

NO. 41

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, MARCH 19, 2019

Tuesday, March 19, 2019
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Proverbs 19:17

“Kindness to the poor, is a loan to the Lord, and He will give a great reward to the lender.”

Let us pray. Dear heavenly Father, we come to You this legislative session day with thanksgiving for all Your blessings and the opportunity to serve You and the citizens of this great state. We look to You for Your direction and guidance as we go about the work before us. I pray for each member of the Senate and our staff who so abily assist us day in and day out. Let us all act out of kindness to each other and the less fortunate of our State. To Thee be the glory and honor. In Your name we pray, Amen.

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

Call of the Senate

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

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Johnson
Malloy	Martin	Massey
Nicholson	Peeler	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

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A quorum being present, the Senate resumed.

Motion Adopted

On motion of Senator CLIMER, with unanimous consent, Senator CLIMER was granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4873

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

SUBJECT: Air Pollution Control Regulations and Standards

Received by Lieutenant Governor March 14, 2019

Referred to Committee on Agriculture and Natural Resources

REGULATION RESUBMITTED

The following was received:

Document No. 4819

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-21-540(11), 59-33-20(c), and 59-33-30

SUBJECT: Medical Homebound Instruction

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Education

Legislative Review Expiration May 8, 2019

Resubmitted March 19, 2019

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4824

Agency: Department of Labor, Licensing and Regulation - Manufactured Housing Board

Chapter: 79

Statutory Authority: 1976 Code Section 40-2-10(D)(3)-(7)

SUBJECT: Manufactured Home Installation Requirements

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Labor, Commerce and Industry

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Legislative Review Expiration May 8, 2019
Withdrawn and Resubmitted March 19, 2019

Document No. 4833

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 56-5-180, 56-5-190, 56-5-195,
56-5-196, 59-5-60, 59-67-10, 59-67-20, 59-67-30, 59-67-40, 59-67-160,
59-67-240,

59-67-410, 59-67-470, 59-67-520, 59-67-535, and 59-67-570

SUBJECT: Operation of Public Pupil Transportation Services

Received by Lieutenant Governor January 8, 2019

Referred to Committee on Education

Legislative Review Expiration May 8, 2019

Withdrawn and Resubmitted March 19, 2019

Leave of Absence

On motion of Senator ALEXANDER, at 2:06 P.M., Senator LEATHERMAN was granted a leave of absence until 3:00 P.M.

CO-SPONSORS ADDED

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

- S. 11 Sens. McElveen and Bennett
- S. 259 Sen. Campbell
- S. 298 Sen. Hutto
- S. 663 Sens. Campsen and Talley
- S. 675 Sen. Allen

RECALLED

S. 661 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON WATEREE ROAD WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

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RECALLED AND COMMITTED

S. 551 -- Senator Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-2774 SO AS TO ALLOW THE DEPARTMENT OF PUBLIC SAFETY TO ISSUE A CIVIL PENALTY CITATION AGAINST THE REGISTERED OWNER OF A VEHICLE THAT UNLAWFULLY PASSES A SCHOOL BUS, TO PROVIDE A METHOD TO APPEAL THE CITATION, AND TO PROVIDE FOR THE REPEAL OF THIS SECTION.

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

There was no objection and the Bill was recalled from the Committee on Transportation.

On the motion of Senator GROOMS, with unanimous consent, the Bill was committed to the Committee on Judiciary.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 670 -- Senator M. B. Matthews: A SENATE RESOLUTION TO CONGRATULATE ROBERT HEYWARD, SR. ON THE OCCASION OF HIS EIGHTIETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 671 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-25-60 SO AS TO PROVIDE THAT CERTAIN NEW AND REMODELED MANUFACTURED HOMES MUST BE EQUIPPED WITH CARBON MONOXIDE DETECTORS.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 672 -- Senator Grooms: A BILL TO AMEND CHAPTER 40, TITLE 59 OF THE 1976 CODE, RELATING TO CHARTER SCHOOLS, BY ADDING SECTION 59-40-95, TO AUTHORIZE

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PARTNERSHIPS TO CREATE CHARTER SCHOOLS IN THE
WORKPLACE IN CERTAIN CIRCUMSTANCES.

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

S. 673 -- Agriculture and Natural Resources Committee: A JOINT
RESOLUTION TO APPROVE REGULATIONS OF THE
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,
RELATING TO REQUIREMENTS FOR STATE WATER
POLLUTION CONTROL REVOLVING FUND LOAN
ASSISTANCE, DESIGNATED AS REGULATION DOCUMENT
NUMBER 4838, PURSUANT TO THE PROVISIONS OF ARTICLE
1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without
reference.

S. 674 -- Senator Jackson: A SENATE RESOLUTION TO HONOR
AND CONGRATULATE BENEDICT COLLEGE ON RECEIVING A
2019 ACE/FIDELITY INVESTMENTS AWARD FOR
INSTITUTIONAL TRANSFORMATION.

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The Senate Resolution was adopted.

S. 675 -- Senators Turner and Allen: A BILL TO AMEND ACT 745
OF 1967, RELATING TO RENEWABLE WATER RESOURCES
(REWA), FORMERLY KNOWN AS THE WESTERN CAROLINA
REGIONAL SEWER AUTHORITY, TO ADD THE "SOUTHERN
GREENVILLE" AREA OF GREENVILLE COUNTY TO REWA'S
SERVICE TERRITORY, TO EXPRESS THE GENERAL
ASSEMBLY'S INTENT TO DESIGNATE A MAP AS THE
DOCUMENT OF RECORD ON WHICH REWA'S AMENDED
BOUNDARY LINES ARE DELINEATED, AND TO PROVIDE
THAT NO RESIDENTIAL OR COMMERCIAL ENTITY LOCATED
WITHIN THE SOUTHERN GREENVILLE EXTENDED
TERRITORY IS REQUIRED TO TAP INTO THE SERVICES
PROVIDED BY REWA UNLESS THE ENTITY DOES SO
VOLUNTARILY OR HAS NO OTHER DHEC-APPROVED
METHOD FOR DISPOSAL.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 676 -- Senator M. B. Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME MITCHELLVILLE ROAD IN JASPER COUNTY "COUNCILMAN LEROY SNEED ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 677 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-8-85 SO AS TO REQUIRE A PERSON EMPOWERED BY LAW TO CONDEMN REAL PROPERTY MUST CONSIDER PRUDENT AND FEASIBLE ALTERNATIVES TO CONDEMNING PROPERTY SUBJECT TO A CONSERVATION EASEMENT REGISTERED WITH THE NATIONAL CONSERVATION EASEMENT DATABASE BY THE HOLDER OF A CONSERVATION EASEMENT OR OWNER OF LAND SUBJECT TO A CONSERVATION EASEMENT.

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

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

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

H. 4237 -- Reps. Henegan, 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,

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Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, 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 CELEBRATE THE 107TH ANNIVERSARY OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA AND TO HONOR GIRL SCOUTS OF EASTERN SOUTH CAROLINA, GIRL SCOUTS OF SOUTH CAROLINA, MOUNTAINS TO MIDLANDS, AND THE GIRL SCOUT MOVEMENT FOR PROVIDING GIRLS WITH A SAFE, INCLUSIVE, ALL-GIRL SPACE TO ENHANCE THEIR SKILLS AND DEVELOP LEADERSHIP ABILITIES BY DECLARING THE WEEK OF MARCH 10, 2019, TO BE "GIRL SCOUTS' WEEK".

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

REPORTS OF STANDING COMMITTEES

Senator CAMPBELL from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 107 -- Senators Campbell and Campsen: A BILL TO AMEND SECTION 49-11-120(4) OF THE 1976 CODE, RELATING TO THE DEFINITION OF "DAM," TO INCLUDE THE ERECTION OF AN ARTIFICIAL BARRIER FOR THE PURPOSE OF CREATING A RESERVOIR, TO CLARIFY THAT FAILURE OF A DAM MUST CAUSE DANGER TO HUMAN LIFE OR THE PROPERTY OF OTHERS, AND TO ADD NEW EXCEPTIONS TO THE DEFINITION; TO AMEND ARTICLE 3, CHAPTER 11, TITLE 49 OF THE 1976 CODE, RELATING TO THE DAMS AND RESERVOIRS SAFETY ACT, TO PROVIDE THAT OWNERS OF EXISTING DAMS OR PROPERTY OWNERS INTENDING TO CONSTRUCT OR ENLARGE A DAM MAY RECEIVE FROM THE DEPARTMENT A DETERMINATION CONCERNING WHETHER THE DAM IS SUBJECT TO THE PROVISIONS OF ARTICLE 3; TO AMEND SECTION 49-11-150 OF THE 1976 CODE, RELATING TO AN

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OWNER'S RESPONSIBILITY FOR THE SAFE MAINTENANCE OF A DAM OR RESERVOIR, TO PROVIDE THAT THE OWNER OF A DAM OR RESERVOIR MUST PROVIDE CONTACT INFORMATION AND A COMPLETED DAM OWNER CHECKLIST TO THE DEPARTMENT ON A CERTAIN SCHEDULE, TO PROVIDE FOR A CURRENT EMERGENCY ACTION PLAN, AND TO PROVIDE FOR NOTICE OF POTENTIAL OR ACTUAL FAILURES; TO AMEND SECTION 49-11-160 OF THE 1976 CODE, RELATING TO ORDERS TO MAINTAIN, ALTER, REPAIR, OR REMOVE A DAM OR RESERVOIR, TO CHANGE THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MAY ISSUE AN ORDER DIRECTING THE OWNER OF A DAM OR RESERVOIR TO UNDERTAKE NECESSARY MAINTENANCE, ALTERATIONS, REPAIRS, OR REMOVAL; TO AMEND SECTION 49-11-170 OF THE 1976 CODE, RELATING TO BRINGING UNSAFE DAMS TO THE ATTENTION OF THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT CANNOT REQUIRE CHANGES TO A DAM OR RESERVOIR DUE TO RECLASSIFICATION UNLESS NECESSARY TO PREVENT THE LOSS OF HUMAN LIFE; TO AMEND SECTION 49-11-200 OF THE 1976 CODE, RELATING TO THE DEPARTMENT APPROVAL REQUIRED FOR CONSTRUCTION OR ALTERATION, TO PROVIDE THAT CONSTRUCTION OF A NEW DAM OR RESERVOIR OR THE ENLARGEMENT, REMOVAL, OR REPAIR OF AN EXISTING DAM OR RESERVOIR MAY NOT BEGIN UNLESS APPROVED BY THE DEPARTMENT AND TO PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 12-6-3370 OF THE 1976 CODE, RELATING TO TAX CREDITS FOR THE CONSTRUCTION, INSTALLATION, OR RESTORATION OF WATER IMPOUNDMENTS AND WATER CONTROL STRUCTURES, TO PROVIDE THAT A TAXPAYER MAY CLAIM A CREDIT OF UP TO FIFTY THOUSAND DOLLARS FOR REPAIRS REQUIRED AS A RESULT OF THE DEPARTMENT RECLASSIFYING THE DAM.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 109 -- Senator Massey: A BILL TO AMEND SECTION 40-79-20 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA ALARM SYSTEM BUSINESS ACT, TO ADD A DEFINITION FOR

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“ELECTRIC FENCE,” AND TO MAKE TECHNICAL CORRECTIONS.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 133 -- Senator Davis: A BILL TO AMEND SECTION 38-75-485 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, TO EXPAND THE PROGRAM TO INCLUDE FLOOD DAMAGE.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 573 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 34-39-310 AND 34-41-140 SO AS TO PROVIDE THAT THE STATE BOARD OF FINANCIAL INSTITUTIONS MAY PARTICIPATE IN A NATIONWIDE MULTISTATE LICENSING SYSTEM; TO AMEND SECTION 34-39-120, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION FOR “NATIONWIDE MULTISTATE LICENSING SYSTEM” AND “UNIQUE IDENTIFIER”; TO AMEND SECTION 34-39-150, RELATING TO LICENSURE APPLICATIONS, SO AS TO PROVIDE THAT AN APPLICATION MUST BE ACCOMPANIED WITH CERTAIN ACTUAL COSTS OF OBTAINING CREDIT REPORTS AND CRIMINAL HISTORY RECORD CHECKS; TO AMEND SECTION 34-39-260, RELATING TO THE PROMULGATION OF REGULATIONS, SO AS TO PROVIDE THAT THE BOARD MAY WAIVE OR MODIFY CERTAIN REQUIREMENTS; TO AMEND SECTION 34-41-10, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION FOR “NATIONWIDE MULTISTATE LICENSING SYSTEM” AND “UNIQUE IDENTIFIER”; TO AMEND SECTION 34-41-40, RELATING TO LICENSURE APPLICATIONS, SO AS TO PROVIDE THAT AN APPLICATION MUST BE ACCOMPANIED WITH CERTAIN ACTUAL COSTS OF OBTAINING CREDIT REPORTS AND CRIMINAL HISTORY RECORD CHECKS; AND TO AMEND SECTION 34-41-130, RELATING TO THE PROMULGATION OF REGULATIONS, SO AS TO PROVIDE THAT THE BOARD MAY WAIVE OR MODIFY CERTAIN REQUIREMENTS.

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Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 579 -- Senator Gambrell: A BILL TO AMEND SECTION 38-73-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRED RATE FILINGS FOR INSURERS, SO AS TO PROVIDE THAT AUTOMOBILE INSURANCE RATE INCREASES MAY NOT BE APPROVED FOR AN INSURER OR RATING ORGANIZATION WHO HAS BEEN GRANTED A RATE INCREASE IN THE PRECEDING SIX MONTHS.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 580 -- Senator Gambrell: A BILL TO AMEND CHAPTER 29, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO ALTER THE APPLICATION OF THE CHAPTER, TO ESTABLISH CERTAIN POWERS AND DUTIES FOR THE ASSOCIATION IN RELATION TO IMPAIRED OR INSOLVENT MEMBER INSURERS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE ASSOCIATION MAY CALL AN ASSESSMENT OF THE MEMBERS AND TO PROVIDE CLASSES FOR THE ASSESSMENTS, TO REQUIRE THE ASSOCIATION TO ESTABLISH A PLAN OF OPERATION AND REQUIRE THE PLAN TO CREATE PROCEDURES FOR REMOVING A MEMBER OF THE BOARD UNDER CERTAIN CIRCUMSTANCES AND TO ADDRESS CONFLICTS OF INTEREST, TO PROSCRIBE CERTAIN DUTIES FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO AID IN THE DETECTION AND PREVENTION OF INSURER IMPAIRMENTS AND INSOLVENCIES, TO PROVIDE THAT NO PERSON MAY USE THE EXISTENCE OF THE SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION FOR THE PURPOSE OF INSURANCE SALES, AND TO REQUIRE THE ASSOCIATION TO PREPARE A DOCUMENT DESCRIBING THE GENERAL PURPOSES AND LIMITATIONS OF THIS CHAPTER.

Ordered for consideration tomorrow.

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Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

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

Ordered for consideration tomorrow.

Senator CAMPBELL from the Committee on Agriculture and Natural Resources submitted a favorable report on:

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.

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 552 -- Senators Shealy and Young: A CONCURRENT RESOLUTION TO RECOGNIZE WEDNESDAY, MARCH 20, 2019 AS "NATIONAL GUARD DAY" IN SOUTH CAROLINA TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THAT THE SOUTH CAROLINA NATIONAL GUARD MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

Returned with concurrence.

Received as information.

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

CARRIED OVER

S. 475 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR HAVE IN

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POSSESSION MORE THAN THREE TRIPLETAIL IN ANY ONE DAY, NOT TO EXCEED NINE TRIPLETAIL IN ANY ONE DAY ON ANY BOAT; AND TO AMEND SECTION 50-5-1710(B) OF THE 1976 CODE, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, POSSESS, LAND, SELL, PURCHASE, OR ATTEMPT TO SELL OR PURCHASE TRIPLETAIL OF LESS THAN EIGHTEEN INCHES IN TOTAL LENGTH.

On motion of Senator KIMPSON, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 463 -- Senator Martin: A BILL TO AMEND SECTION 40-43-86 OF THE 1976 CODE, RELATING TO FACILITY REQUIREMENTS FOR PHARMACIES, THE PRESENCE OF PHARMACISTS-IN-CHARGE, CONSULTANT PHARMACISTS, PRESCRIPTION DRUG ORDERS, THE TRANSFERRING OF PRESCRIPTIONS, THE SUBSTITUTION OF AN EQUIVALENT DRUG OR INTERCHANGEABLE BIOLOGICAL PRODUCT, LABEL REQUIREMENTS, PATIENT RECORDS AND COUNSELING, POLICIES AND REQUIREMENTS FOR AUTOMATED SYSTEMS, UNLAWFUL PRACTICES, SALES TO OPTOMETRISTS AND HOME MEDICAL EQUIPMENT PROVIDERS, THE CODE OF ETHICS, THE SALE OF POISONS AND RETURNED MEDICATIONS, PERMIT FEES, AND COMPOUNDING REGULATIONS AND RESTRICTIONS, TO PROVIDE THAT A PHARMACIST MAY EXERCISE HIS PROFESSIONAL JUDGMENT TO DISPENSE UP TO A NINETY-DAY SUPPLY OF MEDICATION PER REFILL UP TO THE TOTAL NUMBER OF DOSAGE UNITS AS AUTHORIZED BY THE PRESCRIBER ON THE ORIGINAL PRESCRIPTION, TO PROVIDE CERTAIN REQUIREMENTS, AND TO PROVIDE EXCEPTIONS.

S. 440 -- Senators Talley and Reese: A BILL TO AMEND SECTION 12-65-20(4) AND (8) OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, TO PROVIDE THAT A CERTAIN CAP ON REHABILITATION EXPENSES ONLY

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APPLIES TO CERTAIN REHABILITATED BUILDINGS ON
CONTIGUOUS PARCELS.

OBJECTION

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

Senator SHEALY objects to the consideration of the Bill.

OBJECTION

S. 162 -- Senators Bennett, Johnson and Climer: A BILL TO AMEND SECTION 12-37-2615 OF THE 1976 CODE, RELATING TO PENALTIES FOR FAILURE TO REGISTER A MOTOR VEHICLE, TO PROVIDE THAT A PERSON WHO FAILS TO REGISTER A MOTOR VEHICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE FINED NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONED FOR A PERIOD NOT TO EXCEED THIRTY DAYS, OR BOTH.

Senator GROOMS objects to the consideration of the Bill.

OBJECTION

H. 3595 -- Reps. Elliott, G.M. Smith, Simrill, Stavrinakis, Loftis, Clemmons, Erickson, West, Bannister and Forrest: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

Senator SHEALY objects to the consideration of the Bill.

OBJECTION

H. 3985 -- Reps. Lucas, G.M. Smith and Stavrinakis: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF

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THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2018 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

Senator SHEALY objects to the consideration of the Bill.

CARRIED OVER

S. 474 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR HAVE IN POSSESSION MORE THAN TEN SPADEFISH IN ANY ONE DAY, NOT TO EXCEED THIRTY SPADEFISH IN ANY ONE DAY ON ANY BOAT; AND TO AMEND SECTION 50-5-1710(B) OF THE 1976 CODE, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, POSSESS, LAND, SELL, PURCHASE, OR ATTEMPT TO SELL OR PURCHASE SPADEFISH OF LESS THAN FOURTEEN INCHES IN TOTAL LENGTH.

On motion of Senator KIMPSON, the Bill was carried over.

OBJECTION

S. 132 -- Senators Davis, Nicholson, Hutto, M.B. Matthews, Kimpson, Alexander and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PA ACT OF 2019" BY ADDING SECTION 40-47-936 SO AS TO PROVIDE CERTAIN ORDERS PHYSICIAN ASSISTANTS MAY PLACE TO BE PERFORMED BY LICENSED PERSONNEL PURSUANT TO THE SCOPE OF PRACTICE OF THE PHYSICIAN ASSISTANT; BY ADDING SECTION 40-47-1025 SO AS TO PROVIDE CERTAIN PROVISIONS MAY NOT BE CONSTRUED TO LIMIT THE EMPLOYMENT ARRANGEMENT OF PHYSICIAN ASSISTANTS; BY ADDING SECTION 40-47-1030 SO AS TO PROVIDE THE BOARD OF MEDICAL EXAMINERS MAY APPROVE PHYSICIAN ASSISTANTS TO ENTER INTO NONDISCIPLINARY ALTERNATIVE PROGRAMS AND TO PROVIDE CONFIDENTIALITY OF RELATED RECORDS; BY ADDING SECTION 40-47-1035 SO AS TO PROVIDE PHYSICIAN

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ASSISTANTS MAY BE CONSIDERED PRIMARY CARE PROVIDERS OR MENTAL HEALTH PROVIDERS WHEN PRACTICING IN THE MEDICAL SPECIALTIES REQUIRED FOR PHYSICIANS TO BE PRIMARY CARE PROVIDERS OR MENTAL HEALTH PROVIDERS, AND TO CLARIFY THE AFFECT ON RELATED WORKING RELATIONSHIPS AND SCOPES OF PRACTICE; BY ADDING SECTION 40-47-1040 SO AS TO PROVIDE THE BOARD MAY MAKE SPECIAL PROVISIONS FOR LICENSURES OF APPLICANTS WHO HAVE BEEN CLINICALLY INACTIVE FOR MORE THAN TWENTY-FOUR MONTHS, TO PROVIDE REQUIREMENTS FOR THESE SPECIAL PROVISIONS, AND TO PROVIDE PHYSICIAN ASSISTANTS WHO HAVE BEEN FULL-TIME EMPLOYEES OF CERTAIN ACCREDITED EDUCATIONAL PROGRAMS MAY NOT BE CONSIDERED TO HAVE BEEN CLINICALLY INACTIVE FOR LICENSURE OR LICENSE RENEWAL PURPOSES; TO AMEND SECTION 40-47-195, AS AMENDED, RELATING TO SUPERVISING PHYSICIANS IN SCOPE OF PRACTICES, SO AS TO REVISE RELATED REQUIREMENTS; TO AMEND SECTION 40-47-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING PHYSICIANS AND MISCELLANEOUS HEALTH CARE PROFESSIONALS, SO AS TO REVISE NECESSARY TERMS; TO AMEND SECTION 40-47-113, RELATING TO THE ESTABLISHMENT OF PHYSICIAN-PATIENT RELATIONSHIPS, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 40-47-910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO REVISE AND PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 40-47-915, RELATING TO THE APPLICABILITY OF THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO REVISE THE CRITERIA FOR PERSONS SUBJECT TO THE ACT; TO AMEND SECTION 40-47-925, RELATING TO THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE TO THE BOARD, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-930, RELATING TO THE POWERS AND DUTIES OF THE COMMITTEE AND BOARD, SO AS TO REVISE THE REQUIREMENTS AND MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-935, AS AMENDED, RELATING TO ACTS AND DUTIES THAT PHYSICIAN ASSISTANTS ARE AUTHORIZED TO PERFORM, SO AS TO EXPAND THE RANGE OF THESE ACTS AND DUTIES; TO AMEND SECTION 40-47-938,

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RELATING TO SUPERVISORY RELATIONSHIPS, SO AS TO REVISE THE REQUIREMENTS FOR THESE RELATIONSHIPS; TO AMEND SECTION 40-47-940, RELATING TO THE LICENSURE APPLICATION PROCESS AND TEMPORARY LICENSES, SO AS TO REVISE THE PROCESS AND PROVIDE REQUIREMENTS FOR EMERGENCY LICENSES; TO AMEND SECTION 40-47-945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSES FOR PHYSICIAN ASSISTANTS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-47-950, RELATING TO LIMITED PHYSICIAN ASSISTANT LICENSES, SO AS TO ELIMINATE CERTAIN REQUIREMENTS FOR THESE LICENSES, MODIFY THE ROLE OF SUPERVISING PHYSICIANS, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-955, AS AMENDED, RELATING TO SCOPE OF PRACTICE, SO AS TO REVISE THE REQUIREMENTS AND INCLUDE REQUIREMENTS CONCERNING TELEMEDICINE, AMONG OTHER THINGS; TO AMEND SECTION 40-47-960, RELATING TO REQUIRED CONTENT IN SCOPE OF PRACTICES, SO AS TO REVISE THE REQUIRED CONTENT AND PROVIDE SCOPE OF PRACTICES MAY BE IN WRITTEN OR ELECTRONIC FORMAT; TO AMEND SECTION 40-47-965, RELATING TO REQUIREMENTS OF PHYSICIAN ASSISTANTS WHEN PRESCRIBING CERTAIN TREATMENTS, SO AS TO EXPAND THE AUTHORITY OF PHYSICIAN ASSISTANTS TO PRESCRIBE SUCH TREATMENTS; TO AMEND SECTION 40-47-970, RELATING TO MEDICAL TASKS, ACTS, AND FUNCTIONS THAT PHYSICIAN ASSISTANTS MAY PERFORM, SO AS TO ELIMINATE RESTRICTIONS ON PRESCRIBING CERTAIN CONTROLLED SUBSTANCES AND RESTRICTIONS ON PERFORMING ACTS OUTSIDE THE USUAL PRACTICE OF THEIR SUPERVISING PHYSICIANS; TO AMEND SECTION 40-47-985, RELATING TO UNSCHEDULED INSPECTIONS THAT THE BOARD MAY MAKE OF FACILITIES EMPLOYING PHYSICIAN ASSISTANTS, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 40-47-990, RELATING TO THE IDENTIFICATION OF PHYSICIAN ASSISTANTS, SO AS TO REVISE THE REQUIREMENTS AND PROVIDE FOR EXCEPTIONS DURING UNPLANNED EMERGENCIES; TO AMEND SECTION 40-47-1000, RELATING TO UNLAWFUL REPRESENTATION OF ONESELF AS A PHYSICIAN ASSISTANT, SO AS TO ALLOW THAT PERSONS WHO MEET THE

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QUALIFICATIONS OF CHAPTER 47, TITLE 40 MAY REPRESENT THEMSELVES AS BEING PHYSICIAN ASSISTANTS, BUT MAY NOT PERFORM PHYSICIAN ASSISTANT ACTS; TO AMEND SECTION 40-47-1005, RELATING TO GROUNDS FOR MISCONDUCT MANDATING DISCIPLINE, SO AS TO REVISE THESE GROUNDS; TO AMEND SECTION 40-47-1015, RELATING TO LICENSURE FEES, SO AS TO REVISE THE FEES; TO AMEND SECTION 40-47-1020, RELATING TO THIRD PARTY REIMBURSEMENTS OF PHYSICIAN ASSISTANTS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 40-47-995 RELATING TO THE TERMINATION OF SUPERVISORY RELATIONSHIPS BETWEEN PHYSICIANS AND PHYSICIAN ASSISTANTS.

Senator JACKSON objects to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 259 -- Senators Goldfinch, Campsen, Kimpson and Campbell: 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 RESILIENCE REVOLVING FUND ACT"; TO ESTABLISH THE "SOUTH CAROLINA RESILIENCE REVOLVING FUND" TO PROVIDE LOW INTEREST LOANS TO PERFORM FLOODED-HOME BUYOUTS AND FLOODPLAIN RESTORATION, TO AUTHORIZE THE BANK TO UNDERTAKE CERTAIN ACTIONS IN ORDER TO PROPERLY FUNCTION, TO ESTABLISH CERTAIN CRITERIA FOR LOANS AND ELIGIBLE FUND RECIPIENTS, TO PROVIDE CERTAIN REQUIREMENTS FOR THE MONIES WITHIN THE FUND, TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO UNDERTAKE CERTAIN ACTIONS TO EFFECTIVELY OPERATE THE FUND.

The Senate proceeded to the consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (259R002.SP.SLG), which was adopted:

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

/ SECTION 1. Title 48 of the 1976 Code is amended by adding:
"CHAPTER 61
South Carolina Resilience Revolving Fund Act

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Section 48-61-10. This chapter may be cited as the ‘South Carolina Resilience Revolving Fund Act’.

Section 48-61-20. As used in this chapter:

(1) ‘Authority’ means the Department of Administration’s South Carolina Disaster Recovery Office.

(2) ‘Conservation easement’ means an interest in real property as defined in Chapter 8, Title 27, the South Carolina Conservation Easement Act of 1991.

(3) ‘Department’ means the Department of Administration.

(4) ‘Eligible fund recipient’ means:

(a) the State of South Carolina and any agency, commission, or instrumentality of the State;

(b) local governments of the State and any agency, commission, or instrumentality of the local government; and

(c) land trusts operating within the State accredited by the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance that provides independent verification that land trusts meet the high standards of land conservation, stewardship, and nonprofit management in the nationally recognized Land Trust Standards and Practices.

(5) ‘Floodplain restoration’ means any activity undertaken to reestablish the hydrology and ecology of the floodplain to its natural state.

(6) ‘Fund’ means the South Carolina Resilience Revolving Fund.

(7) ‘Loan’ means a loan from the authority to an eligible fund recipient for the purpose of financing all or a portion of the cost of a project.

(8) ‘Loan agreement’ means a written agreement between the authority and a project sponsor with respect to a loan.

(9) ‘Loan obligation’ means a bond, note, or other evidence of obligation issued by a project sponsor to evidence its indebtedness under a loan agreement with respect to a loan.

(10) ‘Local government’ means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or established pursuant to the laws of this State.

(11) ‘Multi-family residence’ means a building with multiple separate residential housing units.

(12) ‘Primary single family residence’ means a single detached dwelling that is occupied as the main home by the owners for the majority of the year.

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(13) 'Proposed project' means a plan submitted to the authority by an eligible fund recipient for the use of loan funds.

(14) 'Repetitive loss' means a residence that sustained two or more incidents of weather-related flooding causing damages over one thousand dollars each within a period of ten consecutive years.

Section 48-61-30. There is created the South Carolina Resilience Revolving Fund. The fund is governed by the authority. The authority is a public instrumentality of this State, and the exercise by it of a power conferred in this chapter is the performance of an essential public function. The director and staff of the South Carolina Disaster Recovery Office comprise the authority, under the supervision and review of the director of the department and the Governor.

Section 48-61-40. (A) With regard to the fund, the authority is authorized to:

(1) make and service below-market interest rate loans and grants as financial incentives to eligible fund recipients meeting the criteria of Section 48-61-50 for the purchase of flooded properties and land to complete floodplain restorations, so long as the loans advance the purposes of this chapter and meet applicable criteria;

(2) enter into loan agreements and accept and enforce loan obligations, so long as the loans advance the purposes of this chapter and meet applicable criteria;

(3) receive and collect the inflow of payments on loan amounts;

(4) apply for and receive additional funding for the fund from federal, state, private, and other sources;

(5) receive charitable contributions and donations to the fund;

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

(7) make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions;

(8) establish policies and procedures for the making and administration of loans, fiscal controls, and accounting procedures to ensure proper accounting and reporting; and

(9) exercise its discretion in determining what portion of funds must be disbursed and awarded in any particular year and what portion of funds shall remain in the fund from one fiscal year to the next. Sums within the fund must be invested or deposited into interest-bearing

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instruments or accounts, and the accrued interest must be credited to the fund.

(B) To carry out these functions, the authority shall:

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

(2) receive final approval from the State Fiscal Accountability Authority for fund disbursements prior to the issuance of a loan;

(3) develop additional guidelines and prescribe procedures, consistent with the criteria and purposes of this chapter;

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

(a) accounts for fund receipts and disbursements;

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

(c) describes recipients of fund loans and grant monies; and

(d) sets forth a list and description of all loans and grants approved and all acquisitions of homes and lands obtained since the fund's inception; and

(5) have an annual audit of the fund conducted by outside independent certified public accountants and submitted to the Governor, Lieutenant Governor, State Treasurer, and General Assembly. The accounting of fund receipts and expenditures required above must be part of this annual audit.

Section 48-61-50. (A) In the issuing of loans, the authority must:

(1) prioritize the buyout of blocks or groups of homes rather than individual homes so that no more than fifteen percent of funds disbursed in a fiscal year go toward individual home buyouts;

(2) prioritize buyouts of single-family primary residences and multi-family residences;

(3) consider the availability of additional funding sources leveraged by a project;

(4) prevent the use of the fund for homes built after July 1, 2020; and

(5) prevent the use of the fund for proposed projects that involve the use of eminent domain.

(B) The authority must issue loans using the following criteria and conditions:

(1) offer a funding package of grants and loans for a particular project that carries an overall effective interest rate equivalent to no

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higher than forty percent of the market interest rate as defined by the ten-year United States Treasury Yield Curve;

(2) make a portion of each loan available as a grant not requiring payment as a financial incentive to reduce the loan amount, that portion being no greater than twenty-five percent and no less than five percent of the total project disbursement, to incrementally reward those eligible fund recipients that execute beneficial flood mitigation practices. To qualify for a grant, eligible fund recipients must execute one or more of the following beneficial flood mitigation practices:

- (a) ensuring residents relocate outside of the floodplain;
- (b) aiding residents in relocating outside of the floodplain and within the tax base;
- (c) aiding residents in relocating outside of the floodplain within an area designated as an opportunity zone;
- (d) conducting floodplain restoration after the property is converted to open space to reestablish the full water storing benefits of the floodplain;
- (e) completing a buyout of an area larger than ten acres; and
- (f) other activities as deemed appropriate by the authority so long as they contribute to flood resilience in the community of the buyout;

(3) require that acquired properties are returned to open space and that all future development on the parcel is prohibited in perpetuity through easement; and

(4) prohibit the use of more than five hundred thousand dollars for each housing unit receiving loan funds.

(C) Eligible fund recipients may apply for loans from the fund to complete:

- (1) buyouts of repetitive loss properties;
- (2) buyouts of repetitive loss properties with land intended for floodplain restoration; and
- (3) floodplain restoration in connection with buyouts funded through other mechanisms.

(D) In order to qualify for a loan, eligible fund recipients must apply to the authority and, at a minimum, meet the following criteria:

- (1) for buyouts of repetitive loss properties:
 - (a) identify specific properties included in the proposed project;
 - (b) demonstrate how the properties qualify as repetitive loss properties;

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(c) identify a plan and timeline for returning the property to open space within six months following the completion of the buyout and holding an easement on the land in perpetuity;

(d) complete an economic assessment to show the costs and benefits of the project; and

(e) identify any beneficial flood mitigation practices planned for the project;

(2) for buyouts of repetitive loss properties with land intended for floodplain restoration:

(a) identify specific properties included in the proposed project;

(b) demonstrate how the properties qualify as repetitive loss properties;

(c) identify a plan and timeline for returning the property to open space within six months following the completion of the buyout and holding an easement on the land in perpetuity;

(d) complete an economic assessment to show the costs and benefits of the project;

(e) submit a plan for conducting floodplain restoration; and

(f) identify any additional beneficial flood mitigation practices planned for the project;

(3) for other floodplain restoration:

(a) submit a plan and timeline for conducting floodplain restoration;

(b) identify a plan and timeline for holding an easement on the land in perpetuity;

(c) complete an economic assessment to show the costs and benefits of the project; and

(d) identify any additional beneficial flood mitigation practices planned for the project; and

(4) any additional criteria required by external grants contributing to the fund.

(E) Financial criteria also must be met pursuant to the standards set by the authority. The authority may require additional criteria and exercise discretion in issuing loans.

Section 48-61-60. (A) The fund must be held and administered by the authority in accordance with the provisions of this chapter and policies, rules, regulations, directives, and agreements as may be promulgated or entered into by the authority pursuant to this chapter. Earnings on balances in the fund must be credited to the fund. Amounts remaining in the fund at the end of the fiscal year accrue only to the credit of the fund. Amounts in the fund must be available in perpetuity for the

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purpose of providing financial assistance in accordance with the provisions of this chapter.

(B) The authority is authorized to deposit the following into the fund:

- (1) federal capitalization grants, awards, or other federal assistance received by the department for the purposes of the fund;
- (2) funds appropriated by the General Assembly for deposit to the fund;
- (3) payments received from a recipient in repayment of a loan;
- (4) interest or other income earned on the investment of monies in the fund; and
- (5) additional monies made available from public or private sources for the purposes of which the fund has been established.

(C) Monies in the fund may only be used to:

- (1) make loans to eligible fund recipients in accordance with the provisions of this chapter; and
- (2) earn interest on fund accounts.

(D) The authority may establish accounts and subaccounts within the fund as considered desirable to effectuate the purposes of this chapter.

Section 48-61-70. In the annual general appropriations act for Fiscal Year 2019-2020, the General Assembly shall appropriate two million dollars to establish the fund. The department will seek out additional sources of funding to sustain the fund, including federal dollars from the Department of Housing and Urban Development Community Development Block Grant Disaster Recovery appropriations. Additional appropriations to the fund may be requested from the General Assembly so as to expand the capabilities of the fund.

Section 48-61-80. The Department of Administration may:

- (1) promulgate regulations to effectuate the provisions of this chapter;
- (2) establish an operational structure within its authority to administer the fund;
- (3) develop priority systems that ensure consistency with the provisions of this chapter;
- (4) prepare annual plans in accordance with this chapter;
- (5) receive monies from the fund for program administration and project management activities of the fund; and
- (6) hire staff and employ agents, advisers, consultants, and other employees, including attorneys, financial advisers, engineers, and other technical advisers and public accountants and determine their duties and compensation.

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Section 48-61-90. The provisions of this chapter must be liberally construed to the end that its beneficial purposes may be effectuated. No proceeding, notice, or approval is required for loan obligations by a project sponsor or instruments or the security for the loan obligation, except as provided in this chapter. If the provisions of this chapter are inconsistent with the provisions of any other law, whether general, special, or local, then the provisions of this chapter are controlling.”

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

Senator GOLDFINCH explained the committee amendment.

The amendment was adopted.

Senator GOLDFINCH proposed the following amendment (259R003.SP.SLG), which was adopted:

Amend the bill, as and if amended, by striking Section 48-61-60(C) and inserting:

/ (C) Monies in the fund may only be used to:

(1) make loans to eligible fund recipients in accordance with the provisions of this chapter;

(2) earn interest on fund accounts; and

(3) provide for the program administration and project management activities of the fund. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Senator SCOTT proposed the following amendment (CZ\259C001.JN.CZ19), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 48-61-50(A) and inserting:

/ (A) In the issuing of loans, the authority must:

(1) prioritize the buyout of blocks or groups of homes rather than individual homes so that no more than fifteen percent of funds disbursed in a fiscal year go toward individual home buyouts;

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(2) prioritize buyouts of single-family primary residences and multi-family residences;

(3) consider the availability of additional funding sources leveraged by a project;

(4) prevent the use of the fund for homes built after July 1, 2020;

(5) prevent the use of the fund for proposed projects that involve the use of eminent domain; and

(6) prioritize the use of the fund for low and moderate income households making less than one hundred twenty five percent of the median household income in the jurisdiction of the eligible fund recipient. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 1

AYES

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

Total--44

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NAYS

Corbin

Total--1

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

OBJECTION

S. 136 -- Senators Davis and Shealy: A BILL TO AMEND SECTION 44-53-360(j) OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCE PRESCRIPTIONS, TO REQUIRE THE USE OF ELECTRONIC PRESCRIPTIONS AND TO PROVIDE EXCEPTIONS.

Senator WILLIAMS objects to the consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 509 -- Senator Grooms: A BILL TO AMEND ARTICLE 4, CHAPTER 15, TITLE 56 OF THE 1976 CODE, RELATING TO NONFRANCHISE AUTOMOBILE DEALER PRE-LICENSING, BY ADDING SECTION 56-15-415, TO PROVIDE THAT AN APPLICANT FOR AN INITIAL NONFRANCHISE AUTOMOBILE DEALER LICENSE MUST COMPLETE PRELICENSING EDUCATION COURSES BEFORE HE MAY BE ISSUED A LICENSE, TO PROVIDE THAT CERTAIN EDUCATIONAL REQUIREMENTS MUST BE SATISFIED BEFORE A LICENSE MAY BE RENEWED, AND TO PROVIDE THAT A PERSON WHO PROVIDES EDUCATION COURSES MUST BE AFFILIATED WITH A NATIONAL OR STATE INDUSTRY TRADE ASSOCIATION; AND TO AMEND SECTIONS 56-15-430, 56-15-440, AND 56-15-450 OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF THE PROVISIONS THAT REGULATE NONFRANCHISE AUTOMOBILE DEALER PRELICENSING TO FRANCHISED AUTOMOBILE DEALERS, NONFRANCHISED AUTOMOBILE DEALERS OWNED AND OPERATED BY A FRANCHISED AUTOMOBILE DEALER, NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS IS MOTOR VEHICLE SALVAGE, AND NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS OBJECTIVE AND SUBSTANTIAL BUSINESS ACTIVITY IS IN THE RENTAL OF MOTOR VEHICLES,

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TO PROVIDE THAT CERTAIN EDUCATION REQUIREMENTS DO NOT APPLY TO THESE AUTOMOBILE DEALERS.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (509R001.KMM.LKG), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 4 through 7 and inserting:

/ SECTION 5. This act takes effect January 1, 2020. /
Renumber sections to conform.
Amend title to conform.

Senator GROOMS explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 38; Nays 4

AYES

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

Total--38

NAYS

Alexander	Cash	Climer
Senn		

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Total--4

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 11 -- Senators Peeler, McElveen and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-30 SO AS TO PROVIDE THAT THE SOUTH CAROLINA GENERAL ASSEMBLY INTENDS FOR DAYLIGHT SAVING TIME TO BE THE YEAR-ROUND STANDARD TIME OF THE ENTIRE STATE SHOULD THE UNITED STATES CONGRESS AMEND CERTAIN RELATED FEDERAL LAW TO ALLOW STATES TO OBSERVE DAYLIGHT SAVING TIME YEAR ROUND.

The Senate proceeded to the consideration of the Bill.

Senator YOUNG explained the Bill.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

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

Total--43

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NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 189 -- Senators Shealy, Hutto and Jackson: A BILL TO AMEND SECTION 63-7-1640(C)(1)(d) OF THE 1976 CODE, RELATING TO FAMILY PRESERVATION AND REUNIFICATION, TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO FOREGO REASONABLE EFFORTS TO REUNIFY A FAMILY IN THE CASE OF TORTURE; TO AMEND SECTION 63-7-2570 OF THE 1976 CODE, RELATING TO GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, TO ADD TORTURE, OR CONSPIRING TO COMMIT TORTURE, AS A GROUND FOR TERMINATING A PARENT'S RIGHTS; TO AMEND SECTION 16-3-85 (A) AND (C) OF THE 1976 CODE, RELATING TO HOMICIDE BY CHILD ABUSE, TO ADD DEATH OF A CHILD BY TORTURE, OR BY CONSPIRING TO TORTURE, AS ACTIONS CONSTITUTING THE OFFENSE, AND TO ESTABLISH CRIMINAL PENALTIES; TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO HOMICIDE, BY ADDING SECTION 16-3-100, TO PROVIDE THAT TORTURING A CHILD, OR ALLOWING ANOTHER TO TORTURE A CHILD, IS A CRIMINAL OFFENSE, AND TO ESTABLISH PENALTIES; AND TO DEFINE NECESSARY TERMS.

Senator WILLIAMS objects to the consideration of the Bill.

READ THE SECOND TIME

S. 206 -- Senator Young: A BILL TO AMEND SECTION 13-7-810 OF THE 1976 CODE, RELATING TO THE NUCLEAR ADVISORY COUNCIL, TO RENAME THE COUNCIL; AND TO AMEND SECTION 1-5-40(A)(70) AND SECTION 1-11-10(A)(15) OF THE 1976 CODE, RELATING TO THE SECRETARY OF STATE'S MONITORING OF STATE BOARDS AND COMMISSIONS AND TO OFFICES, DIVISIONS, AND OTHER AGENCIES WITHIN THE DEPARTMENT OF ADMINISTRATION, RESPECTIVELY, TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

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The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 252 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-215 SO AS TO DESIGNATE THE MONTH OF JUNE OF EVERY YEAR AS "SALKEHATCHIE SUMMER SERVICE MONTH" IN SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

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

Total--44

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

S. 413 -- Senator Shealy: A BILL TO AMEND SECTION 23-1-212 OF THE 1976 CODE, RELATING TO THE ENFORCEMENT OF STATE CRIMINAL LAWS BY FEDERAL LAW ENFORCEMENT OFFICERS, TO PROVIDE THAT NAVAL CRIMINAL INVESTIGATIVE SERVICE AGENTS ARE AUTHORIZED TO ENFORCE THE STATE'S CRIMINAL LAWS.

Senator WILLIAMS objects to the consideration of the Bill.

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**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 486 -- Senators Talley and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 26 SO AS TO ENACT THE "SOUTH CAROLINA REMOTE ONLINE NOTARIZATION ACT", TO PROVIDE A CITATION, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE FOR THE APPLICABILITY OF THE CHAPTER, TO PROVIDE THE SECRETARY OF STATE BY RULE SHALL DEVELOP AND MAINTAIN STANDARDS FOR CREDENTIAL ANALYSIS AND IDENTITY PROOFING AND TO PROVIDE REQUIREMENTS FOR THE DEVELOPMENT OF THESE STANDARDS, TO PROVIDE NOTARIES PUBLIC COMMISSIONED IN THIS STATE MAY REGISTER AS REMOTE ONLINE NOTARIES PUBLIC UPON SATISFYING CERTAIN REQUIREMENTS, TO ENUMERATE NOTARIAL ACTS THAT MAY BE PERFORMED BY REMOTE ONLINE NOTARIES USING ELECTRONIC TECHNOLOGY, TO PROVIDE REQUIREMENTS FOR CONDUCTING ONLINE NOTARIAL ACTS, TO PROVIDE REMOTE ONLINE NOTARIES PUBLIC MAY CHARGE FEES FOR PERFORMING REMOTE ONLINE NOTARIAL ACTS, TO PROVIDE LIABILITY, SANCTIONS, AND REMEDIES FOR THE IMPROPER PERFORMANCE OF REMOTE ONLINE NOTARIAL ACTS OR FOR PROVIDING FALSE OR MISLEADING INFORMATION IN REGISTERING TO PERFORM REMOTE ONLINE NOTARIAL ACTS ARE THE SAME AS PROVIDED BY LAW FOR THE IMPROPER PERFORMANCE OF NONELECTRONIC NOTARIAL ACTS, TO SPECIFY CERTAIN RECORDING REQUIREMENTS THAT ARE CONSIDERED SATISFIED BY REMOTE NOTARIAL ACTS, AND TO PROVIDE REMOTE ONLINE NOTARY PUBLIC APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING UNTIL THE ADMINISTRATIVE RULES ARE IN EFFECT AND VENDORS OF TECHNOLOGY ARE APPROVED BY THE SECRETARY OF STATE, AMONG OTHER THINGS.

The Senate proceeded to the consideration of the Bill.

The Committee on Family & Veterans' Services proposed the following amendment (486R002.KM.KS), which was adopted:

Amend the bill, as and if amended, page 12, by striking line 22 and inserting:

[SJ]

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/ SECTION 2. Title 26 of the 1976 Code is amended by adding:
“CHAPTER 2

South Carolina Electronic Notary Public Act

Section 26-2-305. (A) This chapter may be cited as the ‘South Carolina Electronic Notary Public Act’.

(B) This chapter provides procedures and requirements for electronic notarization.

Section 26-2-310. For the purposes of this article:

(1) ‘Electronic’ means relating to technology and having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ‘Electronic document’ or ‘electronic record’ means information that is created, generated, sent, communicated, received, or stored by electronic means.

(3) ‘Electronic journal of notarial acts’ and ‘electronic journal’ means a chronological electronic record of notarizations that is maintained by the electronic notary public who performed the notarizations.

(4) ‘Electronic notarial act’ and ‘electronic notarization’ means an official act by an electronic notary public that involves electronic documents.

(5) ‘Electronic notarial certificate’ means the part of, or attachment to, an electronic record that is completed by the electronic notary public, bears that electronic notary’s electronic signature and electronic seal, and states the facts attested to by the electronic notary in an electronic notarization.

(6) ‘Electronic notarization system’ means a set of applications, programs, hardware, software, or technologies designed to enable an electronic notary public to perform electronic notarizations.

(7) ‘Electronic notary public’ and ‘electronic notary’ means a notary public who has registered with the Secretary of State with the capability to perform electronic notarial acts in conformance with this chapter.

(8) ‘Electronic notary seal’ and ‘electronic seal’ means information within a notarized electronic document that includes the electronic notary’s name, jurisdiction, registration number, and commission expiration date and generally corresponds to data in notary seals used on paper documents.

(9) ‘Electronic signature’ means an electronic symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document.

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(10) 'Public key certificate' means an electronic credential that is used to identify an individual who signed an electronic record with the certificate.

(11) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(12) 'Sole control' means at all times being in the direct physical custody of the electronic notary public or safeguarded by the electronic notary with a password or other secure means of authentication.

(13) 'Tamper evident' means that any change to a record shall provide evidence of the change.

(14) 'Verification of fact' means a notarial act in which a notary reviews public or vital records, or other legally accessible data, to ascertain or confirm any of the following facts:

- (a) date of birth, death, marriage, or divorce;
- (b) name of parent, marital partner, offspring, or sibling; or
- (c) any matter authorized for verification by a notary by other

law or rule of this State.

Section 26-2-320. The provisions of Chapters 1 and 3 of this title apply to all acts authorized pursuant to this chapter unless the provisions of Chapters 1 and 3 directly conflict with the provisions of this chapter. In that case, the provisions of this chapter control when applied to electronic notaries public and electronic notarial acts.

Section 26-2-330. (A) A notary public commissioned in this State may become an electronic notary public in accordance with this section. Before a notary public performs an electronic notarization, the notary public must register with the Secretary of State in accordance with rules for registration as an electronic notary public and must identify the technology that he intends to use, which must conform to any rules or regulations adopted by the Secretary of State. A registration fee of fifty dollars must be submitted to the Secretary of State with the registration form to be used by the Secretary of State to administer the provisions of this chapter.

(B) Unless terminated pursuant to Section 26-2-450, the term of registration to perform electronic notarial acts shall begin on the registration starting date set by the Secretary of State and shall continue as long as the notary public's current commission remains valid.

(C) An individual registering to perform electronic notarial acts shall submit to the Secretary of State an application in a format prescribed by the Secretary of State that includes:

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(1) proof of successful completion of the course and examination required pursuant to Section 26-2-340;

(2) disclosure of any and all license or commission revocations or other disciplinary actions against the individual; and

(3) any other information, evidence, or declaration required by the Secretary of State.

(D) Upon the individual's fulfillment of the requirements for registration under this chapter, the Secretary of State shall approve the registration and issue to the individual a unique registration number.

(E) The Secretary of State may reject a registration application if the individual fails to comply with any section of this chapter.

Section 26-2-340. (A) Before performing electronic notary acts, an electronic notary public shall take a course of instruction of sufficient length to ensure that the electronic notary public understands his duties and responsibilities, as determined and approved by the Secretary of State, and shall pass an examination of this course.

(B) The content of the course and the basis of the examination must be notarial laws, procedures, technology, and ethics as they pertain to notarizations and electronic notarizations.

Section 26-2-350. (A) The following notarial acts may be performed electronically:

(1) acknowledgments;

(2) oaths and affirmations;

(3) attestations and jurats;

(4) signature witnessing;

(5) verifications of fact;

(6) certification that a tangible copy of an electronic record is an accurate copy of the electronic record; and

(7) any other acts authorized by law.

Section 26-2-360. (A) An electronic notary public shall perform an electronic notarization only if the principal:

(1) appears in person before the electronic notary public at the time of notarization; and

(2) is personally known to the electronic notary or identified by the electronic notary through satisfactory evidence as defined in Chapter 1 of this title.

(B) In performing electronic notarial acts, an electronic notary public shall adhere to all applicable rules governing notarial acts provided in Chapter 1 of this title.

Section 26-2-370. (A) When performing an electronic notarial act, an electronic notarial certificate must be attached to, or logically

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associated with, the electronic document by the electronic notary public and must include:

- (1) the electronic notary public's name exactly as stated on the commission issued by the Secretary of State;
- (2) the electronic notary public's electronic seal;
- (3) the expiration date of the electronic notary public's commission;
- (4) the electronic notary public's electronic signature; and
- (5) completed wording appropriate to the particular electronic notarial act, as prescribed by law.

(B) All components in subsection (A)(2) through (5) must be immediately perceptible and reproducible in the electronic record to which the electronic notary public's electronic signature is attached, such that removal or alteration of a component is tamper evident and will render evidence of alteration of the document containing the electronic notarial certificate, which may invalidate the electronic notarial act. If an electronic seal is not used, then the words 'Electronic Notary Public' and the words 'State of South Carolina' must still be attached.

(C) An electronic notary public's electronic signature or electronic seal is considered to be reliable if it is:

- (1) unique to the electronic notary public;
- (2) capable of independent verification;
- (3) retained under the electronic notary public's sole control;
- (4) attached to or logically associated with the electronic document; and
- (5) linked to the data in such a manner that any subsequent alterations to the underlying document or electronic notarial certificate are tamper evident and may invalidate the electronic notarial act.

(D) The electronic seal of an electronic notary public shall contain the:

- (1) name of the electronic notary public exactly as it is spelled on the electronic notary public's commission;
- (2) title 'Notary Public';
- (3) words 'State of South Carolina';
- (4) registration number indicating the electronic notary public may perform electronic notarial acts; and
- (5) expiration date of the electronic notary public's commission.

(E) The electronic seal of an electronic notary public may be a digital image that appears in the likeness or representation of a traditional physical notary public seal. The electronic seal of an electronic notary

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public may not be used for any purpose other than performing electronic notarizations under this chapter.

(F) Only the electronic notary public whose name and registration number appear on an electronic seal shall generate that electronic seal.

Section 26-2-380. (A) An electronic notary public may charge the maximum fee for performing an electronic notarial act specified in subsection (B), charge less than the maximum fee, or waive the fee.

(B) The maximum fees that may be charged by an electronic notary public for performing electronic notarial acts are:

- (1) for acknowledgments, ten dollars per signature;
- (2) for oaths and affirmations, ten dollars per signature;
- (3) for attestations and jurats, ten dollars per signature;
- (4) for signature witnessing, ten dollars per signature;
- (5) for verifications of fact, ten dollars per signature; and
- (6) for any other acts authorized by law, ten dollars per signature.

(C) An electronic notary public may charge a travel fee when traveling to perform an electronic notarial act if:

(1) the electronic notary public and the person requesting the electronic notarial act agree upon the travel fee in advance of the travel; and

(2) the electronic notary public explains to the person requesting the electronic notarial act that the travel fee is both separate from the notarial fee prescribed by subsection (B) and neither specified nor mandated by law.

(D) An electronic notary public who charges fees for performing electronic notarial acts shall conspicuously display in all of the electronic notary public's places of business and Internet websites, or present to each principal or requester of fact when outside these places of business, an English-language schedule of maximum fees for electronic notarial acts, as specified in subsection (B). A notarial fee schedule may not appear or be printed in smaller than ten-point type.

Section 26-2-390. (A) The electronic notary public's electronic signature, in combination with his electronic seal, must be used only for the purpose of performing electronic notarial acts.

(B) An electronic notary public shall use an electronic notarization system that complies with this chapter and has been registered with the Secretary of State to produce the electronic notary's electronic signature and electronic seal in a manner that is capable of independent verification.

(C) An electronic notary public shall take reasonable steps to ensure that no other individual may possess or access an electronic notarization

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system in order to produce the electronic notary public's electronic signature or electronic seal.

(D) An electronic notary public shall keep in his sole control all or any part of an electronic notarization system for which the exclusive purpose is to produce the electronic notary public's electronic signature and electronic seal.

(E) For the purposes of this section, 'capable of independent verification' means that any interested person may confirm through the Secretary of State that an electronic notary public who signed an electronic record in an official capacity had the authority at that time to perform electronic notarial acts.

(F) The Secretary of State shall promulgate regulations necessary to establish standards, procedures, practices, forms, and records relating to an electronic notary public's electronic signature and electronic seal. The electronic notary public's electronic seal and electronic signature must conform to all standards adopted by the Secretary of State.

Section 26-2-400. (A) An electronic notary public shall create and maintain an electronic journal of each electronic notarial act. For every electronic notarial act, the electronic notary public shall record the following information in the electronic journal:

- (1) the date and time of the electronic notarial act;
- (2) the type of electronic notarial act;
- (3) the title or a description of the record being notarized, if any;
- (4) the printed full name of each principal;
- (5) if identification of the principal is based on personal knowledge, a statement to that effect;
- (6) if identification of the principal is based on satisfactory evidence of identity pursuant to Section 26-1-5(17), a description of the evidence relied upon and the name of any credible witness or witnesses;
- (7) the address where the notarization was performed, if not the electronic notary public's business address;
- (8) if the notarial act is performed electronically, a description of the electronic notarization system used; and
- (9) the fee, if any, charged by the electronic notary.

(B) An electronic notary public may not record a Social Security number in the electronic journal.

(C) An electronic notary public may not allow the electronic journal to be used by any other notary public and may not surrender the electronic journal to an employer upon termination of employment.

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(D) Any party to the notarized transaction or party with a legitimate interest in the transaction may inspect or request a copy of an entry or entries in the electronic notary public's electronic journal, provided that:

(1) the party specifies the month, year, type of record, and name of the principal for the electronic notarial act, in a signed physical or electronic request;

(2) the electronic notary public does not surrender possession or control of the electronic journal;

(3) the party is shown or given a copy of only the entry or entries specified; and

(4) a separate new entry is made in the electronic journal, explaining the circumstances of the request and noting any related act of copy certification by the electronic notary public.

(E) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry in the electronic journal of notarial acts. An electronic notary who has a reasonable and explainable belief that a person requesting information from the electronic notary's electronic journal has a criminal or other inappropriate purpose may deny access to any entry or entries.

(F) All electronic notarial records required by statute or regulation may be examined and copied without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the Secretary of State.

(G) The Secretary of State will establish commercially reasonable standards for preservation of electronic journals in the event of a resignation, revocation, or expiration of an electronic notary commission, or upon the death of the electronic notary. The provisions of this subsection do not apply to a former electronic notary whose commission has expired if within three months the electronic notary commission is renewed.

Section 26-2-410. (A) An electronic notary public shall keep his electronic journal, public key certificate, and electronic seal secure. The electronic notary public may not allow another person to use his electronic journal, public key certificate, or electronic seal.

(B) An electronic notary public shall attach his public key certificate and electronic seal to the electronic notarial certificate of an electronic record in a manner that renders any subsequent change or modification to the electronic record to be evident.

(C) An electronic notary public shall immediately notify the appropriate law enforcement agency and the Secretary of State of the theft or vandalism of the electronic notary public's electronic journal,

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public key certificate, or electronic seal. An electronic notary public shall immediately notify the Secretary of State of the loss or use by another person of the electronic notary public's electronic journal, public key certificate, or electronic seal.

(D) Upon resignation, revocation, or expiration of an electronic notary commission or death of the electronic notary, the electronic notary or his personal representative shall erase, delete, or destroy the coding, disk, certificate, card software, file or program that enables electronic affixation of the electronic notary's official electronic signature. The provisions of this subsection do not apply to a former electronic notary who renews his commission within three months of the expiration of his previous commission.

Section 26-2-420. (A) An electronic notarization system shall comply with this chapter and any regulations promulgated by the Secretary of State pursuant to Section 26-2-500.

(B) An electronic notarization system shall require access to the system by a password or other secure means of authentication.

(C) An electronic notarization system shall enable an electronic notary public to affix the electronic notary public's electronic signature in a manner that attributes such signature to the electronic notary public.

(D) An electronic notarization system shall render every electronic notarial act tamper evident.

(E) Except as provided in subsection (F), when the commission of a notary public who is registered to notarize electronically expires or is resigned or revoked, or when such electronic notary dies or is adjudicated as incompetent, the electronic notary public or his personal representative or guardian shall, within three months, dispose of all or any part of an electronic notarization system that had been in the electronic notary's sole control for which the exclusive purpose was to perform electronic notarial acts.

(F) A former electronic notary public whose previous commission expired need not comply with subsection (E) if this individual, within three months after commission expiration, is recommissioned as a notary public and reregistered to perform electronic notarial acts.

Section 26-2-430. (A) Any person or entity wishing to provide an electronic notarization system to electronic notaries public in this State must complete and submit a registration form to the Secretary of State for review.

(B) An electronic notarization system shall comply with all regulations promulgated by the Secretary of State.

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(C) An electronic notary solution provider must be registered with the Secretary of State pursuant to this chapter before making available to South Carolina electronic notaries public any updates or subsequent versions of the provider's electronic notarization system.

Section 26-2-440. (A) An electronic notary public shall take reasonable steps to ensure that any registered device used to create the electronic notary public's electronic signature is current and has not been revoked or terminated by its issuing or registering authority.

(B) If the registration of the device used to create electronic signatures either expires or is changed during the electronic notary public's term of office, then the notary public shall cease performing electronic notarizations until:

(1) a new device is duly issued or registered to the electronic notary public; and

(2) an electronically signed notice is sent to the Secretary of State that includes the starting and expiration dates of any new registration term and any other new information at variance with information in the most recently executed electronic registration form.

Section 26-2-450. (A) The liability, sanctions, and remedies for the improper performance of electronic notarial acts, or for providing false or misleading information in registering to perform electronic notarial acts, by an electronic notary public are the same as provided by law for the improper performance of non-electronic notarial acts.

(B)(1) The Secretary of State may terminate an electronic notary public's registration for one or more of the following reasons:

(a) submission of an electronic registration form containing a material misstatement or omission of fact;

(b) failure to maintain the capability to perform electronic notarial acts; or

(c) official misconduct by the electronic notary public.

(2) Before terminating an electronic notary public's registration, the Secretary of State will inform the electronic notary public of the basis for the termination, and the termination will take place on a particular date unless a proper appeal is filed with the Administrative Law Court before that date.

(3) Neither resignation nor expiration of a notary commission or of an electronic notary public registration precludes or terminates an investigation by the Secretary of State into an electronic notary public's conduct. The investigation may be pursued to a conclusion, when it must be made a matter of public record whether the finding would have been

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grounds for termination of the electronic notary public's commission or registration.

Section 26-2-460. (A) It is unlawful for a person to knowingly:

(1) act as or otherwise impersonate an electronic notary public, if that person is not an electronic notary public;

(2) obtain, conceal, damage, or destroy the coding, disk, certificate, card, token, program, software, or hardware that is intended exclusively to enable an electronic notary public to produce a registered electronic signature, electronic seal, or single element combining the required features of an electronic signature and electronic seal; or

(3) solicit, coerce, or in any way influence an electronic notary public to commit official misconduct.

(B) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than one year, or both.

(C) The sanctions of this chapter do not preclude other sanctions and remedies provided by law.

Section 26-2-470. The provisions contained in Chapter 1 of this title, with regard to notarial certificates, are applicable for the purposes of this chapter.

Section 26-2-480. Electronic evidence of the authenticity of the official electronic signature and electronic seal of an electronic notary public of this State, if required, must be attached to, or logically associated with, a notarized electronic document transmitted to another state or nation and must be in the form of an electronic certificate of authority signed by the Secretary of State in conformance with any current and pertinent international treaties, agreements, and conventions subscribed to by the government of the United States.

Section 26-2-490. (A) An electronic certificate of authority evidencing the authenticity of the official electronic signature and electronic seal of an electronic notary public of this State shall substantially contain the following words:

‘Certificate of Authority for an Electronic Notarial Act

I, _____ (name, title, jurisdiction of commissioning official) certify that _____ (name of electronic notary), the person named as an electronic notary public in the attached or associated document, was indeed registered as an electronic notary public for the State of South Carolina and authorized to act as such at the time of the document's electronic notarization.

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To verify this Certificate of Authority for an Electronic Notarial Act, I have included herewith my electronic signature this _____ day of _____, 20__.

[Electronic signature (and electronic seal) of the commissioning official]’.

(B) The Secretary of State may charge ten dollars for issuing an electronic certificate of authority.

Section 26-2-500. The Secretary of State is authorized to promulgate and enforce any regulations and create and enforce any policies and procedures necessary for the administration of this chapter, including rules to facilitate remote online notarizations.”

SECTION 3. Nothing in this act contravenes South Carolina law that requires a licensed South Carolina attorney to supervise a closing.

SECTION 4. This act does not apply to wills and trusts in South Carolina.

SECTION 5. This act takes effect upon approval by the Governor. Remote online notary public applications and electronic online notary public applications will not be accepted for processing until the administrative rules are in effect and vendors of technology are approved by the Secretary of State. /

Re-number sections to conform.

Amend title to conform.

Senator TALLEY explained the committee amendment.

The amendment was adopted.

Senator TALLEY proposed the following amendment (486R003.KMM.SFT), which was adopted:

Amend the bill, as and if amended, page 8, by striking line 20 and inserting:

/ (c) identity proofing; or

(3) oath or affirmation of a credible witness who personally knows the individual if the electronic notary public has personal knowledge of the credible witness or has reasonably verified the identity of the credible witness under item (2). /

Amend the bill further, as and if amended, page 8, line 32, by inserting:

/ (F) A credible witness under subsection (B) may be a remotely located individual if the credible witness, principal, and electronic notary public communicate by means of communication technology.

[SJ]

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(G) An electronic notary public's verification of an individual's identity under Section 26-4-100(B) constitutes satisfactory evidence of the identity of the individual and satisfies any requirement of law of this State that the notary verify the identity of the individual.

(H) For the purposes of this chapter:

(1) any requirement that an instrument be signed in the presence of two subscribing witnesses may be satisfied by witnesses being present and electronically signing by means of communication technology, as defined in Section 26-4-20(2); and

(2) the act of witnessing an electronic signature is satisfied if a witness is present either in the physical presence of the principal or present through audio-visual communication technology at the time the principal affixes his electronic signature and sees and hears the principal make a statement acknowledging that the principal has signed the electronic record. /

Amend the bill further, as and if amended, page 9, by striking line 25 and inserting:

/ online notary public's employer may charge a fee of not more than twenty-five dollars for performance /

Re-number sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 44; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>

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McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--44

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 498 -- Senators Shealy and Climer: A BILL TO AMEND ARTICLE 9, CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA CHILDREN'S TRUST FUND, BY ADDING SECTION 63-11-970, TO PROVIDE THAT THE CHILDREN'S TRUST FUND SHALL HAVE ACCESS AT ANY AND ALL REASONABLE TIMES TO ALL ELECTRONIC INFORMATION SYSTEMS, RECORDS, REPORTS, AND MATERIALS MAINTAINED BY THE DEPARTMENT OF SOCIAL SERVICES IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 63-7-1990(B), RELATING TO CONFIDENTIALITY AND THE RELEASE OF RECORDS AND INFORMATION, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES IS AUTHORIZED TO GRANT ACCESS TO THE RECORDS OF INDICATED CASES TO THE CHILDREN'S TRUST FUND OF SOUTH CAROLINA.

On motion of Senator WILLIAMS, the Bill was carried over.

CARRIED OVER

S. 651 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION, RELATING TO HEARING PROCEDURES (REVIEW AND ENFORCEMENT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4830, PURSUANT TO

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THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to the consideration of the Resolution.

Senator SHEALY explained the Resolution.

On motion of Senator SHEALY, the Resolution was carried over.

CARRIED OVER

S. 652 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION, RELATING TO NOTICES TO BE POSTED, DESIGNATED AS REGULATION DOCUMENT NUMBER 4828, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to the consideration of the Resolution.

Senator SHEALY explained the Resolution.

On motion of Senator SHEALY, the Resolution was carried over.

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

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

The Senate proceeded to the consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (3180R001.KMM.KS), which was adopted:

[SJ]

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Amend the bill, as and if amended, page 4, by striking line 17 and inserting:

/ Section 25-1-4070. (A) A servicemember, the dependent of a servicemember, or the South Carolina Attorney General /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the committee amendment.

The amendment was adopted.

On motion of Senator MASSEY, the Bill was carried over.

OBJECTION

H. 3420 -- Reps. Bernstein, Finlay, Thayer, West, Clemmons and Simmons: A BILL TO AMEND SECTION 16-17-500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006", SO AS TO PROHIBIT MINORS FROM ENTERING RETAIL ESTABLISHMENTS THAT PRIMARILY SELL TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR BOTH; AND TO AMEND SECTION 16-17-501, RELATING IN PART TO THE DEFINITION OF "ALTERNATIVE NICOTINE PRODUCT", SO AS TO CHANGE THE DEFINITION.

Senator SHEALY objects to the consideration of the Bill.

CARRIED OVER

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

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AFFAIRS OFFICERS, SO AS TO REVISE THE DEFINITION OF “VETERAN” FOR PURPOSES OF APPOINTING COUNTY 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.

On motion of Senator CORBIN, the Bill was carried over.

POINT OF ORDER

S. 203 -- Senator Young: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, BY ADDING SECTION 59-17-45, TO PROVIDE CRITERIA FOR SCHOOL DISTRICT CONSOLIDATION, AND TO PROVIDE FOR AN EXCEPTION.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 283 -- Senator Talley: A BILL TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 157, TO ENACT THE “STATE INSTITUTION OF HIGHER EDUCATION ENTERPRISE ACT,” TO ALLOW THE BOARD OF TRUSTEES OF AN INSTITUTION OF HIGHER EDUCATION TO ESTABLISH BY RESOLUTION AN ENTERPRISE DIVISION AS PART OF THE COLLEGE OR UNIVERSITY, TO PROVIDE THAT CERTAIN ASSETS, PROGRAMS, AND OPERATIONS OF THE COLLEGE OR UNIVERSITY MAY BE TRANSFERRED TO THE ENTERPRISE DIVISION, TO PROVIDE THAT THE ENTERPRISE DIVISION IS EXEMPT FROM VARIOUS STATE LAWS GOVERNING PROCUREMENT, HUMAN RESOURCES, PERSONNEL, AND THE DISPOSITION OF REAL AND PERSONAL PROPERTY, WITH SOME SUCH EXEMPTIONS APPLYING AUTOMATICALLY AND OTHERS REQUIRING ADDITIONAL ACTIONS BY THE BOARD OF TRUSTEES, TO PROVIDE THAT BONDS, NOTES, OR OTHER EVIDENCE OF

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INDEBTEDNESS MAY BE ISSUED FOR THE ENTERPRISE DIVISION, AND TO PROVIDE AUDIT AND REPORTING REQUIREMENTS; AND TO AMEND SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY MAY EXEMPT AN ENTERPRISE DIVISION, IF A DIVISION IS ESTABLISHED PURSUANT TO CHAPTER 157, TITLE 59 AND THE BOARD OF TRUSTEES HAS ADOPTED A PROCUREMENT POLICY FOR THE DIVISION THAT WAS APPROVED BY THE STATE FISCAL ACCOUNTABILITY AUTHORITY.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 659 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - AUCTIONEERS' COMMISSION, RELATING TO AUCTIONEERS' COMMISSION (REPEAL SPECIFIC REGULATIONS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4846, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

OBJECTION

H. 3576 -- Reps. White, Cobb-Hunter, Garvin, Rose, Loftis, Gilliard, Moore, Clemmons and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-150-365 SO AS TO ESTABLISH THE SOUTH CAROLINA WORKFORCE INDUSTRY NEEDS SCHOLARSHIP (SC WINS), TO PROVIDE THAT CERTAIN STUDENTS ATTENDING A

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TWO-YEAR TECHNICAL COLLEGE ARE ELIGIBLE FOR THE SCHOLARSHIP, AND TO PROVIDE ELIGIBILITY REQUIREMENTS.

Senator MASSEY objects to the consideration of the Bill.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 19, 2019, at 3:00 P.M. and the following Acts and Joint Resolutions were ratified:

(R6, S. 75) -- Senator Cromer: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 13, TITLE 38 SO AS TO REQUIRE AN INSURER OR AN INSURANCE GROUP TO SUBMIT A CORPORATE GOVERNANCE ANNUAL DISCLOSURE AND ESTABLISH CERTAIN REQUIREMENTS FOR THE DISCLOSURE, TO DEFINE NECESSARY TERMS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS RELATED TO THE DISCLOSURE, TO PROVIDE CERTAIN CONFIDENTIALITY REQUIREMENTS FOR INFORMATION SUBMITTED TO THE DIRECTOR AND TO PROHIBIT THE DIRECTOR OR A PERSON WHO RECEIVES INFORMATION RELATED TO THE ANNUAL DISCLOSURE FROM TESTIFYING IN A PRIVATE CIVIL ACTION CONCERNING THE CONFIDENTIAL INFORMATION, TO AUTHORIZE THE DIRECTOR TO RETAIN THIRD-PARTY CONSULTANTS AND PRESCRIBE CERTAIN RULES FOR THE CONSULTANTS, TO PROVIDE A PENALTY FOR AN INSURER WHO FAILS TO FILE THE CORPORATE GOVERNANCE ANNUAL DISCLOSURE, AND TO SET AN EFFECTIVE DATE; BY ADDING SECTION 38-21-295 SO AS TO AUTHORIZE THE DIRECTOR TO ACT AS THE GROUP-WIDE SUPERVISOR FOR AN INTERNATIONALLY ACTIVE INSURANCE GROUP UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROCEDURE FOR THE DIRECTOR TO DETERMINE WHETHER HE MAY ACT AS THE GROUP-WIDE SUPERVISOR OR ACKNOWLEDGE ANOTHER REGULATORY OFFICIAL TO ACT AS THE GROUP-WIDE SUPERVISOR, TO AUTHORIZE THE DIRECTOR TO ENGAGE IN CERTAIN ACTIVITIES AS GROUP-WIDE SUPERVISOR, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS; AND TO AMEND SECTION

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38-21-10 SO AS TO DEFINE THE TERMS "DIRECTOR", "GROUP-WIDE SUPERVISOR", AND "INTERNATIONALLY ACTIVE INSURANCE GROUP".

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(R7, S. 80) -- Senator Sheheen: A JOINT RESOLUTION TO AMEND SECTIONS 1 AND 3 OF ACT 289 OF 2018, RELATING TO THE SOUTH CAROLINA AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION, SO AS TO PROVIDE THE OBSERVANCE MUST INCLUDE THE ROLE OF PERSONS OF AFRICAN-AMERICAN DESCENT IN THE AMERICAN REVOLUTION AND TO MAKE SIMILAR CHANGES TO THE MEMBERSHIP OF THE COMMISSION, RESPECTIVELY.

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(R8, S. 326) -- Senators Massey, Setzler, Malloy, Turner, Alexander and Young: A JOINT RESOLUTION TO DIRECT THE STATE LAW ENFORCEMENT DIVISION TO DISTRIBUTE TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE SOUTH CAROLINA STATE FIREFIGHTERS ASSOCIATION TO PROVIDE FOR POST TRAUMATIC STRESS DISORDER INSURANCE AND PROGRAMS.

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(R9, S. 327) -- Senator Shealy: AN ACT TO AMEND SECTION 1-25-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE INTERAGENCY PLANNING AND EVALUATION ADVISORY COMMITTEE, SO AS TO REDESIGNATE THE NAME OF THE SENATE GENERAL COMMITTEE AS THE FAMILY AND VETERANS SERVICES' COMMITTEE.

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(R10, S. 358) -- Senator Cromer: AN ACT TO AMEND SECTION 38-31-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION, SO AS TO APPLY THE PROVISIONS OF CHAPTER 31, TITLE 38 TO A CLAIM OR LOSS COVERED BY SELF-INSURANCE THAT OCCURRED PRIOR TO THE ACQUISITION OF A BLOCK OF BUSINESS BY A LICENSED

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INSURER; AND TO AMEND SECTION 42-5-20, RELATING TO INSURANCE REQUIREMENTS FOR WORKERS' COMPENSATION, SO AS TO PROHIBIT A SELF-INSURER FROM PARTICIPATING IN OR OBTAINING BENEFITS FROM THE SOUTH CAROLINA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION AND TO REQUIRE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION TO SECURE AN ACTUARIAL OPINION BEFORE APPROVING THE TRANSFER OF A SELF-INSURER TO A LICENSED INSURER.
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(R11, S. 360) -- Senator Cromer: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-47-55 SO AS TO CLARIFY THAT CERTAIN INDIVIDUALS ARE AUTHORIZED TO ADJUST FOOD SPOILAGE CLAIMS WITHOUT AN ADJUSTER'S LICENSE; BY ADDING SECTION 38-72-75 SO AS TO REQUIRE A LONG-TERM CARE INSURANCE PROVIDER TO SUBMIT ALL PREMIUM RATE SCHEDULES TO THE DEPARTMENT OF INSURANCE AND TO ESTABLISH CERTAIN PROCEDURES CONCERNING THE PREMIUM APPROVAL PROCESS; TO AMEND SECTION 38-3-110, RELATING TO THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO ALTER PUBLIC HEARING REQUIREMENTS; TO AMEND SECTION 38-7-20, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO EXCLUDE CERTAIN FACTORS FROM THE TOTAL PREMIUM COMPUTATION; TO AMEND SECTION 38-7-60, RELATING TO THE SUBMISSION OF A RETURN OF PREMIUMS, SO AS TO REQUIRE THE SUBMISSION OF A RETURN OF PREMIUMS COLLECTED; TO AMEND SECTION 38-43-247, RELATING TO THE REPORTING OF CRIMINAL PROSECUTIONS, SO AS TO ONLY REQUIRE THE REPORTING OF CRIMINAL CONVICTIONS; TO AMEND SECTION 38-44-50, RELATING TO THE REVIEW OF A MANAGING GENERAL AGENT, SO AS TO ALTER THE SUBMISSION DATE FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-46-60 AND 38-46-90, BOTH RELATING TO A PARTY ENGAGED AS A REINSURANCE INTERMEDIARY-BROKER, SO AS TO ALTER THE SUBMISSION DATE OF CERTAIN DOCUMENTS FROM MARCH FIRST TO JUNE FIRST; TO AMEND SECTIONS 38-57-130, 38-57-140, AND 38-57-150, ALL RELATING TO PROHIBITED TRADE PRACTICES,

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SO AS TO CLARIFY THAT CERTAIN PRACTICES ARE PROHIBITED; TO AMEND SECTIONS 38-75-730 AND 38-75-1200, BOTH RELATING TO CANCELLATIONS OF PROPERTY, CASUALTY, AND TITLE INSURANCE POLICIES, SO AS TO EXTEND WHEN AN INSURER CAN CANCEL A POLICY WITHOUT CAUSE TO ONE HUNDRED TWENTY DAYS AND TO PROHIBIT AN INSURER FROM CANCELLING A POLICY OUTSIDE OF THE ONE HUNDRED TWENTY-DAY PERIOD IF THEY HAD NOTICE OF A CHANGE IN RISK PRIOR TO THE EXPIRATION OF THE ONE HUNDRED TWENTY-DAY PERIOD; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICATION OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO APPLY THE SOUTH CAROLINA INSURANCE DATA SECURITY ACT TO CAPTIVE INSURANCE COMPANIES; AND TO AMEND SECTION 38-99-70, RELATING TO LICENSEES EXEMPTED FROM CERTAIN DATA SECURITY REQUIREMENTS, SO AS TO ONLY EXEMPT THE LICENSEES FROM THE PROVISIONS OF SECTION 38-99-20.

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(R12, S. 428) -- Senators Gambrell and Cash: AN ACT TO AMEND SECTION 7-7-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN ANDERSON COUNTY, SO AS TO DELETE THE GROVE SCHOOL AND ANDERSON 5/A PRECINCTS AND ADD THE SOUTH FANT PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R13, S. 441) -- Senator Nicholson: AN ACT TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R14, S. 482) -- Senators Campbell and Bennett: AN ACT TO AMEND SECTION 7-7-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DORCHESTER COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R15, S. 504) -- Senators Hutto and M.B. Matthews: AN ACT TO AMEND ACT 372 OF 2008, RELATING TO THE ALLENDALE COUNTY AERONAUTICS AND DEVELOPMENT COMMISSION, SO AS TO ABOLISH THE EXISTING NINE-MEMBER COMMISSION, TO TERMINATE THE TERMS OF ITS MEMBERS, TO RECONSTITUTE THE COMMISSION AS THE ALLENDALE COUNTY AERONAUTICS COMMISSION, AND TO REVISE THE COMPOSITION OF THE COMMISSION'S MEMBERSHIP.

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(R16, H. 3127) -- Reps. Dillard, Henderson-Myers, Clyburn, Weeks, Robinson and Gilliard: A JOINT RESOLUTION TO ESTABLISH THE MOLD ABATEMENT AND REMEDIATION STUDY COMMITTEE TO STUDY THE IMPACT OF MOLD IN PUBLIC AREAS AND TO ASCERTAIN THE BEST METHOD OF ABATEMENT FOR MOLD IN PUBLIC AREAS; TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO ESTABLISH CERTAIN GOALS FOR THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT FOR THE GENERAL ASSEMBLY, AND TO DISSOLVE THE STUDY COMMITTEE.

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(R17, H. 3639) -- Reps. Taylor, Allison, Felder and Huggins: AN ACT TO AMEND SECTION 59-112-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE ENTITLED TO PAY IN-STATE TUITION AND FEES WITHOUT REGARD TO THE LENGTH OF TIME THEY HAVE RESIDED IN THIS STATE, SO AS TO EXPAND THE CATEGORIES OF INDIVIDUALS COVERED BY THESE PROVISIONS TO CONFORM WITH CERTAIN CHANGES IN FEDERAL LAW.

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(R18, H. 3697) -- Reps. Taylor, Allison, Gilliard, Simmons, Bales, Moore and Govan: A JOINT RESOLUTION TO PROVIDE THAT NOTWITHSTANDING THE PROVISIONS OF REGULATION 62-6-(D), SOUTH CAROLINA CODE OF REGULATIONS, RELATING TO THE REQUIREMENT THAT AT LEAST TWENTY-FIVE PERCENT OF CURRICULUM REQUIREMENTS FOR CERTAIN ACADEMIC PROGRAMS MUST BE EARNED THROUGH INSTRUCTION BY THE INSTITUTION AWARDED THE DEGREE, THE COMMISSION ON HIGHER EDUCATION MAY GRANT ALTERNATE PROGRAM COMPLETION OPTIONS TO STUDENTS IMPACTED BY THE CLOSURE OF SIX EDUCATION CORPORATION OF AMERICA, INC., HIGHER EDUCATION PROVIDERS IN SOUTH CAROLINA IN 2018.

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(R19, H. 3798) -- Reps. Clary, Hiott, Collins and W. Cox: AN ACT TO AMEND SECTION 7-7-450, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN PICKENS COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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(R20, H. 3849) -- Reps. G.M. Smith and Toole: A JOINT RESOLUTION TO PROVIDE A GRACE PERIOD ON THE ENFORCEMENT OF SECTION 12-21-735 OF THE 1976 CODE, RELATING TO THE STAMP TAX ON CIGARETTES, AGAINST UNSTAMPED PACKAGES OF CIGARETTES FOR WHICH APPLICABLE TAXES HAVE BEEN PAID.

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(R21, H. 3987) -- Reps. Gagnon and West: AN ACT TO AMEND SECTION 7-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN ABBEVILLE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 3:03 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

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

ADJOURNMENT

At 3:04 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:00 Noon.

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