

NO. 17

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, FEBRUARY 11, 2020
(STATEWIDE SESSION)

Tuesday, February 11, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 121:1-2: "I lift up my eyes to the hills from where will my help come?"

Let us pray. Our loving Father, we travel the road of life. Thank You for watching over us and keeping us safe. As these women and men gather for another week of service to our State, provide them with knowledge that will guide them through the days and weeks to come. Grant them Your blessings. Bless our defenders of freedom and first responders as they protect and care for us. Look in favor on our Nation, President, State, Governor, Speaker, staff, and all who give of their time and effort to this Assembly. 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 Friday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. FINLAY moved that when the House adjourns, it adjourn in memory of Joseph "Joe" Edens, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for Faye Swetlik.

SILENT PRAYER

The House stood in silent prayer for the family and friends of Mia Stokes, Grace Revels, and others injured in the car accident in Spartanburg County.

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REGULATION WITHDRAWN AND RESUBMITTED

Document No. 4935

Agency: Commission on Higher Education

Statutory Authority: 1976 Code Section 59-58-40

Licensing Criteria

Received by Speaker of the House of Representatives January 14, 2020

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 13, 2020

Revised: May 14, 2020

REGULATION WITHDRAWN AND RESUBMITTED

Document No. 4941

Agency: Department of Labor, Licensing and Regulation - Building Codes Council

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

International Residential Code

Received by Speaker of the House of Representatives January 14, 2020

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 13, 2020

REPORTS OF STANDING COMMITTEE

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

H. 4940 -- Reps. Sandifer, Forrester, Ott, West and Toole: A JOINT RESOLUTION TO ESTABLISH THE ELECTRICITY MARKET REFORM MEASURES STUDY COMMITTEE, TO PROVIDE FOR THE MEMBERSHIP ON THE STUDY COMMITTEE, TO PROVIDE THAT THE COMMITTEE SHALL STUDY WHETHER THE LEGISLATURE SHOULD ADOPT MARKET REFORM MEASURES AFFECTING THE PROVISION OF ELECTRIC SERVICE IN SOUTH CAROLINA AND STUDY THE PUBLIC BENEFITS ASSOCIATED WITH SUCH MEASURES, TO REQUIRE THE STUDY COMMITTEE TO ISSUE A REPORT WITH FINDINGS AND RECOMMENDATIONS TO APPROPRIATE FUNDS TO ENGAGE A THIRD-PARTY, INDEPENDENT, EXPERT CONSULTANT, OR CONSULTANTS, TO ADVISE THE STUDY

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COMMITTEE, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

Ordered for consideration tomorrow.

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

H. 4702 -- Reps. Huggins, Martin, Wooten, Caskey and Calhoon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-11-440 SO AS TO PROVIDE THE RICHLAND-LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN-TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN-TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN-TRADE ZONES ACT.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 5117 -- Reps. Finlay, 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, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White,

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Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JOSEPH ALLEN "JOE" EDENS OF COLUMBIA AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5118 -- Reps. Finlay, 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, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, 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 and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF EDWIN RUDOLPH "RUDY" JONES, JR., AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

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HOUSE RESOLUTION

The following was introduced:

H. 5119 -- Reps. Gilliard, Jefferson and R. Williams: A HOUSE RESOLUTION TO HONOR PHILLIP DUSTAN, PH.D., ON HIS EXEMPLARY CAREER, FILLED WITH NUMEROUS ACCOMPLISHMENTS AND TO WISH HIM MUCH CONTINUED SUCCESS IN ALL OF HIS FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5120 -- Reps. Elliott, Allison, Bannister, Burns, Chumley, B. Cox, W. Cox, Dillard, Haddon, Morgan, Robinson, G. R. Smith, Stringer, Trantham and Willis: A HOUSE RESOLUTION TO RECOGNIZE WELLSPENT OF SOUTH CAROLINA AND TO HONOR THE MEMBER ORGANIZATIONS FOR BRINGING TOGETHER BUSINESS AND HEALTHCARE LEADERS TO DISCUSS AND DEVELOP STATEWIDE INITIATIVES.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5126 -- Reps. Forrest, 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, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith,

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G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DRAYTON WADE BLACK, TO CELEBRATE HIS LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5127 -- Reps. Thigpen and Taylor: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE DR. WALTER B. CURRY, JR., FOR HIS SIGNIFICANT CONTRIBUTIONS TO AFRICAN AMERICAN HISTORY AND HERITAGE IN SOUTH CAROLINA AND TO CONGRATULATE HIM ON RECEIVING THE 2019 INTERNATIONAL AFRICAN AMERICAN HISTORICAL AND GENEALOGICAL SOCIETY BOOK AWARD.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 5121 -- Reps. Govan, Ott, Hosey and Cobb-Hunter: A CONCURRENT RESOLUTION TO COMMEND MOUNT PISGAH BAPTIST CHURCH OF ORANGEBURG FOR MORE THAN A CENTURY AND A HALF OF SERVICE TO THE COMMUNITY AND TO EXTEND WARMEST CONGRATULATIONS ON THE OCCASION OF THE CHURCH'S HISTORIC ONE HUNDRED SIXTY-SIXTH ANNIVERSARY.

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

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CONCURRENT RESOLUTION

The following was introduced:

H. 5122 -- Reps. R. Williams and Jefferson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOCIETY HILL ROAD IN DARLINGTON COUNTY FROM ITS INTERSECTION WITH GREENFIELD ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 "COLONEL CHRISTOPHER N. WILLIAMSON ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

INTRODUCTION OF BILLS

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

H. 5123 -- Reps. West, Ridgeway, Taylor and Wooten: A BILL TO AMEND SECTION 44-23-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO BOTH MENTALLY ILL PERSONS AND PERSONS WITH INTELLECTUAL DISABILITY, SO AS TO ADD A DEFINITION FOR "RESTORATION TREATMENT"; AND TO AMEND SECTION 44-23-430, RELATING TO HEARINGS ON A PERSON'S FITNESS TO STAND TRIAL, SO AS TO EXTEND THE LENGTH OF TIME CERTAIN PERSONS UNFIT TO STAND TRIAL MAY BE HOSPITALIZED FOR RESTORATION TO ONE HUNDRED EIGHTY DAYS, TO ALLOW THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE RESTORATION TREATMENT IN DETENTION CENTERS AND ON AN OUTPATIENT BASIS IN CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

Referred to Committee on Judiciary

H. 5124 -- Reps. Long and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-80-65 SO AS TO PROVIDE PROCEDURES THROUGH WHICH A FIRE DEPARTMENT THAT ASSUMES THE COST OF TRAINING A FIREFIGHTER MAY BE REIMBURSED FOR THESE COSTS BY OTHER FIRE DEPARTMENTS THAT

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SUBSEQUENTLY HIRE THE FIREFIGHTER WITHIN A CERTAIN PERIOD OF TIME.

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

H. 5125 -- Reps. Cogswell, Sottile, Clary, McCoy, Hyde, Davis, B. Newton, W. Newton, Moore, Stavrinakis, Brown, Willis, Ott, Anderson, Elliott and Wheeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ENACT THE "SOUTH CAROLINA THIRTY-BY-THIRTY CONSERVATION ACT", TO ESTABLISH THE GOAL OF PROTECTING THIRTY PERCENT OF THE STATE BY 2030, TO DEFINE NECESSARY TERMS, TO ESTABLISH THE THIRTY-BY-THIRTY INTERAGENCY TASKFORCE AND TO PROVIDE FOR THE MEMBERSHIP OF THE TASKFORCE, TO REQUIRE THE DEVELOPMENT AND IMPLEMENTATION OF PLANS TO PROTECT THE LAND AND WATERS OF THIS STATE AND TO REQUIRE THE SUBMISSION OF A PROPOSED PLAN WITHIN A CERTAIN TIME PERIOD.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

ROLL CALL

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

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Gagnon	Garvin	Gilliam
Govan	Haddon	Hardee
Hart	Hayes	Henderson-Myers

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Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	Johnson
Jones	Jordan	Kimmons
King	Kirby	Ligon
Long	Lowe	Lucas
Mace	Mack	Magnuson
Martin	Matthews	McCoy
McCravy	McDaniel	McGinnis
McKnight	Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Norrell
Oremus	Ott	Pendarvis
Pope	Ridgeway	Rivers
Robinson	Rose	Rutherford
Sandifer	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	Yow

Total Present--120

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

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

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DOCTOR OF THE DAY

Announcement was made that Dr. Rebecca Starr Smith of Simpsonville was the Doctor of the Day for the General Assembly.

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-SPONSORS ADDED

Bill Number: H. 3054
Date: ADD:
02/11/20 DILLARD and ROBINSON

CO-SPONSORS ADDED

Bill Number: H. 3066
Date: ADD:
02/11/20 COBB-HUNTER, MCDANIEL and RIVERS

CO-SPONSOR ADDED

Bill Number: H. 3130
Date: ADD:
02/11/20 CASKEY

CO-SPONSORS ADDED

Bill Number: H. 3290
Date: ADD:
02/11/20 DILLARD and ROBINSON

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CO-SPONSORS ADDED

Bill Number: H. 3382
Date: ADD:
02/11/20 HENEGAN, R. WILLIAMS and JEFFERSON

CO-SPONSORS ADDED

Bill Number: H. 4258
Date: ADD:
02/11/20 DILLARD and ROBINSON

CO-SPONSOR ADDED

Bill Number: H. 4336
Date: ADD:
02/11/20 ROBINSON

CO-SPONSOR ADDED

Bill Number: H. 4352
Date: ADD:
02/11/20 OREMUS

CO-SPONSORS ADDED

Bill Number: H. 4675
Date: ADD:
02/11/20 BANNISTER, B. COX, WILLIS and TRANTHAM

CO-SPONSORS ADDED

Bill Number: H. 4702
Date: ADD:
02/11/20 CALHOON and CASKEY

CO-SPONSOR ADDED

Bill Number: H. 4732
Date: ADD:
02/11/20 DILLARD

CO-SPONSOR ADDED

Bill Number: H. 4761
Date: ADD:
02/11/20 CLARY

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CO-SPONSORS ADDED

Bill Number: H. 4765
Date: ADD:
02/11/20 HENEGAN and MCDANIEL

CO-SPONSOR ADDED

Bill Number: H. 4810
Date: ADD:
02/11/20 DILLARD

CO-SPONSOR ADDED

Bill Number: H. 4835
Date: ADD:
02/11/20 WOOTEN

CO-SPONSOR ADDED

Bill Number: H. 4974
Date: ADD:
02/11/20 HART

CO-SPONSOR ADDED

Bill Number: H. 4990
Date: ADD:
02/11/20 CLEMMONS

CO-SPONSOR ADDED

Bill Number: H. 5015
Date: ADD:
02/11/20 FORREST

CO-SPONSOR ADDED

Bill Number: H. 5062
Date: ADD:
02/11/20 FORREST

H. 4974--DEBATE ADJOURNED

The following Bill was taken up:

H. 4974 -- Reps. Lucas, Simrill, Rutherford, Pope, McCoy,
G. M. Smith, Bannister and Hart: A BILL TO AMEND SECTION 14-

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5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS AND ADDITIONAL AT-LARGE JUDGES, SO AS TO INCREASE THE NUMBER OF AT-LARGE CIRCUIT COURT JUDGES FROM SIXTEEN TO SEVENTEEN; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT AND ADDITIONAL AT-LARGE JUDGES, SO AS TO INCREASE THE NUMBER OF AT-LARGE FAMILY COURT JUDGES FROM EIGHT TO TEN.

Rep. SIMRILL moved to adjourn debate on the Bill until Wednesday, February 12, which was agreed to.

H. 3066--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3066 -- Reps. King, S. Williams, Brawley, Henegan, Jones, Cobb-Hunter, Rivers and McDaniel: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-1-43 SO AS TO PROVIDE FOR THE DESTRUCTION OF ARREST RECORDS OF PERSONS ARRESTED AS A RESULT OF MISTAKEN IDENTITY NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER AN INVESTIGATION BY A LAW ENFORCEMENT OR PROSECUTION AGENCY REVEALS THAT THE PERSON WAS ARRESTED AS A RESULT OF MISTAKEN IDENTITY AND TO PROVIDE THAT THE LAW ENFORCEMENT OR PROSECUTION AGENCY MAY NOT CHARGE OR COLLECT A FEE FOR THE DESTRUCTION OF ARREST RECORDS UNDER THESE CIRCUMSTANCES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3066 (COUNCIL\AHB\3066C001.BH.AHB20), which was adopted:

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

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

“Section 17-1-43. Notwithstanding the provisions of Section 17-1-40, not later than one hundred eighty days after an investigation by a law enforcement or prosecution agency reveals that a person was arrested as a result of mistaken identity and no charges have been filed

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against the person nor will be filed due to the mistaken identity, the law enforcement or prosecution agency with appropriate jurisdiction shall destroy the arrest records of that person made as a result of mistaken identity. The law enforcement or prosecution agency, as appropriate, shall establish a review process for verifying that a person's arrest records relating to mistaken identity in which no charges were filed have been destroyed as provided in this section. Neither the law enforcement or prosecution agency may charge or collect a fee for the destruction of arrest records pursuant to the provisions of this section."

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

"Section 17-1-70. (A) A person charged with an offense listed in subsection (B) may petition the solicitor in the county in which the alleged offense occurred for dismissal of the alleged offense that has not been adjudicated by trial or guilty plea, or otherwise disposed of or dismissed, after five years from the date he was charged with the offense. If the petitioner has no other pending charges unrelated to the subject charge and no criminal convictions subsequent to the alleged offense, the solicitor must approve the dismissal of the offense charged and must do so within thirty days of receipt of the petition for dismissal.

(B) The following offenses are eligible for dismissal pursuant to the provisions of subsection (A):

(1) simple assault or assault and battery in the third degree pursuant to Section 16-3-600(E);

(2) public intoxication or disorderly conduct pursuant to Section 16-17-530;

(3) breach of trust with fraudulent intent pursuant to Section 16-13-230(1);

(4) open container in a motor vehicle pursuant to Section 61-4-110;

(5) trespassing pursuant to Section 16-11-600;

(6) misdemeanor drawing or uttering a fraudulent check pursuant to Sections 34-11-60 and 34-11-90;

(7) misdemeanor shoplifting pursuant to Section 16-13-110(B)(1);

(8) driving under suspension pursuant to Section 56-1-460(A)(1);

(9) simple possession of a controlled substance pursuant to Article 3, Chapter 53, Title 44; or

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(10) a similar local or state offense for which, in the discretion of the solicitor, the elements are substantially similar as for any of the above listed offenses.

(C) Upon dismissal of the offense pursuant to the requirements of this section, the solicitor in the county in which the alleged offense occurred shall notify the State Law Enforcement Division (SLED) and SLED shall remove the pending charge from the petitioner's criminal record within ten days of notification of dismissal. Additionally, any arrest and booking records, associated bench warrants, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or associated bench warrants may be retained by any municipal, county, or state agency. A municipal, county, or state agency, or an employee of a municipal, county, or state agency that intentionally violates this subsection is guilty of contempt of court."

SECTION 3. This act takes effect upon approval of the Governor and applies retroactively to offenses charged before the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. MURPHY explained the amendment.

The amendment was then adopted.

Rep. MURPHY proposed the following Amendment No. 2 to H. 3066 (COUNCIL\AHB\3066C002.BH.AHB20), which was adopted:

Amend the bill, as and if amended, Page [3066-1], by deleting SECTION 1 and inserting:

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

"Section 17-1-43. (A) Notwithstanding the provisions of Section 17-1-40, not later than one hundred eighty days after an investigation by a law enforcement or prosecution agency reveals that a person was arrested as a result of mistaken identity and no charges have been filed against the person nor will be filed due to the mistaken identity, the law enforcement or prosecution agency with appropriate jurisdiction shall destroy the arrest records of that person made as a result of mistaken identity. The law enforcement or prosecution agency, as appropriate, shall establish a review process for verifying that a person's arrest records relating to mistaken identity in which no charges were filed have been destroyed as provided in this section. Neither the law enforcement

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or prosecution agency may charge or collect a fee for the destruction of arrest records pursuant to the provisions of this section.

(B) Law enforcement and prosecution agencies shall retain the arrest and booking record, associated bench warrants, mug shots, and fingerprints of the person under seal for three years and one hundred twenty days. A law enforcement or prosecution agency may retain the information indefinitely for purposes of ongoing or future investigations and prosecution of the offense, administrative hearings, and to defend the agency and the agency's employees during litigation proceedings. The information must remain under seal. The information is not a public document and is exempt from disclosure, except by court order." /

Renumber sections to conform.

Amend title to conform.

Rep. MURPHY 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 96; Nays 5

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Burns
Calhoon	Caskey	Chellis
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Daning	Dillard	Elliott
Felder	Finlay	Forrest
Forrester	Fry	Gagnon
Garvin	Gilliam	Haddon
Hardee	Hart	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Hyde	Johnson
Jones	Jordan	Kimmons

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King	Kirby	Ligon
Long	Lucas	Mace
Magnuson	Martin	Matthews
McDaniel	Morgan	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Oremus	Ott
Pendarvis	Pope	Ridgeway
Rivers	Robinson	Rose
Rutherford	Sandifer	Simrill
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Toole	Weeks	West
Wheeler	White	Whitmire
R. Williams	S. Williams	Wooten

Total--96

Those who voted in the negative are:

Bryant	McCravy	McGinnis
D. C. Moss	Yow	

Total--5

So, the Bill, 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 H. 3066. If I had been present, I would have voted in favor of the Bill.

Rep. Sylleste Davis

H. 5015--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 5015 -- Reps. Hixon and Forrest: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-3-425 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OBTAIN AND UTILIZE SCHEDULE III NONNARCOTIC AND SCHEDULE IV CONTROLLED SUBSTANCES FOR THE CAPTURE AND

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IMMOBILIZATION OF WILDLIFE; AND TO AMEND SECTION 47-3-420, RELATING TO METHODS OF EUTHANASIA, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 5015 (COUNCIL\CZ\5015C001.NBD.CZ20), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1 and 2 and inserting:

/ SECTION 1. Section 47-3-420(A)(1)(i) of the 1976 Code is amended to read:

“(i) an animal shelter, governmental animal control agency, or the Department of Natural Resources (department) may obtain sodium pentobarbital or a derivative, a Schedule IV drug, or tranquilizing agent by direct licensing. The animal shelter, governmental animal control agency, or department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Health and Environmental Control (DHEC). If an animal shelter, governmental animal control agency, or the department is issued a certificate by the DEA and a registration by DHEC pursuant to this subitem, the animal shelter, governmental animal control agency director or his designee, and the department's applicant are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter, governmental animal control agency and its certified euthanasia technician, and the department and its certified employees are subject to inspection and audit by DHEC and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article; /

Renumber sections to conform.

Amend title to conform.

Rep. HIXON 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 105; Nays 0

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Those who voted in the affirmative are:

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	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Gagnon	Garvin	Gilliam
Govan	Haddon	Hardee
Hart	Henderson-Myers	Henegan
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	Johnson
Jones	Kimmons	King
Kirby	Ligon	Long
Lowe	Lucas	Mace
Magnuson	Martin	Matthews
McCravy	McGinnis	McKnight
Morgan	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Norrell	Oremus	Ott
Pendarvis	Pope	Ridgeway
Rivers	Robinson	Rose
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Toole
Trantham	Weeks	West
Wheeler	Whitmire	R. Williams
S. Williams	Wooten	Yow

Total--105

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Those who voted in the negative are:

Total--0

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

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on H. 5015. If I had been present, I would have voted in favor of the Bill.

Rep. Sylleste Davis

H. 5062--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 5062 -- Reps. Ott and Forrest: A BILL TO AMEND SECTION 50-9-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OFFER A LICENSE, PERMIT, OR TAG MADE OF A DURABLE MATERIAL AND TO ESTABLISH A FEE.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 5062 (COUNCIL/CZ/5062C001.NBD.CZ20), which was adopted:

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

/ SECTION 1. Section 50-9-40 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“() The department may offer to fulfill any privilege for applicants on a card made of durable materials such as plastic or a similar product. The fee is six dollars of which the issuing vendor may retain one dollar.”/

Renumber sections to conform.

Amend title to conform.

Rep. HIXON explained the amendment.

The amendment was then adopted.

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 1

Those who voted in the affirmative are:

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	Daning	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Forrester
Fry	Gagnon	Garvin
Gilliam	Govan	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	Johnson
Jones	Jordan	Kimmons
King	Kirby	Ligon
Long	Lowe	Lucas
Mace	Magnuson	Martin
Matthews	McCravy	McDaniel
McGinnis	McKnight	Morgan
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Norrell
Oremus	Ott	Pendarvis
Pope	Ridgeway	Rivers
Robinson	Rose	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Trantham
Weeks	West	Wheeler
White	Whitmire	R. Williams

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S. Williams
Yow

Willis

Wooten

Total--112

Those who voted in the negative are:

Toole

Total--1

So, the Bill, 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 H. 5062. If I had been present, I would have voted in favor of the Bill.

Rep. Sylleste Davis

SPEAKER PRO TEMPORE IN CHAIR

**S. 601--REQUESTS FOR DEBATE WITHDRAWN ,
AMENDED, AND ORDERED TO THIRD READING**

Upon the withdrawal of requests for debate by Reps. ANDERSON, V. S. MOSS and GARVIN, the following Bill was taken up:

S. 601 -- Senators Shealy and Hutto: A BILL TO AMEND SECTION 63-7-2350 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, TO ADD BACKGROUND CHECK REQUIREMENTS FOR EACH EMPLOYEE OF A RESIDENTIAL FACILITY WHERE CHILDREN IN FOSTER CARE MAY BE PLACED.

Rep. MATTHEWS proposed the following Amendment No. 1 to S. 601 (COUNCIL\CZ\601C001.DF.CZ20), which was adopted:

Amend the bill, as and if amended, by striking Section 63-7-2350(C) and inserting:

/ (C) At a minimum, the department shall require that all persons referenced in subsection (A) undergo a ~~state~~ fingerprint review to be conducted by the State Law Enforcement Division and a fingerprint review to be conducted by the Federal Bureau of Investigation. The

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department also shall check the State Central Registry of Child Abuse and Neglect, department records, the equivalent registry system for each state in which the person has resided ~~for five years~~ preceding an application for licensure as a foster parent, the ~~national sex offender registry~~ National Sex Offender Registry, and the state sex offender registry for applicants and all persons ~~twelve~~ eight years of age and older residing in the home of an applicant. /

Renumber sections to conform.

Amend title to conform.

Rep. MATTHEWS explained the amendment.

The amendment was then adopted.

Rep. BERNSTEIN explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Bryant
Burns	Calhoon	Caskey
Chellis	Chumley	Clary
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Daning	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Gagnon	Garvin	Gilliam
Govan	Haddon	Hardee
Hart	Hayes	Henderson-Myers
Henegan	Hewitt	Hill
Hiott	Hixon	Hosey
Huggins	Hyde	Jefferson
Johnson	Jones	Jordan
Kimmons	King	Kirby

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Ligon	Long	Lowe
Lucas	Mace	Magnuson
Martin	Matthews	McCravy
McDaniel	Morgan	D. C. Moss
V. S. Moss	B. Newton	W. Newton
Norrell	Oremus	Ott
Pope	Ridgeway	Rivers
Robinson	Rose	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stringer
Tallon	Taylor	Thayer
Toole	Trantham	Weeks
West	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

Total--105

Those who voted in the negative are:

Total--0

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

STATEMENT FOR JOURNAL

I was temporarily out of the Chamber on constituent business during the vote on S. 601. If I had been present, I would have voted in favor of the Bill.

Rep. Sylleste Davis

RECURRENCE TO THE MORNING HOUR

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

SPEAKER ADDRESSES HOUSE

Pursuant to House Rule 1.6, the SPEAKER addresses the body concerning a matter of importance to the House.

Rep. LUCAS moved that the House do now adjourn, which was agreed to.

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RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 5105 -- Reps. Huggins, 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, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, 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 and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE WILLIAM HENRY WILLIAMS, JR., OF COLUMBIA ON THE OCCASION OF HIS SEVENTY-FIFTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

H. 5106 -- Reps. Howard, 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, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor,

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Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE ESTHER RUTH BUTLER SIMS OF RICHLAND COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

ADJOURNMENT

At 1:03 p.m. the House, in accordance with the motion of Rep. FINLAY, adjourned in memory of Joseph "Joe" Edens, to meet at 10:00 a.m. tomorrow.

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H. 3054	10	H. 5015	12, 17, 18, 20
H. 3066	10, 13, 15, 17	H. 5062	12, 20, 22
H. 3130	10	H. 5105	25
H. 3290	10	H. 5106	25
H. 3382	11	H. 5117	3
H. 4258	11	H. 5118	4
H. 4336	11	H. 5119	5
H. 4352	11	H. 5120	5
H. 4675	11	H. 5121	6
H. 4702	3, 11	H. 5122	7
H. 4732	11	H. 5123	7
H. 4761	11	H. 5124	7
H. 4765	12	H. 5125	8
H. 4810	12	H. 5126	5
H. 4835	12	H. 5127	6
H. 4940	2		
H. 4974	12	S. 601	22
H. 4990	12		