIDE THAT INDIVIDUAL LEVEL DATA MAY NOT BE RELEASED; AND TO AMEND SECTION 13-1-2030, RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT, SO AS TO DELETE REFERENCES TO DESIGNEES ON THE COORDINATING COUNCIL.

Ordered for consideration tomorrow.

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3174 -- Reps. Elliott, Tallon, G. R. Smith, Taylor, Cogswell, Dillard, Norrell, Felder, Daning and Hixon: A BILL TO AMEND SECTION 56-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS ASSOCIATED WITH THE POWERS AND DUTIES OF THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "ELECTRIC-ASSIST BICYCLES" AND "BICYCLES WITH HELPER MOTORS"; AND BY ADDING SECTION 56-5-3520 SO AS TO PROVIDE THAT BICYCLISTS OPERATING ELECTRIC-ASSIST BICYCLES SHALL BE SUBJECT TO ALL STATUTORY PROVISIONS APPLICABLE TO BICYCLISTS.

Ordered for consideration tomorrow.

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report on:

S. 514 -- Senators Alexander and Peeler: A BILL TO AMEND ARTICLE 140 OF CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CLEMSON UNIVERSITY 2016 FOOTBALL NATIONAL CHAMPIONS SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE FOR THE ISSUANCE OF "CLEMSON UNIVERSITY 2018 FOOTBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES.

Ordered for consideration tomorrow.

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HOUSE RESOLUTION

The following was introduced:

H. 4388 -- Reps. Clary, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clemmons, 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, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, 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 EDWARD JOHN RATLIFF III OF CLEMSON FOR HIS NOTEWORTHY ACHIEVEMENTS IN THE BOY SCOUTS OF AMERICA AND TO CONGRATULATE HIM UPON ACHIEVING THE PRESTIGIOUS RANK OF EAGLE SCOUT, THE HIGHEST AWARD IN SCOUTING.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 725 -- Senator Shealy: A CONCURRENT RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA COLLEGE OF PHARMACY TEAM, ADVISORS, AND SCHOOL OFFICIALS FOR WINNING THE 2018-2019 NATIONAL STUDENT PHARMACIST COMPOUNDING COMPETITION.

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

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INTRODUCTION OF BILLS

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

H. 4389 -- Reps. Thigpen and Hart: A BILL TO AMEND SECTION 4-37-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF COUNTY TRANSPORTATION AUTHORITIES, SO AS TO PROVIDE THAT FOR THE PURPOSES OF CHAPTER 37, TITLE 4, THE TERM "SERVICES" MEANS TRANSPORTATION SERVICES SUCH AS MASS TRANSIT SYSTEMS; TO AMEND SECTION 4-37-25, RELATING TO TRANSPORTATION AUTHORITY PROCUREMENT METHODS AND REQUIREMENTS, SO AS TO PROVIDE THAT TRANSPORTATION AUTHORITIES OR CONTRACTING ENTITIES SHALL APPLY THE SAME PROCUREMENT METHODS AND REQUIREMENTS WHEN PROCURING OR CONTRACTING FOR SERVICES AND THE OPERATION OF TRANSPORTATION SERVICES; AND TO AMEND SECTION 4-37-30, RELATING TO THE IMPOSITION OF SALES AND USE TAXES OR TOLLS TO FINANCE TRANSPORTATION FACILITIES PROJECTS WITHIN A COUNTY, SO AS TO PROVIDE THAT SALES AND USE TAXES OR TOLLS ALSO MAY BE USED TO FINANCE TRANSPORTATION SERVICES.

Referred to Committee on Ways and Means

H. 4390 -- Reps. Thigpen, Bernstein, Brawley and Hart: A BILL TO AMEND SECTION 57-25-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S ISSUANCE OF PERMITS THAT ALLOW THE INSTALLATION AND MAINTENANCE OF BENCHES UPON WHICH COMMERCIAL ADVERTISEMENTS MAY BE PLACED, SO AS TO PROVIDE THAT THE PERMITS MUST BE RENEWED ANNUALLY INSTEAD OF TERMINATED ON JULY 1, 2010.

Referred to Committee on Education and Public Works

H. 4391 -- Reps. Garvin, Cobb-Hunter, Jefferson, R. Williams, S. Williams, McDaniel, Thigpen, Alexander, Rivers, Bennett, Simmons, Hosey, Henderson-Myers, Morgan, Bales, Forrest, Hixon, Martin, Taylor and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS

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TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER OR AN OCCUPANT OF THE VEHICLE SUFFERS FROM CERTAIN MEDICAL CONDITIONS AND TO PROVIDE THE CRIMINAL JUSTICE ACADEMY SHALL OFFER COURSES TO TRAIN LAW ENFORCEMENT OFFICERS ON HANDLING SITUATIONS THAT MAY ARISE FROM THE ENFORCEMENT OF THIS PROVISION.

Referred to Committee on Education and Public Works

S. 530 -- Senator Leatherman: A BILL TO AMEND SECTION 11-35-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE AND POLICIES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT THE CODE MUST BE CONSTRUED AND APPLIED TO PROMOTE THE UNDERLYING PURPOSES AND POLICIES; BY ADDING SECTION 11-35-27 SO AS TO PROVIDE THAT NO PART OF THE CHAPTER MAY BE CONSIDERED IMPLIEDLY REPEALED BY SUBSEQUENT LEGISLATION; TO AMEND SECTION 11-35-40, RELATING TO THE APPLICATION OF THE PROCUREMENT CODE, SO AS TO PROVIDE THAT CERTAIN FAILURES TO COMPLY ARE NOT SUBJECT TO REVIEW UNDER ARTICLE 17; TO AMEND SECTION 11-35-70, RELATING TO SCHOOL DISTRICTS SUBJECT TO THE PROCUREMENT CODE, SO AS TO CHANGE THE REFERENCE TO THE OFFICE OF GENERAL SERVICES TO THE DIVISION OF PROCUREMENT SERVICES; TO AMEND SECTION 11-35-210, RELATING TO CERTAIN DETERMINATIONS, SO AS TO PROVIDE THAT ALL FINDINGS, DETERMINATIONS, DECISIONS, POLICIES, AND PROCEDURES ALLOWED BY THIS CHAPTER ARE EXEMPT FROM CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-310, RELATING TO DEFINITIONS, SO AS TO AMEND CERTAIN DEFINITIONS AND ADD DEFINITIONS OF "BUSINESS DAY", "PERSON", AND "PUBLIC FUNDS"; TO AMEND SECTION 11-35-410, RELATING TO PUBLIC ACCESS TO PROCUREMENT INFORMATION, SO AS TO PROVIDE THAT A GOVERNMENTAL BODY MAY KEEP PORTIONS OF A SOLICITATION CONFIDENTIAL AND PROVIDE FOR CERTAIN WRITTEN DISCLOSURES; TO AMEND SECTION 11-35-510, RELATING TO THE CENTRALIZATION OF MATERIALS MANAGEMENT AUTHORITY, SO AS TO PROVIDE

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THAT THE VESTING AUTHORITY IS ALSO SUBJECT TO SECTION 11-35-1560; TO AMEND SECTION 11-35-530, RELATING TO ADVISORY COMMITTEES, SO AS TO REMOVE CERTAIN REQUIREMENTS OF THE BOARD WORKING IN ACCORDANCE WITH REGULATIONS OF THE BOARD; TO AMEND SECTION 11-35-540, RELATING TO THE AUTHORITY AND DUTIES OF THE BOARD, SO AS TO REMOVE CERTAIN REQUIREMENTS OF THE CHIEF EXECUTIVE OFFICER IN RELATION TO A DESIGNATED BOARD OFFICE; TO AMEND SECTION 11-35-710, RELATING TO CERTAIN EXEMPTIONS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO MAINTAIN AND POST PUBLICLY A RUNNING LIST OF ALL CURRENTLY EFFECTIVE ACTIONS TAKEN BY THE BOARD; TO AMEND SECTION 11-35-810, RELATING TO THE CREATION OF THE MATERIALS MANAGEMENT OFFICE, SO AS TO CHANGE THE OFFICE OF GENERAL SERVICES TO THE DIVISION OF PROCUREMENT SERVICES; TO AMEND SECTION 11-35-820, RELATING TO THE CREATION OF THE INFORMATION TECHNOLOGY MANAGEMENT OFFICE, SO AS TO PROVIDE THAT THE OFFICE IS RESPONSIBLE FOR ADMINISTERING ALL PROCUREMENT AND CONTRACTING ACTIVITIES UNDERTAKEN FOR GOVERNMENTAL BODIES INVOLVING INFORMATION TECHNOLOGY; TO AMEND SECTION 11-35-1210, RELATING TO CERTAIN CERTIFICATION, SO AS TO PROVIDE THAT UP TO CERTAIN DOLLAR AMOUNTS AN INDIVIDUAL GOVERNMENTAL BODY MAY MAKE DIRECT PROCUREMENTS NOT UNDER TERM CONTRACTS; TO AMEND SECTION 11-35-1230, RELATING TO AUDITING AND FISCAL REPORTING, SO AS TO REMOVE THE REQUIREMENT THAT THE DIVISION OF BUDGET ANALYSIS WITH THE COMPTROLLER GENERAL SHALL ASSUME RESPONSIBILITY FOR CERTAIN FISCAL REPORTING PROCEDURES; TO AMEND SECTION 11-35-1410, RELATING TO DEFINITIONS, SO AS TO ADD DEFINITIONS FOR "COMMERCIAL PRODUCT" AND "COMMERCIALLY AVAILABLE OFF-THE-SHELF PRODUCT"; TO AMEND SECTION 11-35-1510, RELATING TO THE METHODS OF SOURCE SELECTION, SO AS TO ADD SECTION 11-35-1535 TO THE LIST OF EXCEPTIONS; TO AMEND SECTION 11-35-1520, RELATING TO COMPETITIVE SEALED BIDDING, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR DISCUSSION WITH BIDDERS; TO AMEND SECTION 11-35-1525, RELATING TO

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COMPETITIVE FIXED PRICE BIDDING, SO AS TO REMOVE CERTAIN PROVISIONS FOR DISCUSSION WITH RESPONSIVE BIDDERS AND REMEDIES; TO AMEND SECTION 11-35-1528, RELATING TO COMPETITIVE BEST VALUE BIDDING, SO AS TO REMOVE CERTAIN PROVISIONS FOR DISCUSSION WITH RESPONSIVE BIDDERS; TO AMEND SECTION 11-35-1529, RELATING TO COMPETITIVE ONLINE BIDDING, SO AS TO PROVIDE FOR PUBLIC NOTICE; TO AMEND SECTION 11-35-1530, RELATING TO COMPETITIVE SEALED PROPOSALS, SO AS TO PROVIDE THAT OFFERORS MUST BE ACCORDED FAIR AND EQUAL TREATMENT WITH RESPECT TO ANY OPPORTUNITY FOR DISCUSSIONS; BY ADDING SECTION 11-35-1535 SO AS TO PROVIDE FOR COMPETITIVE NEGOTIATIONS AND TO PROVIDE CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-1540, RELATING TO NEGOTIATIONS AFTER AN UNSUCCESSFUL COMPETITIVE SEALED BIDDING, SO AS TO PROVIDE THAT THE PROCUREMENT OFFICER, NOT THE PROCURING AGENCY, SHALL CONSIDER IF A BID IS UNREASONABLE; TO AMEND SECTION 11-35-1550, RELATING TO CERTAIN SMALL PURCHASE PROCEDURES, SO AS TO AMEND CERTAIN DOLLAR AMOUNT CAPS; TO AMEND SECTION 11-35-1560, RELATING TO SOLE SOURCE PROCUREMENT, SO AS TO PROVIDE FOR ADEQUATE PUBLIC NOTICE; TO AMEND SECTION 11-35-1570, RELATING TO EMERGENCY PROCUREMENTS, SO AS TO PROVIDE CERTAIN NOTICE OF THE AWARD; BY ADDING SECTION 11-35-1610 SO AS TO PROVIDE THAT A CHANGE OR MODIFICATION IN A CONTRACT MAY NOT ALTER A CONTRACT IN A MANNER INCONSISTENT WITH THIS CODE; TO AMEND SECTION 11-35-1810, RELATING TO THE RESPONSIBILITY OF BIDDERS AND OFFERORS, SO AS TO PROVIDE THAT CERTAIN COMMUNICATION IS PRIVILEGED; TO AMEND SECTION 11-35-1830, RELATING TO COST OR PRICING DATA, SO AS TO ADD COMPETITIVE NEGOTIATIONS PURSUANT TO SECTION 11-35-1535; BY ADDING SECTION 11-35-1840 SO AS TO PROVIDE THAT THE BOARD MAY PROMULGATE CERTAIN REGULATIONS; BY ADDING SECTION 11-35-2015 SO AS TO PROVIDE THAT A CONTRACT OR AMENDMENT IS NOT EFFECTIVE AGAINST A GOVERNMENTAL BODY UNLESS THE CONTRACT OR AMENDMENT IS IN WRITING AND SIGNED BY

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A CERTAIN OFFICER; TO AMEND SECTION 11-35-2030, RELATING TO MULTITERM CONTRACTS, SO AS TO PROVIDE THAT EVERY CONTRACT WITH A POTENTIAL DURATION EXCEEDING SEVEN YEARS MUST BE APPROVED BY THE BOARD; BY ADDING SECTION 11-35-2040 SO AS TO PROVIDE THAT CERTAIN LAWS ARE INAPPLICABLE TO CONTRACTS FOR THE PROCUREMENT OF COMMERCIAL PRODUCTS; BY ADDING SECTION 11-35-2050 SO AS TO PROVIDE THAT CERTAIN TERMS OR CONDITIONS IN A CONTRACT ARE VOID; TO AMEND SECTION 11-35-2410, RELATING TO THE FINALITY OF DETERMINATIONS, SO AS TO ADD CERTAIN SECTIONS; TO AMEND SECTION 11-35-2420, RELATING TO THE REPORTING OF ANTICOMPETITIVE PRACTICES, SO AS TO PROVIDE THAT CERTAIN COMMUNICATIONS TO THE OFFICE OF THE ATTORNEY GENERAL ARE PRIVILEGED; TO AMEND SECTION 11-35-3010, RELATING TO THE CHOICE OF PROJECT DELIVERY METHOD, SO AS TO PROVIDE THAT THE USE OF CERTAIN PROJECT DELIVERY METHODS MUST BE APPROVED BY THE BOARD; TO AMEND SECTION 11-35-3015, RELATING TO THE SOURCE SELECTION METHODS ASSIGNED TO PROJECT DELIVERY METHODS, SO AS TO ADD REFERENCES TO SECTION 11-35-1530 AND SECTION 11-35-1535; TO AMEND SECTION 11-35-3020, RELATING TO ADDITIONAL BIDDING PROCEDURES FOR CONSTRUCTION PROCUREMENT, SO AS TO PROVIDE THAT ADEQUATE NOTICE MUST BE GIVEN; TO AMEND SECTION 11-35-3023, RELATING TO PREQUALIFICATION ON STATE CONSTRUCTION, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR A REQUEST FOR QUALIFICATIONS; TO AMEND SECTION 11-35-3024, RELATING TO ADDITIONAL PROCEDURES APPLICABLE TO PROCUREMENT OF CERTAIN PROJECT DELIVERY METHODS, SO AS TO PROVIDE THAT CERTAIN PROVISIONS DO NOT APPLY IF COMPETITIVE NEGOTIATIONS ARE CONDUCTED; TO AMEND SECTION 11-35-3030, RELATING TO BOND AND SECURITY, SO AS TO PROVIDE THAT CERTAIN SOLICITATIONS MAY PROVIDE FOR CERTAIN BOND AND SECURITY REQUIREMENTS; TO AMEND SECTION 11-35-3040, RELATING TO CONTRACT CLAUSES AND THEIR ADMINISTRATION, SO AS TO PROVIDE THAT CERTAIN CONTRACTS MAY INCLUDE CLAUSES PROVIDING FOR THE UNILATERAL RIGHT OF A GOVERNMENTAL BODY TO ORDER

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IN WRITING CERTAIN CHANGES WITHIN THE GENERAL SCOPE OF THE CONTRACT; TO AMEND SECTION 11-35-3070, RELATING TO THE APPROVAL OF CERTAIN CHANGES WHICH DO NOT ALTER SCOPE OR INTENT OR EXCEED APPROVED BUDGET, SO AS TO PROVIDE THAT A GOVERNMENTAL BODY MAY APPROVE CERTAIN AMENDMENTS CONSISTENT WITH ANY APPLICABLE REGULATION OF THE BOARD; TO AMEND SECTION 11-35-3220, RELATING TO QUALIFICATIONS-BASED SELECTION PROCEDURES, SO AS TO PROVIDE THAT ADEQUATE NOTICE OF THE INVITATION MUST BE GIVEN; TO AMEND SECTION 11-35-3230, RELATING TO THE EXCEPTION FOR SMALL ARCHITECT-ENGINEER AND LAND SURVEYING SERVICES CONTRACTS, SO AS TO PROVIDE THAT A GOVERNMENTAL BODY MAY NOT NEGOTIATE WITH A FIRM UNLESS ANY UNSUCCESSFUL NEGOTIATIONS WITH A DIFFERENT FIRM HAVE BEEN CONCLUDED IN WRITING; BY ADDING SECTION 11-35-3305 SO AS TO PROVIDE THAT A PROCUREMENT OFFICER MAY ESTABLISH CONTRACTS PROVIDING FOR AN INDEFINITE QUANTITY OF CERTAIN SUPPLIES, SERVICES, OR INFORMATION TECHNOLOGY; TO AMEND SECTION 11-35-3310, RELATING TO INDEFINITE DELIVERY CONTRACTS, SO AS TO REMOVE PROVISIONS RELATING TO CONSTRUCTION SERVICES; BY ADDING SECTION 11-35-3320 SO AS TO DEFINE "TASK ORDER CONTRACT" AND TO PROVIDE WHEN A GOVERNMENTAL BODY MAY ENTER INTO A TASK ORDER CONTRACT; TO AMEND SECTION 11-35-3410, RELATING TO CONTRACT CLAUSES AND THEIR ADMINISTRATION, SO AS TO PROVIDE THAT CERTAIN CONTRACTS MAY INCLUDE CLAUSES PROVIDING FOR THE UNILATERAL RIGHT OF A GOVERNMENTAL BODY TO ORDER IN WRITING CERTAIN CHANGES WITHIN THE GENERAL SCOPE OF THE CONTRACT; TO AMEND SECTION 11-35-3820, RELATING TO THE ALLOCATION OF PROCEEDS FOR SALE OR DISPOSAL OF SURPLUS SUPPLIES, SO AS TO CHANGE REFERENCES TO THE DIVISION OF GENERAL SERVICES TO THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION 11-35-3830, RELATING TO TRADE-IN SALES, SO AS TO CHANGE REFERENCES TO THE BOARD TO THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION 11-35-3840, RELATING TO LICENSING FOR PUBLIC SALE OF CERTAIN

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PUBLICATIONS AND MATERIALS, SO AS TO CHANGE A REFERENCE TO THE DIVISION OF GENERAL SERVICES TO THE DIVISION OF PROCUREMENT SERVICES; TO AMEND SECTION 11-35-3850, RELATING TO THE SALE OF UNSERVICEABLE SUPPLIES, SO AS TO CHANGE REFERENCES TO THE BOARD TO THE DEPARTMENT OF ADMINISTRATION; TO AMEND SECTION 11-35-4210, RELATING TO CERTAIN PROTESTS AND PROCEDURES, SO AS TO PROVIDE THAT AN ACTUAL BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR WHO IS AGGRIEVED SHALL NOTIFY THE APPROPRIATE OFFICER IN WRITING; TO AMEND SECTION 11-35-4215, RELATING TO THE POSTING OF BOND OR IRREVOCABLE LETTER OF CREDIT, SO AS TO PROVIDE THAT THE AMOUNT RECOVERED MAY NOT EXCEED FIFTEEN THOUSAND DOLLARS; TO AMEND SECTION 11-35-4220, RELATING TO THE AUTHORITY TO DEBAR OR SUSPEND, SO AS TO PROVIDE THAT A VIOLATION OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991 IS A CAUSE FOR DEBARMENT; TO AMEND SECTION 11-35-4230, RELATING TO THE AUTHORITY TO RESOLVE CONTRACT AND BREACH OF CONTRACT CONTROVERSIES, SO AS TO PROVIDE THAT THE DIVISION OF PROCUREMENT SERVICES MAY INITIATE AND PURSUE RESOLUTION OF CERTAIN CONTRACT CONTROVERSIES; TO AMEND SECTION 11-35-4310, RELATING TO SOLICITATIONS OR AWARDS IN VIOLATION OF THE LAW, SO AS TO PROVIDE THAT CERTAIN REMEDIES MAY BE GRANTED ONLY AFTER REVIEW; BY ADDING SECTION 11-35-4315 SO AS TO PROVIDE THAT THE BOARD MAY PROVIDE BY REGULATION APPROPRIATE ACTION WHERE A CONTRACT AWARD OR MODIFICATION IS IN VIOLATION OF THE PROCUREMENT CODE; BY ADDING SECTION 11-35-4340 SO AS TO PROVIDE THAT THERE IS NO REMEDY AGAINST THE STATE OTHER THAN THOSE PROVIDED IN THIS CHAPTER; TO AMEND SECTION 11-35-4410, RELATING TO THE PROCUREMENT REVIEW PANEL, SO AS TO PROVIDE THAT AN APPEAL ONLY MAY BE MADE TO THE COURT OF APPEALS; BY ADDING SECTION 11-35-4425 SO AS TO PROVIDE THAT IF A FINAL ORDER IS NOT APPEALED THE CHIEF PROCUREMENT OFFICER MAY FILE A CERTIFIED COPY OF THE FINAL RULING; BY ADDING SECTION 11-35-4430 SO AS TO PROVIDE

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THAT PANEL MEMBERS MAY NOT COMMUNICATE IN CONNECTION WITH ANY ISSUE OF FACT OR ISSUE OF LAW; TO AMEND SECTION 11-35-4610, RELATING TO DEFINITIONS, SO AS TO EXPAND ON THE DEFINITION OF "PUBLIC PROCUREMENT UNIT"; TO AMEND SECTION 11-35-4810, RELATING TO COOPERATIVE PURCHASING AUTHORIZED, SO AS TO PROVIDE THAT CERTAIN COOPERATIVE PURCHASING WITH OTHER STATES MUST BE THROUGH CONTRACTS AWARDED THROUGH FULL AND OPEN COMPETITION; TO AMEND SECTION 11-35-4830, RELATING TO THE SALE, ACQUISITION, OR USE OF SUPPLIES BY A PUBLIC PROCUREMENT UNIT, SO AS TO PROVIDE THAT A PUBLIC PROCUREMENT UNIT MAY SELL TO, ACQUIRE FROM, OR USE ANY SUPPLIES BELONGING TO ANOTHER PUBLIC PROCUREMENT UNIT INDEPENDENT OF CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-4840, RELATING TO THE COOPERATIVE USE OF SUPPLIES OR SERVICES, SO AS TO PROVIDE THAT ANY PUBLIC PROCUREMENT UNIT MAY ENTER INTO AN AGREEMENT INDEPENDENT OF CERTAIN REQUIREMENTS; TO AMEND SECTION 11-35-4860, RELATING TO THE SUPPLY OF PERSONNEL, INFORMATION, AND TECHNICAL SERVICES, SO AS TO PROVIDE THAT THE PROCEEDS FROM CERTAIN SALES MUST BE PLACED IN A REVENUE ACCOUNT; TO AMEND SECTION 11-35-4870, RELATING TO THE USE OF PAYMENTS RECEIVED BY A SUPPLYING PUBLIC PROCUREMENT UNIT, SO AS TO PROVIDE THAT CERTAIN PAYMENTS MUST BE DEPOSITED IN A SPECIAL REVENUE ACCOUNT; TO AMEND SECTION 11-35-4880, RELATING TO PUBLIC PROCUREMENT UNITS IN COMPLIANCE WITH CODE REQUIREMENTS, SO AS TO REMOVE A REFERENCE TO EXTERNAL PROCUREMENT ACTIVITY; TO AMEND SECTION 1-23-600 AS AMENDED, RELATING TO THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS, SO AS TO PROVIDE THAT AN APPEAL FROM THE PROCUREMENT REVIEW PANEL IS TO THE COURT OF APPEALS; TO AMEND SECTION 57-1-490, RELATING TO THE DEPARTMENT OF TRANSPORTATION ANNUAL AUDITS, SO AS TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT'S INTERNAL PROCUREMENT OPERATION MUST BE AUDITED ANNUALLY; BY ADDING SECTION 1-11-190 SO AS TO PROVIDE RESPONSIBILITIES FOR

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THE DEPARTMENT OF ADMINISTRATION; TO REPEAL SECTION 11-35-1580 RELATING TO INFORMATION TECHNOLOGY PROCUREMENTS; TO REDESIGNATE ARTICLE 10, CHAPTER 35, TITLE 11 AS "INDEFINITE QUANTITY CONTRACTS; AND TO RECODIFY SECTIONS 11-35-35, RELATING TO SURETY BONDS, 11-35-55, RELATING TO THE PURCHASE OF GOODS OR SERVICES FROM AN ENTITY EMPLOYING PRISON INMATES, AND 11-35-70, RELATING TO SCHOOL DISTRICTS SUBJECT TO THE PROCUREMENT CODE.

Referred to Committee on Ways and Means

S. 575 -- Senators Campsen, McElveen and Martin: A BILL TO AMEND SECTION 50-11-544 OF THE 1976 CODE, RELATING TO WILD TURKEY HUNTING AND TRANSPORTATION TAGS, TO PROVIDE COSTS FOR WILD TURKEY TRANSPORTATION TAGS; TO AMEND SECTION 50-11-580 OF THE 1976 CODE, RELATING TO THE SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEY, THE ESTABLISHMENT OF YOUTH TURKEY HUNTING WEEKEND, BAG LIMITS, AND AN ANNUAL REPORT, TO PROVIDE THE SEASON FOR HUNTING AND TAKING A MALE WILD TURKEY, TO PROVIDE BAG LIMITS, TO DELETE THE PROVISION ESTABLISHING YOUTH TURKEY HUNTING WEEKEND, AND TO DELETE A REPORTING REQUIREMENT; TO AMEND ARTICLE 3, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO BIG GAME, BY ADDING SECTION 50-11-590, TO PROVIDE FOR YOUTH TURKEY DAY; TO AMEND SECTION 50-9-920(B) OF THE 1976 CODE, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO PROVIDE THAT REVENUE GENERATED FROM RESIDENT AND NONRESIDENT WILD TURKEY TRANSPORTATION TAG SETS SHALL BE USED FOR CERTAIN PURPOSES; TO REPEAL SECTION 50-11-520 OF THE 1976 CODE, RELATING TO WILD TURKEY SEASON AND THE DECLARATION OF OPEN OR CLOSED SEASONS; AND TO REPEAL SECTION 7 OF ACT 41 OF 2015, RELATING TO THE HUNTING AND TAKING OF WILD TURKEY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

ROLL CALL

[HJ]

WEDNESDAY, APRIL 3, 2019

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	Clemmons	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
Howard	Huggins	Hyde
Jefferson	Johnson	Jordan
Kimmons	King	Kirby
Ligon	Long	Lowe
Lucas	Mace	Mack
Magnuson	Martin	McCoy
McCravy	McDaniel	McGinnis
Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Sandifer	Simmons
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Toole	Trantham
Weeks	West	Wheeler
White	Whitmire	R. Williams

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S. Williams
Yow

Wooten

Young

Total Present--118

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

The SPEAKER granted Rep. D. C. MOSS a temporary leave of absence.

LEAVE OF ABSENCE

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

STATEMENT OF ATTENDANCE

Reps. LOWE, G. M. SMITH and HART 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, April 2.

ACTING SPEAKER CLARY IN CHAIR

DOCTOR OF THE DAY

Announcement was made that Dr. Helmut Albrecht of Columbia was the Doctor of the Day for the General Assembly.

SPEAKER IN CHAIR

SPECIAL PRESENTATION

Reps. KIMMONS, BENNETT, CHELLIS, JEFFERSON, MACK, MURPHY and PNDARVIS presented to the House the Dorchester Academy Softball Team, coaches, and other school officials.

SPECIAL PRESENTATION

Reps. BERNSTEIN and FINLAY presented to the House the Hammond School Math Team, coaches, and other school officials.

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CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

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

CO-SPONSOR ADDED

Bill Number: H. 3017
Date: ADD:
04/03/19 W. NEWTON

CO-SPONSOR ADDED

Bill Number: H. 3036
Date: ADD:
04/03/19 GILLIARD

CO-SPONSORS ADDED

Bill Number: H. 3063
Date: ADD:
04/03/19 ROSE and MCCOY

CO-SPONSOR ADDED

Bill Number: H. 3166
Date: ADD:
04/03/19 BANNISTER

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CO-SPONSORS ADDED

Bill Number: H. 3181
Date: ADD:
04/03/19 CRAWFORD, CASKEY, BRYANT, CLEMMONS,
HARDEE, DILLARD, BANNISTER, WILLIS,
G. R. SMITH, B. COX, W. COX, HUGGINS,
KIRBY, YOW, CALHOON, SPIRES, W. NEWTON,
HIXON, GILLIAM, JEFFERSON, R. WILLIAMS,
HENEGAN, RIVERS, RIDGEWAY, CLYBURN,
FUNDERBURK, SIMMONS, MCDANIEL,
S. WILLIAMS, OTT and BRAWLEY

CO-SPONSOR ADDED

Bill Number: H. 3262
Date: ADD:
04/03/19 GILLIARD

CO-SPONSOR ADDED

Bill Number: H. 3301
Date: ADD:
04/03/19 HUGGINS

CO-SPONSORS ADDED

Bill Number: H. 3404
Date: ADD:
04/03/19 GILLIARD, R. WILLIAMS, JEFFERSON,
KIMMONS, GOVAN, KIRBY, BALES,
S. WILLIAMS, MACK, HART and CLYBURN

CO-SPONSOR ADDED

Bill Number: H. 3704
Date: ADD:
04/03/19 FORREST

CO-SPONSOR ADDED

Bill Number: H. 3780
Date: ADD:
04/03/19 GILLIARD

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CO-SPONSOR ADDED

Bill Number: H. 4004
Date: ADD:
04/03/19 GILLIARD

CO-SPONSOR ADDED

Bill Number: H. 4247
Date: ADD:
04/03/19 GILLIARD

CO-SPONSOR ADDED

Bill Number: H. 4261
Date: ADD:
04/03/19 WEEKS

CO-SPONSOR ADDED

Bill Number: H. 4262
Date: ADD:
04/03/19 GILLIARD

CO-SPONSORS ADDED

Bill Number: H. 4287
Date: ADD:
04/03/19 CASKEY and GILLIARD

CO-SPONSORS ADDED

Bill Number: H. 4333
Date: ADD:
04/03/19 PARKS, MOORE, SIMMONS, DILLARD, HIXON,
BRAWLEY, ALLISON and D. C. MOSS

CO-SPONSOR ADDED

Bill Number: H. 4334
Date: ADD:
04/03/19 BURNS

CO-SPONSORS ADDED

Bill Number: H. 4380
Date: ADD:
04/03/19 BAILEY and HEWITT

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H. 3951--SENT TO THE SENATE

The following Bill was taken up:

H. 3951 -- Reps. Clary, McCoy, Tallon, Bryant, Elliott, Martin, Gagnon, Thayer, McCravy, B. Newton, Jefferson and R. Williams: A BILL TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

Rep. BRYANT demanded the yeas and nays which were taken, resulting as follows:

Yeas 89; Nays 9

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Burns	Caskey
Chellis	Chumley	Clary
Cogswell	Collins	B. Cox
W. Cox	Davis	Dillard
Elliott	Felder	Forrester
Fry	Funderburk	Gagnon
Garvin	Gilliam	Gilliard
Hardee	Hayes	Henegan
Herbkersman	Hiott	Hixon
Hosey	Hyde	Jefferson
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mace
Mack	McCravy	McDaniel
McGinnis	Moore	Morgan
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Ridgeway
Robinson	Rose	Sandifer
Simmons	G. M. Smith	G. R. Smith

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Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Trantham	Weeks
West	Wheeler	White
Whitmire	R. Williams	S. Williams
Wooten	Young	

Total--89

Those who voted in the negative are:

Bryant	Calhoon	Forrest
Hewitt	Huggins	Martin
Pope	Toole	Yow

Total--9

The Bill was read the third time and ordered sent to the Senate.

SENT TO THE SENATE

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

H. 4246 -- Reps. Sandifer and Thayer: A BILL TO AMEND ACT 60 OF 2017, RELATING TO CRIMINAL BACKGROUND CHECKS BY THE REAL ESTATE COMMISSION, SO AS TO CHANGE THE TIME EFFECTIVE DATE TO JULY 1, 2020.

H. 4244 -- Rep. Sandifer: A BILL TO AMEND SECTION 38-78-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO SERVICE CONTRACTS, SO AS TO EXPAND THE DEFINITION OF "SERVICE CONTRACT" AND "WARRANTY" AND TO DEFINE THE TERMS "ROAD HAZARD", "THEFT PROTECTION PROGRAM", AND "THEFT PROTECTION PROGRAM WARRANTY"; TO AMEND SECTION 38-78-30, RELATING TO SERVICE CONTRACT REQUIREMENTS, SO AS TO EXCLUDE A SERVICE CONTRACT PROVIDER THAT INSURES THEIR OBLIGATIONS UNDER A REIMBURSEMENT INSURANCE POLICY FROM THE FINANCIAL STATEMENT REQUIREMENT FOR REGISTRATION WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION

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38-78-50, RELATING TO REQUIRED PROVISIONS IN SERVICE CONTRACTS, SO AS TO REQUIRE A CERTAIN DISCLOSURE.

H. 4239 -- Rep. Hewitt: A BILL TO AMEND SECTION 50-5-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAWLING RESTRICTION AREAS WITHIN THE GENERAL TRAWLING ZONE, SO AS TO PROVIDE THAT A CERTAIN AREA IS CLOSED TO TRAWLING FROM MAY FIRST THROUGH SEPTEMBER FIFTEENTH AND TO REMOVE LANGUAGE CONCERNING THIS AREA.

H. 3800 -- Reps. B. Cox, Hiott, Elliott, Morgan, White, Clemmons, Hyde, Caskey, Magnuson, Hewitt, Trantham, Davis, Forrest and Hixon: A BILL TO AMEND SECTION 50-9-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPRENTICE HUNTING LICENSES, SO AS TO ALLOW FOR THE WAIVER OF THE CERTIFICATE OF COMPLETION REQUIREMENT FOR UP TO THREE YEARS AND TO ALLOW FOR A PERSON TO RECEIVE THIS WAIVER NO MORE THAN THREE TIMES.

H. 3620 -- Reps. Pope, Tallon, Bryant, Bailey, Johnson, Forrest, Clary, Caskey, B. Cox, Elliott, Gilliam, Wooten, Davis, Taylor, Cobb-Hunter, Rivers, R. Williams, Jefferson and Weeks: A BILL TO AMEND SECTIONS 9-1-1790 AND 9-11-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIREMENT BENEFITS AFTER RETURNING TO COVERED EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM AND THE POLICE OFFICERS RETIREMENT SYSTEM, RESPECTIVELY, SO AS TO REMOVE THE TEN THOUSAND DOLLAR EARNINGS LIMITATION ON EMPLOYEES RETURNING TO EMPLOYMENT WHO RETIRED BEFORE JANUARY 2, 2019.

H. 3307--DEBATE ADJOURNED

Rep. CLARY moved to adjourn debate upon the following Bill until Thursday, April 4, which was adopted:

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G. R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,

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1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

H. 3917--COMMITTED

The following Bill was taken up:

H. 3917 -- Reps. Clemmons, W. Newton, W. Cox and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 26 TO ENACT THE "SOUTH CAROLINA ELECTRONIC NOTARY PUBLIC ACT" AND BY ADDING ARTICLE 5 TO CHAPTER 1, TITLE 26 TO ENACT THE "SOUTH CAROLINA REMOTE ONLINE NOTARIZATION ACT" BOTH SO AS TO PROVIDE FOR THE NOTARIZATION OF DOCUMENTS BY ELECTRONIC MEANS AND FOR REMOTELY LOCATED INDIVIDUALS, SETTINGS FOR CERTAIN REQUIREMENTS IN ACCEPTANCE FOR RECORDING BY A REGISTER OF MESNE CONVEYANCES IN A COUNTY OF ELECTRONIC DOCUMENTS IN TANGIBLE FORM, CHARGING THE OFFICE OF THE SECRETARY OF STATE WITH THE RESPONSIBILITY OF IMPLEMENTING THE ACT AND ADOPTING STANDARDS FOR THE NOTARIZATION OF DOCUMENTS BY ELECTRONIC MEANS AND FOR REMOTELY LOCATED INDIVIDUALS, AND DEFINING NECESSARY TERMS; BY ADDING SECTION 26-1-260 SO AS TO PROVIDE FAILURES OF NOTARIES PUBLIC TO PERFORM CERTAIN DUTIES OR MEET CERTAIN REQUIREMENTS DOES NOT INVALIDATE NOTARIAL ACTS, AMONG OTHER THINGS; BY ADDING SECTION 26-1-270 SO AS TO CLARIFY THE RELATIONSHIP BETWEEN CHAPTER 1, TITLE 26 AND CERTAIN FEDERAL STATUTES; BY ADDING SECTION 30-5-31 SO AS TO AS TO DEFINE NECESSARY TERMS; TO AMEND SECTION 26-1-5, RELATING TO DEFINITIONS CONCERNING NOTARIES PUBLIC, SO AS TO DEFINE NECESSARY TERMS; AND BY

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DESIGNATING CERTAIN PROVISIONS OF CHAPTER 1, TITLE 26 AS "ARTICLE 1, GENERAL PROVISIONS".

Rep. G. M. SMITH moved to commit the Bill to the Committee on Ways and Means, which was agreed to.

H. 4261--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4261 -- Reps. McCoy, G. M. Smith, Ott, Sandifer, Simrill, Lucas, Jefferson, R. Williams, Fry, Ballentine and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-31-25 SO AS TO PROVIDE THAT MAJOR UTILITY FACILITIES OF THE PUBLIC SERVICE AUTHORITY MUST BE SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR APPROVAL IN THE MANNER DETERMINED BY LAW; BY ADDING ARTICLE 7 TO CHAPTER 31, TITLE 58 SO AS TO ESTABLISH CERTAIN MANDATORY PROCEDURES THAT THE PUBLIC SERVICE AUTHORITY MUST FOLLOW PRIOR TO REVISING ANY OF ITS BOARD-APPROVED RETAIL RATE SCHEDULES FOR RESIDENTIAL, LIGHTING, COMMERCIAL, OR INDUSTRIAL CUSTOMERS IN A MANNER THAT RESULTS IN A RATE INCREASE; BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 58 SO AS TO CREATE THE "SOUTH CAROLINA PUBLIC SERVICE AUTHORITY REVIEW AND OVERSIGHT COMMISSION", AND TO DEFINE THE COMMISSION'S COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES; TO AMEND SECTION 58-31-20, RELATING TO THE PUBLIC SERVICE AUTHORITY BOARD OF DIRECTORS AND ITS ADVISORY BOARD, SO AS TO REQUIRE THE PUBLIC SERVICE AUTHORITY TO SUBMIT ANNUAL AUDITS TO THE ADVISORY BOARD AND TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY REVIEW AND OVERSIGHT COMMISSION, AND TO REQUIRE THE LIVE STREAMING OF BOARD AND COMMITTEE MEETINGS; TO AMEND SECTION 58-31-30, RELATING TO THE POWERS OF THE PUBLIC SERVICE AUTHORITY, SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO APPROVE THE PUBLIC SERVICE AUTHORITY'S CONSTRUCTION OF ANY MAJOR UTILITY FACILITY; AND TO AMEND SECTION 58-33-20, RELATING TO DEFINITIONS APPLICABLE TO CHAPTER 33, TITLE 58, SO AS

[HJ]

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TO REVISE THE DEFINITIONS OF "MAJOR UTILITY FACILITY"
AND "PERSON".

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4261 (COUNCIL\ZW\4261C001.CC.ZW19), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 in its entirety and inserting:

/ SECTION 4. Section 58-31-20 of the 1976 Code is amended to read:

“Section 58-31-20. (A) The Public Service Authority consists of a board of twelve directors who reside in South Carolina and who have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58-3-530(14), before being appointed by the Governor with the advice and consent of the Senate or elected by the General Assembly as follows: one from each congressional district of the State to be elected by the General Assembly; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority to be appointed by the Governor; and two from the State at large, to be appointed by the Governor, one of whom must be chairman. Two of the gubernatorially appointed directors must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative. A director shall not serve as an employee or board member of an electric cooperative during his term as a director. Each director shall serve for a term of ~~seven~~ four years, except as provided in this section. At the expiration of the term of each gubernatorially appointed director and of each succeeding director, the Governor, with the advice and consent of the Senate, must appoint a successor, who shall hold office for a term of ~~seven~~ four years or until his successor has been appointed and qualified. In the event of a gubernatorially appointed director vacancy due to death, resignation, or otherwise, the Governor must appoint the director’s successor, with the advice and consent of the Senate, and the successor-director shall hold office for the unexpired term. ~~A director may not receive a salary for services as director until the authority is in funds, but~~ Each director must be paid his actual expense in the performance of his duties; ~~the actual expense to be advanced from the contingent fund of the Governor until the time the Public Service Authority is in funds, at which time the~~

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~~contingent fund must be reimbursed. After the Public Service Authority is in funds, The compensation and expenses of each member of the board must be paid from these Public Service Authority funds, and the compensation and expenses must be fixed by the advisory board established in this section. Members of the board of directors may be removed for cause, pursuant to Section 1-3-240(C), by the Governor of the State, the advisory board, or a majority thereof. A member of the General Assembly of the State of South Carolina or a member of his immediate family is not eligible for appointment as Director of the Public Service Authority during the term of his office. while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be appointed to the authority for a period of four years after the member either:~~

~~(1) ceases to be a member of the General Assembly; or
(2) fails to file for election to the General Assembly in accordance with Section 7-11-15.~~

No more than two members from the same county may serve as directors at any time.

(B) Candidates for appointment or election to the board must be screened by the State Regulation of Public Utilities Review Committee and, prior to election or confirmation by the Senate, must be found qualified by meeting the minimum requirements contained in subsection (C). The review committee must submit a written report to the Clerk of the House and Senate setting forth its findings as to the qualifications of each candidate. A candidate must not serve on the board, even in an interim capacity, until he is screened and found qualified by the State Regulation of Public Utilities Review Committee.

(C) Each member must possess abilities and experience that are generally found among directors of energy utilities serving this State and that allow him to make valuable contributions to the conduct of the authority's business. These abilities include substantial business skills and experience, but are not limited to:

(1) general knowledge of the history, purpose, and operations of the Public Service Authority and the responsibilities of being a director of the authority;

(2) the ability to interpret legal and financial documents and information so as to further the activities and affairs of the Public Service Authority;

(3) with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not

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limited to, Chapter 4 of Title 30 as they relate to the activities and affairs of the Public Service Authority; and

(4) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the Public Service Authority.

(D) In addition to the qualifications provided in subsection (C), each member of the board of directors of the Public Service Authority must have the following qualifications:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962;
and

(2) a background of substantial duration and an expertise in at least one of the following:

(a) energy issues;

(b) water and wastewater issues;

(c) finance, economics, and statistics;

(d) accounting;

(e) engineering; or

(f) law.

(E) For the assistance of the board of directors of the Public Service Authority, there is hereby established an advisory board to be known as the advisory board of the South Carolina Public Service Authority, to be composed of the Governor of the State, the Attorney General, the State Treasurer, the Comptroller General, and the Secretary of State, as ex officio members, who must serve without compensation other than necessary traveling expenses. The advisory board must perform any duties imposed on it pursuant to this chapter, and must consult and advise with the board of directors on any and all matters which by the board of directors may be referred to the advisory board. The board of directors must make annual reports to the advisory board, which reports must be submitted to the General Assembly by the Governor, in which full information as to all of the acts of ~~said~~ the board of directors ~~shall~~ must be given, together with financial statement and full information as to the work of the authority. On July first of each year, the advisory board must designate a certified public accountant or accountants, resident in the State, for the purpose of making a complete

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audit of the affairs of the authority, which must be filed with the annual report of the board of directors. The Public Service Authority must submit the audit to the General Assembly.

(F)(1) The terms of all twelve present members of the board of directors of the Public Service Authority serving in office on the effective date of this subsection expire on the effective date of this subsection. However, the present members of the board shall continue to serve in a holdover capacity after the effective date of this subsection until either reappointed or until their successors are appointed in the manner provided in this section qualify and take office.

(2) The terms of all members of the board appointed to succeed the present members of the board whose terms expire as provided in item (1), notwithstanding any other provision of this section, must be for four years each and until their successors are appointed and qualify.

(3) Gubernatorially appointed members of the board, notwithstanding their terms of office or another provision of law, may be removed or replaced by the Governor at any time at the Governor's sole discretion.

(G) In making appointments to the authority, the Governor shall ensure that race, color, gender, national origin, and other demographic factors are considered to ensure the geographic and political balance of the appointments, and shall strive to ensure that the membership of the authority will represent, to the greatest extent possible, all segments of the population of the State.

(H) A member of the Public Service Authority board of directors may not:

(1) solicit, request, receive, or accept anything of value from the Public Service Authority in addition to the member's compensation for serving as a member of the board of directors; or

(2) have a business relationship with the Public Service Authority that is distinct from or in addition to the member's service on the board of directors.

(I) For purposes of this section, 'anything of value' shall have the same meaning as provided in Section 8-13-100(1).

(J) The South Carolina Public Service Authority must provide live-streamed coverage whenever practicable of all meetings of the Committees and Board of Directors to ensure transparency and access for the public. Telephonic meetings may be live-streamed through use of only audio if no Board Members are physically present at the telephonic meetings. The meetings shall be recorded and archived and made available on the South Carolina Public Service Authority's website

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along with any agendas and any documents presented during the open portion of meetings. If a meeting cannot be live-streamed, then the authority must make transcripts available on the authority's website within fifteen business days.

(K) The General Assembly must provide for the election of seven directors as follows:

(1) One director must be elected from each of the congressional districts established by the General Assembly pursuant to the latest official United States Decennial Census.

(2) The review committee shall nominate for election all candidates found qualified.

(3) Whenever an election is to be held by the General Assembly in joint session to elect a person to serve on the board, the review committee must conduct its screening pursuant to the provisions of Section 2-20-10, et seq.; however, Section 2-20-40 is not applicable to a screening by the review committee.

(4) In order to be nominated for a seat on the board, candidates must meet the requirements of this section. In screening candidates for the commission and making its findings, the review committee must seek to find the best qualified people by giving due consideration to:

(a) ability, dedication, compassion, common sense, and integrity of the candidates; and

(b) the race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.

(5) The Governor may fill vacancies until the successor in the office for a full term or an unexpired term, as applicable, has been elected by the General Assembly. In cases where a vacancy occurs on the board when the General Assembly is not in session, the Governor may fill the vacancy by an interim appointment. The Governor must report the interim appointment to the General Assembly and must forward a formal appointment at its next ensuing regular session."/

Renumber sections to conform.

Amend title to conform.

Rep. FORRESTER explained the amendment.

The amendment was then adopted.

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Rep. HILL proposed the following Amendment No. 2 to H. 4261 (COUNCIL\ZW\4261C002.BH.ZW19), which was tabled:

Amend the bill, as and if amended, by striking SECTION 3 in its entirety and inserting:

/ Section 3. Section 2-2-10(1) of the 1976 Code is amended to read:

“(1) ‘Agency’ means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive or judicial departments of state government, including administrative bodies. ‘Agency’ includes a body corporate and politic established as an instrumentality of the State. Notwithstanding another provision of law, for all oversight, investigation, and review purposes enumerated in this chapter, ‘agency’ includes the South Carolina Public Service Authority. ‘Agency’ does not include:

- (a) the legislative department of state government; or
- (b) a political subdivision.” /

Amend the bill further, as and if amended, by striking SECTION 4 in its entirety and inserting:

/ SECTION 4. Section 58-31-20 of the 1976 Code is amended to read:

“Section 58-31-20. (A) The Public Service Authority consists of a board of twelve directors who reside in South Carolina and who have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58-3-530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority; and two from the State at large, one of whom must be chairman. ~~Two of the directors must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative~~ All members must meet the qualifications prescribed in subsection (C). A director shall not serve as an employee or board member of an electric cooperative during his term as a director. Each director shall serve for a term of seven years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor, with the advice and consent of the Senate, must appoint a successor, who shall hold office for a term of seven years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise,

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the Governor must appoint the director's successor, with the advice and consent of the Senate, and the successor-director shall hold office for the unexpired term. ~~A director may not receive a salary for services as director until the authority is in funds, but~~ Each director must be paid his actual expense in the performance of his duties, ~~the actual expense to be advanced from the contingent fund of the Governor until the time the Public Service Authority is in funds, at which time the contingent fund must be reimbursed. After the Public Service Authority is in funds,~~ Directors shall serve until their successors are appointed and qualify. The compensation and expenses of each member of the board must be paid from ~~these~~ authority funds, and the compensation and expenses must be fixed by the advisory board established in this section. Members of the board of directors may be removed for cause, pursuant to Section 1-3-240(C), by the Governor of the State, the advisory board, or a majority ~~thereof of the advisory board.~~ A member of the General Assembly of the State of South Carolina is not eligible for appointment as Director of the Public Service Authority during the term of his office. No more than two members from the same county may serve as directors at any time.

(B) Candidates for appointment to the board must be screened by the State Regulation of Public Utilities Review Committee and, prior to confirmation by the Senate, must be found qualified by meeting the minimum requirements contained in subsection (C). The review committee must submit a written report to the Clerk of the Senate setting forth its findings as to the qualifications of each candidate. A candidate must not serve on the board, even in an interim capacity, until he is screened and found qualified by the State Regulation of Public Utilities Review Committee.

(C) ~~Each member must possess abilities and experience that are generally found among directors of energy utilities serving this State and that allow him to make valuable contributions to the conduct of the authority's business. These abilities include substantial business skills and experience, but are not limited to:~~

(1) ~~general knowledge of the history, purpose, and operations of the Public Service Authority and the responsibilities of being a director of the authority;~~

(2) ~~the ability to interpret legal and financial documents and information so as to further the activities and affairs of the Public Service Authority;~~

(3) ~~with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not~~

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limited to, Chapter 4 of Title 30 as they relate to the activities and affairs of the Public Service Authority; and

~~(4) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the Public Service Authority~~ Each member of the board of directors of the Public Service Authority must have the following qualifications:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962;

and

(2) a background of substantial duration and an expertise in at least one of the following:

(a) energy issues;

(b) water and wastewater issues;

(c) finance, economics, and statistics;

(d) accounting;

(e) engineering; or

(f) law.

In addition to the above qualifications, two of the directors must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board with one of these two directors also having substantial experience within the operations or board of a transmission or generation cooperative.

(D) For the assistance of the board of directors of the Public Service Authority, there is hereby established an advisory board to be known as the advisory board of the South Carolina Public Service Authority, to be composed of the Governor of the State, the Attorney General, the State Treasurer, the Comptroller General, and the Secretary of State, as ex officio members, who must serve without compensation other than necessary traveling expenses. The advisory board must perform any duties imposed on it pursuant to this chapter, and must consult and advise with the board of directors on any and all matters which by the board of directors may be referred to the advisory board. The board of directors must make annual reports to the advisory board, which reports must be submitted to the General Assembly by the Governor, in which full information as to all of the acts of ~~said~~ the board of directors ~~shall~~ must be given, together with financial statement and

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full information as to the work of the authority. On July first of each year, the advisory board must designate a certified public accountant or accountants, resident in the State, for the purpose of making a complete audit of the affairs of the authority, which must be filed with the annual report of the board of directors. The Public Service Authority must submit the audit to the General Assembly.

(E)(1) The terms of all twelve present members of the board of directors of the Public Service Authority serving in office on the effective date of this subsection expire on the effective date of this subsection. However, the present members of the board shall continue to serve in a holdover capacity after the effective date of this subsection until either reappointed or until their successors are appointed in the manner provided in this section qualify and take office.

(2) The terms of all members of the board appointed to succeed the present members of the board whose terms expire as provided in item (1), notwithstanding any other provision of this section, must be for four years each and until their successors are appointed and qualify.

(3) Members of the board, notwithstanding their terms of office or another provision of law, may be removed or replaced by the Governor at any time at the Governor's sole discretion.

(F) A member of the General Assembly or a member of his immediate family may not be appointed to the Public Service Authority while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be appointed to the authority for a period of four years after the member either:

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

(2) fails to file for election to the General Assembly in accordance with Section 7-11-15.

(G) In making appointments to the authority, the Governor shall ensure that race, color, gender, national origin, and other demographic factors are considered to ensure the geographic and political balance of the appointments, and shall strive to ensure that the membership of the authority will represent, to the greatest extent possible, all segments of the population of the State.

(H) A member of the Public Service Authority board of directors may not:

(1) solicit, request, receive, or accept anything of value from the Public Service Authority in addition to the member's compensation for serving as a member of the board of directors; or

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(2) have a business relationship with the Public Service Authority that is distinct from or in addition to the member's service on the board of directors.

(1) For purposes of this section, 'anything of value' shall have the same meaning as provided in Section 8-13-100(1).' /

Renumber sections to conform.

Amend title to conform.

Rep. HILL explained the amendment.

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 1

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Chellis	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cogswell	Collins	B. Cox
W. Cox	Crawford	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Garvin	Gilliam
Gilliard	Govan	Hayes
Henegan	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Huggins	Hyde	Jefferson
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mace
Mack	Martin	McCrary

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McDaniel	McGinnis	Moore
Morgan	V. S. Moss	Murphy
B. Newton	Norrell	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Sandifer	Simmons
Simrill	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Toole	Trantham	Weeks
West	Wheeler	White
Whitmire	R. Williams	S. Williams
Wooten	Young	Yow

Total--105

Those who voted in the negative are:
Hill

Total--1

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

H. 3780--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3780 -- Reps. White, Hixon, Taylor, Cobb-Hunter, Funderburk, Anderson, Hewitt, R. Williams, Davis, Brown, Weeks, Rivers, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 59 SO AS TO CREATE THE "GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM", TO FACILITATE THE DEPLOYMENT OF BROADBAND TO UNSERVED AREAS OF THE STATE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY FUND, TO PROVIDE THAT ANY PROPERTY OWNED BY A MUNICIPALITY MAY BE LEASED OR RENTED IN CERTAIN SITUATIONS, TO PROVIDE THAT A MUNICIPALITY-OWNED UTILITY MAY BE LEASED, TO PROVIDE THAT A

[HJ]

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MUNICIPALITY IS AUTHORIZED TO SELL OR LEASE ANY PUBLIC ENTERPRISE THAT IT OWNS, TO PROVIDE THAT THE STATE SHALL ALLOW COLLOCATION, INSTALLATION, AND OPERATION OF CERTAIN EQUIPMENT BY A BROADBAND PROVIDER ON ANY EXISTING STRUCTURES, AND TO PROVIDE FOR A MONTHLY 911 SERVICE CHARGE; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 7, TITLE 59 AS "ARTICLE 1, GENERAL PROVISIONS".

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 3780 (COUNCIL\SA\3780C002.RT.SA19), which was adopted:

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

/ SECTION 1. Chapter 7, Title 59 of the 1976 Code is amended by adding:

“Article 3

Growing Rural Economies with Access to Technology (GREAT)
Program

Section 59-7-300. There is established the Growing Rural Economies with Access to Technology (GREAT) program to facilitate the deployment of broadband to unserved areas of the State. The purpose of this program is to encourage the deployment of broadband at the highest possible speeds throughout as much of the inhabitable geographic area of the State that is practical and feasible by the year 2030.

Section 59-7-310. As used in this article:

(1) ‘Agriculture’ means:

(a) the cultivation of soil for production and harvesting of crops including, but not limited to, fruits, vegetables, sod, flowers, and ornamental plants;

(b) the planting and production of trees and timber;

(c) dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing;

(d) aquaculture as defined in Section 46-1-10(2);

(e) the operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation;

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(f) when performed on the farm, ‘agriculture’, ‘agricultural’, and ‘farming’ also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm; or

(g) a public or private grain warehouse or warehouse operation where grain is held ten days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.

(2) ‘Authority’ means the South Carolina Rural Infrastructure Authority.

(3) ‘Broadband service’ means terrestrially-deployed Internet access service with transmission speeds of at least twenty-five megabits per second (Mbps) download and at least three megabit per second upload.

(4) ‘Cooperative’ means a telephone membership corporation, organized pursuant to Article 1, Chapter 46, Title 33.

(5) ‘Director’ means the Executive Director of the South Carolina Rural Infrastructure Authority.

(6) ‘Eligible economically-distressed county’ means a county designated as a Tier IV or Tier III county as defined in Section 12-6-3360.

(7) ‘Eligible project’ means a discrete and specific project located in an unserved area of an economically-distressed county seeking to provide broadband service to homes, businesses, and community anchor points not currently served. Eligible projects do not include middle mile, backhaul, and other similar projects not directed at broadband service to end users. The designated area for an eligible project may not be smaller than a census block.

(8) ‘Eligible recipient’ means private providers of broadband services, including cooperatively organized entities, or any partnerships formed between cooperatively organized entities, private providers, or any combination thereof. To be considered an ‘eligible recipient’ there must be either a demonstrated success in having previously managed retail end-user networks with proof of acceptable customer satisfaction, or the ‘eligible recipient’ must hold a contract with such an entity to actually provide service over the facilities being funded.

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(9) 'Household' means a house, apartment, single room, or other group of rooms, if occupied or intended for occupancy as separate living quarters, and where the occupants do not live with any other persons in the structure, and there is direct access from the outside or through a common hall.

(10) 'Infrastructure costs' means costs directly related to the construction of broadband infrastructure for the extension of broadband service for an eligible project, including installation, acquiring or updating easements, equipment, fiber, construction, backhaul infrastructure, and testing costs. The term does not include overhead or administrative costs.

(11) 'Unserved area' means a designated geographic area where at least ninety percent of households are presently without access to fixed, terrestrially-deployed broadband at speeds of at least ten Mbps download and at least one Mbps upload. Areas where a private provider has been designated or has applied to receive funds through other state or federally-funded programs designed for broadband deployment must be considered served if the funding is intended to result in construction of facilities in the area within twenty-four months.

Section 59-7-320. (A) The Growing Rural Economies with Access to Technology Fund (fund) is established as a special revenue fund in the South Carolina Rural Infrastructure Authority, with amounts to be appropriated by the General Assembly. The director may award grants from the fund to eligible recipients for eligible projects. The funds must be used by the recipient to pay for infrastructure costs associated with an eligible project. To ensure consumers served by the infrastructure funded by this program are actually receiving the service intended and that the network is properly maintained, the recipients are subject to applicable rules and regulations governing other similar providers or others receiving state support to provide communication services and are subject to the authority of the Office of Regulatory Staff (ORS) regarding inspections, audits, or examinations, as set forth in Section 58-4-50. The Authority and ORS are authorized to share relevant information with each for the purposes of carrying out their respective tasks.

(B) Project areas comprised of census blocks, or portions thereof, within which a broadband provider is receiving state or federal matching funds to deploy technologically neutral scalable broadband facilities within the next twenty-four months are ineligible for the GREAT program. It is essential for the Authority to know the location of census blocks, or portions thereof, comprising these areas so it can determine

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project eligibility. A private provider receiving state or federal matching funds to deploy broadband facilities within the area shall, before January 1, 2020, submit only a listing of the census blocks, or portions thereof, comprising each of its federally-funded project areas meeting this requirement and nothing more to the Authority. In future program years, the cutoff date for submitting this census block data is May fifteenth. The Authority only shall utilize this data to update maps of census blocks to reflect these census blocks, or portions thereof, as being served. Information provided to the office pursuant to this subsection is exempt from public disclosure pursuant to Chapter 4, Title 30.

(C) Applications for grants must be submitted at times designated by the director and, at a minimum, must include:

- (1) an attestation to the office that the proposed project area is eligible;
- (2) evidence demonstrating the applicant's experience and ability in building, operating, and managing Broadband Service networks serving residential customers;
- (3) the total cost and duration of the project;
- (4) the amount to be funded by the applicant;
- (5) an illustration or description of the area to be served and the number of homes, businesses, community-anchor points, agricultural operations, or agricultural processing facilities that have access to broadband service as a result of the project;
- (6) an assessment of the current level of access to broadband service in the proposed deployment area and the current level of service provided at the point from which broadband deployment is made;
- (7) the proposed construction time line, with specific annual build-out percentage commitments;
- (8) a description of the services to be provided, including the proposed upstream and downstream broadband speeds to be delivered and any applicable data caps, provided that any applicant proposing a data cap below one hundred fifty gigabytes of usage each month shall provide justification to the satisfaction of the office that the proposed cap is in the public interest and consistent with industry standards;
- (9) any other information or supplementary documentation requested by the office;
- (10) for the proposed area to be served, the infrastructure cost for each household for the project;
- (11) evidence of support for the project from citizens, local government, businesses, and institutions in the community;
- (12) the proposed advertised speed to be marketed to end users;

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(13) an explanation of the scalability of the broadband infrastructure to be deployed for higher broadband speeds in the future;

(14) proof that appropriate interconnection agreements and physical pathways to transport consumer broadband traffic to the internet exist;

(15) a five-year business plan demonstrating that the project in question is a viable business and that operating costs, including capital cost, can be supported from operations; and

(16) evidence of successful operation of retail services, including evidence of appropriate customer satisfaction, or evidence that an operating contract exists with a third party that can meet these requirements.

(D) Applications must be made publicly available by posting on the website of the Authority for a period of at least thirty days before award. During the thirty-day period, any interested party may submit comments to the director concerning any pending application. A provider of broadband services may submit a protest of any application on the grounds the proposed project covers an area that is not an eligible area pursuant to this section. Protests must be submitted in writing, accompanied by all relevant supporting documentation and must be considered by the Authority in connection with the review of the application. For applications with filed protests, the director shall issue a written decision to the protesting party at least fifteen days before the approval of that application. The Authority may not award any grants to fund deployment in an area that fails to meet the criterion for being unserved. Appeals may be made to the Administrative Law Court pursuant to the Administrative Procedures Act.

(E) The Authority may consult with the Department of Commerce to determine if an eligible project proposed pursuant to this section will benefit a potential economic development project relevant to the proposed area outlined in the eligible project.

(F) Applications must be scored based upon a system that awards a single point for criteria considered to be the minimum level for the provision of broadband service with additional points awarded to criteria that exceed minimum levels. The Authority shall score project applications in accordance with the following:

(1) projects involving service by a South Carolina-based company, a company that historically has provided broadband service, or that has existing facilities in close proximity to the designated area, must be given five points in its application score where it is documented to the satisfaction of the Authority that service by the company will

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facilitate deployment and reduce cost for each housing unit by utilizing existing resources, facilities, and infrastructure;

(2) the Authority shall give additional points to projects based upon the estimated number of unserved households within the eligible economically-distressed county, as determined by the most recent data published by the Federal Communications Commission or any other reliable information available to the Authority. Points are given as follows:

(a) projects that will be located in counties with estimated unserved households of seven hundred or less receive one point;

(b) projects that will be located in counties with estimated unserved households of between seven hundred and one thousand ninety-nine receive two points; and

(c) projects that will be located in counties with estimated unserved households of two thousand and over receive three points;

(3) the Authority shall give additional points to projects that will provide broadband service to unserved households within the eligible economically-distressed county, as determined by the most recent data published by the Federal Communications Commission or any other reliable information available to the Authority. Points are given as follows:

(a) projects proposing to serve less than one hundred fifty unserved households within the project area receive one point;

(b) projects proposing to serve between one hundred fifty and two hundred forty-nine unserved households within the project area receive two points; and

(c) projects proposing to serve two hundred fifty or more unserved households within the project area receive three points;

(4) the Authority shall give additional points to projects that will provide broadband service to unserved businesses located within the eligible economically-distressed county, as determined by the most recent data published by the Federal Communications Commission or any other reliable information available to the Authority. Points are given to projects that serve unserved businesses within the project area as follows:

(a) projects proposing to serve between one and four businesses receive one point;

(b) projects proposing to serve between five and ten businesses receive two points; and

(c) projects proposing to serve either more than ten businesses or an agricultural operation, agricultural processing facility,

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or a business with thirty-one or more full-time employees receive three points;

(5) the Authority shall give additional points to projects that minimize the infrastructure cost of the proposed project for each household, based upon information available to the Authority; and

(6) projects that will provide minimum download and minimum upload speeds have the aggregate points given under items (1) through (5) multiplied by a factor at the level indicated in the table below:

Minimum Download: Minimum Upload	Score Multiplier
25:3 Mbps.	1.00
100:3 Mbps. or greater	2.00

(G) The office shall score applications based upon the metrics provided in subsection (F).

(H) Applications receiving the highest score receive priority status for the awarding of grants pursuant to this section. Applicants awarded grants pursuant to this section shall enter into an agreement with the Authority. The agreement must contain all of the elements outlined in subsection (C) and any other provisions the Authority may require. The agreement must contain a provision governing the time line and minimum requirements and thresholds for disbursement of grant funds measured by the progress of the project. Grant funds must be disbursed only upon verification by the Authority that the terms of the agreement have been fulfilled according to the progress milestones contained in the agreement. At project completion, the grant recipient shall certify and provide to the Authority evidence consistent with Federal Communications Commission attestation that the proposed minimum upstream and minimum downstream broadband speeds identified in the application guidelines, and for which a base speed multiplier was awarded pursuant to item (F)(6), are available throughout the project area before any end user connections. A single grant award may not exceed two million dollars. No more than one grant may be awarded each fiscal year for a project in any one eligible economically-distressed county.

(I)(1) Grant recipients are required to provide matching funds based upon the application scoring pursuant to this section in the following minimum amounts:

Score Matching	Requirement
7.0 points or less	55%
Greater than 7.0, but less than 14.0 points	50%
Greater than 14.0, but less than 21.0 points	45%
21.0 points or greater	30%

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(2) Federal or state grants or program funds may not be used for any portion of the matching funds paid by the grant recipient.

(J) The Authority shall require that grant recipients offer the proposed advertised minimum download and minimum upload speeds identified in the project application for the duration of the five-year service agreement. At least annually, a grant recipient shall provide to the Authority evidence consistent with Federal Communications Commission attestation that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement. For the duration of the agreement, grant recipients shall disclose any changes to data caps for the project area that differ from the data caps listed in the grant application to the Authority.

(K) A grant recipient shall forfeit the amount of the grant received if it fails to perform, in material respect, the obligations established in the agreement. Grant recipients that fail to provide the minimum advertised connection speed for which a reduction in matching funds was applied shall forfeit that amount. A grant recipient that forfeits amounts disbursed pursuant to this section is liable for the amount disbursed plus interest, computed from the date of the disbursement. The number of subscribers that subscribe to broadband services offered by the provider in the project area may not be a measure of performance pursuant to the agreement for the purposes of this subsection.

(L) Grant recipients shall submit to the Office of Regulatory Staff an annual report for each funded project for the duration of the agreement. The report must include a summary of the items contained in the grant agreement and level of attainment for each and also must include:

(1) the number of households, businesses, agricultural operations, and community anchor points that have broadband access as a result of the project;

(2) the percentage of end users in the project area who have access to broadband service and actually subscribe to the broadband service;

(3) the average monthly subscription cost for broadband service in the project area;

(4) verifiable evidence that retail services are offered at rates and upon terms and conditions commensurate with those provided by any incumbent broadband provider operating in the general area; and

(5) information related to service outages, customer complaints, or other such performance data as necessary to ensure the funding is being used to provide high-quality service.

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(M) The Office of Regulatory Staff shall submit an annual report to the General Assembly before September first. The report must contain the following:

(1) the number of grant projects applied for and the number of grant agreements entered into;

(2) a timeline for each grant agreement and the number of households, businesses, agricultural operations, and community anchor points expected to benefit from each agreement;

(3) the amount of matching funds required for each agreement and the total amount of investment;

(4) a summary of areas receiving grants that are now being provided broadband service and the advertised broadband speeds for those areas;

(5) any breaches of agreements, grant fund forfeitures, or subsequent reductions or refunds of matching funds; and

(6) any recommendations for the grant program, including better sources and methods for improving outcomes and accountability.

(N) Nothing in this article is intended to regulate the provision of broadband except as it relates to oversight of providers receiving funds to provide the services described herein.”

SECTION 2. The existing provisions of Chapter 7, Title 59 are designated “Article 1, General Provisions”.

SECTION 3. The Rural Infrastructure Authority shall collaborate with the following agencies in implementing the provisions of this act: the Department of Commerce, the Department of Administration, the South Carolina Revenue and Fiscal Affairs Office, South Carolina Education Television, and the Department of Transportation.

SECTION 4. No provision of this act changes any rights an entity may have to provide broadband service in this state.

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

Renumber sections to conform.

Amend title to conform.

Rep. FORRESTER explained the amendment.

The amendment was then adopted.

Rep. FORRESTER explained the Bill.

The question recurred to the passage of the Bill.

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The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hardee	Hayes	Henegan
Herbkersman	Hewitt	Hill
Hiott	Hixon	Hosey
Huggins	Hyde	Jefferson
Johnson	Jordan	Kimmons
King	Kirby	Ligon
Long	Lowe	Lucas
Mace	Mack	Magnuson
Martin	McCravy	McDaniel
McGinnis	Moore	Morgan
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Sandifer	Simmons
Simrill	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Thigpen	Toole	Trantham
Weeks	West	Wheeler
White	Whitmire	R. Williams

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S. Williams
Yow

Wooten

Young

Total--112

Those who voted in the negative are:

Total--0

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

H. 3785--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3785 -- Reps. Sandifer, Howard, Thayer, West and Weeks: A BILL TO AMEND SECTION 40-2-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF THE BOARD OF ACCOUNTANCY, SO AS TO REMOVE AN OBSOLETE REFERENCE AND TO PROVIDE MEETINGS MAY BE CLOSED IN CERTAIN INSTANCES PURSUANT TO FEDERAL LAW OR AT THE DISCRETION OF THE BOARD; TO AMEND SECTION 40-2-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CERTIFIED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANTS, SO AS TO REVISE A DEFINITION; TO AMEND SECTION 40-2-35, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EXAMINATIONS BE COMPUTER BASED; TO AMEND SECTION 40-2-80, RELATING TO THE CONFIDENTIAL TREATMENT OF CERTAIN EVIDENCE OBTAINED DURING INVESTIGATIONS BY THE BOARD, SO AS TO PROVIDE ALL PROCEEDINGS AND INQUIRIES RELATED TO THE INVESTIGATIONS ARE CONFIDENTIAL EXCEPT AS OTHERWISE PROVIDED; TO AMEND SECTION 40-2-90, RELATING TO INVESTIGATIONS BY THE BOARD, SO AS TO REMOVE A DUPLICATIVE REFERENCE AND TO PROVIDE DISCIPLINARY HEARINGS BY THE BOARD MUST BE OPEN TO THE PUBLIC EXCEPT IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40-2-240, RELATING TO LICENSURE OF OUT-OF-STATE PERSONS BY THE BOARD, SO AS TO REVISE

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CRITERIA FOR SUCH LICENSURE; AND TO AMEND SECTION 40-2-340, RELATING TO DISCLAIMERS THAT ACCOUNTING PRACTITIONERS AND ACCOUNTING PRACTITIONER FIRMS MUST USE WHEN ASSOCIATING THEIR NAMES WITH CERTAIN COMPILED FINANCIAL STATEMENTS, SO AS TO REMOVE THE EXISTING BOILERPLATE LANGUAGE AND INSTEAD PROVIDE SUCH DISCLAIMERS MUST COMPLY WITH CERTAIN NATIONAL STANDARDS.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3785 (COUNCIL\WAB\3785 C001.AGM.WAB19), which was adopted:

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

/ SECTION 1. Section 40-2-10(B) of the 1976 Code is amended to read:

“(B) The board shall elect annually from among its members a chairman, a vice chairman, and a secretary. The board shall meet at least two times a year at places fixed by the chairman. Meetings of the board must be open to the public except those concerned with investigations under ~~Sections~~ Section 40-2-80 and 40-2-90 and except as necessary to protect confidential information in accordance with board regulations ~~or~~, federal law, state law, or Section 40-2-90(C). A majority of the board members in office constitutes a quorum at any meeting of the board. A board member shall attend meetings or provide proper notice and justification of inability to attend. Unexcused absences from meetings may result in removal from the board as provided for in Section 1-3-240.”

SECTION 2. Section 40-2-20(5) of the 1976 Code is amended to read:

“(5) ‘Compilation’ means providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) ~~that presents in the form of financial statements, information representative of management (owners) without undertaking expression of any assurance on the statements in which the objective of the accountant is to apply accounting and financial reporting expertise to assist management in the presentation of financial statements and reports in accordance with this section without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements in order~~

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for them to be in accordance with the applicable financial reporting framework.”

SECTION 3. Section 40-2-35 (F)(1) of the 1976 Code is amended to read:

~~“(1) Upon the implementation of a computer-based examination,~~ A candidate may take the required test sections individually and in any order. Credit for any test section passed is valid for eighteen months from the actual date the candidate took that test section, without having to attain a minimum score on any failed test section and without regard to whether the candidate has taken other test sections.

(a) A candidate must pass all four test sections of the Uniform CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section is passed. The board by regulation may provide additional time to an applicant on active military service. The board also may accommodate any hardship which results from the conditions of administration of the examination.

(b) A candidate cannot retake a failed test section in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the CPA examination. If all four test sections of the Uniform CPA Examination are not passed within the rolling eighteen-month period, credit for any test section passed outside the eighteen-month period expires and that test section must be retaken.

(c) A candidate who applies for a license more than three years after the date upon which the candidate passed the last section of the Uniform CPA Examination must document one hundred twenty hours of acceptable continuing professional education in order to qualify, in addition to all other requirements imposed by this section.”

SECTION 4. Section 40-2-40(C)(7)(b) of the 1976 Code is amended to read:

“(b) Noncertified public accountant owners must complete the same number of hours of continuing professional education as licensed certified public accountants in this State. However, in each three year period, as established by the board, six of the hours must be in ethics, and at least two of these hours must be a board-approved South Carolina Accountancy Rules and Regulations course.”

SECTION 5. Section 40-2-80(E) of the 1976 Code is amended to read:

“(E) The testimony and documents submitted in support of the complaint or gathered in the investigation must be treated as confidential information and must not be disclosed to any person except law

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enforcement authorities and, to the extent necessary in order to conduct the investigation, the subject of the investigation, persons whose complaints are being investigated, and witnesses questioned in the course of the investigation. All proceedings related to the investigations and inquiries during the investigation process undertaken pursuant to this chapter are confidential, unless the licensee or registrant who is the subject of the investigation or inquiry waives the confidentiality of the existence of the complaint.”

SECTION 6. Section 40-2-90(C) of the 1976 Code is amended to read:

“(C) If a hearing is to be held, the licensee or registrant has the right to be present ~~and,~~ to present evidence and argument on all issues involved, to present and to cross examine witnesses, and to be represented by counsel, at the licensee’s or registrant’s expense. For the purpose of these hearings, the board may require by subpoena the attendance of witnesses ~~and,~~ the production of documents and other evidence, and may administer oaths and hear testimony, either oral or documentary, for and against the accused licensee. ~~All investigations, inquiries, and proceedings undertaken pursuant to this chapter are confidential, except as otherwise provided for~~ All evidence, including the records the hearing panel considers, must be made part of the record in the proceedings. These hearings must be open to the public, except:

____ (1) as necessary to protect confidential information in accordance with federal or state law; and

____ (2) as necessary to protect confidential information provided by a client for whom a licensee performs services, or the heirs, successors, or personal representatives of the client.”

SECTION 7. Section 40-2-240(A) of the 1976 Code is amended to read:

“(A) The board may issue a license to a holder of a certificate, license, or permit issued under the laws of any state or territory of the United States or the District of Columbia or any authority outside the United States upon a showing of substantially equivalent education, examination, and experience upon the condition that the applicant:

(1)(a) received the designation, based on educational and examination standards substantially equivalent to those in effect in this State, at the time the designation was granted; and

(2b) completed an experience requirement, substantially equivalent to the requirement provided for in Section 40-2-35(F), in the jurisdiction which granted the designation or has engaged in four years of professional practice, outside of this State, as a certified public

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accountant within the ten years immediately preceding the application;
and

(3c) passed a uniform qualifying examination in national standards and an examination on the laws, regulations, and code of ethical conduct in effect in this State acceptable to the board; and

(4d) listed all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accountancy or in which any applications have been denied; and

(5e) demonstrated completion of eighty hours of qualified CPE within the last two years; and

(6f) filed an application and pays an annual fee sufficient to cover the cost of administering this section.

(2)(a) satisfies the requirements of item (1)(c), (d), (e), and (f);

(b) holds a valid license issued by any other state before January 1, 2012; and

(c) has engaged in four years of professional practice, outside of this State, as a certified public accountant within the ten years immediately preceding the application.”

SECTION 8. Section 40-2-340 of the 1976 Code is amended to read:

“Section 40-2-340. An accounting practitioner or firm of accounting practitioners is permitted to associate his or the firm’s name with compiled financial statements as defined by Professional Standards for Accounting and Review Services, provided ~~the following disclaimer is used:~~

~~‘I (we) have compiled the accompanying balance sheet of XYZ Company as of December 31, XXXX, and the related statements of income, retained earning and cash flows for the year then ended, in accordance with statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. A compilation is limited to presenting, in the form of financial statements, information that is the representation of management (owners). I (we) have not audited or reviewed the accompanying financial statements and I am (we are) prohibited by law from expressing an opinion on them.’ a disclaimer is used that complies with the most recent version of the statement on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants and a statement in the report that provides:~~

‘I (we) have not audited or reviewed the accompanying financial statements and I am (we are) prohibited by law from expressing an opinion on them’.”

SECTION 9. This act takes effect upon approval by the Governor. /

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Renumber sections to conform.
Amend title to conform.

Rep. TOOLE 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:
Yeas 106; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Bryant
Burns	Calhoon	Caskey
Chellis	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cogswell	B. Cox	W. Cox
Crawford	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Funderburk	Gagnon
Gilliam	Gilliard	Govan
Hardee	Hayes	Henegan
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	Johnson
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mace
Mack	Magnuson	Martin
McCravy	McDaniel	McGinnis
Moore	Morgan	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Ott	Pendarvis
Pope	Ridgeway	Rivers
Robinson	Rose	Sandifer
Simmons	Simrill	G. R. Smith

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Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
Wheeler	White	Whitmire
S. Williams	Wooten	Young
Yow		

Total--106

Those who voted in the negative are:

Total--0

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

H. 4256--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 4256 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICE WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; TO AMEND SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; TO AMEND SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; TO AMEND SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; TO AMEND SECTION 32-8-385, RELATING TO

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REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; TO AMEND SECTION 40-19-10, RELATING TO THE COMPOSITION OF THE BOARD, SO AS TO REQUIRE SEVEN OF THE NINE LICENSEE MEMBERS BE APPOINTED ONE FROM EACH CONGRESSIONAL DISTRICT, AND TO PROVIDE FOR THE GRADUAL IMPLEMENTATION OF THIS PROVISION AS THE TERMS OF CURRENT MEMBERS EXPIRE ON A STAGGERED BASIS; TO AMEND SECTION 40-19-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICE, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICE INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; TO AMEND SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; TO AMEND SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; TO AMEND SECTION 40-19-110, AS AMENDED, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; TO AMEND SECTION 40-19-200, RELATING TO PENALTIES FOR

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VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; TO AMEND SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND TO AMEND SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

Reps. SANDIFER, FRY, B. NEWTON, MARTIN, ROSE, BANNISTER, HIOTT, DAVIS, KIMMONS, S. WILLIAMS, KING, NORRELL, WHITMIRE, ANDERSON, WOOTEN, SPIRES, HENEGAN, WEST, BROWN, YOW, FELDER, BENNETT, JEFFERSON, R. WILLIAMS and MCDANIEL requested debate on the Bill.

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

OBJECTION TO RECALL

Rep. HIOTT asked unanimous consent to recall S. 105 from the Committee on Education and Public Works.

Rep. HILL objected.

OBJECTION TO RECALL

Rep. HIOTT asked unanimous consent to recall H. 4327 from the Committee on Labor, Commerce and Industry.

Rep. BANNISTER objected.

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**H. 3215--RECALLED AND REFERRED TO COMMITTEE
ON JUDICIARY**

On motion of Rep. COLLINS, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works and was referred to the Committee on Judiciary:

H. 3215 -- Rep. Collins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "TEACHERS' FREEDOM OF SPEECH ACT" SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY NOT RETALIATE AGAINST TEACHERS FOR MAKING PUBLIC POLICY EXPRESSIONS, TO PROVIDE A RELATED CAUSE OF ACTION AND REMEDIES, AND TO CLARIFY THE APPLICABILITY OF THIS ACT TO TEACHERS UNDER NONRENEWABLE INDUCTION CONTRACTS AND TEACHERS UNDER CONTINUING CONTRACTS.

**H. 3346--RECALLED FROM CHESTERFIELD
DELEGATION**

On motion of Rep. YOW, with unanimous consent, the following Bill was ordered recalled from the Chesterfield Delegation:

H. 3346 -- Reps. Yow, Lucas and Henegan: A BILL TO AMEND ACT 205 OF 1993, AS AMENDED, RELATING TO THE DISTRICT BOARD OF EDUCATION OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY.

**H. 3180--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

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

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

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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.

Rep. JOHNSON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Clary
Clemmons	Clyburn	Cobb-Hunter
Cogswell	Collins	B. Cox
W. Cox	Crawford	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Garvin	Gilliam
Gilliard	Govan	Hardee
Hart	Hayes	Henegan
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	Johnson
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mace
Mack	Magnuson	Martin
McCrary	McDaniel	McGinnis
Moore	Morgan	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Ott	Parks
Pope	Ridgeway	Rivers

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Robinson	Rose	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinnakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
Wheeler	White	Whitmire
R. Williams	Wooten	Young
Yow		

Total--109

Those who voted in the negative are:

Total--0

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**H. 3438--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

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

H. 3438 -- Reps. Pitts, McCravy, B. Cox, Huggins, Cobb-Hunter, Hixon, W. Cox, Taylor, Davis, Caskey and Mace: A BILL TO AMEND SECTION 25-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF VETERANS AFFAIRS, SO AS TO ESTABLISH THE DIVISION WITHIN THE EXECUTIVE BRANCH OF GOVERNMENT, TO PROVIDE THAT THE DIRECTOR MUST BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE GENERAL ASSEMBLY, AND TO ENUMERATE THE DIVISION'S POWERS AND DUTIES; TO AMEND SECTION 25-11-20, RELATING TO THE DIRECTOR OF THE DIVISION OF VETERANS AFFAIRS, SO AS TO ENUMERATE SPECIFIC DUTIES; AND TO AMEND SECTION 25-11-40, RELATING TO THE APPOINTMENT, REMOVAL, TRAINING, AND ACCREDITATION OF COUNTY VETERANS AFFAIRS OFFICERS, SO AS TO REVISE THE DEFINITION OF "VETERAN" FOR PURPOSES OF APPOINTING COUNTY

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VETERANS AFFAIRS OFFICERS, TO ELIMINATE THE AUTHORITY TO APPOINT NONVETERANS TO SERVE AS COUNTY VETERANS AFFAIRS OFFICERS, TO PROVIDE AN EXCEPTION FOR PERSONS CURRENTLY SERVING AS COUNTY VETERANS AFFAIRS OFFICERS, AND TO REMOVE LOCAL NONCONFORMING PROVISIONS.

Rep. RIDGEWAY explained the Senate Amendments.

POINT OF ORDER

Rep. HILL raised the Point of Order that under Rule 9.3, Senate Amendment to H. 3438 was out of order as it was not germane to the Bill.

The SPEAKER ruled that the House could not vote on the germaness of Senate Amendments. When the Senate amends a House bill and it is returned to the House, we do not review germaness.

The SPEAKER overruled the Point of Order.

The question then recurred to the concurrence in the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 29

Those who voted in the affirmative are:

Alexander	Allison	Atkinson
Bales	Ballentine	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Calhoon	Chellis	Clary
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Davis	Dillard	Elliott
Erickson	Finlay	Forrester
Funderburk	Garvin	Gilliam
Gilliard	Govan	Hayes
Henegan	Hill	Hosey
Huggins	Hyde	Jefferson
Jordan	Kimmons	King
Kirby	Ligon	Lowe
Lucas	Mace	Mack
McCravy	McDaniel	Moore

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D. C. Moss	V. S. Moss	Murphy
W. Newton	Norrell	Ott
Parks	Pendarvis	Ridgeway
Rivers	Rose	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Weeks
West	Wheeler	Whitmire
R. Williams	Wooten	Young

Total--81

Those who voted in the negative are:

Anderson	Bailey	Bryant
Burns	Caskey	Chumley
Clemmons	Crawford	Felder
Forrest	Fry	Gagnon
Hardee	Hewitt	Hiott
Hixon	Johnson	Long
Magnuson	Martin	McGinnis
Morgan	B. Newton	Pope
Simmons	Toole	Trantham
White	Yow	

Total--29

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

RECORD FOR VOTING

Today, we voted to non-concur with Senate Amendments to H. 3438. We supported the original version of this Bill when adopted in the House. The Senate added a task force, which has no representation from the Upstate. The task force should have gone through a vetting of a committee in order to hear from the entire Veteran Community. We always have and will always continue to support our veterans.

Rep. Brian White
Rep. Craig Gagnon

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RECORD FOR VOTING

I inadvertently voted 'Nay' during the vote on H. 3438. I intended to concur in the Senate Amendments and I should have cast a 'Yea' vote instead.

Rep. Russell Fry

H. 4108--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4108 -- Reps. Stavrinakis, Simrill, Gilliard, Moore, Mack, Brown, Cogswell and Sottile: A CONCURRENT RESOLUTION TO REQUEST THE CHARLESTON COUNTY AVIATION AUTHORITY RENAME THE CHARLESTON INTERNATIONAL AIRPORT, THE "ERNEST F. 'FRITZ' HOLLINGS CHARLESTON INTERNATIONAL AIRPORT" AND TO ERECT APPROPRIATE MARKERS OR SIGNS AT THE AIRPORT CONTAINING THE WORDS "ERNEST F. 'FRITZ' HOLLINGS INTERNATIONAL AIRPORT".

The Concurrent Resolution was adopted and sent to the Senate.

H. 4185--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4185 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF BROAD RIVER ROAD AND HAVILAND CIRCLE IN RICHLAND COUNTY "DEPUTY DONNIE RENO WASHINGTON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and sent to the Senate.

H. 4186--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4186 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF PERCIVAL ROAD AND FAIRLAMB ROAD IN RICHLAND

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COUNTY "DEPUTY JERRY LEE HURD, JR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and sent to the Senate.

H. 4187--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4187 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF CUSHMAN DRIVE AND BALDWIN ROAD IN RICHLAND COUNTY "DEPUTY DARRAL KEITH LANE, SR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and sent to the Senate.

H. 4189--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4189 -- Rep. Lowe: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 327 AND SOUTH CAROLINA HIGHWAY 51 IN FLORENCE COUNTY "REVEREND BENNIE LEE GREENE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and sent to the Senate.

H. 4235--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4235 -- Rep. Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 1 APPROXIMATELY FOUR MILES OUTSIDE THE TOWN OF MCBEE "SERGEANT DARRYL QUICK MEMORIAL BRIDGE" AND ERECT

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APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

H. 4236--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4236 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF COIT STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH SUMTER STREET TO ITS INTERSECTION WITH DARLINGTON STREET "REVEREND DR. WILLIAM EDWARD CHANEY WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

H. 4233--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 4233 -- Rep. Stringer: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 14 AND FEWS CHAPEL ROAD IN GREENVILLE COUNTY "WILLIAM 'BUD' TURNER MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and sent to the Senate.

S. 476--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE

The following Concurrent Resolution was taken up:

S. 476 -- Senator Massey: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 391 IN SALUDA COUNTY OVER THE LITTLE SALUDA RIVER AT MILE MARKER 9.30 "CORPORAL DALE HALLMAN MEMORIAL

[HJ]

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BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

MOTION PERIOD

The motion period was dispensed with on motion of Rep. SIMRILL.

H. 3936--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3936 -- Reps. Davis, Daning, Chellis, Thigpen, Pendarvis, Erickson, Jefferson, R. Williams and Brown: A BILL TO AMEND SECTION 59-104-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR PALMETTO FELLOWS SCHOLARSHIPS, SO AS TO INCLUDE TWO-YEAR INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES AMONG INSTITUTIONS OF HIGHER LEARNING WHOSE STUDENTS MAY BE ELIGIBLE FOR THE SCHOLARSHIPS.

Rep. TAYLOR spoke in favor of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 2

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brown	Burns	Calhoon
Chellis	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cogswell	Collins	B. Cox
W. Cox	Crawford	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Garvin	Gilliam

[HJ]

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Govan	Hardee	Hart
Hayes	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Huggins	Hyde
Jefferson	Johnson	Jordan
Kimmons	King	Kirby
Ligon	Long	Lowe
Lucas	Mace	Mack
Magnuson	Martin	McCoy
McCravy	McDaniel	McGinnis
Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Sandifer	Simmons
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
Wheeler	Whitmire	R. Williams
S. Williams	Wooten	Young
Yow		

Total--109

Those who voted in the negative are:

Hill White

Total--2

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

H. 3807--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3807 -- Reps. Felder, Bernstein and Mack: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TEEN SKIN CANCER PREVENTION ACT" BY ADDING CHAPTER 129 TO TITLE 44 SO AS TO PROHIBIT INDIVIDUALS

[HJ]

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UNDER EIGHTEEN YEARS OF AGE FROM USING TANNING EQUIPMENT IN TANNING FACILITIES, TO ESTABLISH PENALTIES, AND FOR OTHER PURPOSES.

Rep. FRY proposed the following Amendment No. 1 to H. 3807 (COUNCIL\VR\3807C001.CC.VR19), which was tabled:

Amend the bill, as and if amended, SECTION 2, by striking Sections 44-129-20 through 44-129-30 and inserting:

/ Section 44-129-20. An individual must be at least eighteen years of age to use tanning equipment in a tanning facility in this State, unless the underage individual's parent or legal guardian signs a written consent form meeting the requirements of this section. The consent form must be signed by the parent or legal guardian at the tanning facility before the underage individual may use the equipment or facility, and the consent is only effective to give permission for the underage individual to use the equipment or facility on the date on which the parent or legal guardian signs the consent.

Section 44-129-30. Every operator of tanning equipment in this State and every tanning facility registrant subject to Chapter 7, Title 13, and applicable regulations promulgated pursuant to that chapter, shall comply with or ensure compliance with the following:

(1) Except when a parent or a legal guardian provides written consent in accordance with the provisions of Section 44-129-20, the operator shall prohibit an individual under eighteen years of age from using any tanning equipment, or otherwise being a consumer of the tanning facility, and shall demand proper proof of age to verify that an individual is at least eighteen years of age. Failure to demand identification to verify an individual's age is not a defense to any enforcement action taken pursuant to Section 44-129-40. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to violation of this chapter.

(2) The operator or registrant shall post a permanent, conspicuous, legible sign in the entrance to the tanning facility unobstructed by any barrier, equipment, or other item so that any prospective consumer entering the facility can easily view the sign which states: 'An individual must be at least eighteen years of age to use the tanning equipment without parental consent. It is a violation of South Carolina law for an individual under the age of eighteen years to use tanning equipment in this State without parental consent.' /

Renumber sections to conform.

Amend title to conform.

[HJ]

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Rep. FRY explained the amendment.

Rep. FRY spoke in favor of the amendment.
Rep. RIDGEWAY spoke against the amendment.
Rep. FINLAY spoke against the amendment.
Rep. HILL spoke in favor of the amendment.
Rep. HILL spoke in favor of the amendment.

SPEAKER *PRO TEMPORE* IN CHAIR

Rep. FINLAY spoke against the amendment.

Rep. FINLAY moved to table the amendment.

Rep. FRY demanded the yeas and nays which were taken, resulting as follows:

Yeas 59; Nays 45

Those who voted in the affirmative are:

Alexander	Bales	Ballentine
Bernstein	Blackwell	Brawley
Bryant	Chellis	Clary
Clyburn	Cobb-Hunter	Cogswell
Collins	Dillard	Felder
Finlay	Funderburk	Garvin
Gilliard	Hart	Hayes
Henegan	Herbkersman	Huggins
Hyde	Jefferson	Kimmons
King	Ligon	Mace
Mack	McCoy	McDaniel
Moore	D. C. Moss	Murphy
W. Newton	Norrell	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Robinson
Rose	Simmons	Simrill
G. M. Smith	Sottile	Spires
Stavrinakis	Tallon	Taylor
Thigpen	Weeks	Wheeler
R. Williams	S. Williams	

Total--59

[HJ]

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Those who voted in the negative are:

Allison	Atkinson	Bailey
Bannister	Bennett	Bradley
Brown	Burns	Chumley
Clemmons	B. Cox	W. Cox
Crawford	Elliott	Erickson
Forrest	Forrester	Fry
Gagnon	Gilliam	Hardee
Hewitt	Hill	Hiott
Johnson	Jordan	Kirby
Long	Lowe	Magnuson
Martin	McCravy	McGinnis
Morgan	V. S. Moss	B. Newton
Sandifer	G. R. Smith	Stringer
Thayer	Toole	Trantham
Whitmire	Wooten	Yow

Total--45

So, the amendment was tabled.

Rep. KIMMONS proposed the following Amendment No. 2 to H. 3807 (COUNCIL\WAB\3807C001.AGM.WAB19), which was tabled:

Amend the bill, as and if amended, Section 44-129-20 and Section 44-129-30, as contained in SECTION 2, by deleting the sections in their entirety and inserting:

/ Section 44-129-20. An individual must be at least eighteen years of age to use tanning equipment in a tanning facility in this State; provided, however, a person who is under eighteen years of age may use tanning equipment in a tanning facility in this State if prescribed by a physician licensed by the State Board of Medical Examiners.

Section 44-129-30. Every operator of tanning equipment in this State and every tanning facility registrant subject to Chapter 7, Title 13, and applicable regulations promulgated pursuant to that chapter, shall comply with or ensure compliance with the following:

(1) The operator shall prohibit an individual under eighteen years of age from using any tanning equipment, except as provided in Section 44-129-20, or otherwise being a consumer of the tanning facility, and shall demand proper proof of age to verify that an individual is at least eighteen years of age. Failure to demand identification to verify an

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individual's age is not a defense to any enforcement action taken pursuant to Section 44-129-40. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to violation of this chapter.

(2) The operator or registrant shall post a permanent, conspicuous, legible sign in the entrance to the tanning facility unobstructed by any barrier, equipment, or other item so that any prospective consumer entering the facility can easily view the sign which states: 'An individual must be at least eighteen years of age or have a prescription from a physician licensed in this State to use the tanning equipment. It is a violation of South Carolina law for an individual under the age of eighteen years to use tanning equipment in this State without a prescription from a physician licensed in this State.' /

Re-number sections to conform.

Amend title to conform.

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 72; Nays 39

Those who voted in the affirmative are:

Alexander	Anderson	Bales
Ballentine	Bannister	Bernstein
Blackwell	Brawley	Brown
Bryant	Calhoon	Chellis
Clary	Clyburn	Cobb-Hunter
Cogswell	Collins	W. Cox
Dillard	Felder	Finlay
Funderburk	Gagnon	Garvin
Gilliard	Hart	Hayes
Henegan	Herbkersman	Hosey
Huggins	Hyde	Jefferson
Jordan	Kimmons	King
Kirby	Ligon	Lucas
Mace	Mack	McCoy
McDaniel	Moore	D. C. Moss
Murphy	W. Newton	Norrell

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Ott	Parks	Pendarvis
Pope	Ridgeway	Rivers
Robinson	Rose	Sandifer
Simmons	Simrill	G. M. Smith
Sottile	Spires	Stavrinakis
Tallon	Taylor	Thigpen
Weeks	West	Wheeler
R. Williams	S. Williams	Wooten

Total--72

Those who voted in the negative are:

Allison	Atkinson	Bailey
Bennett	Bradley	Burns
Caskey	Chumley	Clemmons
B. Cox	Crawford	Elliott
Erickson	Forrest	Forrester
Fry	Gilliam	Hardee
Hewitt	Hill	Hiott
Hixon	Johnson	Long
Lowe	Magnuson	Martin
McCravy	McGinnis	Morgan
V. S. Moss	B. Newton	G. R. Smith
Stringer	Thayer	Toole
Trantham	Whitmire	Yow

Total--39

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

STATEMENT FOR JOURNAL

I was out of the Chamber speaking to the SC Asphalt Association when the vote on H. 3807 occurred. I would have voted against this Bill if present. I feel the Amendment by Rep. Frye that failed would have made this Bill better. I believe parents should have the right to allow their child to attend a tanning facility if they so choose.

Rep. Brian White

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H. 3807--MOTION TO RECONSIDER TABLED

Rep. OTT moved to reconsider the vote whereby the following Bill was given second reading:

H. 3807 -- Reps. Felder, Bernstein and Mack: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TEEN SKIN CANCER PREVENTION ACT" BY ADDING CHAPTER 129 TO TITLE 44 SO AS TO PROHIBIT INDIVIDUALS UNDER EIGHTEEN YEARS OF AGE FROM USING TANNING EQUIPMENT IN TANNING FACILITIES, TO ESTABLISH PENALTIES, AND FOR OTHER PURPOSES.

Rep. OTT moved to table the motion to reconsider, which was agreed to.

H. 4262--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4262 -- Reps. Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G. R. Smith, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO ENACT THE "SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT"; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO PROVIDE, AMONG OTHER THINGS, THAT CERTAIN AGREEMENTS OR ENACTMENTS PERTAINING TO THE DEPLOYMENT OF SMALL WIRELESS FACILITIES THAT DO NOT COMPLY WITH CERTAIN PROVISIONS OF THIS ACT MUST BE DEEMED INVALID AND UNENFORCEABLE BEGINNING OCTOBER 1, 2019; TO PROVIDE THAT CERTAIN UNITS OF LOCAL GOVERNMENT "AUTHORITIES" WITH CONTROL OVER RIGHTS OF WAY MAY NOT PROHIBIT, REGULATE, OR CHARGE FOR THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES; TO PROVIDE THAT SMALL WIRELESS FACILITIES MUST BE CLASSIFIED AS PERMITTED USES AND NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER SPECIFIED CIRCUMSTANCES; TO PROVIDE REQUIREMENTS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND ISSUANCE OF PERMITS FOR COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE AUTHORITIES TO ALLOW THE COLLOCATION OF

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SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES UNDER SPECIFIED CIRCUMSTANCES; TO PROHIBIT AUTHORITIES FROM REGULATING THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY SMALL WIRELESS FACILITY IN SPECIFIED CIRCUMSTANCES; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS JURISDICTION TO RESOLVE ALL DISPUTES ARISING UNDER THE ACT; AND TO PROHIBIT AN AUTHORITY FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY THE AUTHORITY OR ITS OFFICERS OR EMPLOYEES AND FROM NAMING THE AUTHORITY AS AN ADDITIONAL INSURED ON A WIRELESS PROVIDER'S INSURANCE POLICY.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4262 (COUNCIL\ZW\4262C001.BH.ZW19):

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

/ SECTION 1. Chapter 11, Title 58 of the 1976 Code is amended by adding:

“Article 5

Small Wireless Facilities Deployment Act

Section 58-11-800. (A) This article must be known and may be cited as the ‘South Carolina Small Wireless Facilities Deployment Act’.

(B) The General Assembly finds that:

(1) the deployment of small wireless facilities and other next-generation wireless and broadband network facilities is a matter of statewide concern and interest;

(2) wireless and broadband products and services are a significant and continually growing part of the state’s economy; accordingly, encouraging the development of strong and robust wireless and broadband communications networks throughout the state is integral to the state’s economic competitiveness;

(3) rapid deployment of small wireless facilities will serve numerous important statewide goals and public policy objectives including, without limitation, meeting growing consumer demand for wireless data, increasing competitive options for communications services available to the state’s residents; promoting the ability of the state’s citizens to communicate with other citizens and with their state and local governments; and promoting public safety;

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(4) small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are deployed most effectively in the rights of way (ROW);

(5) to meet the key objectives of this article, wireless providers must have access to the ROW and the ability to attach to infrastructure in the ROW to densify their networks and provide next generation wireless services;

(6) uniform rates and fees for the permitting and deployment of small wireless facilities in the ROW and on authority infrastructure, including poles, throughout the State is reasonable and will encourage the development of robust next-generation wireless and broadband networks for the benefit of citizens throughout the State;

(7) the procedures, rates and fees in this article are fair and reasonable when viewed from the perspective of the state's citizens and the state's interest in having robust, reliable, and technologically advanced wireless and broadband networks; and reflect a balancing of the interests of the wireless providers deploying new facilities and the interests of authorities in recovering their costs of managing access to the ROW and the attachment space provided on authority infrastructure in such ROW; and

(8) this article fully occupies the entire field governing the placement and regulation of small wireless facilities and associated wireless support structures and poles in the ROW, and it supersedes and preempts any ordinance, resolution, rule, or similar matter adopted by an authority that purports to address or otherwise regulate the placement of such small wireless facilities, wireless support structures, and poles in the ROW.

Section 58-11-810. For purposes of this article:

(1) 'Antenna' means:

(a) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; or

(b) similar equipment used for the transmission or reception of surface waves.

(2) 'Applicable codes' means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this article.

(3) 'Applicant' means any person that submits an application.

(4) 'Application' means a request submitted by an applicant to an authority:

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- (a) for a permit to collocate small wireless facilities; or
- (b) to approve the installation, modification, or replacement of a pole or wireless support structure.

(5) ‘Authority’ means any county, municipality, or consolidated government or any agency, district, subdivision or instrumentality thereof.

(6) ‘Authority pole’ means a pole owned, managed, or operated by or on behalf of an authority, provided however, that such term shall not include poles, support structures, electric transmission structures, or equipment of any type that are part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation.

(7) ‘Collocate or collocation’ means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or pole.

(8) ‘Communications facility’ means the set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless service; surface wave communication, or other one-way or two-way communications service.

(9) ‘Communications network’ means a network used to provide communications service.

(10) ‘Communications service’ means cable service as defined in 47 U.S.C. 522(6), information service as defined in 47 U.S.C. 153(24), telecommunications service as defined in 47 U.S.C 153(53), or wireless service.

(11) ‘Communications service provider’ means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C., Section 153(51); or a wireless provider.

(12) ‘Compliant provision’ means an enactment addressing aesthetics, undergrounding, or historical districts that adopts regulations that are:

- (a) no more burdensome than those applied to other types of infrastructure deployments in the rights of way;

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- (b) reasonable;
- (c) objective;
- (d) published within thirty days prior to becoming applicable with regard to any wireless provider; and
- (e) not an effective prohibition of service that is prohibited by federal law.

(13) ‘Decorative pole’ means an authority pole that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility or specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal rules or codes.

(14) ‘Enactment’ means any ordinance, rule, policy, or equivalently binding measure adopted by an authority.

(15) ‘FCC’ means the Federal Communications Commission of the United States.

(16) ‘Fee’ means a one-time, nonrecurring charge.

(17) ‘Historic district’ means a group of buildings, properties, or sites that are either:

(a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or

(b) a registered historic district pursuant to state law as of this article’s effective date.

(18) ‘Law’ means federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

(19) ‘Micro wireless facility’ means a small wireless facility that meets the following qualifications:

(a) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and

(b) any exterior antenna that is no longer than eleven inches.

(20) ‘Network interface device’ means the telecommunications demarcation device and cross connect point pole demarcating the boundary with any wireline backhaul facility and which is on or adjacent to the pole or support structure supporting the small wireless facility.

(21) ‘Permit’ means a written authorization, in electronic or hard copy format, required to be issued by an authority to initiate, continue, or complete the collocation of a small wireless facility or the installation,

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modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

(22) 'Person' means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(23) 'Pole' means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way including, without limitation, a replacement pole and an authority pole. Such term shall not include a support structure or electric transmission structure.

(24) 'Rate' means a recurring charge.

(25) 'Rights of way' or 'ROW' means the area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property; provided, however, that such term shall apply only to property or any interest therein that is under the ownership or control of an authority and shall not include property or any interest therein acquired for or devoted to a federal interstate highway.

(26) 'Small wireless facility' means radio transceivers; surface wave couplers; antennas; coaxial or fiber optic cable located on a pole or support structure, immediately adjacent to a pole or support structure, or directly associated with equipment located on a pole or support structure and within a one hundred-yard radius of the pole or support structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meets both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the small wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services. The term 'small wireless facility' does not include: the pole, support structure, or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; wireline backhaul facilities; or coaxial or fiber-optic cable that is between small wireless

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facilities, poles, or support structures or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

(27) 'Support structure' means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

(28) 'Technically feasible' means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location can be implemented without a reduction in the functionality of the small wireless facility.

(29) 'Wireless communications' means any communications using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(30) 'Wireless infrastructure provider' means any person, including a person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

(31) 'Wireless provider' means a wireless infrastructure provider or a wireless services provider.

(32) 'Wireless services' means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(33) 'Wireless services provider' means a person who provides wireless services.

(34) 'Wireline backhaul facility' means an above-ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Section 58-11-815. (A) An agreement or enactment that does not fully comply with this section applies only to small wireless facilities and associated poles and support structures that were installed before October 1, 2019, and must be deemed invalid and unenforceable beginning October 1, 2019, until amended to fully comply with this article. If an agreement or enactment is invalid and unenforceable in accordance with this section, small wireless facilities and associated utility poles that were installed before October 1, 2019, pursuant to such agreement or ordinance may remain installed at the option of the wireless provider and must be operated and maintained under the provisions of this article.

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(B)(1) No later than October 1, 2019, an authority may adopt an enactment that:

(a) adopts compliant provisions in lieu of the provisions of Section 58-11-820(F)(2), (G), and (H);

(b) authorizes wireless providers to install and operate small wireless facilities and associated poles and support structures in strict compliance with all other provisions of this article; and

(c) if the authority is a municipality, grants any consent that has not previously been granted, either expressly or otherwise, for wireless providers to install and operate small wireless facilities and associated poles and support structures in compliance with subitems (a) and (b).

(C) In the absence of an enactment that strictly complies with subsection (B), and until such an enactment is adopted, if at all, a wireless provider may install and operate small wireless facilities and associated poles and support structures under the requirements of this article on and after October 1, 2019.

(D)(1) An authority must not require a wireless provider to enter into an agreement including, without limitation, a franchise agreement whether memorialized in an ordinance or in any other manner, to implement this article, but nothing in this article prohibits an authority and a wireless provider from voluntarily entering one or more such agreements after the effective date of this article, including such agreements with rates, fees, and other terms that differ from those in this article, provided however, that the authority must make each such agreement available for public inspection and available for adoption upon the same terms and conditions to any requesting wireless provider.

(2) Agreements entered into pursuant to item (1) are public-private arrangements and are matters of legitimate and significant statewide concern.

Section 58-11-820. (A) The provisions of this section shall apply only to activities of a wireless provider within the ROW to deploy small wireless facilities and associated poles.

(B) An authority may not enter into an exclusive arrangement with any person for use of the ROW for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of poles.

(C) Subject to the exceptions pursuant to Section 58-11-830(E)(1), an authority only may charge a wireless provider a nondiscriminatory rate or fee for the use of the ROW with respect to the collocation of small wireless facilities or the installation, maintenance, modification,

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operation, or replacement of a pole in the ROW, if the authority charges other entities for use of the ROW. Notwithstanding the foregoing, an authority is permitted, on a nondiscriminatory basis, to refrain from charging any rate to a wireless provider for the use of the ROW. The rate for use of the ROW is provided in Section 58-11-850.

(D) Subject to the provisions of this section, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace poles in the ROW. These structures and facilities must be so installed and maintained as not to obstruct or hinder the usual travel or public safety in the ROW or obstruct the legal use of the ROW by utilities.

(E)(1) Each new or modified pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing pole in place as of the effective date of this article located within five hundred feet of the new pole in the same ROW, or fifty feet above ground level.

(2) New small wireless facilities in the ROW may not extend more than ten feet above an existing pole in place as of the effective date of this article; or for small wireless facilities on a new pole, above the height permitted for a new pole pursuant to this section.

(3) Subject to the provisions of this section and applicable zoning regulations, a wireless provider must have the right to collocate a small wireless facility and install, maintain, modify, operate, and replace a pole that exceeds the height limits set forth in item (1) in the ROW.

(F)(1) A wireless provider must be permitted to collocate on or replace decorative poles when necessary to deploy a small wireless facility.

(2) An authority may require the collocation or decorative pole replacement to reasonably conform to the design aesthetics of the original decorative pole or poles, provided these requirements are technically feasible.

(G)(1) A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of poles or wireless support structures in the ROW in an area designated solely for underground communications and electric lines, where:

(a) no less than three months prior to the submission of the application, the authority has required all such lines to be placed underground;

(b) poles the authority allows to remain are made available to wireless providers for the collocation of small wireless facilities and may

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be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this article; or

(c) a wireless provider is allowed to install a new pole when it is not able to provide wireless service by collocating on a remaining pole or wireless support structure.

(2) For small wireless facilities installed before an authority adopts requirements that comply with item (1), an authority adopting such requirements shall:

(a) permit a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the pole owner; or

(b) permit the wireless provider to replace the associated pole within fifty feet of the prior location, provided that the wireless provider shall allow communications service providers with attachments on the existing utility pole to place those attachments on the replacement utility pole under the same or reasonably similar rates, terms, and conditions as applied to those attachments on the existing pole.

(H) Subject to Section 58-11-830(D), an authority may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures in a historic district. These design or concealment measures may not have the effect of prohibiting any provider's technology; nor may any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

(I) The authority, in the exercise of its administration and regulation related to the management of the ROW, must be competitively neutral and nondiscriminatory with regard to all users of the ROW. The authority's ROW may not be unreasonable or discriminatory and may not violate any applicable law.

(J) The authority may require a wireless provider to repair all damage to the ROW directly caused by the activities of the wireless provider in the ROW and to return the ROW to its functional equivalence before the damage pursuant to the competitively neutral, reasonable requirements and specifications of the authority. If the wireless provider fails to make the repairs required by the authority within a reasonable time after written notice, the authority may make those repairs and charge the applicable party the reasonable, documented cost of such repairs.

(K) A wireless provider must not be required to replace or upgrade an existing pole except for reasons of structural necessity or compliance with applicable codes. A wireless provider may, with the permission of

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the pole owner, replace or modify existing poles, but any such replacement or modification must be consistent with the design aesthetics of the poles being modified or replaced.

(L) New, modified, or replacement poles associated with a small wireless facility which meet the requirements of this section are permitted uses pursuant to the permit process in Section 58-11-830(D).

(M) A wireless provider shall notify the authority at least thirty days before its abandonment of a small wireless facility. Following receipt of such notice, the authority may direct the wireless provider to remove all or any portion of the small wireless facility if the authority determines that such removal is in the best interest of the public safety and public welfare. If the wireless provider fails to remove the abandoned facility within ninety days after such notice, the authority may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors or assigns.

(N) Nothing in this article relieves any person including, without limitation, any wireless provider, of any applicable obligation to pay business license taxes including, without limitation, those provided for in Section 58-9-2200, et. seq., or franchise fees. Any entity that uses the ROW, directly or indirectly, including through leased facilities, to provide services in a municipality is responsible for all applicable taxes and fees related to the services provided.

Section 58-11-830. (A) The provisions of this section shall apply to the permitting of the collocation of small wireless facilities by a wireless provider in the ROW and to the permitting of the installation, modification, and replacement of associated poles by a wireless provider inside the ROW.

(B) Except as provided in this article, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities and associated poles described in subsection (A).

(C) Small wireless facilities must be classified as permitted uses and not subject to zoning review or approval if they are collocated in the ROW in any zone.

(D) An authority may require an applicant to obtain one or more permits to collocate a small wireless facility or install a new, modified, or replacement pole associated with a small wireless facility as provided in Section 58-11-820(D), provided the permits are of general applicability and do not apply exclusively to wireless facilities. An authority shall receive applications for, process, and issue such permits subject to the following requirements:

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(1) An authority may not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority including, but not limited to, reserving fiber, conduit, or pole space for the authority.

(2) An applicant must not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant may be required to include construction and engineering drawings and information demonstrating compliance with the criteria delineated in item (9).

(3) An authority may not require:

(a) the collocation of small wireless facilities on a specific pole or category of poles or require multiple antenna systems on a single pole;

(b) the use of specific pole types or configurations when installing new or replacement poles; or

(c) subject to Section 58-11-820(G)(1), the underground placements of small wireless facilities that are or are designated in an application to be pole-mounted or ground-mounted.

(4) An authority may not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements from existing small wireless facilities, poles, or other structures.

(5) The authority may require an applicant to include an attestation that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the authority and the applicant agree to extend this period or delay is caused by lack of commercial power or by the lack of communications transport facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant.

(6) The authority may require an applicant that is not a wireless services provider to include an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the utility pole at the requested location.

(7) Within ten days of receiving an application, an authority must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority shall specifically identify the missing information in writing. The processing deadline in item (8) is tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the

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missing information. That processing deadline also may be tolled by agreement of the applicant and the authority, confirmed in writing.

(8) An application must be processed on a nondiscriminatory basis and is deemed approved if the authority fails to approve or deny the application within sixty days of receipt of the application.

(9) An authority may deny a proposed collocation of a small wireless facility or a proposed installation, modification, or replacement of a pole that meets the requirements in Section 58-11-820(E) only if the proposed application:

(a) materially interferes with the safe operation of traffic control equipment;

(b) materially interferes with sight lines or clear zones for transportation or pedestrians;

(c) materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

(d) fails to comply with reasonable and nondiscriminatory horizontal spacing requirements of general application adopted by ordinance that concern the location of ground-mounted equipment and new poles. These spacing requirements may not prevent a wireless provider from serving any location;

(e) designates the location of a new pole for the purpose of collocating a small wireless facility within seven feet in any direction of an electrical conductor, unless the wireless provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(f) fails to comply with applicable codes; or

(g) fails to comply with Section 58-11-820(F), (G), or (H) or any compliant provisions adopted in lieu thereof in accordance with Section 58-11-815(B).

(10) The authority shall document the basis for a denial, including the specific provisions of this article on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within thirty days of resubmission and limit its review to the deficiencies cited in the denial. Any application not acted upon within thirty days of resubmission is deemed approved.

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(11) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority must be allowed at the applicant's discretion to file a consolidated application for up to thirty small wireless facilities and receive a single permit for the collocation of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application must not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.

(12) Installation or collocation for which a permit is granted pursuant to this section must be completed within one year of the permit issuance date unless the authority and the applicant agree to extend this period or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant. Approval of an application authorizes the applicant to:

(a) undertake the installation or collocation; and

(b) subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of no less than ten years, which must be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in item (9).

(13) An authority may not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications, or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification, or replacement of poles to support small wireless facilities.

(14) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section neither constitutes an authorization nor affects any authorization a provider may have to provide a communication service or to install, place, maintain, or operate any other communications facility, including a wireline backhaul facility, in a ROW.

(E)(1) An authority may not require a permit or any other approval or charge fees or rates for:

(a) routine maintenance;

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(b) the replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or

(c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are suspended between poles or wireless support structures in compliance with applicable codes.

(2) An authority may require a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for the activities described in item (1). Such a permit must be issued to the applicant on a nondiscriminatory basis upon terms and conditions that apply to the activities of any other person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.

Section 58-11-840. (A) The provisions of this section apply to activities of any wireless provider in the ROW.

(B) A person owning, managing, or controlling authority poles in the ROW may not enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or otherwise acquires an authority pole is subject to the requirements of this section.

(C) An authority shall allow the collocation of small wireless facilities on authority poles on nondiscriminatory terms and conditions pursuant to Section 58-11-830.

(D)(1) The rates to collocate on authority poles must be nondiscriminatory regardless of the services provided by the collocating wireless provider.

(2) The rate to collocate on authority poles must be as set forth in Section 58-11-850.

(E)(1) The rates, fees, terms, and conditions for make-ready work to collocate on an authority pole must be nondiscriminatory, competitively neutral, and commercially reasonable and must comply with this article.

(2) The authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within sixty days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within sixty days of written acceptance of the good faith estimate by the applicant. An authority may require replacement of the authority pole only if it demonstrates that the collocation would make the authority pole structurally unsound.

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(3) The person owning, managing, or controlling the authority pole must not require more make-ready work than required to meet applicable codes or industry standards. Fees assessed by or on behalf of an authority for make-ready work, including any pole replacement, must not:

(a) include costs related to preexisting or prior damage or noncompliance;

(b) exceed either actual costs or the amount charged to other communications service providers for similar work; or

(c) include any revenue or contingency-based consultant's fees or expenses of any kind.

(4) A wireless provider collocating on an authority pole pursuant to this article is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the collocation. If the authority includes such costs of a third party in the good faith estimate provided pursuant to item (2) of this section, payment of that estimate to the authority constitutes reimbursement of the third party by the wireless provider. Otherwise, the third party may bill the wireless provider for such reimbursement within six months of the completion of the third party's make-ready work.

Section 58-11-850. (A) This section governs an authority's rates and fees for the collocation of a wireless facility or installation of an associated pole.

(B) Except as it relates to small wireless facilities subject to the permit and fee requirements established pursuant to this article or otherwise specifically authorized by state or federal law including, without limitation, Article 20 of Chapter 9, Title 58, an authority may not:

(1) adopt or enforce any regulations or requirements on the placement or operation of communications facilities in a ROW by a communications service provider authorized by federal, state, or local law to operate in a ROW;

(2) regulate any communications services; or

(3) impose or collect any tax, fee, or charge for the provision of any communications service over the communications service provider's communications facilities in a ROW.

(C) Without limiting the foregoing, a wireless provider is authorized to deploy small wireless facilities and associated poles in a ROW in compliance with this article regardless of whether the provider

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has sought or obtained any certificate or other authority from the Public Service Commission of South Carolina.

(D)(1) A municipality may not charge an application fee to a wireless provider that is subject to a business license tax that is or could be imposed on it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or could be imposed on it pursuant to Section 58-9-2230.

(2) A municipality may not charge any application fee to any communications service provider that is subject to a franchise fee that is or could be imposed on it pursuant to Section 58-12-330.

(3) Except as provided in item (1) and (2), an authority may charge an application fee, so long as the fee is reasonable, nondiscriminatory, and recovers no more than an authority's direct costs for processing an application; provided however, the fee may not exceed:

(a) one hundred dollars each for the first five small wireless facilities on the same application and fifty dollars for each additional small wireless facility on the same application; or

(b) two hundred fifty dollars for the installation, modification, or replacement of a pole together with the collocation of an associated small wireless facility that are permitted uses in accordance with the specifications in Section 58-11-820(D).

(E)(1) A municipality may not charge any fee for the occupancy and use of the ROW to a wireless provider that is subject to a business license tax that is or could be imposed on it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or could be imposed on it pursuant to Section 58-9-2230.

(2) A municipality may not charge any fee for the occupancy and use of the ROW to a communications service provider that is subject to a franchise fee that is or could be imposed on it pursuant to Section 58-12-330.

(3) Except as provided in item (1) and (2), an authority may charge a wireless provider for the occupancy and use of the ROW, so long as such rate is reasonable, nondiscriminatory, and does not exceed twenty dollars per year per small wireless facility.

(F)(1) An authority may charge for collocation of a small wireless facility on an authority pole, but any such rate must be reasonable, nondiscriminatory, and recover no more than the authority's direct costs associated with such collocation, not to exceed twenty dollars per authority pole per year.

(2) Other than requiring a wireless provider to pay attachment fees as permitted by item (1), an authority may not require any person or

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entity with facilities installed on a pole or support structure to pay any additional attachment fees as a result of the granting of an application for a permit under this article.

Section 58-11-853. The construction, installation, maintenance, modification, operation, and replacement of wireline backhaul facilities in the right of way are not addressed by this article, and any such activity shall comply with the applicable provisions of the 1976 Code including, without limitation, Section 58-9-280(A) and (B) and Chapter 12, Title 58.

Section 58-11-857. An applicant in the right of way must not install, maintain, modify, operate, repair, or replace any small wireless facilities, wireless support structures, poles, or decorative poles in a manner that will interfere with any existing infrastructure, equipment, or service including, without limitation, infrastructure, equipment, or service used to provide communications, electric, gas, water, or sewer services.

Section 58-11-860. The provisions of this section apply only to activities in the ROW. Nothing in this article must be interpreted to:

(1) allow an entity to provide services regulated pursuant to 47 U.S.C. Sections 521 to 573, without compliance with all laws applicable to such providers; or

(2) impose any new requirements on cable providers for the provision of such service in this State.

Section 58-11-870. Pursuant to the provisions of this article and applicable federal law, an authority may continue to exercise zoning, land use, planning and permitting authority within its territorial boundaries with respect to wireless support structures and poles, including the enforcement of applicable codes. An authority may not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of a small wireless facility located in an interior structure or upon the site of a campus, stadium, or athletic facility not owned or controlled by the authority, other than to require compliance with applicable codes. Nothing in this article authorizes the State or a political subdivision, including an authority, to require any wireless facility deployment or to regulate wireless services.

Section 58-11-880. This article does not apply to poles owned by an investor-owned utility, except as it concerns a wireless provider's access to the ROW and permits for the collocation of small wireless facilities on such poles.

Section 58-11-900. The Administrative Law Court has jurisdiction to determine all disputes arising under this article between an applicant

and an authority or any person or entity acting on behalf of an authority. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority poles, the person owning or controlling the pole must allow the collocating person to collocate on its poles at annual rates of no more than twenty dollars with the actual rate to be settled upon final resolution of the dispute. Disputes subject to this section must be adjudicated pursuant to accelerated docket or complaint procedures, if available.

Section 58-11-910. (A) An authority may adopt reasonable indemnification, insurance and bonding requirements related to small wireless facility and associated pole permits subject to the requirements of this section.

(B) An authority may not require a wireless provider to indemnify and hold the authority and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, except when a court of competent jurisdiction has found that the negligence of the wireless provider while installing, repairing, or maintaining facilities, poles, or support structures pursuant to this article caused the harm that created such claims, lawsuits, judgments, costs, liens, losses, expenses, or fees.

(C) An authority may require a wireless provider to have in effect insurance coverage consistent with this section, so long as the authority imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory.

(1) An authority may not require a wireless provider to obtain insurance naming the authority or its officers and employees as additional insureds.

(2) An authority may require a wireless provider to furnish proof of insurance, if required, prior to the effective date of a permit issued for a small wireless facility.

(D) An authority may adopt bonding requirements for small wireless facilities if the authority imposes similar requirements in connection with permits issued for other ROW users.

(1) The purpose of such bonds must be to provide for the:

(a) removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines must be removed to protect public health, safety, or welfare;

(b) restoration of the ROW as provided in Section 58-11-820(J); and

(c) recoupment of rates or fees that have not been paid by a wireless provider in over twelve months, so long as the wireless provider

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has received reasonable notice from the authority of any of the noncompliance listed above and an opportunity to cure.

(2) Bonding requirements may not exceed two hundred dollars per small wireless facility. For wireless providers with multiple small wireless facilities within the jurisdiction of a single authority, the total bond amount across all facilities may not exceed ten thousand dollars, and that amount may be combined into one bond instrument.

Section 58-11-920. Neither the State nor any agency, department, or instrumentality thereof may condition a wireless provider's access to any ROW or a wireless provider's deployment of small wireless facilities and associated poles in any ROW on the wireless provider's seeking or obtaining any certificate or other authority from the Public Service Commission of South Carolina; provided however, that for any wireless provider that is not also a wireless services provider, such access and deployment may be conditioned on an attestation that a wireless services provider has requested in writing that the wireless provider deploy small wireless facilities or associated poles at the requested location."

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

Rep. FORRESTER explained the amendment.

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

Rep. FORRESTER proposed the following Amendment No. 2 to H. 4262 (COUNCIL\ZW\4262C002.CC.ZW19), which was adopted:

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

/ SECTION 1. Chapter 11, Title 58 of the 1976 Code is amended by adding:

“Article 5

Small Wireless Facilities Deployment Act

Section 58-11-800. (A) This article must be known and may be cited as the ‘South Carolina Small Wireless Facilities Deployment Act’.

(B) The General Assembly finds that:

(1) the deployment of small wireless facilities and other next-generation wireless and broadband network facilities is a matter of statewide concern and interest;

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(2) wireless and broadband products and services are a significant and continually growing part of the state's economy; accordingly, encouraging the development of strong and robust wireless and broadband communications networks throughout the state is integral to the state's economic competitiveness;

(3) rapid deployment of small wireless facilities will serve numerous important statewide goals and public policy objectives including, without limitation, meeting growing consumer demand for wireless data, increasing competitive options for communications services available to the state's residents; promoting the ability of the state's citizens to communicate with other citizens and with their state and local governments; and promoting public safety;

(4) small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are deployed most effectively in the rights of way (ROW);

(5) to meet the key objectives of this article, wireless providers must have access to the ROW and the ability to attach to infrastructure in the ROW to densify their networks and provide next generation wireless services;

(6) uniform rates and fees for the permitting and deployment of small wireless facilities in the ROW and on authority infrastructure, including poles, throughout the State is reasonable and will encourage the development of robust next-generation wireless and broadband networks for the benefit of citizens throughout the State;

(7) the procedures, rates and fees in this article are fair and reasonable when viewed from the perspective of the state's citizens and the state's interest in having robust, reliable, and technologically advanced wireless and broadband networks; and reflect a balancing of the interests of the wireless providers deploying new facilities and the interests of authorities in recovering their costs of managing access to the ROW and the attachment space provided on authority infrastructure in such ROW; and

(8) except as provided in Code Section 58-11-815, this article supersedes and preempts any enactment by an authority that contradicts, expands, contracts, or otherwise modifies the provisions of this article with respect to the regulation of the placement of small wireless facilities, support structures, and poles in the ROW.

Section 58-11-810. For purposes of this article:

(1) 'Antenna' means:

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(a) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; or

(b) similar equipment used for the transmission or reception of surface waves.

(2) ‘Applicable codes’ means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this article.

(3) ‘Applicant’ means any person that submits an application.

(4) ‘Application’ means a request submitted by an applicant to an authority:

(a) for a permit to collocate small wireless facilities; or

(b) to approve the installation, modification, or replacement of a pole.

(5) ‘Authority’ means any county, municipality, or consolidated government or any agency, district, subdivision or instrumentality thereof.

(6) ‘Authority pole’ means a pole owned, managed, or operated by or on behalf of an authority, provided however, that such term shall not include poles, support structures, electric transmission structures, or equipment of any type that are part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation.

(7) ‘Collocate or collocation’ means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a support structure or pole.

(8) ‘Communications facility’ means the set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless service; surface wave communication, or other one-way or two-way communications service.

(9) ‘Communications network’ means a network used to provide communications service.

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(10) ‘Communications service’ means cable service as defined in 47 U.S.C. 522(6), information service as defined in 47 U.S.C. 153(24), telecommunications service as defined in 47 U.S.C. 153(53), or wireless service.

(11) ‘Communications service provider’ means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider.

(12) ‘Compliant provision’ means a provision or regulation in an enactment applicable to poles, support structures, replacement poles, and small wireless facilities that:

(a) addresses only: aesthetics, design, concealment, or stealth requirements that are technically feasible and technologically neutral; decorative poles; underground districts; or historical districts;

(b) is no more burdensome than provisions or regulations applied to other types of infrastructure deployments in the rights of way;

(c) is reasonable;

(d) is objective;

(e) is published within thirty days prior to becoming applicable with regard to any wireless provider; and

(f) is not an effective prohibition of service that is prohibited by federal law.

(13) ‘Decorative pole’ means an authority pole that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility or specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal rules or codes.

(14) ‘Enactment’ means any ordinance, rule, policy, or equivalently binding measure adopted by an authority.

(15) ‘FCC’ means the Federal Communications Commission of the United States.

(16) ‘Fee’ means a one-time, nonrecurring charge.

(17) ‘Historic district’ means a group of buildings, properties, or sites that are either:

(a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or

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(b) a registered historic district pursuant to state law as of this article's effective date; or

(c) an overlay zone, as defined in and limited by Section 6-29-720(C)(5):

(i) that has been established by the authority with regulatory control of zoning within the specified geographic area at least sixty days prior to the relevant application;

(ii) for which the special public interest to be protected is the preservation and protection of historic and architecturally valuable districts and neighborhoods; and

(iii) for which the authority maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

(18) 'Law' means an enactment or a federal or state law, statute, common law, code, rule, regulation, or order.

(19) 'Micro wireless facility' means a small wireless facility that meets the following qualifications:

(a) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and

(b) any exterior antenna that is no longer than eleven inches.

(20) 'Network interface device' means the telecommunications demarcation device and cross connect point demarcating the boundary with any wireline backhaul facility and which is on or adjacent to the pole or support structure supporting the small wireless facility.

(21) 'Permit' means a written authorization, in electronic or hard copy format, required to be issued by an authority to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

(22) 'Person' means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(23) 'Pole' means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way including, without limitation, a replacement pole and an authority pole. Such term shall not include a support structure or electric transmission structure.

(24) 'Rate' means a recurring charge.

(25) 'Rights of way' or 'ROW' means the area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property; provided, however, that such term shall apply only to property or any

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interest therein that is under the ownership or control of an authority and shall not include property or any interest therein acquired for or devoted to a federal interstate highway.

(26) ‘Small wireless facility’ means radio transceivers; surface wave couplers; antennas; coaxial or fiber optic cable located on a pole or support structure, immediately adjacent to a pole or support structure, or directly associated with equipment located on a pole or support structure and within a one hundred-yard radius of the pole or support structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meets both of the following qualifications:

(i) each wireless provider’s antenna could fit within an enclosure of no more than six cubic feet in volume; and

(ii) all other wireless equipment associated with the small wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services. The term ‘small wireless facility’ does not include: the pole, support structure, or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; wireline backhaul facilities; or coaxial or fiber optic cable that is between small wireless facilities, poles, or support structures or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

(27) ‘Support structure’ means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

(28) ‘Technically feasible’ means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location can be implemented without a material reduction in the functionality of the small wireless facility.

(29) ‘Underground District’ means a group of buildings, properties, or sites:

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(a) that has been established by the authority with regulatory control of zoning within the specified geographic area;

(b) in which enactments, zoning regulations, state law, private deed restrictions, or other public or private restrictions prohibit installing above-ground poles or support structures in the ROW;

(c) in which the authority has required all communications and electric lines in the specified geographic area to be placed underground at least sixty days prior to the relevant application; and

(d) for which the authority maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

(30) 'Wireless communications' means any communications using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(31) 'Wireless infrastructure provider' means any person, including a person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, wireless facilities or support structures, but that is not a wireless services provider.

(32) 'Wireless provider' means a wireless infrastructure provider or a wireless services provider.

(33) 'Wireless services' means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(34) 'Wireless services provider' means a person who provides wireless services.

(35) 'Wireline backhaul facility' means an above-ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Section 58-11-815. (A) If an authority and a wireless provider entered into a written agreement addressing the subject matter of this article prior to December 31, 2019:

(1) this article shall not apply until such agreement expires or is terminated pursuant to its terms with regard to poles, support structures, replacement poles, and small wireless facilities installed pursuant to such agreement prior to December 31, 2019; and

(2) otherwise, the provisions of this chapter shall apply to poles, support structures, replacement poles, and small wireless facilities installed on or after December 31, 2019.

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(B) With regard to any enactment that was adopted prior to the effective date of this article and that addresses the subject matter of this article:

(1) any compliant provisions in such enactment remain in effect and, to the extent that such compliant provisions apply to decorative poles, underground districts, or historic districts, shall apply in lieu of Section 58-11-820(F)(2), (G)(1), and (H); and

(2) all other provisions of any such enactment are invalid, and all other provisions of this article apply in lieu thereof.

(C) An authority may adopt an enactment that:

(1) adopts compliant provisions, which to the extent that such compliant provisions apply to decorative poles, underground districts, or historic districts, shall apply in lieu of the provisions of Section 58-11-820(F)(2), (G)(1), and (H);

(2) authorizes wireless providers to install and operate small wireless facilities and associated poles and support structures in strict compliance with all other provisions of this article; and

(3) if the authority is a municipality, grants any consent that has not previously been granted, either expressly or otherwise, for wireless providers to install and operate small wireless facilities and associated poles and support structures in compliance with items (1) and (2).

(D) An enactment that strictly complies with subsection (B) or (C) complies with this article and shall be fully applicable within the territorial jurisdiction of such authority. In the absence of such an enactment, and until such an enactment is adopted, if at all, a wireless provider may install and operate small wireless facilities and associated poles and support structures under the requirements of this article on and after December 31, 2019.

(E)(1) An authority must not require a wireless provider to enter into an agreement including, without limitation, a franchise agreement whether memorialized in an enactment or in any other manner, to implement this article, but nothing in this article prohibits an authority and a wireless provider from voluntarily entering one or more such agreements after the effective date of this article, including such agreements with rates, fees, and other terms that differ from those in this article, provided however, that the authority must make each such agreement available for public inspection and available for adoption upon the same terms and conditions to any requesting wireless provider.

(2) Agreements entered into pursuant to item (1) are public-private arrangements and are matters of legitimate and significant statewide concern.

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Section 58-11-820. (A) The provisions of this section shall apply only to activities of a wireless provider within the ROW to deploy small wireless facilities and associated poles.

(B) An authority may not enter into an exclusive arrangement with any person for use of the ROW for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of poles.

(C) Subject to the exceptions pursuant to Sections 58-11-830(E)(1) and 58-11-850(E)(1) and (2), an authority may charge a wireless provider a rate or fee for the use of the ROW with respect to the collocation of small wireless facilities or the installation, maintenance, modification, operation, or replacement of a pole in the ROW only if such rate or fee is nondiscriminatory and only if the authority charges other similarly situated entities for use of the ROW. Notwithstanding the foregoing, an authority is permitted, on a nondiscriminatory basis, to refrain from charging any rate or fee to a wireless provider for the use of the ROW. The rates or fees for such use of the ROW and associated applications and attachments to authority poles are provided in Section 58-11-850.

(D) Subject to the provisions of this section, a wireless provider shall have the right, as a permitted use subject only to administrative review pursuant to Section 58-11-830, to collocate small wireless facilities and install, maintain, modify, operate, and replace poles in the ROW. These structures and facilities must be installed and maintained so as not to: create a safety hazard; obstruct or hinder the usual travel in or the public's safe use of the ROW; or obstruct the legal use of the ROW by utilities.

(E)(1) Each new or modified pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing pole in place as of the effective date of this article located within five hundred feet of the new pole in the same ROW, or fifty feet above ground level; provided, however, that for applications to place poles in residential zoning districts to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

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(2) New small wireless facilities in the ROW may not extend more than ten feet above an existing pole in place as of the effective date of this article; or for small wireless facilities on a new pole, above the height permitted for a new pole pursuant to this section.

(3) To the extent permitted by and approved under applicable zoning or other regulations, a wireless provider shall have the right to collocate a small wireless facility on and install, maintain, modify, operate, and replace poles in the ROW that exceed the height limits set forth in subsection (E)(1).

(F)(1) A wireless provider must be permitted to collocate on or replace decorative poles when necessary to deploy a small wireless facility.

(2) An authority may require the collocation or decorative pole replacement to reasonably conform to the design aesthetics of the original decorative pole or poles, provided these requirements are technically feasible.

(3)(a) For applications to replace decorative poles to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

(b) For applications to collocate small wireless facilities on decorative poles, the authority may propose collocation on a new pole or on an existing pole or structure in the ROW within one hundred feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternative unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

(G)(1) A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of poles in the ROW in an underground district where:

(a) no less than two months prior to the submission of the application, the authority has required all such lines to be placed underground;

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(b) poles the authority allows to remain are made available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this article; or

(c) a wireless provider is allowed to install a new pole when it is not able to provide wireless service by collocating on a remaining pole or support structure; provided, however, that for any such application to install a new pole, the authority may propose an alternate location in the ROW within one hundred feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

(2) For small wireless facilities installed before an authority adopts requirements that comply with subsection (G)(1), an authority adopting such requirements shall:

(a) permit a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the pole owner; or

(b) permit the wireless provider to replace the associated pole within fifty feet of the prior location, provided that the wireless provider shall allow communications service providers with attachments on the existing pole to place those attachments on the replacement pole under the same or reasonably similar fees, rates, terms, and conditions as applied to those attachments on the existing pole.

(H)(1) Subject to Section 58-11-830(D), an authority may require reasonable, technically feasible, nondiscriminatory and technologically neutral design requirements, height limitations of no less than forty feet, or concealment measures in a historic district. These design requirements, height limitations, or concealment measures may not have the effect of prohibiting any provider's technology or the provision of wireless services; nor may any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

(2) For applications to place poles in an historic district to deploy small wireless facilities, the authority may propose an alternate location in the ROW within one hundred feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location is not technically feasible

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or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

(I) The authority, in the exercise of its administration and regulation related to the management of the ROW, must be reasonable, competitively neutral, nondiscriminatory with regard to all users of the ROW, and compliant with applicable law.

(J) A wireless provider shall repair all damage to the ROW directly caused by the activities of the wireless provider in the ROW and shall return the ROW to its functional equivalence before the damage pursuant to the competitively neutral and reasonable requirements and specifications of the authority. If the wireless provider fails to repair damage to the ROW in compliance with this subsection within thirty calendar days after written notice, the authority may repair such damage and charge the applicable party the reasonable, documented cost of such repairs; provided, however, that the wireless provider may request additional time to make such repairs, and the authority shall not unreasonably deny such a request.

(K) A wireless provider must not be required to replace or upgrade an existing pole except for reasons of structural necessity or compliance with applicable codes. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification must be consistent with the design aesthetics of the poles being modified or replaced.

(L) New, modified, or replacement poles associated with a small wireless facility which meet the requirements of this section are permitted uses subject only to administrative review pursuant to Section 58-11-830.

(M) A wireless provider shall notify the authority at least thirty days before its abandonment of a small wireless facility. Following receipt of such notice, the authority may direct the wireless provider to remove all or any portion of the small wireless facility if the authority determines that such removal is in the best interest of the public safety and public welfare. If the wireless provider fails to remove the abandoned facility within ninety days after such notice, the authority may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors or assigns.

(N) Nothing in this article relieves any person including, without limitation, any wireless provider, of any applicable obligation to pay business license taxes including, without limitation, those provided for

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in Section 58-9-2200, et. seq., or franchise fees. Any entity that uses the ROW, directly or indirectly, including through leased facilities, to provide services in a municipality is responsible for all applicable taxes and fees related to the services provided.

Section 58-11-830. (A) The provisions of this section shall apply to the permitting of the collocation of small wireless facilities by a wireless provider in the ROW and to the permitting of the installation, modification, and replacement of associated poles by a wireless provider inside the ROW.

(B) Except as provided in this article, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities and associated poles described in subsection (A).

(C) Small wireless facilities must be classified as permitted uses subject only to administrative review under this section if they are collocated in the ROW in any zone.

(D) An authority may require an applicant to obtain one or more permits to collocate a small wireless facility or to install a new, modified, or replacement pole associated with a small wireless facility as provided in Section 58-11-820(D), provided the permits are of general applicability and do not apply exclusively to wireless facilities. An authority shall receive applications for, process, and issue such permits subject to the following requirements:

(1) The application shall be made by the applicable wireless provider or its duly authorized representative and shall contain the following:

(a) the applicant's name, address, telephone number, and email address, including emergency contact information for the applicant;

(b) the names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

(c) a general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

(d) detailed construction drawings regarding the proposed use of the right of way;

(e) to the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly licensed engineer evidencing that the pole,

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decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;

(f) for any new aboveground facilities, visual depictions or representations if such are not included in the construction drawings; and

(g) information indicating the horizontal and approximate vertical location, relative to the boundaries of the right of way, of the small wireless facility for which the application is being submitted; and

(h) any additional information reasonably necessary to demonstrate compliance with the criteria set forth in item (10).

(2) An applicant must not be required to provide more information to obtain a permit than is set forth in item (1).

(3) An authority may not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority including, but not limited to, reserving fiber, conduit, or pole space for the authority.

(4) An authority may not require:

(a) the collocation of small wireless facilities on a specific pole or category of poles or require multiple antenna systems on a single pole;

(b) the use of specific pole types or configurations when installing new or replacement poles, provided however that nothing in this item prohibits an authority from enforcing the provisions of Sections 58-11-820(F)(2), (G)(1), and (H) or any compliant provisions adopted in lieu of those provisions pursuant to Section 58-11-815(B) or (C); or

(c) subject to Section 58-11-820(G)(1) or any compliant provisions adopted in lieu thereof pursuant to Section 58-11-815(B) or (C), the underground placements of small wireless facilities that are or are designated in an application to be pole-mounted or ground-mounted.

(5) An authority may not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements from existing small wireless facilities, poles, or other structures.

(6) The authority may require an applicant to include an attestation that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless: the authority and the applicant agree to extend this period; or delay is caused by lack of commercial power or by the lack of communications transport facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant.

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(7) The authority may require an applicant that is not a wireless services provider to include an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the pole at the requested location, and the authority may require the applicant to submit proof that such wireless services provider is licensed by the FCC or otherwise authorized to provide wireless services within the geographic jurisdiction of the authority.

(8) Within ten days of receiving an application, an authority must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority shall specifically identify the missing information in writing. The processing deadline in item (9) is tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the authority, confirmed in writing.

(9) An application must be processed on a nondiscriminatory basis. The authority shall make its final decision to approve or deny the application within sixty days of receipt of a complete application for collocation of small wireless facilities and within ninety days of receipt of a complete application for the installation, modification, or replacement of a pole and the collocation of associated small wireless facilities on the pole. If the authority fails to act on an application within the applicable time period, the applicant may provide the authority written notice that the time period for acting has lapsed, and the authority shall then have twenty days after receipt of such notice to render its written decision. The application shall be deemed to have been approved by passage of time and operation of law if the authority does not render its written decision within such twenty days.

(10) An authority may deny a proposed collocation of a small wireless facility or a proposed installation, modification, or replacement of a pole that meets the requirements in Section 58-11-820(E) only if the proposed application:

(a) interferes with the safe operation of traffic control equipment;

(b) interferes with sight lines or clear zones for transportation or pedestrians;

(c) interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

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(d) requests that ground-mounted small wireless facility equipment be located more than 7.5 feet in radial circumference from the base of the pole, decorative pole, or support structure to which the small wireless facility antenna would be attached, provided that the authority shall not deny the application if a greater distance from the base of the pole, decorative pole, or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;

(e) fails to comply with the height limitations permitted by this article or with reasonable and nondiscriminatory horizontal spacing requirements of general application adopted by an enactment that concern the location of ground-mounted equipment and new poles. These spacing requirements may not be applied in a manner that constitutes an effective prohibition of service that is prohibited by federal law;

(f) designates the location of a new pole for the purpose of collocating a small wireless facility within seven feet in any direction of an electrical conductor, unless the wireless provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(g) fails to comply with applicable codes;

(h) fails to comply with Section 58-11-820(F), (G), or (H) or any compliant provisions adopted in accordance with Section 58-11-815(B) or (C);

(i) fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or

(j) fails to comply with laws of general applicability that address the occupancy or management of the right of way and that are not otherwise inconsistent with this chapter.

(11) The authority shall document the basis for a denial, including the specific provisions of this article on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within thirty days of resubmission and limit its review to the deficiencies cited in the denial. If the authority fails to act on a revised application within this thirty-day period, the applicant may provide the authority written notice that the time period for acting has lapsed, and the authority shall then have five days after receipt of such notice to render its written

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decision approving or denying the revised application. The revised application shall be deemed to have been approved by passage of time and operation of law if the authority does not render its written decision within such five days.

(12) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority must be allowed at the applicant's discretion to file a consolidated application for up to thirty small wireless facilities and receive a single permit for the collocation of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application must not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.

(13) Installation or collocation for which a permit is granted pursuant to this section must be completed within one year of the permit issuance date unless: the authority and the applicant agree to extend this period; or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant. Approval of an application authorizes the applicant to:

(a) undertake the installation or collocation; and

(b) subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of no less than ten years, which must be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in item (10).

(14) An authority may not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications, or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification, or replacement of poles to support small wireless facilities.

(15) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section neither constitutes an authorization nor affects any authorization a provider may have to provide a communication service or to install, place, maintain, or operate any other communications facility, including a wireline backhaul facility, in a ROW.

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(E)(1) An authority may not require a permit or any other approval or charge fees or rates for:

- (a) routine maintenance;
- (b) the replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or
- (c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are suspended between poles or support structures in compliance with applicable codes.

(2) An authority may require a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for the activities described in item (1). Such a permit must be issued to the applicant on a nondiscriminatory basis upon terms and conditions that apply to the activities of any other person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.

Section 58-11-840. (A) The provisions of this section apply the collocation of small wireless facilities on an authority pole in the ROW by a wireless provider.

(B) A person owning, managing, or controlling authority poles in the ROW may not enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or otherwise acquires an authority pole is subject to the requirements of this section.

(C) An authority shall allow the collocation of small wireless facilities on authority poles on nondiscriminatory terms and conditions pursuant to Section 58-11-830.

(D) The rates to collocate on authority poles must be nondiscriminatory regardless of the services provided by the collocating wireless provider and must be as set forth in Section 58-11-850.

(E)(1) The rates, fees, terms, and conditions for make-ready work to collocate on an authority pole must be nondiscriminatory, competitively neutral, commercially reasonable, and in compliance with this article.

(2)(a) The authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within sixty days after receipt of a complete application. Alternatively, the authority may require the wireless provider to perform the make-ready work and notify the wireless provider of such within the sixty-day period. If the wireless provider or its contractor performs the

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make-ready work, the wireless provider shall indemnify the authority for any negligence by the wireless provider or its contractor in the performance of such make-ready work and the work shall otherwise comply with applicable law.

(b) Make-ready work performed by or on behalf of an authority, including any pole replacement, must be completed within sixty days of written acceptance of the good faith estimate by the applicant. An authority may require replacement of the authority pole only if it demonstrates that the collocation would make the authority pole structurally unsound.

(3) The person owning, managing, or controlling the authority pole must not require more make-ready work than required to meet applicable codes or industry standards. Fees assessed by or on behalf of an authority for make-ready work, including any pole replacement, must not:

(a) include costs related to preexisting or prior damage or noncompliance;

(b) exceed either actual costs or the amount charged to other communications service providers for similar work; or

(c) include any revenue or contingency-based consultant's fees or expenses of any kind.

(4) A wireless provider collocating on an authority pole pursuant to this article is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the collocation. If the authority includes such costs of a third party in the good faith estimate provided pursuant to item (2) of this section, payment of that estimate to the authority constitutes reimbursement of the third party by the wireless provider. Otherwise, the third party may bill the wireless provider for such reimbursement within six months of the completion of the third party's make-ready work.

Section 58-11-850. (A) This section governs an authority's rates and fees for the collocation of a wireless facility and the installation, modification or replacement of an associated pole.

(B) Except to the extent permitted by this article or otherwise specifically authorized by state or federal law including, without limitation, Article 20, Chapter 9, Title 58, an authority may not:

(1) adopt or enforce any regulations or requirements on the placement or operation of communications facilities in a ROW by a communications service provider authorized by federal, state, or local law to operate in a ROW;

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- (2) regulate any communications services; or
- (3) impose or collect any tax, fee, or charge for the provision of any communications service over the communications service provider's communications facilities in a ROW.

(C) Without limiting the foregoing, a wireless provider is authorized to deploy small wireless facilities and associated poles in a ROW in compliance with this article regardless of whether the provider has sought or obtained any certificate or other authority from the Public Service Commission of South Carolina; provided, however, that nothing in this article prohibits an authority from requiring proof that a wireless services provider is licensed by the FCC or otherwise authorized to provide service within the geographic jurisdiction of the authority.

(D)(1) A municipality may charge an application fee to a wireless provider regardless of whether the provider is subject to a business license tax that is or could be imposed on it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or could be imposed on it pursuant to Section 58-9-2230.

(2) A municipality may charge an application fee to a communications service provider regardless of whether the provider is subject to a franchise fee that is or could be imposed on it pursuant to Section 58-12-330.

(3) An authority may charge an application fee, so long as the fee is reasonable, nondiscriminatory, and recovers no more than an authority's direct costs for processing an application; provided however, the fee may not exceed:

(a) for applications to collocate small wireless facilities on existing poles or structures, one hundred dollars each for the first five small wireless facilities in the same application and fifty dollars for each additional small wireless facility in the same application; or

(b) for applications to collocate small wireless facilities on new poles, one thousand dollars for each pole, which fee covers both the installation of the new pole and the collocation on the new pole of associated small wireless facilities that are a permitted use in accordance with the specifications in Section 58-11-820(D); and

(c) for applications to collocate small wireless facilities on modified or replacement poles, two hundred fifty dollars for each pole, which fee covers both the modification or replacement of the pole and the collocation on the pole of associated small wireless facilities that are permitted uses in accordance with the specifications in Section 58-11-820(D).

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(E)(1) A municipality may charge a rate for the occupancy and use of the ROW to a wireless provider regardless of whether the provider is subject to a business license tax that is or could be imposed on it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or could be impose on it pursuant to Section 58-9-2230.

(2) A municipality may charge a rate for the occupancy and use of the ROW to a communications service provider regardless of whether the provider is subject to a franchise fee that is or could be imposed on it pursuant to Section 58-12-330.

(3) An authority may charge a wireless provider for the occupancy and use of the ROW, so long as such rate is reasonable, nondiscriminatory, and does not exceed: one hundred dollars per year for each small wireless facility collocated on any existing or replacement pole, including an existing or replacement authority pole; or two hundred dollars per year for each small wireless facility collocated on a new pole, other than a replacement pole, which two hundred dollar rate shall cover the new pole and the small wireless facility collocated on it.

(F)(1) An authority may charge a rate for collocation of a small wireless facility on an authority pole, but any such rate must be reasonable, nondiscriminatory, and recover no more than the authority's direct costs associated with such collocation, not to exceed fifty dollars per authority pole per year.

(2) Other than requiring a wireless provider to pay attachment rates as permitted by item (1), an authority may not require any person or entity with facilities installed on a pole or support structure to pay any additional attachment rates or fees as a result of the granting of an application for a permit under this article.

Section 58-11-853. The construction, installation, maintenance, modification, operation, and replacement of wireline backhaul facilities in the right of way are not addressed by this article, and any such activity shall comply with the applicable provisions of the 1976 Code including, without limitation, Section 58-9-280(A) and (B) and Chapter 12, Title 58.

Section 58-11-857. An applicant in the right of way must not install, maintain, modify, operate, repair, or replace any small wireless facilities, support structures, poles, or decorative poles in a manner that will interfere with any existing infrastructure, equipment, or service including, without limitation, infrastructure, equipment, or service used to provide communications, electric, gas, water, or sewer services.

Section 58-11-860. The provisions of this section apply only to activities in the ROW. Nothing in this article must be interpreted to:

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(1) allow an entity to provide services regulated pursuant to 47 U.S.C. Sections 521 to 573, without compliance with all laws applicable to such providers; or

(2) impose any new requirements on cable providers for the provision of such service in this State.

Section 58-11-870. Pursuant to the provisions of this article and applicable federal law, an authority may continue to exercise zoning, land use, planning and permitting authority within its territorial boundaries with respect to small wireless facilities, poles, and support structures outside of the ROW, including the enforcement of applicable codes. An authority may not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of a small wireless facility located in an interior structure or upon the site of a campus, stadium, or athletic facility not owned or controlled by the authority, other than to require compliance with applicable codes. Nothing in this article authorizes the State or a political subdivision, including an authority, to require any wireless facility deployment or to regulate wireless services.

Section 58-11-880. This article does not apply to poles owned by an investor-owned utility, except as it concerns a wireless provider's access to the ROW and permits for the collocation of small wireless facilities on such poles.

Section 58-11-900. The Administrative Law Court has contested case jurisdiction to determine all disputes arising under this article between an applicant and an authority or any person or entity acting on behalf of an authority. Any request filed with the Administrative Law Court pursuant to this article must be filed in accordance with its Rules of Procedure. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority poles, the person owning or controlling the pole must allow the collocating person to collocate on its poles at annual rates of no more than fifty dollars with the actual rate to be settled upon final resolution of the dispute. Disputes subject to this section must be adjudicated pursuant to accelerated docket or complaint procedures, if available.

Section 58-11-910. (A) An authority may adopt reasonable indemnification, insurance and bonding requirements related to small wireless facility and associated pole permits subject to the requirements of this section.

(B) An authority may not require a wireless provider to indemnify and hold the authority and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees,

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except when a court of competent jurisdiction has found that the negligence of the wireless provider while installing, repairing, or maintaining facilities, poles, or support structures pursuant to this article caused the harm that created such claims, lawsuits, judgments, costs, liens, losses, expenses, or fees.

(C) An authority may require a wireless provider to have in effect insurance coverage consistent with this section, so long as the authority imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory.

(1) An authority may not require a wireless provider to obtain insurance naming the authority or its officers and employees as additional insureds.

(2) An authority may require a wireless provider to furnish proof of insurance, if required, prior to the effective date of a permit issued for a small wireless facility.

(D) An authority may adopt bonding requirements for small wireless facilities if the authority imposes similar requirements in connection with permits issued for other ROW users.

(1) The purpose of such bonds must be to provide for the:

(a) removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines must be removed to protect public health, safety, or welfare;

(b) restoration of the ROW as provided in Section 58-11-820(J); and

(c) recoupment of rates or fees that have not been paid by a wireless provider in over twelve months, so long as the wireless provider has received reasonable notice from the authority of any of the noncompliance listed above and an opportunity to cure.

(2) Bonding requirements may not exceed two hundred dollars per small wireless facility. For wireless providers with multiple small wireless facilities within the jurisdiction of a single authority, the total bond amount across all facilities may not exceed ten thousand dollars, and that amount may be combined into one bond instrument.

Section 58-11-920. (A) Neither the State nor any agency, department, or instrumentality thereof may condition a wireless provider's access to any ROW or a wireless provider's deployment of small wireless facilities and associated poles in any ROW on the wireless provider's seeking or obtaining any certificate or other authority from the Public Service Commission of South Carolina.

(B) Without limiting the provisions of subsection (A):

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(1) a wireless services provider seeking access to a ROW as described in subsection (A) may be required to provide proof that it is licensed by the FCC or otherwise authorized to provide wireless services within the State; and

(2) a wireless provider seeking access to a ROW as describe in subsection (A) and that is not also a wireless services provider may be required to: submit an attestation that a wireless services provider has requested in writing that the wireless provider deploy small wireless facilities or associated poles at the requested location; and provide proof that such wireless services provider is licensed by the FCC or otherwise authorized to provide service within the State.

(C) To the extent that an authority is otherwise authorized to address a wireless provider's deployment of small wireless facilities and associated poles in the ROW of the State or of any agency, department, or instrumentality thereof, the authority must do so in strict compliance with the provisions of this article."

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

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

Rep. KING proposed the following Amendment No. 3 to H. 4262 (COUNCIL\DG\4262C001.NBD.DG19), which was adopted:

Amend the bill, as and if amended, SECTION 1, by adding a section at the end to read"

/ Section 58-11-930. No tax or fee may be assessed or result from the implementation and enforcement of the provisions of this article." /

Renumber sections to conform.
Amend title to conform.

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

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4262 (COUNCIL\ZW\4262C001.BH.ZW19), which was tabled:

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

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/ SECTION 1. Chapter 11, Title 58 of the 1976 Code is amended by adding:

“Article 5

Small Wireless Facilities Deployment Act

Section 58-11-800. (A) This article must be known and may be cited as the ‘South Carolina Small Wireless Facilities Deployment Act’.

(B) The General Assembly finds that:

(1) the deployment of small wireless facilities and other next-generation wireless and broadband network facilities is a matter of statewide concern and interest;

(2) wireless and broadband products and services are a significant and continually growing part of the state’s economy; accordingly, encouraging the development of strong and robust wireless and broadband communications networks throughout the state is integral to the state’s economic competitiveness;

(3) rapid deployment of small wireless facilities will serve numerous important statewide goals and public policy objectives including, without limitation, meeting growing consumer demand for wireless data, increasing competitive options for communications services available to the state’s residents; promoting the ability of the state’s citizens to communicate with other citizens and with their state and local governments; and promoting public safety;

(4) small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are deployed most effectively in the rights of way (ROW);

(5) to meet the key objectives of this article, wireless providers must have access to the ROW and the ability to attach to infrastructure in the ROW to densify their networks and provide next generation wireless services;

(6) uniform rates and fees for the permitting and deployment of small wireless facilities in the ROW and on authority infrastructure, including poles, throughout the State is reasonable and will encourage the development of robust next-generation wireless and broadband networks for the benefit of citizens throughout the State;

(7) the procedures, rates and fees in this article are fair and reasonable when viewed from the perspective of the state’s citizens and the state’s interest in having robust, reliable, and technologically advanced wireless and broadband networks; and reflect a balancing of the interests of the wireless providers deploying new facilities and the interests of authorities in recovering their costs of managing access to

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the ROW and the attachment space provided on authority infrastructure in such ROW; and

(8) this article fully occupies the entire field governing the placement and regulation of small wireless facilities and associated wireless support structures and poles in the ROW, and it supersedes and preempts any ordinance, resolution, rule, or similar matter adopted by an authority that purports to address or otherwise regulate the placement of such small wireless facilities, wireless support structures, and poles in the ROW.

Section 58-11-810. For purposes of this article:

(1) 'Antenna' means:

(a) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; or

(b) similar equipment used for the transmission or reception of surface waves.

(2) 'Applicable codes' means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this article.

(3) 'Applicant' means any person that submits an application.

(4) 'Application' means a request submitted by an applicant to an authority:

(a) for a permit to collocate small wireless facilities; or

(b) to approve the installation, modification, or replacement of a pole or wireless support structure.

(5) 'Authority' means any county, municipality, or consolidated government or any agency, district, subdivision or instrumentality thereof.

(6) 'Authority pole' means a pole owned, managed, or operated by or on behalf of an authority, provided however, that such term shall not include poles, support structures, electric transmission structures, or equipment of any type that are part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation.

(7) 'Collocate or collocation' means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or pole.

(8) 'Communications facility' means the set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C.

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Section 522(5); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a wireless services provider to provide communications services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); wireless service; surface wave communication, or other one-way or two-way communications service.

(9) ‘Communications network’ means a network used to provide communications service.

(10) ‘Communications service’ means cable service as defined in 47 U.S.C. 522(6), information service as defined in 47 U.S.C. 153(24), telecommunications service as defined in 47 U.S.C 153(53), or wireless service.

(11) ‘Communications service provider’ means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C., Section 153(51); or a wireless provider.

(12) ‘Compliant provision’ means an enactment addressing aesthetics, undergrounding, or historical districts that adopts regulations that are:

(a) no more burdensome than those applied to other types of infrastructure deployments in the rights of way;

(b) reasonable;

(c) objective;

(d) published within thirty days prior to becoming applicable with regard to any wireless provider; and

(e) not an effective prohibition of service that is prohibited by federal law.

(13) ‘Decorative pole’ means an authority pole that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility or specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal rules or codes.

(14) ‘Enactment’ means any ordinance, rule, policy, or equivalently binding measure adopted by an authority.

(15) ‘FCC’ means the Federal Communications Commission of the United States.

(16) ‘Fee’ means a one-time, nonrecurring charge.

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(17) 'Historic district' means a group of buildings, properties, or sites that are either:

(a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or

(b) a registered historic district pursuant to state law as of this article's effective date.

(18) 'Law' means federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

(19) 'Micro wireless facility' means a small wireless facility that meets the following qualifications:

(a) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and

(b) any exterior antenna that is no longer than eleven inches.

(20) 'Network interface device' means the telecommunications demarcation device and cross connect point pole demarcating the boundary with any wireline backhaul facility and which is on or adjacent to the pole or support structure supporting the small wireless facility.

(21) 'Permit' means a written authorization, in electronic or hard copy format, required to be issued by an authority to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

(22) 'Person' means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(23) 'Pole' means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way including, without limitation, a replacement pole and an authority pole. Such term shall not include a support structure or electric transmission structure.

(24) 'Rate' means a recurring charge.

(25) 'Rights of way' or 'ROW' means the area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property; provided, however, that such term shall apply only to property or any interest therein that is under the ownership or control of an authority and shall not include property or any interest therein acquired for or devoted to a federal interstate highway.

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(26) ‘Small wireless facility’ means radio transceivers; surface wave couplers; antennas; coaxial or fiber optic cable located on a pole or support structure, immediately adjacent to a pole or support structure, or directly associated with equipment located on a pole or support structure and within a one hundred-yard radius of the pole or support structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meets both of the following qualifications: (i) each wireless provider’s antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the small wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services. The term ‘small wireless facility’ does not include: the pole, support structure, or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; wireline backhaul facilities; or coaxial or fiber-optic cable that is between small wireless facilities, poles, or support structures or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

(27) ‘Support structure’ means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

(28) ‘Technically feasible’ means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location can be implemented without a reduction in the functionality of the small wireless facility.

(29) ‘Wireless communications’ means any communications using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(30) ‘Wireless infrastructure provider’ means any person, including a person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission

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equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

(31) ‘Wireless provider’ means a wireless infrastructure provider or a wireless services provider.

(32) ‘Wireless services’ means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

(33) ‘Wireless services provider’ means a person who provides wireless services.

(34) ‘Wireline backhaul facility’ means an above-ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Section 58-11-815. (A) An agreement or enactment that does not fully comply with this section applies only to small wireless facilities and associated poles and support structures that were installed before October 1, 2019, and must be deemed invalid and unenforceable beginning October 1, 2019, until amended to fully comply with this article. If an agreement or enactment is invalid and unenforceable in accordance with this section, small wireless facilities and associated utility poles that were installed before October 1, 2019, pursuant to such agreement or ordinance may remain installed at the option of the wireless provider and must be operated and maintained under the provisions of this article.

(B)(1) No later than October 1, 2019, an authority may adopt an enactment that:

(a) adopts compliant provisions in lieu of the provisions of Section 58-11-820(F)(2), (G), and (H);

(b) authorizes wireless providers to install and operate small wireless facilities and associated poles and support structures in strict compliance with all other provisions of this article; and

(c) if the authority is a municipality, grants any consent that has not previously been granted, either expressly or otherwise, for wireless providers to install and operate small wireless facilities and associated poles and support structures in compliance with subitems (a) and (b).

(C) In the absence of an enactment that strictly complies with subsection (B), and until such an enactment is adopted, if at all, a wireless provider may install and operate small wireless facilities and associated poles and support structures under the requirements of this article on and after October 1, 2019.

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(D)(1) An authority must not require a wireless provider to enter into an agreement including, without limitation, a franchise agreement whether memorialized in an ordinance or in any other manner, to implement this article, but nothing in this article prohibits an authority and a wireless provider from voluntarily entering one or more such agreements after the effective date of this article, including such agreements with rates, fees, and other terms that differ from those in this article, provided however, that the authority must make each such agreement available for public inspection and available for adoption upon the same terms and conditions to any requesting wireless provider.

(2) Agreements entered into pursuant to item (1) are public-private arrangements and are matters of legitimate and significant statewide concern.

Section 58-11-820. (A) The provisions of this section shall apply only to activities of a wireless provider within the ROW to deploy small wireless facilities and associated poles.

(B) An authority may not enter into an exclusive arrangement with any person for use of the ROW for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of poles.

(C) Subject to the exceptions pursuant to Section 58-11-830(E)(1), an authority only may charge a wireless provider a nondiscriminatory rate or fee for the use of the ROW with respect to the collocation of small wireless facilities or the installation, maintenance, modification, operation, or replacement of a pole in the ROW, if the authority charges other entities for use of the ROW. Notwithstanding the foregoing, an authority is permitted, on a nondiscriminatory basis, to refrain from charging any rate to a wireless provider for the use of the ROW. The rate for use of the ROW is provided in Section 58-11-850.

(D) Subject to the provisions of this section, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace poles in the ROW. These structures and facilities must be so installed and maintained as not to obstruct or hinder the usual travel or public safety in the ROW or obstruct the legal use of the ROW by utilities.

(E)(1) Each new or modified pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing pole in place as of the effective date of this article located within five hundred feet of the new pole in the same ROW, or fifty feet above ground level.

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(2) New small wireless facilities in the ROW may not extend more than ten feet above an existing pole in place as of the effective date of this article; or for small wireless facilities on a new pole, above the height permitted for a new pole pursuant to this section.

(3) Subject to the provisions of this section and applicable zoning regulations, a wireless provider must have the right to collocate a small wireless facility and install, maintain, modify, operate, and replace a pole that exceeds the height limits set forth in item (1) in the ROW.

(F)(1) A wireless provider must be permitted to collocate on or replace decorative poles when necessary to deploy a small wireless facility.

(2) An authority may require the collocation or decorative pole replacement to reasonably conform to the design aesthetics of the original decorative pole or poles, provided these requirements are technically feasible.

(G)(1) A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of poles or wireless support structures in the ROW in an area designated solely for underground communications and electric lines, where:

(a) no less than three months prior to the submission of the application, the authority has required all such lines to be placed underground;

(b) poles the authority allows to remain are made available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this article; or

(c) a wireless provider is allowed to install a new pole when it is not able to provide wireless service by collocating on a remaining pole or wireless support structure.

(2) For small wireless facilities installed before an authority adopts requirements that comply with item (1), an authority adopting such requirements shall:

(a) permit a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the pole owner; or

(b) permit the wireless provider to replace the associated pole within fifty feet of the prior location, provided that the wireless provider shall allow communications service providers with attachments on the existing utility pole to place those attachments on the replacement utility

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pole under the same or reasonably similar rates, terms, and conditions as applied to those attachments on the existing pole.

(H) Subject to Section 58-11-830(D), an authority may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures in a historic district. These design or concealment measures may not have the effect of prohibiting any provider's technology; nor may any such measures be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility.

(I) The authority, in the exercise of its administration and regulation related to the management of the ROW, must be competitively neutral and nondiscriminatory with regard to all users of the ROW. The authority's ROW may not be unreasonable or discriminatory and may not violate any applicable law.

(J) The authority may require a wireless provider to repair all damage to the ROW directly caused by the activities of the wireless provider in the ROW and to return the ROW to its functional equivalence before the damage pursuant to the competitively neutral, reasonable requirements and specifications of the authority. If the wireless provider fails to make the repairs required by the authority within a reasonable time after written notice, the authority may make those repairs and charge the applicable party the reasonable, documented cost of such repairs.

(K) A wireless provider must not be required to replace or upgrade an existing pole except for reasons of structural necessity or compliance with applicable codes. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification must be consistent with the design aesthetics of the poles being modified or replaced.

(L) New, modified, or replacement poles associated with a small wireless facility which meet the requirements of this section are permitted uses pursuant to the permit process in Section 58-11-830(D).

(M) A wireless provider shall notify the authority at least thirty days before its abandonment of a small wireless facility. Following receipt of such notice, the authority may direct the wireless provider to remove all or any portion of the small wireless facility if the authority determines that such removal is in the best interest of the public safety and public welfare. If the wireless provider fails to remove the abandoned facility within ninety days after such notice, the authority may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors or assigns.

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(N) Nothing in this article relieves any person including, without limitation, any wireless provider, of any applicable obligation to pay business license taxes including, without limitation, those provided for in Section 58-9-2200, et. seq., or franchise fees. Any entity that uses the ROW, directly or indirectly, including through leased facilities, to provide services in a municipality is responsible for all applicable taxes and fees related to the services provided.

Section 58-11-830. (A) The provisions of this section shall apply to the permitting of the collocation of small wireless facilities by a wireless provider in the ROW and to the permitting of the installation, modification, and replacement of associated poles by a wireless provider inside the ROW.

(B) Except as provided in this article, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities and associated poles described in subsection (A).

(C) Small wireless facilities must be classified as permitted uses and not subject to zoning review or approval if they are collocated in the ROW in any zone.

(D) An authority may require an applicant to obtain one or more permits to collocate a small wireless facility or install a new, modified, or replacement pole associated with a small wireless facility as provided in Section 58-11-820(D), provided the permits are of general applicability and do not apply exclusively to wireless facilities. An authority shall receive applications for, process, and issue such permits subject to the following requirements:

(1) An authority may not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority including, but not limited to, reserving fiber, conduit, or pole space for the authority.

(2) An applicant must not be required to provide more information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant may be required to include construction and engineering drawings and information demonstrating compliance with the criteria delineated in item (9).

(3) An authority may not require:

(a) the collocation of small wireless facilities on a specific pole or category of poles or require multiple antenna systems on a single pole;

(b) the use of specific pole types or configurations when installing new or replacement poles; or

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(c) subject to Section 58-11-820(G)(1), the underground placements of small wireless facilities that are or are designated in an application to be pole-mounted or ground-mounted.

(4) An authority may not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements from existing small wireless facilities, poles, or other structures.

(5) The authority may require an applicant to include an attestation that the small wireless facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the authority and the applicant agree to extend this period or delay is caused by lack of commercial power or by the lack of communications transport facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant.

(6) The authority may require an applicant that is not a wireless services provider to include an attestation that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the utility pole at the requested location.

(7) Within ten days of receiving an application, an authority must determine and notify the applicant in writing whether the application is complete. If an application is incomplete, an authority shall specifically identify the missing information in writing. The processing deadline in item (8) is tolled from the time the authority sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the authority, confirmed in writing.

(8) An application must be processed on a nondiscriminatory basis and is deemed approved if the authority fails to approve or deny the application within sixty days of receipt of the application.

(9) An authority may deny a proposed collocation of a small wireless facility or a proposed installation, modification, or replacement of a pole that meets the requirements in Section 58-11-820(E) only if the proposed application:

(a) materially interferes with the safe operation of traffic control equipment;

(b) materially interferes with sight lines or clear zones for transportation or pedestrians;

(c) materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

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(d) fails to comply with reasonable and nondiscriminatory horizontal spacing requirements of general application adopted by ordinance that concern the location of ground-mounted equipment and new poles. These spacing requirements may not prevent a wireless provider from serving any location;

(e) designates the location of a new pole for the purpose of collocating a small wireless facility within seven feet in any direction of an electrical conductor, unless the wireless provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(f) fails to comply with applicable codes; or

(g) fails to comply with Section 58-11-820(F), (G), or (H) or any compliant provisions adopted in lieu thereof in accordance with Section 58-11-815(B).

(10) The authority shall document the basis for a denial, including the specific provisions of this article on which the denial was based, and send the documentation to the applicant on or before the day the authority denies an application. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty days of the denial without paying an additional application fee. The authority shall approve or deny the revised application within thirty days of resubmission and limit its review to the deficiencies cited in the denial. Any application not acted upon within thirty days of resubmission is deemed approved.

(11) An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority must be allowed at the applicant's discretion to file a consolidated application for up to thirty small wireless facilities and receive a single permit for the collocation of multiple small wireless facilities; provided, however, the denial of one or more small wireless facilities in a consolidated application must not delay processing of any other small wireless facilities in the same consolidated application. Solely for purposes of calculating the number of small wireless facilities in a consolidated application, a small wireless facility includes any pole on which such small wireless facility will be collocated.

(12) Installation or collocation for which a permit is granted pursuant to this section must be completed within one year of the permit issuance date unless the authority and the applicant agree to extend this period or a delay is caused by the lack of commercial power or by the lack of communications facilities to be provided to the site by an entity

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that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the applicant. Approval of an application authorizes the applicant to:

(a) undertake the installation or collocation; and

(b) subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of no less than ten years, which must be renewed for equivalent durations so long as the installation or collocation is in compliance with the criteria set forth in item (9).

(13) An authority may not institute, either expressly or de facto, a moratorium on filing, receiving, or processing applications, or issuing permits or other approvals, if any, for the collocation of small wireless facilities or the installation, modification, or replacement of poles to support small wireless facilities.

(14) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section neither constitutes an authorization nor affects any authorization a provider may have to provide a communication service or to install, place, maintain, or operate any other communications facility, including a wireline backhaul facility, in a ROW.

(E)(1) An authority may not require a permit or any other approval or charge fees or rates for:

(a) routine maintenance;

(b) the replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or

(c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are suspended between poles or wireless support structures in compliance with applicable codes.

(2) An authority may require a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for the activities described in item (1). Such a permit must be issued to the applicant on a nondiscriminatory basis upon terms and conditions that apply to the activities of any other person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.

Section 58-11-840. (A) The provisions of this section apply to activities of any wireless provider in the ROW.

(B) A person owning, managing, or controlling authority poles in the ROW may not enter into an exclusive arrangement with any person for the right to attach to such poles. A person who purchases or

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otherwise acquires an authority pole is subject to the requirements of this section.

(C) An authority shall allow the collocation of small wireless facilities on authority poles on nondiscriminatory terms and conditions pursuant to Section 58-11-830.

(D)(1) The rates to collocate on authority poles must be nondiscriminatory regardless of the services provided by the collocating wireless provider.

(2) The rate to collocate on authority poles must be as set forth in Section 58-11-850.

(E)(1) The rates, fees, terms, and conditions for make-ready work to collocate on an authority pole must be nondiscriminatory, competitively neutral, and commercially reasonable and must comply with this article.

(2) The authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within sixty days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within sixty days of written acceptance of the good faith estimate by the applicant. An authority may require replacement of the authority pole only if it demonstrates that the collocation would make the authority pole structurally unsound.

(3) The person owning, managing, or controlling the authority pole must not require more make-ready work than required to meet applicable codes or industry standards. Fees assessed by or on behalf of an authority for make-ready work, including any pole replacement, must not:

(a) include costs related to preexisting or prior damage or noncompliance;

(b) exceed either actual costs or the amount charged to other communications service providers for similar work; or

(c) include any revenue or contingency-based consultant's fees or expenses of any kind.

(4) A wireless provider collocating on an authority pole pursuant to this article is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the collocation. If the authority includes such costs of a third party in the good faith estimate provided pursuant to item (2) of this section, payment of that estimate to the authority constitutes reimbursement of the third party by the wireless

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provider. Otherwise, the third party may bill the wireless provider for such reimbursement within six months of the completion of the third party's make-ready work.

Section 58-11-850. (A) This section governs an authority's rates and fees for the collocation of a wireless facility or installation of an associated pole.

(B) Except as it relates to small wireless facilities subject to the permit and fee requirements established pursuant to this article or otherwise specifically authorized by state or federal law including, without limitation, Article 20 of Chapter 9, Title 58, an authority may not:

(1) adopt or enforce any regulations or requirements on the placement or operation of communications facilities in a ROW by a communications service provider authorized by federal, state, or local law to operate in a ROW;

(2) regulate any communications services; or

(3) impose or collect any tax, fee, or charge for the provision of any communications service over the communications service provider's communications facilities in a ROW.

(C) Without limiting the foregoing, a wireless provider is authorized to deploy small wireless facilities and associated poles in a ROW in compliance with this article regardless of whether the provider has sought or obtained any certificate or other authority from the Public Service Commission of South Carolina.

(D)(1) A municipality may not charge an application fee to a wireless provider that is subject to a business license tax that is or could be imposed on it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or could be imposed on it pursuant to Section 58-9-2230.

(2) A municipality may not charge any application fee to any communications service provider that is subject to a franchise fee that is or could be imposed on it pursuant to Section 58-12-330.

(3) Except as provided in item (1) and (2), an authority may charge an application fee, so long as the fee is reasonable, nondiscriminatory, and recovers no more than an authority's direct costs for processing an application; provided however, the fee may not exceed:

(a) one hundred dollars each for the first five small wireless facilities on the same application and fifty dollars for each additional small wireless facility on the same application; or

(b) two hundred fifty dollars for the installation, modification, or replacement of a pole together with the collocation of

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an associated small wireless facility that are permitted uses in accordance with the specifications in Section 58-11-820(D).

(E)(1) A municipality may not charge any fee for the occupancy and use of the ROW to a wireless provider that is subject to a business license tax that is or could be imposed on it pursuant to Section 58-9-2220 and a franchise, consent, or administrative fee that is or could be impose on it pursuant to Section 58-9-2230.

(2) A municipality may not charge any fee for the occupancy and use of the ROW to a communications service provider that is subject to a franchise fee that is or could be imposed on it pursuant to Section 58-12-330.

(3) Except as provided in item (1) and (2), an authority may charge a wireless provider for the occupancy and use of the ROW, so long as such rate is reasonable, nondiscriminatory, and does not exceed twenty dollars per year per small wireless facility.

(F)(1) An authority may charge for collocation of a small wireless facility on an authority pole, but any such rate must be reasonable, nondiscriminatory, and recover no more than the authority's direct costs associated with such collocation, not to exceed twenty dollars per authority pole per year.

(2) Other than requiring a wireless provider to pay attachment fees as permitted by item (1), an authority may not require any person or entity with facilities installed on a pole or support structure to pay any additional attachment fees as a result of the granting of an application for a permit under this article.

Section 58-11-853. The construction, installation, maintenance, modification, operation, and replacement of wireline backhaul facilities in the right of way are not addressed by this article, and any such activity shall comply with the applicable provisions of the 1976 Code including, without limitation, Section 58-9-280(A) and (B) and Chapter 12, Title 58.

Section 58-11-857. An applicant in the right of way must not install, maintain, modify, operate, repair, or replace any small wireless facilities, wireless support structures, poles, or decorative poles in a manner that will interfere with any existing infrastructure, equipment, or service including, without limitation, infrastructure, equipment, or service used to provide communications, electric, gas, water, or sewer services.

Section 58-11-860. The provisions of this section apply only to activities in the ROW. Nothing in this article must be interpreted to:

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(1) allow an entity to provide services regulated pursuant to 47 U.S.C. Sections 521 to 573, without compliance with all laws applicable to such providers; or

(2) impose any new requirements on cable providers for the provision of such service in this State.

Section 58-11-870. Pursuant to the provisions of this article and applicable federal law, an authority may continue to exercise zoning, land use, planning and permitting authority within its territorial boundaries with respect to wireless support structures and poles, including the enforcement of applicable codes. An authority may not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of a small wireless facility located in an interior structure or upon the site of a campus, stadium, or athletic facility not owned or controlled by the authority, other than to require compliance with applicable codes. Nothing in this article authorizes the State or a political subdivision, including an authority, to require any wireless facility deployment or to regulate wireless services.

Section 58-11-880. This article does not apply to poles owned by an investor-owned utility, except as it concerns a wireless provider's access to the ROW and permits for the collocation of small wireless facilities on such poles.

Section 58-11-900. The Administrative Law Court has jurisdiction to determine all disputes arising under this article between an applicant and an authority or any person or entity acting on behalf of an authority. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on authority poles, the person owning or controlling the pole must allow the collocating person to collocate on its poles at annual rates of no more than twenty dollars with the actual rate to be settled upon final resolution of the dispute. Disputes subject to this section must be adjudicated pursuant to accelerated docket or complaint procedures, if available.

Section 58-11-910. (A) An authority may adopt reasonable indemnification, insurance and bonding requirements related to small wireless facility and associated pole permits subject to the requirements of this section.

(B) An authority may not require a wireless provider to indemnify and hold the authority and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, except when a court of competent jurisdiction has found that the negligence of the wireless provider while installing, repairing, or

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maintaining facilities, poles, or support structures pursuant to this article caused the harm that created such claims, lawsuits, judgments, costs, liens, losses, expenses, or fees.

(C) An authority may require a wireless provider to have in effect insurance coverage consistent with this section, so long as the authority imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory.

(1) An authority may not require a wireless provider to obtain insurance naming the authority or its officers and employees as additional insureds.

(2) An authority may require a wireless provider to furnish proof of insurance, if required, prior to the effective date of a permit issued for a small wireless facility.

(D) An authority may adopt bonding requirements for small wireless facilities if the authority imposes similar requirements in connection with permits issued for other ROW users.

(1) The purpose of such bonds must be to provide for the:

(a) removal of abandoned or improperly maintained small wireless facilities, including those that an authority determines must be removed to protect public health, safety, or welfare;

(b) restoration of the ROW as provided in Section 58-11-820(J); and

(c) recoupment of rates or fees that have not been paid by a wireless provider in over twelve months, so long as the wireless provider has received reasonable notice from the authority of any of the noncompliance listed above and an opportunity to cure.

(2) Bonding requirements may not exceed two hundred dollars per small wireless facility. For wireless providers with multiple small wireless facilities within the jurisdiction of a single authority, the total bond amount across all facilities may not exceed ten thousand dollars, and that amount may be combined into one bond instrument.

Section 58-11-920. Neither the State nor any agency, department, or instrumentality thereof may condition a wireless provider's access to any ROW or a wireless provider's deployment of small wireless facilities and associated poles in any ROW on the wireless provider's seeking or obtaining any certificate or other authority from the Public Service Commission of South Carolina; provided however, that for any wireless provider that is not also a wireless services provider, such access and deployment may be conditioned on an attestation that a wireless services provider has requested in writing that the wireless

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provider deploy small wireless facilities or associated poles at the requested location.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

Rep. MAGNUSON spoke against the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 2

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hardee	Hart	Hayes
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Huggins	Hyde
Jefferson	Johnson	Jordan
Kimmons	King	Kirby
Ligon	Long	Lowe
Lucas	Mack	Martin
McCoy	McCravy	McDaniel

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McGinnis	Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Norrell
Ott	Parks	Pendarvis
Pope	Ridgeway	Rivers
Rose	Sandifer	Simmons
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinnakis
Stringer	Tallon	Taylor
Thayer	Thigpen	Weeks
Wheeler	Whitmire	R. Williams
S. Williams	Wooten	Yow

Total--108

Those who voted in the negative are:

Magnuson Trantham

Total--2

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

STATEMENT FOR JOURNAL

I was out of the Chamber speaking to the SC Asphalt Association when the vote on H. 4262 occurred. I would have voted to support this legislation if present.

Rep. Brian White

H. 4262--MOTION TO RECONSIDER TABLED

Rep. KING moved to reconsider the vote whereby the following Bill was given second reading:

H. 4262 -- Reps. Simrill, Rutherford, Sandifer, Forrester, West, Jefferson, R. Williams, Anderson, Weeks, G. R. Smith, S. Williams and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 11, TITLE 58 SO AS TO ENACT THE "SOUTH CAROLINA SMALL WIRELESS FACILITIES DEPLOYMENT ACT"; TO MAKE LEGISLATIVE FINDINGS; TO DEFINE RELEVANT TERMS; TO PROVIDE, AMONG OTHER THINGS, THAT CERTAIN

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AGREEMENTS OR ENACTMENTS PERTAINING TO THE DEPLOYMENT OF SMALL WIRELESS FACILITIES THAT DO NOT COMPLY WITH CERTAIN PROVISIONS OF THIS ACT MUST BE DEEMED INVALID AND UNENFORCEABLE BEGINNING OCTOBER 1, 2019; TO PROVIDE THAT CERTAIN UNITS OF LOCAL GOVERNMENT "AUTHORITIES" WITH CONTROL OVER RIGHTS OF WAY MAY NOT PROHIBIT, REGULATE, OR CHARGE FOR THE COLLOCATION OF CERTAIN SMALL WIRELESS FACILITIES; TO PROVIDE THAT SMALL WIRELESS FACILITIES MUST BE CLASSIFIED AS PERMITTED USES AND NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER SPECIFIED CIRCUMSTANCES; TO PROVIDE REQUIREMENTS FOR APPLICATIONS, FEES, APPLICATION REVIEW, AND ISSUANCE OF PERMITS FOR COLLOCATION OF SMALL WIRELESS FACILITIES; TO REQUIRE AUTHORITIES TO ALLOW THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES UNDER SPECIFIED CIRCUMSTANCES; TO PROHIBIT AUTHORITIES FROM REGULATING THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY SMALL WIRELESS FACILITY IN SPECIFIED CIRCUMSTANCES; TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT HAS JURISDICTION TO RESOLVE ALL DISPUTES ARISING UNDER THE ACT; AND TO PROHIBIT AN AUTHORITY FROM REQUIRING A WIRELESS PROVIDER TO INDEMNIFY THE AUTHORITY OR ITS OFFICERS OR EMPLOYEES AND FROM NAMING THE AUTHORITY AS AN ADDITIONAL INSURED ON A WIRELESS PROVIDER'S INSURANCE POLICY.

Rep. KING moved to table the motion to reconsider, which was agreed to.

SPEAKER IN CHAIR

H. 4287--AMENDED AND ORDERED TO THIRD READING

The following Joint Resolution was taken up:

H. 4287 -- Reps. Lucas, G. M. Smith, Simrill, Rutherford, McCoy, Ott, Stavrinakis, Gilliard and Caskey: A JOINT RESOLUTION TO AUTHORIZE THE PUBLIC SERVICE AUTHORITY EVALUATION

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AND RECOMMENDATION COMMITTEE TO RECEIVE AND APPROVE A CONTRACTUAL OFFER TO PURCHASE THE ASSETS AND ASSUME OR SATISFY THE LIABILITIES OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY WHICH THE COMMITTEE CONSIDERS TO BE IN THE BEST INTERESTS OF THIS STATE AND ITS TAXPAYERS AND RATEPAYERS, TO PROVIDE THAT THE ACTIONS OF THE COMMITTEE ARE SUBJECT TO FINAL APPROVAL BY THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE MANNER IN WHICH THIS OFFER IS TRANSMITTED TO AND APPROVED OR DISAPPROVED BY THE GENERAL ASSEMBLY, INCLUDING A TIMELINE REQUIREMENT.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4287 (COUNCIL\AHB\4287C010.BH.AHB19), which was adopted:

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

/SECTION 1. The purpose of this Act is to protect the individual and corporate ratepayers of Santee Cooper and the electric cooperatives of this State who receive electric power from Santee Cooper from rising electric power rates due to grossly excessive debt and costs incurred in the construction of the two abandoned nuclear reactors at Jenkinsville, South Carolina.

SECTION 2. The Committee, created by Paragraph 117.162, Section IB of Act 264 of 2018, through the February 27, 2019 vote, is authorized to receive the information needed to evaluate the current bids and receive a best and final written contractual offer to purchase all assets and assume or satisfy all liabilities of Santee Cooper upon those terms and conditions as the Committee considers in the best interest of the State and its taxpayers and ratepayers, after considering all other offers. It is recommended that any offer submitted by the Committee to the General Assembly for approval must include, but is not limited to, the following terms and conditions:

(1) The final acceptance and approval of the contract of sale is contingent upon its acceptance and approval by the General Assembly in the manner required by this Act.

(2) The obligations and covenants made by the State of South Carolina in Section 58-31-360 of the 1976 Code in regard to the bonded and other indebtedness of Santee Cooper must be complied with

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including complete defeasance of all bonds and other indebtedness of Santee Cooper.

(3) The purchaser must covenant and agree to provide meaningful rate relief in the form of reduced short-term and long-term rates for all customer classes.

(4) The purchaser must covenant and agree to provide long-term resource planning and a diversified generation portfolio to prevent long-term rate fluctuations.

(5) The purchaser must make suitable and reasonable financial and other protections for Santee Cooper employees and retirees.

(6) The purchaser must set forth a location for the headquarters of Santee Cooper post-acquisition.

(7) The purchaser must agree to comply with all applicable federal and state environmental protections regarding Lakes Marion and Moultrie, their rivers and tributaries, and other recreational assets of Santee Cooper, including a covenant to maintain the present status quo regarding these lakes and other resources and the quality of and access to them.

(8) The purchaser must agree to partner with the State for future economic development projects.

(9) The Committee can include any or all other terms and conditions as authorized by Paragraph 117.162, Section IB of Act 264 of 2018 that would be in the best interest of Santee Cooper ratepayers and South Carolina taxpayers.

SECTION 3. The Committee shall hire appropriate legal and technical experts to negotiate on behalf of the Committee with the qualified bidders for the purposes of receiving a best and final offer. The co-chairmen of the Committee shall submit to the Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee an estimate of the expenses associated with hiring experts necessary to carry out the obligations under this Act. The experts shall report to and receive guidance from the Committee, which is charged with representing the House, Senate, and the Governor's office in the negotiations.

SECTION 4. (A) When the Committee receives and approves a signed offer in accordance with the terms set forth in Section 2 herein and the Committee considers to be the most advantageous for and in the best interest of this State and its citizens and ratepayers, the co-chairmen of the Committee shall notify the Speaker of the House of Representatives and the President of the Senate of this decision in writing. The co-chairmen of the Committee also shall attach to this

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written notification a copy of the applicable contract of sale executed by the purchaser and all supporting documents. If the General Assembly is in regular session when this notification is provided, it must remain in session until a decision to approve or disapprove the contract of sale is made in the manner required by this Act. If the written notification is provided while the General Assembly is not in regular session, the General Assembly shall return in statewide session at the call of the Governor, but not earlier than thirty days after receipt of the written notification, to approve or disapprove the sale, and the General Assembly must remain in statewide session until a decision to approve or disapprove is made.

(B) The Speaker of the House and the President of the Senate shall transmit the written notification, together with the contract of sale executed by the purchaser and all supporting documents to the desk of their respective chamber to be placed on the calendar for approval or disapproval by that chamber. The question before each house shall then be the approval or disapproval of the contract of sale which must be decided by a vote of “yeas” or “nays”. If the contract of sale is approved by both houses, the Governor and other appropriate officials of this State then shall sign the contract of sale on behalf of the State of South Carolina as the seller and then at the closing of the sale, execute the deeds and other necessary documents to effectuate the sale. The proceeds of the sale must then be deposited in the State general fund pending further action by the General Assembly.

SECTION 5. The provisions of the Consolidated Procurement Code in Chapter 35, Title 11 of the 1976 Code, the provisions of Chapter 31, Title 58 relating to the South Carolina Public Service Authority, and any other provisions of the general law of this State in conflict with the provisions of this Act, are hereby suspended for purposes of this sale only, it being the intent of the General Assembly that this Act, to the extent of its provisions, is the sole governing instrument regarding this sale and that a vote of the General Assembly in favor of approving the sale in Section (4)(B) of this Act is sufficient to authorize the Governor to execute the sale.

SECTION 6. (a) The Committee shall concurrently review all of the non-full acquisition proposals, reform proposals, and management proposals (collectively “Proposals”) received by the Committee. The Committee received eight such Proposals that included partial acquisition, management and/or operations agreements, requirement or other power sales contracts, and any such hybrid combinations.

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(B) The Committee is authorized to hire appropriate legal and technical experts to negotiate with the eight entities submitting a Proposal in order to obtain a best, final, and binding non-sale proposal. The experts shall report to and receive guidance from the Committee, which is charged with representing the House, the Senate, and the Governor's Office in the negotiations. The co-chairmen of the Committee shall submit to the Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee an estimate of the expenses associated with hiring experts necessary to carry out the obligations under this section.

(C) The Committee, through its experts, shall also evaluate and compare the Proposals based on evaluative criteria established by the Committee. The evaluative criteria must include, but is not limited to, how each proposal will:

(1) resolve the debt repayment related to the two abandoned reactors and how the proposed treatment of such costs and associated debt with impact rates and price;

(2) assess the impact of such a proposal on the Santee Cooper contract with Central;

(3) coordinate with Santee Cooper to ensure necessary information is provided to the Committee for evaluation of these proposals;

(4) assess the impact of these proposals on Santee Cooper bond covenants and advise as to whether bond counsel should be retained to analyze those bond covenants; and

(5) implement any or all other terms and conditions as authorized by Paragraph 117.162, Section IB of Act 264 of 2018, to determine if such proposals would be in the best interest of Santee Cooper ratepayers and South Carolina taxpayers if such a proposal were adopted by the General Assembly.

(D) The Committee can determine which of the Proposals, if any, would be the most advantageous for and in the best interest of this State and its citizens and ratepayers if such proposal is accepted by the General Assembly. If such recommendation is made by the Committee, the Committee shall draft the legislation necessary to allow the General Assembly to effectuate the proposal. Such draft legislation must require that the question before each body shall then be the approval or disapproval of the proposal which must be decided by a vote of "yeas" or "nays".

SECTION 7. This joint resolution takes effect upon approval by the Governor. /

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Amend the title to read:

/ To provide that the Public Service Authority Evaluation and Recommendation Committee may utilize state appropriated or authorized funds, including the use of those funds to retain necessary experts, legal counsel, banking institution, or any other financial entity, to evaluate and review a potential, complex financial transaction for the potential sale of Santee Cooper and any or all other related financial transactions necessary for use in this financial evaluation, which the Committee considers to be in the best interests of this State and its taxpayers and ratepayers, to provide that the actions of the committee are subject to final approval by the General Assembly, and to provide for the manner in which this offer is transmitted to and approved or disapproved by the General Assembly, including a timeline requirement. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

Rep. G. M. SMITH spoke in favor of the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. ANDERSON spoke in favor of the amendment.

The amendment was then adopted.

Rep. DAVIS proposed the following Amendment No. 2 to H. 4287 (COUNCIL\WAB\4287C004.AGM.WAB19), which was tabled:

Amend the joint resolution, as and if amended, SECTION 3, by adding an undesignated paragraph at the end to read:

/ The Office of Regulatory Staff (ORS) shall have thirty days to review the final offer to ensure that the offer completely defeases or assumes all bonds and other indebtedness of Santee Cooper, and that the offer provides meaningful rate relief in the form of reduced short-term and long-term rates for all customer classes. Upon completion of the review, the ORS shall deliver a report detailing its findings to the General Assembly and the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. DAVIS explained the amendment.

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Rep. G. M. SMITH spoke against the amendment.

Rep. G. M. SMITH moved to table the amendment, which was agreed to.

Rep. G. M. SMITH explained the Joint Resolution.

Rep. DAVIS spoke against the Joint Resolution.

The question recurred to the passage of the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 6

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Bailey	Bales	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brown	Bryant	Burns
Calhoon	Caskey	Chellis
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hayes	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	Johnson
Jordan	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mace
Mack	Magnuson	Martin
McCoy	McCravy	McDaniel
McGinnis	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott

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Parks	Pendarvis	Ridgeway
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thigpen	Toole
Trantham	Weeks	West
White	Whitmire	R. Williams
Wooten	Yow	

Total--101

Those who voted in the negative are:

Atkinson	Davis	Hardee
Moore	Pope	Simmons

Total--6

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

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on the second reading of H. 4287 on Wednesday, April 3, 2019. If I had been present, I would have voted in favor of the Joint Resolution.

Rep. Anne Thayer

STATEMENT BY REP. ANDERSON

On motion of Rep. W. NEWTON, Rep. ANDERSON's remarks on H. 4287 were ordered printed in the Journal as follows:

Let me spend a minute or two just to thank Santee Cooper employees who work in my district. The Winyah Generating Station is located in Georgetown and employs over 100 people. These people are the salt of the earth. The power they generate goes out on the grid and serves millions of people in SC. I applaud these workers.

Santee Cooper also serves customers in Georgetown directly and you know what, I have never received one complaint about their service. In storms power is restored fast and we have great customer service. I applaud these workers.

Santee Cooper also won the competitive bid for the wholesale contract for the City of Georgetown. They had the best and lowest offer. They

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must be doing something right. Santee Cooper employees are a part of the community. They go to church. They volunteer. They make a difference at work and outside of work. I applaud them.

I know a lot of them are feeling uneasy as we discuss selling Santee Cooper. They are worried about losing their jobs. Let us remember our comments affect how people feel and whether they have a good day or not. Let us also remember that our decisions and votes impact families, communities, customers, and the State. I am also worried about customers and what they pay. I want to make sure any path forward keeps them in mind. Let us approach our important decisions in a humble and straight-forward way.

Representative Carl L. Anderson,
District 103 (Georgetown, Horry & Williamsburg Counties)

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

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 3, 2019, at 12:05 p.m. and the following Acts and Joint Resolutions were ratified:

(R. 26, S. 540) -- Senator Alexander: AN ACT TO PROVIDE THAT THE STATE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE MAY NOMINATE LESS THAN THREE QUALIFIED CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE FOR THE GOVERNOR'S CONSIDERATION UNTIL THE CURRENT VACANCY IN THE POSITION OF EXECUTIVE DIRECTOR IS FILLED OR JULY 1, 2019, WHICHEVER OCCURS FIRST.

(R. 27, H. 3310) -- Rep. Elliott: AN ACT TO AMEND SECTION 56-19-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES OF TITLE, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SPECIAL PLATES FOR VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO PROVIDE A PROCEDURE FOR AN INSURANCE COMPANY OR ITS AGENT TO OBTAIN A

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CERTIFICATE OF TITLE FOR A VEHICLE FROM THE DEPARTMENT OF MOTOR VEHICLES WHEN A CLAIMANT FAILS TO DELIVER THE TITLE TO THE INSURANCE COMPANY OR ITS AGENT UNDER CERTAIN CIRCUMSTANCES.

(R. 28, H. 3732) -- Reps. Hewitt, Fry, West, Sandifer and Murphy: AN ACT 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.

(R. 29, H. 3750) -- Reps. Hewitt, Yow, Ott, Crawford, Kirby, Hardee, Hiott, W. Newton, Huggins and Ligon: AN ACT TO AMEND SECTION 50-9-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEER HUNTING, SO AS TO REVISE THAT NUMBER OF ANTLERLESS DEER TAGS THAT MAY BE ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 50-11-390, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' AUTHORITY TO REGULATE THE TAKING OF DEER, SO AS TO DELETE THE PROVISION THAT REQUIRES THE DEPARTMENT TO ESTABLISH A MINIMUM NUMBER OF ANTLERLESS DAYS IN THE STATE'S GAME ZONES.

(R. 30, H. 4112) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO VETERINARY MEDICINE AND ANIMAL SHELTERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4859, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R. 31, H. 4157) -- Reps. Lucas, G.M. Smith, Simrill, Bannister and Clemmons: A JOINT RESOLUTION TO EXTEND THE DEADLINE TO SUBMIT OFFERS FOR A SOLICITATION FOR A STATEWIDE VOTING SYSTEM SOLUTION FOR THE STATE ELECTION COMMISSION AND TO CREATE A SPECIAL EVALUATION PANEL TO EVALUATE AND SCORE EACH PROPOSAL.

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RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 4324 -- Reps. Allison, Alexander, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, 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, 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 CONCURRENT RESOLUTION TO RECOGNIZE AND EXPRESS DEEP APPRECIATION TO THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM ON "SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM DAY" ON APRIL 3, 2019, FOR THEIR OUTSTANDING CONTRIBUTIONS IN EDUCATING AND TRAINING SOUTH CAROLINA'S WORKFORCE FOR COMPETITIVE, HIGH-DEMAND JOBS IN OUR STATE.

H. 4325 -- Reps. Gagnon, West, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, 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,

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Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE ABBEVILLE AREA MEDICAL CENTER ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND, ON BEHALF OF THE PEOPLE OF SOUTH CAROLINA, TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE CENTER'S MANY YEARS OF DEDICATED SERVICE TO THIS GREAT STATE.

H. 4373 -- Rep. Brown: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE ROHMING ROBOTS FOR WINNING THE INSPIRE AWARD AT THE SOUTH CAROLINA FIRST TECH CHALLENGE STATE CHAMPIONSHIP FOR THE 2018-2019 FIRST ROBOTICS SEASON AND FOR ADVANCING TO THE FIRST CHAMPIONSHIP.

H. 4376 -- Reps. Funderburk, Lucas, Bales, Wheeler, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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, Long, Lowe, 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, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO HONOR CAMDEN MIDDLE SCHOOL OF KERSHAW COUNTY AND TO CONGRATULATE THE ADMINISTRATION, FACULTY, STAFF, STUDENTS, AND PARENTS ON THE SCHOOL'S BEING CHOSEN AS A NATIONAL 2019 SCHOOL TO WATCH.

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H. 4377 -- Reps. Funderburk, Lucas, Bales, Wheeler, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoun, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, 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, Long, Lowe, 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, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LUGOFF-ELGIN MIDDLE SCHOOL OF KERSHAW COUNTY AND TO CONGRATULATE THE ADMINISTRATION, FACULTY, STAFF, STUDENTS, AND PARENTS FOR BEING CHOSEN AS A 2019 NATIONAL "SCHOOL TO WATCH."

ADJOURNMENT

At 2:30 p.m. the House, in accordance with the motion of Rep. RIDGEWAY, adjourned in memory of Thomas Finley Coffey, Sr., to meet at 10:00 a.m. tomorrow.

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H. 3017	17	H. 4187	61
H. 3036	17	H. 4189	61
H. 3063	17	H. 4233	62
H. 3166	17	H. 4235	61
H. 3174	4	H. 4236	62
H. 3180	55	H. 4239	22
H. 3181	18	H. 4244	21
H. 3215	55	H. 4246	21
H. 3262	18	H. 4247	19
H. 3301	18	H. 4256	52
H. 3307	22	H. 4261	19, 24, 25, 30
H. 3310	141	H. 4262	19, 70, 71, 89
H. 3346	55	H. 4262	112, 132
H. 3403	3	H. 4287	19, 133, 134, 138
H. 3404	18	H. 4287	140
H. 3438	57, 58, 59, 60	H. 4324	142
H. 3577	2	H. 4325	143
H. 3620	22	H. 4327	54
H. 3704	18	H. 4333	19
H. 3732	142	H. 4334	19
H. 3750	142	H. 4373	144
H. 3757	3	H. 4376	144
H. 3780	18, 35, 36	H. 4377	144
H. 3785	46, 47	H. 4380	19
H. 3800	22	H. 4388	5
H. 3807	64, 65, 67, 69	H. 4389	6
H. 3807	70	H. 4390	6
H. 3917	23	H. 4391	6
H. 3936	63		
H. 3951	20	S. 476	62
H. 4004	19	S. 514	4
H. 4108	60	S. 530	7
H. 4112	142	S. 540	2
H. 4157	142	S. 575	14
H. 4185	60	S. 725	5
H. 4186	60		