

NO. 69

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, MAY 7, 2019

Tuesday, May 7, 2019
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

2 Corinthians 9:12

“This service that you perform is not only supplying the needs of the Lord’s people but is also overflowing in many expressions of thanks to God.”

Let us pray. We praise you, O God, as the source of all that we have and all that we are. Who among us in this Chamber could have imagined in our formative years that we would be serving our State in this capacity.

We are grateful for work to do, challenges that make us depend on You more, and the opportunities beyond our abilities that compel us to trust You for wisdom and guidance. Help us to always appreciate the never-to-be-repeated miracle of each personality here.

Loving God we pray that You will renew our enthusiasm, reinvigorate our vision, revitalize our gratitude and replenish our strength. In the name of our Lord and Savior, Amen.

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

Point of Quorum

At 12:04 P.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Harpootlian	Hembree	Hutto
Johnson	Leatherman	Martin

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Massey	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Rice
Sabb	Scott	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointment

Initial Appointment, Department of Children's Advocacy, with the term to commence July 1, 2019, and to expire July 1, 2025

State Child Advocate:

Amanda F. Whittle, 1072 Eastwood Court , Aiken, SC 29801-8106

Referred to the Committee on Family and Veterans' Services.

Local Appointment

Initial Appointment, Georgetown County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James McKenzie, 7 Gillette Place, Murrells Inlet, SC 29576-5238
VICE John C. Benso

MESSAGE FROM THE GOVERNOR

State of South Carolina
Office of the Governor

May 6, 2019

The Honorable Harvey S. Peeler, Jr.
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I write to withdraw my January 23, 2019, formal appointment of former Attorney General Charles M. Condon to serve a full term as

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chairman of the Board of Directors of the South Carolina Public Service Authority ("Santee Cooper").

Given the General Assembly's progress towards establishing a comprehensive, competitive process for determining Santee Cooper's future, requiring a confirmation vote by the full Senate may be wholly unnecessary and a distraction from changing the status quo at the state-owned utility.

I believe the General Assembly's recent progress is a direct result of General Condon's brief tenure as chairman, during which he distinguished himself as a principled leader and public servant of the highest order, acting as a critical change agent and attempting to bring much needed transparency, oversight, and accountability to the board and to the executive leadership of Santee Cooper.

General Condon has limited Santee Cooper's long-standing custom of lengthy executive sessions and ended the practice of allowing directors personal use of the Wampee Conference Center. He vocally opposed decisions and actions taken in secret without public discussion or formal action by the board, such as paying for criminal defense attorneys for current and former employees, hiring a political consultant to assist with "targeted messaging" and retaining a search firm to identify candidates for a new chief executive officer.

I remain convinced that a corporate culture of false privilege and institutional arrogance exists among board members and executive leadership at Santee Cooper, fostering a rogue governance structure that has left transparency and accountability in very short supply, all at the expense of the utility's ratepayers, retirees, and hardworking employees and linemen.

The ratepayers and taxpayers of South Carolina must have confidence that their elected leaders are willing to ask tough questions and demand answers and solutions from the board and executive leadership of Santee Cooper. I believe that General Condon has demonstrated a commitment to maintaining not only the public's trust, but the trust of the General Assembly during the most difficult of times and circumstances.

I applaud the General Assembly for their commitment to finalizing a process in the last few days of the session to determine the future of Santee Cooper, a proposition that likely would not be occurring but for the principled and transformative leadership of former Attorney General Charlie Condon.

Yours very truly,
Henry McMaster

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Withdrawal of Statewide Appointment

On motion of Senator RANKIN, the Senate acceded to the Governor's request and the Clerk was directed to return the appointment to the Governor.

Statewide Appointment

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2018, and to expire May 19, 2025

Chairman:

Charles M. Condon, 835 Middle Street, Sullivan's Island, SC 29482
VICE W. Leighton Lord

Received as information.

Doctor of the Day

Senator SCOTT introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MARTIN at 12:08 P.M., Senator MALLOY was granted a leave of absence until 3:31 P.M.

Leave of Absence

At 4:53 P.M., Senator SENN requested a leave of absence for the balance of the day.

Leave of Absence

At 5:09 P.M., Senator HEMBREE requested a leave of absence until 6:00 P.M.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator HARPOOTLIAN, when reduced to writing and made available to the Desk, would be printed in the Journal.

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RECALLED AND ADOPTED

S. 786 -- Senator Davis: A SENATE RESOLUTION TO DECLARE THE WEEK OF MAY 6 THROUGH MAY 12, 2019, AS NATIONAL NURSES WEEK IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN IN SHOWING APPRECIATION FOR THE NATION'S REGISTERED NURSES, IN HONORING THEM AS THEY CARE FOR THEIR PATIENTS, AND IN CELEBRATING THE ACCOMPLISHMENTS OF REGISTERED NURSES AND THEIR EFFORTS TO IMPROVE THE HEALTHCARE SYSTEM.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator VERDIN, the Resolution was adopted and ordered sent to the House.

RECALLED AND ADOPTED

S. 821 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE SEPTEMBER 8, 2019, AS "LISSENCEPHALY AWARENESS DAY" IN SOUTH CAROLINA AND TO URGE ALL CITIZENS OF THIS STATE TO SUPPORT THE SEARCH FOR A CURE AND ASSIST THOSE INDIVIDUALS AND FAMILIES WHO DEAL WITH THE CONDITION ON A DAILY BASIS.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

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On motion of Senator VERDIN, the Resolution was adopted and ordered sent to the House.

RECALLED

H. 3243 -- Reps. Bernstein, W. Cox, Fry, Clemmons and Hixon: A BILL TO AMEND SECTION 8-21-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A SCHEDULE OF SPECIFIED FILING AND RECORDING FEES, SO AS TO REVISE AND FURTHER PROVIDE FOR VARIOUS FILING FEES, INCLUDING A FLAT FEE OF TWENTY-FIVE DOLLARS FOR CERTAIN DOCUMENTS FILED OR RECORDED WITH THE REGISTER OF DEEDS OR CLERKS OF COURT, AND A FLAT FEE OF TEN DOLLARS FOR CERTAIN OTHER DOCUMENTS FILED OR RECORDED WITH THE REGISTER OF DEEDS OR CLERKS OF COURT, AS APPROPRIATE, AND TO PROVIDE EXCEPTIONS.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

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RECALLED

H. 3079 -- Reps. Pope, Burns, Bryant, Clyburn, Yow, Brown, Hixon and Forrest: A BILL TO AMEND SECTION 16-11-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE-PAINTED BOUNDARIES.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

OBJECTION

H. 3472 -- Reps. Murphy, Caskey, Pope, Bryant, Fry, B. Newton, McCoy, Stavrinakis, Ligon, Clemmons and Anderson: A BILL TO AMEND SECTION 23-31-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY, SO AS TO INCLUDE THE ATTORNEY GENERAL AND ASSISTANT ATTORNEYS GENERAL IN THE PURVIEW OF THE STATUTE.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

Senator M. B. MATTHEWS objected.

RECALLED

H. 4456 -- Reps. Howard, Bernstein, Bales, Ballentine, Brawley, Finlay, Garvin, Hart, McDaniel, Rutherford, Rose, Thigpen and Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ALPINE ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH POLO ROAD TO ITS INTERSECTION WITH JACKSON CREEK "JACQUALINE KASPROWSKI WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

RECALLED

H. 4105 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 3 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO THE HAMPTON/JASPER COUNTY LINE "CHARLIE I. CREWS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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.

RECALLED

H. 4107 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF S-25-345 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 3 TO THE HAMPTON/JASPER COUNTY LINE "DEACON WILLINGHAM COHEN, SR. ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 824 -- Senator McLeod: A SENATE RESOLUTION TO APPLAUD THE CARDINAL NEWMAN BOYS BASKETBALL

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TEAM, COACH, AND SCHOOL OFFICIALS FOR SECURING THE 2019 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION 3A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 825 -- Senator McLeod: A SENATE RESOLUTION TO CONGRATULATE THE CARDINAL NEWMAN GIRLS BASKETBALL TEAM, COACH, AND SCHOOL OFFICIALS FOR CLINCHING THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION 3A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 826 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE THE CHAPIN HIGH SCHOOL GIRLS' LACROSSE TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2019 SOUTH CAROLINA HIGH SCHOOL LEAGUE CLASS 5A CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 827 -- Senator Setzler: A SENATE RESOLUTION TO EXPRESS SINCERE GRATITUDE TO ALL SOUTH CAROLINA TEACHERS WHO ENTHUSIASTICALLY DEDICATE THEMSELVES TO THE FUTURE AND WELL-BEING OF OUR STUDENTS, TO RECOGNIZE MAY 6 THROUGH 10, 2019, AS "TEACHER APPRECIATION WEEK," AND TO ENCOURAGE SCHOOLS AND COMMUNITIES IN THE PALMETTO STATE TO HONOR THE NUMEROUS, VITAL CONTRIBUTIONS OF OUR STATE'S OUTSTANDING TEACHERS.

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The Senate Resolution was adopted.

S. 828 -- Senator Massey: A BILL TO AMEND ARTICLE 5, CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO GROUP ACCIDENT AND HEALTH INSURANCE, TO PROVIDE FOR COVERAGE FOR TREATMENT FOR FUNCTIONAL DEFORMITY AND DYSFUNCTION OF THE

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TEMPOROMANDIBULAR JOINT, TO PROVIDE EXCEPTIONS,
AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 829 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS APPLICABLE TO SPECIFIC PROPERTIES, DESIGNATED IN REGULATION DOCUMENT NUMBER 4860, WITH THE EXCEPTION OF REGULATION 123-204 Z., RELATING TO A PROHIBITION OF ACCESS TO CERTAIN PUBLIC TRUST LANDS, WHICH IS DISAPPROVED, 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. 830 -- Senator Johnson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JOHN TINDAL, SUPERINTENDENT OF CLARENDON SCHOOL DISTRICT TWO, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY-FIVE YEARS OF EXEMPLARY SERVICE AS AN EDUCATOR AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 4452 -- Reprs. Erickson, Bradley, W. Newton and Rivers: A JOINT RESOLUTION TO COMMEMORATE THE SIXTIETH ANNIVERSARY OF THE OPENING OF THE RICHARD V. WOODS MEMORIAL BRIDGE IN DOWNTOWN BEAUFORT, SOUTH CAROLINA, AND TO CREATE THE WOODS BRIDGE STUDY COMMITTEE TO EXAMINE THE BRIDGE'S LIFESPAN AND CONDITION AND TO MAKE RECOMMENDATIONS ON POTENTIAL PLANS OR REPLACEMENT OPTIONS IN ORDER TO BEST PRESERVE THE HISTORIC LANDMARK.

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

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H. 4499 -- Reps. Bradley, Herbkersman, Erickson, W. Newton, Rivers and S. Williams: A BILL TO AMEND SECTION 7-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO ADD THE NEW RIVER, PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

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

Appointments Reported

Senator HEMBREE from the Committee on Education submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Arts Commission, with the term to commence June 30, 2019, and to expire June 30, 2022

At-Large:

Linda C. Stern, 2134 Bermuda Hills Rd., Columbia, SC 29223-6733
VICE Elizabeth Ann Brasington-Sowards

Received as information.

Initial Appointment, South Carolina Arts Commission, with the term to commence June 30, 2016, and to expire June 30, 2019

At-Large:

Bhavna Vasudeva, 4 Enclave Ct., Columbia, SC 29223 *VICE* Charles R. Pate

Received as information.

Reappointment, South Carolina Arts Commission, with the term to commence June 30, 2019, and to expire June 30, 2022

At-Large:

Bhavna Vasudeva, 4 Enclave Ct., Columbia, SC 29223

Received as information.

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HOUSE CONCURRENCES

S. 767 -- Senator Shealy: A CONCURRENT RESOLUTION TO WELCOME THE MARCH OF DIMES TO THE STATE HOUSE AND RECOGNIZE WEDNESDAY, MAY 1, 2019, AS "SOUTH CAROLINA HEALTHY MOTHER'S DAY."

Returned with concurrence.

Received as information.

S. 794 -- Senator Hembree: A CONCURRENT RESOLUTION TO CONGRATULATE SOUTH CAROLINA'S 2019 DISTRICT TEACHERS OF THE YEAR UPON BEING SELECTED TO REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS, TO EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO CHILDREN, AND TO WISH THEM CONTINUED SUCCESS IN THE FUTURE.

Returned with concurrence.

Received as information.

S. 815 -- Senator Scott: A CONCURRENT RESOLUTION TO CONGRATULATE REV. DR. MICHAEL ROSS UPON THE OCCASION OF HIS THIRTIETH ANNIVERSARY AS PASTOR OF NEW EBENEZER BAPTIST CHURCH AND TO COMMEND HIM FOR HIS MANY YEARS OF SERVICE TO HIS CONGREGATION AND THE COMMUNITY OF COLUMBIA.

Returned with concurrence.

Received as information.

S. 823 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE CHERYL H. FRALICK OF LEXINGTON COUNTY ON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER YEARS OF DEDICATED SERVICE TO THE CHILDREN OF SOUTH CAROLINA AS AN EDUCATOR AND ADMINISTRATOR, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

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ADOPTED

S. 785 -- Senators Peeler, Leatherman, Setzler and Massey: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 9, 2019, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON MONDAY, MAY 20, 2019, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON WEDNESDAY, MAY 22, 2019, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY RECEDE ON WEDNESDAY, MAY 22, 2019, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND IN RECESS SUBJECT TO THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN TUESDAY, JANUARY 14, 2020, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY explained the Resolution.

The Resolution was adopted, ordered sent to the House.

CARRIED OVER

S. 534 -- Senators Hutto, Hembree, Shealy, Climer, Rice and Bennett: A BILL TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

The Senate proceeded to the consideration of the Bill.

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

OBJECTION

H. 3659 -- Reps. McCoy, Rose, Ballentine, Wooten, W. Newton, Mack, Sottile, Clary, Erickson, Herbkersman, Pendarvis, Stavrinakis, Ott, Gilliard, Bennett, Caskey, Murphy, Bernstein, Mace, Young, Garvin, Cobb-Hunter, Norrell, Thigpen, Hyde, Jefferson, R. Williams, Funderburk, Huggins, Anderson, Hardee, Cogswell, Tallon, Sandifer, West, Gagnon, Forrester, Blackwell, Spires, Calhoon, B. Cox, Elliott, Morgan, Loftis, Bradley, Willis, Toole, Henderson-Myers, Daning and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA ENERGY FREEDOM ACT" BY ADDING SECTION 58-27-845 SO AS TO ENUMERATE SPECIFIC RIGHTS OWED TO EVERY ELECTRICAL UTILITY CUSTOMER IN SOUTH CAROLINA; BY ADDING SECTION 58-27-2350 SO AS TO PROVIDE FOR JUDICIAL REVIEW OF VIOLATIONS OF AN ELECTRICAL UTILITY CUSTOMER'S RIGHTS; BY ADDING CHAPTER 41 TO TITLE 58 SO AS TO DEFINE RELEVANT TERMS, TO REQUIRE PERIODIC HEARINGS TO REVIEW AND APPROVE ELECTRICAL UTILITIES' AVOIDED COST METHODOLOGIES, STANDARD OFFERS, FORM CONTRACTS, AND COMMITMENT TO SELL FORMS, AND TO ESTABLISH POLICIES AND PROCEDURES FOR THESE HEARINGS, TO REQUIRE EACH ELECTRICAL UTILITY TO FILE A VOLUNTARY RENEWABLE ENERGY PROGRAM FOR THE COMMISSION'S REVIEW AND APPROVAL AND TO ENUMERATE PROGRAM REQUIREMENTS, TO REQUIRE EACH ELECTRICAL UTILITY TO ESTABLISH A NEIGHBORHOOD COMMUNITY SOLAR PROGRAM PLAN WITH A GOAL TO EXPAND ACCESS TO SOLAR ENERGY TO LOW-INCOME COMMUNITIES AND CUSTOMERS, AND TO ENUMERATE PROGRAM REQUIREMENTS; TO AMEND SECTION 58-4-10, AS AMENDED, RELATING TO THE OFFICE OF REGULATORY STAFF, SO AS TO REVISE THE DEFINITION OF "PUBLIC INTEREST"; TO AMEND SECTION 58-27-460, RELATING TO THE PROMULGATION OF STANDARDS FOR INTERCONNECTION OF RENEWABLE ENERGY, SO AS TO, AMONG OTHER THINGS, INCREASE THE MAXIMUM GENERATION CAPACITY OF THOSE RENEWABLE ENERGY FACILITIES FOR WHICH THE PUBLIC SERVICE COMMISSION SHALL PROMULGATE INTERCONNECTION STANDARDS; TO

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AMEND SECTION 58-27-2610, RELATING TO LEASES OF RENEWABLE ELECTRIC GENERATION FACILITIES, SO AS TO, AMONG OTHER THINGS, REMOVE THE SOLAR LEASING CAP; TO AMEND SECTION 58-33-110, RELATING TO REQUIRED PRECONSTRUCTION CERTIFICATIONS FOR MAJOR UTILITY FACILITIES, SO AS TO PROVIDE THAT A PERSON MAY NOT BEGIN CONSTRUCTION OF A MAJOR UTILITY FACILITY WITHOUT FIRST HAVING MADE A DEMONSTRATION THAT THE FACILITY HAS BEEN SELECTED THROUGH AN INDEPENDENTLY MONITORED, ALL-SOURCE, PROCUREMENT PROCESS OVERSEEN BY AN INDEPENDENT EVALUATOR CHOSEN BY THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-33-140, RELATING TO THE PARTIES TO CERTIFICATION PROCEEDINGS, SO AS TO PROVIDE THAT THE PARTIES SHALL INCLUDE ANY INDEPENDENT POWER PRODUCER THAT IS PROPOSING AN ALTERNATIVE TO THE MAJOR UTILITY FACILITY; TO AMEND SECTION 58-37-40, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO PROVIDE FOR THE EVALUATION OF THE ADOPTION OF RENEWABLE ENERGY, ENERGY EFFICIENCY, AND DEMAND RESPONSE IN INTEGRATED RESOURCE PLANS AND TO PROVIDE FOR CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 58-40-10, RELATING TO DEFINITIONS APPLICABLE TO NET ENERGY METERING, SO AS TO REVISE THE DEFINITION OF "CUSTOMER-GENERATOR"; AND TO AMEND SECTION 58-40-20, RELATING TO NET ENERGY METERING, SO AS TO REQUIRE ELECTRICAL UTILITIES TO MAKE NET ENERGY METERING AVAILABLE TO CUSTOMER-GENERATORS UNTIL THE TOTAL INSTALLED NAMEPLATE GENERATING CAPACITY OF NET ENERGY METERING SYSTEMS EQUALS AT LEAST TWO PERCENT OF THE PREVIOUS FIVE-YEAR AVERAGE OF THE ELECTRICAL UTILITY'S SOUTH CAROLINA RETAIL PEAK DEMAND AND TO PROVIDE FOR A SUCCESSOR NET ENERGY METERING TARIFF.

Senator MALLOY objected to further consideration of the Bill.

CARRIED OVER

S. 655 -- Senators Peeler, Malloy, Climer, Fanning, Gregory and Leatherman: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB

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TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

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

RECOMMITTED

S. 742 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4834, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CAMPSER, the Resolution was recommitted to the Committee on Fish, Game and Forestry.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

H. 3137 -- Reps. G.M. Smith, Lucas, Ott, Stavrinakis, Simrill, Rutherford, Pope, Clyburn, S. Williams, Cobb-Hunter, Bailey, Erickson, Bradley, Yow, Forrest, Kirby, Sottile, Murphy, Chellis, Kimmons, Rose, Wheeler, Young, Clemmons, Cogswell, Gilliard, B. Newton, Anderson, Jefferson, Bales, Blackwell, McDaniel, Moore, R. Williams and Henderson-Myers: A BILL TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS TO CHANGE THE NAME OF THE LOCAL GOVERNMENT FUND, TO DELETE THE REQUIREMENT THAT THE FUND RECEIVE NO LESS THAN FOUR AND ONE-HALF PERCENT OF THE GENERAL FUND REVENUES OF THE LATEST COMPLETED FISCAL YEAR, TO

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DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE APPROPRIATION TO THE FUND MUST BE INCREASED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE PERCENTAGE INCREASE, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, TO AMEND THE DISTRIBUTION PERCENTAGE OF THE FUND, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\3137C001.NBD.DG19), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-27-30 and inserting:

/ Section 6-27-30. (A) In the annual general appropriations act, an amount equal to not less than four and one half percent of general fund revenues of the latest completed fiscal year must be appropriated the General Assembly must appropriate funds to the Local Government Fund.

(B)(1) In any fiscal year in which general fund revenues are projected to increase or decrease, the appropriation to the Local Government Fund for the upcoming fiscal year must be adjusted by the same projected percentage change, but not to exceed five percent, when compared to the appropriation in the current fiscal year. For purposes of this subsection, beginning with the initial forecast required pursuant to Section 11-9-1130, the percentage adjustment in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' most recent projection of recurring general fund revenue for the upcoming fiscal year. Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of the projected percentage adjustment. The executive director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage adjustment. However, the forecast in effect on February fifteenth of the current fiscal year is the final forecast for which the percentage

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adjustment is determined, and no subsequent forecast modifications shall have any effect on that determination.

(2) The Governor shall include the appropriation required by this chapter to the Local Government Fund in the Executive Budget.

(3) The Revenue and Fiscal Affairs Office shall determine the current fiscal year's recurring general fund expenditure base, and determine any projected adjustment in general fund revenues. If a change is projected, the appropriation for the upcoming fiscal year must be adjusted accordingly.

(C) For purposes of this section:

(1) 'Recurring general fund revenue' means the forecast of recurring general fund revenues pursuant to Section 11-9-1130 after the amount apportioned to the Trust Fund for Tax Relief, as required in Section 11-11-150, is deducted.

(2) 'Recurring general fund expenditure base' means the total recurring general fund appropriations authorized in the current general appropriations act less any reduced appropriations mandated by the General Assembly or the Executive Budget Office pursuant to Section 11-9-1140(B). /

Amend the bill further, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor and first applies to for the annual general appropriations bill process for Fiscal Year 2020-2021. /

Re-number sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The amendment was adopted.

Senator SCOTT proposed the following amendment (DG\3137C003.NBD.DG19), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 6-27-30(B), by adding an appropriately numbered item at the end to read:

/ () Notwithstanding any other provision of this section, if general fund revenues are projected to decrease, the adjustment to the appropriation to the Local Government Fund for the upcoming fiscal year must not exceed three percent. /

Re-number sections to conform.

Amend title to conform.

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Senator SCOTT explained the amendment.

The amendment was withdrawn.

Senators MASSEY and SHEALY proposed the following amendment (3137R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

~~“Section 1-3-210. (A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

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“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

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

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

H. 3703 -- Reprs. Lowe, Moore, Rose, Rutherford, Willis, Sottile and Hill: A BILL TO AMEND SECTION 40-45-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE THE MAXIMUM NUMBER OF TIMES A PERSON MAY ATTEMPT TO PASS LICENSURE BY THE BOARD FROM TWO TO SIX; AND TO AMEND SECTION 40-45-260, RELATING TO LIMITS ON ATTEMPTS TO PASS LICENSURE EXAMINATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPY

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ASSISTANTS, SO AS TO INCREASE THE MAXIMUM NUMBER OF SUCH ATTEMPTS FROM TWO TO SIX.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (DG\3703C001.NBD.DG19), which was adopted:

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

/ SECTION 1. Section 40-45-230(G) and (H) of the 1976 Code is amended to read:

“(G)If an applicant fails the examination, whether or not taken in South Carolina, the applicant may take the examination ~~a second time on up to six times, each time upon~~ payment of the examination fee and completion of an official application. If the applicant fails the examination for a ~~second~~ fifth time, the applicant, ~~in addition to the requirements for the previous examination,~~ must take courses the board may require and furnish evidence of completing these courses before taking the examination for the sixth time.

(H) No person may be licensed under this chapter if the person has failed the examination ~~three~~ six or more times, whether or not the exam was taken in South Carolina.” /

Re-number sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3703R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment

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to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) ~~If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not

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receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Re-number sections to conform.
Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator DAVIS spoke on the Bill.
Senator MALLOY spoke on the Bill.

The question being the second reading of the Bill.

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

Ayes 34; Nays 11

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpoottian	Hembree
Hutto	Jackson	Johnson
Leatherman	<i>Matthews, John</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Sheheen	Talley	Turner
Verdin		

Total--34

NAYS

Bennett	Corbin	Kimpson
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	Rice
Williams	Young	

Total--11

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

**AMENDED, AMENDMENT PROPOSED
CARRIED OVER**

H. 4243 -- Reps. Simrill, Lucas, Pope, G.M. Smith, Rutherford, King, Felder, Bryant, D.C. Moss, B. Newton, Ligon, V.S. Moss, Brown, W. Cox, Jefferson, R. Williams, Calhoon, McKnight, Spires, Elliott, Gilliam, West, Atkinson, Bales, Gilliard, Blackwell, B. Cox and Anderson: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4243R003.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 9, line 20, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s

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formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to ~~the~~ ~~second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. ~~A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was

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withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator HARPOOTLIAN proposed the following amendment (SA\4243C002.RT.SA19), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS at the end to read:

/ SECTION ____ . Section 11-9-805 of the 1976 Code, as amended by Act 246 of 2018, is further amended by adding an appropriately numbered new item to read:

“() ‘Tax expenditure’ means an amount of state revenue unavailable for general fund appropriation when the loss of revenue is attributable to a provision of the South Carolina Code of Laws which allow a special exclusion, exemption, or deduction from gross income, which provide a special credit, a preferential rate of tax, or a deferral of tax liability or which allocate or distribute state funds pursuant to an incentive program or fund.”

SECTION ____ . Section 11-9-830 of the 1976 Code, as last amended by Act 246 of 2018, is further amended by adding an appropriately numbered new item to read:

“() compile and report to the General Assembly, not later than the first day of March each year, a list of each individual tax expenditure from the prior fiscal year and the estimated tax expenditures for the current fiscal year. The report must indicate the specific enactment and program which authorized the expenditure and apply to all tax expenditures in excess of one hundred thousand dollars.” /

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

The amendment was adopted.

Senator HARPOOTLIAN proposed the following amendment (DG\4243C006.NBD.DG19), which was adopted:

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Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . Section 12-6-3360(C) of the 1976 Code is amended to read:

“(C)(1) Subject to the conditions provided in subsection (M) of this section, a job tax credit is allowed for five years beginning in year two after the creation of the job for each new full-time job created if the minimum level of new jobs is maintained. The credit is available to taxpayers that increase employment by ten or more full-time jobs, and no credit is allowed for the year or any subsequent year in which the net employment increase falls below the minimum level of ten. The amount of the initial job credit is as follows:

(a) ~~Eight~~ twenty-five thousand dollars for each new full-time job created in “Tier IV” counties.

(b) ~~Four~~ twenty thousand two hundred fifty dollars for each new full-time job created in “Tier III” counties.

(c) Two thousand seven hundred fifty dollars for each new full-time job created in “Tier II” counties.

(d) One thousand five hundred dollars for each new full-time job created in “Tier I” counties.

(2)(a) Subject to the conditions provided in subsection (M) of this section, a job tax credit is allowed for five years beginning in year two after the creation of the job for each new full-time job created if the minimum level of new jobs is maintained. The credit is available to taxpayers with ninety-nine or fewer employees that increase employment by two or more full-time jobs, and may be received only if the gross wages of the full-time jobs created pursuant to this section amount to a minimum of one hundred twenty percent of the county’s or state’s average per capita income, whichever is lower. No credit is allowed for the year or any subsequent year in which the net employment increase falls below the minimum level of two. The amount of the initial job credit is as described in subsection (C)(1).

(b) If the taxpayer with ninety-nine or fewer employees increases employment by two or more full-time jobs but the gross wages do not amount to a minimum one hundred twenty percent of the county’s or state’s average per capita income, whichever is lower, then the amount of the initial job credit is as follows:

~~(i) Four thousand dollars for each new full time job created in “Tier IV” counties.~~

~~(ii) Two thousand one hundred twenty five dollars for each new full time job created in “Tier III” counties.~~

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~~(iii) One thousand three hundred seventy five dollars for each new full-time job created in “Tier II” counties.~~

~~(iv) Seven hundred fifty dollars for each new full-time job created in “Tier I” counties reduced by fifty percent.”/~~

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

The amendment was adopted.

Senator SHEHEEN proposed the following amendment (DG\4243C002.NBD.DG19), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . Section 12-6-3360 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() If a professional sports team claims the credit allowed by this section, then the Department of Revenue shall report the net number of new full-time jobs created in this State by the professional sports team, the average cash compensation of the new full-time jobs created by the professional sports team, and the aggregated residency status of the employee or employees filling the new full-time jobs created by the professional sports team. The department shall provide the report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor beginning on May first of the year immediately following the year in which the first new full-time job is created by the professional sports team, and on May first each year thereafter. In reporting statistics pursuant to this subitem, the department must comply with the requirements of Section 12-54-240(B)(1).” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senator RICE proposed the following amendment (4243R004.KMM.RFR), which was withdrawn:

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Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION __. Section 12-6-3360 of the 1976 Code is amended by adding appropriately lettered new subsections to read:

“() A taxpayer in tax years beginning in 2019 and after may annually claim a nonrefundable tax credit or rebate against each of the taxes enumerated in this subsection in an amount equal to twenty percent of the additional tax revenue paid by the taxpayer in regard to those taxes as determined by the department if the taxpayer has made a qualifying capital investment in the business location where the additional tax revenue was generated, if the business location is engaged primarily in the sale of tangible personal property at retail, and if the taxpayer holds a state retail sales tax license for the business location. The taxes to which the tax credits or rebates provided by this subsection apply are:

(1) state sales and use taxes imposed by the provisions of Chapter 36, Title 12. The tax credits provided by this item also apply to local option sales and use taxes authorized by law that are collected by the department and remitted to the local jurisdictions authorized to receive the proceeds. The department in these cases shall deduct from the revenue distributed to the local jurisdiction the amount of the tax credit to which the taxpayer is entitled;

(2) ad valorem property taxes that do not include any payments required under a fee in lieu of a property tax agreement; and

(3) state income taxes imposed under Chapter 6, Title 12.

() For the purposes of determining the amount of sales or income taxes paid at a particular location where the qualifying capital investment pertains to the expansion of an existing business location, the ratio of the square footage of the expansion as compared to the overall square footage of the location, multiplied by the total sales or income taxes paid, is considered to be the amount of new sales or income tax revenue generated.

() The department may require information and submissions by the taxpayer as it considers appropriate in relation to a taxpayer’s claim of entitlement to the credit. The department in implementing the tax credits or rebates authorized by this section may permit the taxpayer to claim the credit or rebate on the sales tax or income tax return or property tax payment filed by the taxpayer.

() The merger, consolidation, or reorganization of a corporation for which tax credits or rebates provided by this section survive does not create new eligibility in a succeeding corporation, but unused credits or rebates may be transferred and continued by the succeeding corporation.

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In addition, a corporation or partnership may assign its rights to its unused credit or rebate to another corporation or partnership if it transfers all, or substantially all, of the assets of the corporation or partnership or all, or substantially all, of the assets of the trade, business, operating division of the corporation, or partnership to another corporation or partnership.

() In regard to the rebate of ad valorem property taxes provided for by this section, a taxpayer must file a claim for a rebate with the appropriate local property tax officials after the property taxes for a particular year have been paid and once the amount of the rebate is determined. The property tax rebate under this section will be treated as though it is an exemption from the property tax.

() Notwithstanding the amount of the credits allowed by this section, any income tax credits, if combined with any other state income tax credits allowed to the taxpayer for a particular taxable year, cannot reduce the taxpayer's South Carolina income tax liability more than fifty percent for that year. In addition, the credits or rebates authorized by this section are in lieu of any other applicable income tax credits or rebates allowed by state law, and in the event of an overlap or conflict in available credits or rebates to a taxpayer, the taxpayer must select the credit or rebate that the taxpayer desires in the manner prescribed by the department to the extent that the credits or rebates conflict or overlap. Finally, the total amount of all tax credits or rebates allowed by this section for all years may not exceed in the aggregate the total capital investment made by the taxpayer that gave rise to the credits or rebates.

() Beginning with tax years that commence on or after January 1, 2019, a taxpayer may claim the tax credits or rebates authorized by this section for which qualifying capital investments were made on or after January 1, 2018.

() The tax credits or rebates authorized by this section expire at the end of the fifth calendar year following the year that the qualifying capital investments were made. Nothing in this section prevents new tax credits or rebates for subsequent qualifying capital investments.

() The credits received pursuant to this subsection cannot be used in conjunction with other credits in this section.” /

Amend the bill further, as and if amended, page 7, line 8, by adding an appropriately numbered new item to read:

/ () ‘Qualifying capital investment’ means an expenditure in an aggregate amount of two hundred fifty thousand dollars or more to acquire, lease, or improve real and business personal property that is used in operating a business location that holds a State of South Carolina retail

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sales tax license. Qualifying capital investment, however, does not include relocating an existing business in this State to another location in this State without the required additional capital investment.”/

Re-number sections to conform.
Amend title to conform.

Senator RICE explained the amendment.

The amendment was withdrawn.

ACTING PRESIDENT PRESIDES

At 1:27 P.M., Senator TALLEY assumed the Chair.

Senator SETZLER proposed the following amendment (DG\4243C003.NBD.DG19), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 6, by striking lines 30-36 and inserting:

/ (17) ‘Professional sports team’ means a professional sports team or club included in a professional league, such as the National Football League, National Association for Stock Car Racing, or the National Basketball Association, primarily engaged in participating in live sporting events before a paying audience with an annual payroll for federal tax purposes of not less than one hundred ninety million dollars and not less than one hundred fifty full-time employees. /

Re-number sections to conform.
Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator SETZLER proposed the following amendment (DG\4243C001.NBD.DG19), which was carried over:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . A. Section 12-6-3360 of the 1976 Code is amended by adding a subsection at the end to read:

“(O)The provisions of this section that specifically apply to a professional sports team only apply to a specific professional sports team so long as that professional sports team, by July 1, 2022, creates full-time

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new jobs in this State that otherwise meet the requirements to claim the credit allowed by this section.”

B. The provisions of Sections 4-9-30 and 5-7-30 relating to a professional sports team, and the provisions of Section 5-3-20 only apply so long as the provisions of Section 12-6-3360(O) are met by the professional sports team. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was carried over.

Senator SETZLER proposed the following amendment (DG\4243C004.NBD.DG19):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____. Section 12-10-80(D)(2) of the 1976 Code is amended by adding an undesignated paragraph at the end to read:

“For purposes of this item, a significant business does not include a professional sports team as defined in Section 12-6-3360.” /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the Bill.

Senator GREGORY spoke on the Bill.

Senator PEELER spoke on the Bill.

Remarks to be Printed

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator PEELER, when reduced to writing and made available to the Desk, would be printed in the Journal.

On motion of Senator PEELER, the Bill was carried over, as amended.

PRESIDENT PRESIDES

At 3:45 P.M., the PRESIDENT assumed the Chair.

READ THE SECOND TIME

S. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE

[SJ]

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REGISTRATION AND LICENSING, BY ADDING ARTICLE 147, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES.

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
Loftis	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

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OBJECTION

S. 656 -- Senator Grooms: A BILL TO AMEND SECTION 56-5-5640 OF THE 1976 CODE, RELATING TO THE SALE OF UNCLAIMED VEHICLES AND THE DISPOSITION OF PROCEEDS, TO PROVIDE FOR THE TRANSFER OF A VEHICLE TO AN AUTOMOTIVE DISMANTLER OR RECYCLER OR SECONDARY METALS RECYCLER FOR DEMOLITION, WRECKING, OR DISMANTLING; TO AMEND SECTION 56-5-5670 OF THE 1976 CODE, RELATING TO THE DUTIES OF DEMOLISHERS AND THE DISPOSAL OF A VEHICLE TO A DEMOLISHER OR SECONDARY METALS RECYCLER, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-5-5945 OF THE 1976 CODE, RELATING TO THE DUTIES OF DEMOLISHERS AND THE DISPOSAL OF A VEHICLE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-19-480(A) OF THE 1976 CODE, RELATING TO THE TRANSFER AND SURRENDER OF THE CERTIFICATES, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SERIAL PLATES OF VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 56-3-1380 OF THE 1976 CODE, RELATING TO THE RETURN OF A REGISTRATION CARD AND LICENSE PLATES FOR A WRECKED OR DISMANTLED VEHICLE, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 16-17-680(D), (E), AND (J)(1)(e) OF THE 1976 CODE, RELATING TO A SECONDARY METALS RECYCLER PERMIT TO PURCHASE NONFERROUS METALS AND A PERMIT TO TRANSPORT AND SELL NONFERROUS METALS, TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

Senator SENN objected to further consideration of the Bill.

READ THE SECOND TIME

H. 3035 -- Reps. Funderburk, Thigpen, W. Newton, R. Williams and Wheeler: A BILL TO AMEND SECTION 7-13-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT POLL WORKERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE STATE OF SOUTH CAROLINA.

The Senate proceeded to a consideration of the Bill.

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The question then was second reading of the Bill.

Senator CAMPSSEN explained the Bill.

Motion Adopted

On motion of Senator CAMPSSEN, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

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

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

H. 3145 -- Reps. Ott, Clary, Cobb-Hunter, Collins, Jefferson, Kirby, Willis, Cogswell, D.C. Moss, G.R. Smith, Elliott, Sandifer, Lucas, Ballentine, Caskey, Simrill, West, Murphy, McKnight, Mace, Kimmons, Davis, Magnuson, Sottile, Hewitt, Hiott, B. Newton, Pope, Forrest, Bales, Rutherford, R. Williams, Gilliam, Norrell, Funderburk, G.M. Smith, Weeks, Ridgeway, Yow, W. Newton, Bamberg, Stavrinakis, McCoy, Erickson, Blackwell, Wheeler, Fry, Bannister, Calhoon, Huggins, Gilliard and Taylor: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-49-150 SO AS TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF IS VESTED WITH THE AUTHORITY AND JURISDICTION TO CONDUCT AUDITS OF ELECTRIC COOPERATIVES IN THE SAME MANNER, TERMS, AND CONDITIONS IT IS AUTHORIZED TO CONDUCT AUDITS OF REGULATED PUBLIC UTILITIES AS PROVIDED BY LAW; TO AMEND SECTION 33-49-420, RELATING TO ANNUAL MEETINGS OF MEMBERS OF AN ELECTRIC COOPERATIVE, SO AS TO REVISE THE NOTICE REQUIREMENTS FOR CERTAIN MEETINGS; TO AMEND SECTION 33-49-430, RELATING TO A QUORUM AT MEETINGS OF ELECTRIC COOPERATIVES, SO AS TO ALLOW PERSONS CASTING EARLY VOTING BALLOTS FOR THE ELECTION OF TRUSTEES TO BE COUNTED FOR PURPOSES OF DETERMINING A QUORUM AT THE MEETING FOR THE ELECTION, AND TO PROHIBIT VOTING BY PROXY; TO AMEND SECTION 33-49-440, RELATING TO VOTING BY MEMBERS AND SECTION 33-49-620, RELATING TO VOTING DISTRICTS FROM WHICH SOME MEMBERS OF THE BOARD OF

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TRUSTEES MAY BE ELECTED, SO AS TO PERMIT EARLY VOTING FOR MEETINGS AT WHICH TRUSTEES ARE TO BE ELECTED AND THE PROCEDURES FOR EARLY VOTING; TO AMEND SECTION 33-49-610, RELATING TO THE BOARD OF TRUSTEES OF A COOPERATIVE, SO AS TO REVISE THE MANNER IN WHICH VACANCIES OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM ARE FILLED WHICH MUST BE FOR THE REMAINDER OF THE UNEXPIRED TERM ONLY; BY ADDING SECTION 33-49-615 SO AS TO REQUIRE ANNUAL PUBLIC DISCLOSURE OF COMPENSATION AND BENEFITS PAID TO OR PROVIDED FOR MEMBERS OF THE BOARD OF TRUSTEES; BY ADDING SECTION 33-49-625 SO AS TO REQUIRE SPECIFIED NOTICE OF MEETINGS TO THE COOPERATIVE MEMBERSHIP, TO REQUIRE VOTES OF TRUSTEES TO BE TAKEN IN OPEN SESSION WITH CERTAIN EXCEPTIONS, TO REQUIRE VOTES TAKEN IN EXECUTIVE SESSION TO BE RATIFIED IN OPEN SESSION, AND TO REQUIRE MINUTES OF ALL MEETINGS TO BE PROVIDED TO COOPERATIVE MEMBERS; AND BY ADDING SECTION 33-49-645 SO AS TO PROVIDE THAT IN THE CONDUCT OF ELECTIONS BY A COOPERATIVE, IT MUST PROHIBIT ADVOCACY OR CAMPAIGNING WITHIN A CERTAIN DISTANCE OF THE POLLING PLACE.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3145.003), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2, beginning on line 32 on page 2 and ending on line 14 on page 3, and inserting:

/ “Section 33-49-150. The Office of Regulatory Staff under the provisions of this section is hereby vested with the authority and jurisdiction to make inspections, audits and examinations of electric cooperatives pursuant to the provisions of Chapter 4, Title 58 relating to the compliance of electric cooperatives with the provisions of Sections 33-49-255, 33-49-280, 33-49-420, 33-49-430, 33-49-440, 33-49-450, 33-49-610, 33-49-615, 33-49-620, 33-49-625, 33-49-630, 33-49-640, 33-49-645, 33-49-1410, 33-49-1420, 33-49-1430, 33-49-1440, 58-27-820 and 58-27-840. The Office of Regulatory Staff is granted authority and jurisdiction over electric cooperatives that provide only wholesale services with regard to any of the foregoing statutory provisions to the extent that those provisions are applicable to the

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wholesale electric cooperatives. The Office of Regulatory Staff does not have the authority or jurisdiction to make inspections, audits or examinations of subsidiaries of an electric cooperative provided that the subsidiary is not subsidized by, or any financial credit risk to, electric cooperative ratepayers and that the subsidiary has not taken action, on behalf of the electric cooperative, on any of the electric cooperative's duties as provided in the sections listed above. Where an electric cooperative board of trustees has exercised its business judgment in accordance with sound business and management practices and consistent with the long-term financial stability of the cooperative and the benefit of its members, the Office of Regulatory Staff is not authorized to disturb the resulting decisions of the electric cooperative board of trustees. Upon completion of an authorized inspection, audit or examination, the Office of Regulatory Staff must report its findings to the management and board of the electric cooperative and attempt to resolve with the management and board any compliance issues that are identified. The Public Service Commission is vested with the authority and jurisdiction to resolve any disputed issues arising from the inspections, audits or examinations." /

Amend the bill further, as and if amended, by striking lines 1-6 on page 4 and inserting:

/ (D) ~~Any A~~ person aggrieved by a violation of this section ~~may petition the courts of this State~~ must make a complaint to the Office of Regulatory Staff for redress in accordance with applicable law ~~and notwithstanding Section 58 27 210, the Public Service Commission shall have no jurisdiction over an electric cooperative by reason of this section. If the matter is not resolved after making a complaint to the Office of Regulatory Staff, the person may petition the courts of this State for redress." /~~

Amend the bill further, as and if amended, by striking lines 16-23 on page 5 and inserting:

/ When at least one of the races for cooperative trustee is contested prior to the annual meeting, each cooperative must provide a method by which members of the cooperative may cast a ballot in an election for trustees on a day other than, and before, the annual meeting day. The method for this alternative early voting should allow for voting by cooperative members prior to and after regular working hours and should include reasonable accommodations for elderly, disabled, or infirmed members as permitted by this section." /

Re-number sections to conform.

Amend title to conform.

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Senator GAMBRELL explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3145R003.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 18, line 15, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

~~“Section 1-3-210. (A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

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“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator M. B. MATTHEWS proposed the following amendment (JUD3145.004), which was adopted:

Amend the bill, as and if amended, by striking Section 33-49-440, lines 6-23 on page 5, and inserting:

/ “Section 33-49-440. ~~Each~~ A member is entitled to one vote on each matter submitted to a vote at a meeting. Voting must be in person but, if the bylaws provide, also may be by proxy. ~~If the bylaws provide for voting by proxy they also must prescribe the conditions under which proxy voting may be exercised. A person may not vote as proxy unless he is a member of the cooperative and may not vote as proxy for more than three members at a meeting of the members. For meetings that include the election of cooperative trustees, polling locations must be open for a minimum of four hours.~~

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When at least one of the races for cooperative trustee is contested prior to the annual meeting, each cooperative must provide a method by which members of the cooperative may cast a ballot in an election for trustees on a day other than, and before, the annual meeting day. The method for this alternative early voting should allow for voting by cooperative members from the hours of 7 a.m. to 7 p.m. and should include reasonable accommodations for elderly, disabled, or infirmed members as permitted by this section.” /

Amend the bill further, as and if amended, by striking Section 33-49-645, lines 4-11 on page 11, and inserting:

/ “Section 33-49-645. (A) In the conduct of an election authorized by this chapter or in the bylaws of the cooperative, including the annual election of trustees, a cooperative must prohibit advocacy or campaigning within a distance of the polling place that reasonably ensures that cooperative members are able to vote without harassment, intimidation, or interference. The polling place, for purposes of this section, is the location where votes are collected for tabulation.

(B)(1) In the conduct of the annual election of trustees, to the extent that a cooperative’s bylaws provide for members to become candidates for the board of trustees by petition, the number of signatures required must not exceed one percent of the total cooperative membership.

(2) If the cooperative’s bylaws providing for members to become candidates for the board of trustees by petition require the collection of more than 50 signatures of cooperative members, the cooperative bylaws must also provide for a process allowing those signatures to be collected electronically.

(C) In the conduct of the annual election of trustees, any member or district information provided to an incumbent trustee for use in campaigning for the board of trustees must be provided to all candidates for the board of trustees on the same terms and conditions.” /

Renumber sections to conform.

Amend title to conform.

Senator M. B. MATTHEWS explained the amendment.

The amendment was adopted.

Senator GAMBRELL spoke on the Bill.

The question then was second reading of the Bill.

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Motion Adopted

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

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

AMENDED, READ THE SECOND TIME

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (3357R002.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and

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the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

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Senator YOUNG proposed the following amendment (3357R001.SP.TRY), which was adopted:

Amend the bill, as and if amended, page 1, line 36, by inserting an appropriately numbered new SECTION to read:

/SECTION __. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“ARTICLE 147

‘Drivers For a Cure’ Special License Plates

Section 56-3-14710. (A) The Department of Motor Vehicles may issue ‘Drivers For a Cure’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, and motorcycles, as defined in Section 56-3-20, registered in their names. Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(B) This special license plate must be the same size and general design of regular motor vehicle license plates.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for each special license plate is thirty dollars plus the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56. Any portion of the thirty-dollar fee in excess of the costs of production and distribution of the license plates must be distributed to the Duke Cancer Institute.” /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG 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 45; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

[SJ]

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Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	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--45

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 3601 -- Reps. Rose, McCoy and Caskey: A BILL TO AMEND SECTION 16-17-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC DISORDERLY CONDUCT, SO AS TO ALLOW AND PROVIDE PROCEDURES FOR CONDITIONAL DISCHARGE FOR FIRST TIME OFFENDERS.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (3601R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the

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office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been

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previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator M.B. MATTHEWS explained the Bill.

The question being the second reading of the Bill.

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

Ayes 42; Nays 1

AYES

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

Total--42

NAYS

Corbin

Total--1

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

AMENDED, READ THE SECOND TIME

H. 3662 -- Rep. McCoy: A BILL TO ADOPT REVISED CODE VOLUMES 3 AND 4 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2019.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (3662R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

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(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN 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 43; Nays 0

AYES

Alexander

Allen

Bennett

[SJ]

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

Total--43

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 3789 -- Reps. Willis, Allison, Bennett, Elliott, Brown, Erickson, Bradley, Huggins, Forrest, Taylor and R. Williams: A BILL TO AMEND SECTIONS 56-1-35, 56-1-40, 56-1-140, 56-1-210, 56-1-2100, AND 56-1-3350, RELATING TO THE ISSUANCE, RENEWAL, AND EXPIRATION OF A DRIVER'S LICENSE, BEGINNER'S PERMIT, COMMERCIAL DRIVER LICENSE, AND SPECIAL IDENTIFICATION CARD, AND THE PLACEMENT OF A VETERAN DESIGNATION ON A DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD, SO AS TO REVISE THE PERIOD IN WHICH A DRIVER'S LICENSE AND CERTAIN COMMERCIAL DRIVER LICENSES ARE VALID, TO REVISE THE FEE TO OBTAIN A DRIVER'S LICENSE, CERTAIN COMMERCIAL DRIVER LICENSES, AND SPECIAL IDENTIFICATION CARDS, TO REVISE THE DOCUMENTS THAT MUST BE PROVIDED TO THE DEPARTMENT OF MOTOR VEHICLES TO OBTAIN A VETERAN DESIGNATION ON A

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DRIVER'S LICENSE OR A SPECIAL IDENTIFICATION CARD, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON IS PERMITTED TO ONLY HAVE ONE DRIVER'S LICENSE OR IDENTIFICATION CARD.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (3789R001.SP.ASM), which was adopted:

Amend the joint resolution, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

~~“Section 1-3-210. (A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

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SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator GROOMS spoke on the Bill.

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

The question being the second reading of the Bill.

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

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

H. 3973 -- Reps. Crawford, Mace, Erickson, Thayer, Davis, Magnuson, Bennett, Allison, Bernstein, Cobb-Hunter, Henegan, McDaniel, Norrell, Funderburk, Brawley, Simmons, Henderson-Myers, Robinson, Collins, Calhoun, Dillard, Kimmons, Trantham, Caskey, Weeks and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 3, TITLE 16 SO AS TO PROHIBIT GENITAL MUTILATION OF A FEMALE UNDER THE AGE OF EIGHTEEN YEARS AND TO CREATE THE OFFENSE OF FEMALE GENITAL MUTILATION OF A MINOR; AND TO AMEND SECTION 63-7-20, AS AMENDED, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD FEMALE GENITAL MUTILATION OF A MINOR TO THE DEFINITION OF "CHILD ABUSE OR NEGLECT" OR "HARM".

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3973.004), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 7 through 18, in Section 16-3-2210(4), as contained in SECTION 1 and inserting therein the following:

/ (4) 'Hindering the prosecution of female genital mutilation' means actions to include, but not be limited to:

(a) harboring or concealing a person who is known or believed to be planning to commit an act of female genital mutilation;

(b) warning a person who is known or believed to be planning to commit an act of female genital mutilation of impending discovery or apprehension; or

(c) suppressing any physical evidence that might aid in the discovery or apprehension of a person who is known or believed to be planning to commit an act of female genital mutilation. /

Amend the bill further, as and if amended, page 3, by striking lines 38 through 43, and page 4, by striking lines 1 through 2, as contained in Section 16-3-2240, in SECTION 1, and inserting therein the following:

/ Section 16-3-2240. The provisions of this article do not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction or occurrence as the violation of this article." /

Renumber sections to conform.

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Amend title to conform.

Senator M.B. MATTHEWS explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3973R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

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SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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

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Jackson	Johnson	Kimpson
Leatherman	Loftis	Martin
<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

NAYS

Total--0

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

H. 3036 -- Reps. McCravy, Parks, West, Gagnon, Martin, Hiott, Burns, Huggins, G.R. Smith, Trantham, Ridgeway, Thayer, W. Cox, Toole, Johnson, Jefferson, Clary, Gilliard and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "DYLAN'S LAW"; AND BY ADDING SECTION 44-37-35 SO AS TO REQUIRE NEONATAL TESTING FOR CERTAIN GENETIC DISORDERS AND DISEASES AND FOR OTHER PURPOSES.

The Senate proceeded to the consideration of the Bill.

Senator ALEXANDER explained the Bill.

The question being the second reading of the Bill.

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

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

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OBJECTION

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

Senator CORBIN objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, OBJECTION**

H. 3263 -- Reps. G.M. Smith, Erickson, Bradley, W. Newton, Huggins, Sandifer, Toole, Blackwell, Cogswell, Caskey, Atkinson, Hixon, Taylor, Fry, Weeks and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ARMED SERVICE MEMBERS AND SPOUSES PROFESSIONAL AND OCCUPATIONAL LICENSING ACT" BY ADDING SECTION 37-1-110 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR OCCUPATIONS AND PROFESSIONS REGULATED BY THE DEPARTMENT OF CONSUMER AFFAIRS IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-43-85 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS NONRESIDENT INSURANCE LINES PRODUCERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-47-17 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-48-25 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS PUBLIC INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING

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SECTION 40-1-625 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR PROFESSIONS AND OCCUPATIONS REGULATED BY BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 59-25-25 SO AS TO PROVIDE SPOUSES OF ARMED SERVICE MEMBERS STATIONED IN THIS STATE MAY WORK AS PUBLIC SCHOOL TEACHERS IN THIS STATE WITHOUT BEING LICENSED OR CERTIFIED BY THE DEPARTMENT OF EDUCATION IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-45-30, RELATING TO LICENSE APPLICATION FEE REQUIREMENTS FOR NONRESIDENT INSURANCE BROKER LICENSURE, SO AS TO EXEMPT CERTAIN ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THE FEES; TO AMEND SECTION 38-49-20, RELATING TO LICENSURE REQUIREMENTS FOR MOTOR VEHICLE PHYSICAL DAMAGE INSPECTORS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-53-80, RELATING TO LICENSURE REQUIREMENTS FOR BAIL BONDSMEN AND RUNNERS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40-1-640, RELATING TO THE AUTHORITY OF CERTAIN PROFESSIONALS AND OCCUPATIONAL LICENSING BOARDS TO ACCEPT AND APPLY EDUCATION, TRAINING, AND EXPERIENCE OF CERTAIN SERVICE MEMBERS, SO AS TO MAKE EXERCISE OF THIS AUTHORITY NONDISCRIMINATORY IF CERTAIN CRITERIA ARE MET; AND TO REPEAL SECTION 40-1-630 RELATING TO TEMPORARY OCCUPATIONAL AND PROFESSIONAL LICENSES THAT BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY ISSUE TO SPOUSES OF ACTIVE SERVICE MEMBERS STATIONED IN THIS STATE.

The Senate proceeded to the consideration of the Bill.

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The Committee on Labor, Commerce and Industry proposed the following amendment (3263R001.KMM.TCA), which was adopted:

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

/SECTION 1. Section 40-1-630(A) of the 1976 Code is amended to read:

“Section 40-1-630. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 ~~may~~ shall issue a temporary professional license for a profession or occupation it regulates to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member. Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active duty member of the United States Armed Forces absent evidence that all state law requirements for licensure have been met.”

SECTION 2. Section 40-1-640(A) of the 1976 Code is amended to read:

“Section 40-1-640. (A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 3. Section 40-33-20(19)(a) of the 1976 Code is amended to read:

“(a) has successfully completed an advanced, organized formal CRNA education program at a minimum of the master’s level accredited by the national accrediting organization of this specialty area and that is recognized by the board;”

SECTION 4. Section 40-33-34(A)(3)(b) of the 1976 Code is amended to read:

“(b) graduated before December 31, 2003, from an advanced, organized formal education program for nurse anesthetists accredited by the national accrediting organization of that specialty. CRNAs who graduate after December 31, 2003, must graduate with a minimum of a master’s degree from a formal CRNA education program for nurse

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anesthetists accredited by the national accreditation organization of the CRNA specialty. An advanced practice registered nurse must achieve and maintain national certification, as recognized by the board, in an advanced practice registered nursing specialty;”

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3263R002.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to ~~the~~ the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in

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~~January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator M.B. MATTHEWS objected to further consideration of the Bill.

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AMENDED, READ THE SECOND TIME

H. 3602 -- Reps. Rose, Caskey and Weeks: A BILL TO AMEND SECTION 44-66-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT, SO AS TO ADD AN ADDITIONAL CATEGORY OF PERSONS.

The Senate proceeded to the consideration of the Bill.

Senator SHEALY proposed the following amendment (3602R001.SP.KS), which was adopted:

Amend the bill, as and if amended, page 1, by striking all after the enacting words and inserting:

/SECTION 1. Section 44-66-30(A) of the 1976 Code is amended by adding an appropriately numbered new item at the end to read:

“() a person who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient’s wishes but who is not a paid caregiver or a provider of health care services to the patient, if the persons included in items (1) through (9) cannot be found after the hospital or health care facility attempts to make contact. For the purposes of this item, a person with an established relationship is an adult who has exhibited special care and concern for the patient, who is generally familiar with the patient’s health care views and desires, and who is willing and able to become involved in the patient’s health care decisions and to act in the patient’s best interest. The person with an established relationship shall sign and date a notarized acknowledgement form, provided by the hospital or other health care facility in which the patient is located, for placement in the patient’s records, setting forth the nature and length of the relationship, certifying that he meets such criteria, and documenting efforts made by the health care facility or hospital to contacts the persons listed in items (1) through (9).”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

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Senators MASSEY and SHEALY proposed the following amendment (3602R003.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by

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the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator TALLEY proposed the following amendment (3602R002.SP.SFT), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION __. A.Title 26 of the 1976 Code is amended by adding:

“Chapter 4

South Carolina Remote Online Notarization Act

Section 26-4-10.(A) This chapter may be cited as the ‘South Carolina Remote Notary Public Act’.

(B) This chapter provides procedures for the remote online notarization of documents.

Section 26-4-20. As used in this chapter:

(1) ‘Appear’ or ‘personally appear’ or ‘in the presence of’ means:

(a) being in the same physical location as another person and close enough to see, hear, communicate with, and exchange tangible identification credentials with that individual; or

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(b) interacting with another individual by means of communication technology that complies with the provisions of this chapter.

(2) ‘Communication technology’ means an electronic device or process that:

(a) allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(b) when necessary and consistent with other applicable law, facilitates communication with a remotely located individual with a vision, hearing, or speech impairment.

(3) ‘Credential analysis’ means a process or service that meets the standards established by the Secretary of State through which a third person evaluates the authenticity of a government-issued identification credential through review of public and proprietary data sources.

(4) ‘Identity proofing’ means a process or service operating according to standards established by the Secretary of State through which a third person affirms the identity of an individual:

(a) by means of dynamic knowledge-based authentication such as a review of personal information from public or proprietary data sources; or

(b) by means of analysis of biometric data such as, but not limited to, facial recognition, voiceprint analysis, or fingerprint analysis.

(5) ‘Outside the United States’ means outside the geographic boundaries of a state or commonwealth of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(6) ‘Remote online notarial certificate’ is the form of an acknowledgement, jurat, verification on oath or affirmation, or verification of witness or attestation that is completed by a remote online notary public and:

(a) contains the online notary public’s electronic signature, electronic seal, title, and commission expiration date;

(b) contains other required information concerning the date and place of the remote online notarization;

(c) otherwise conforms to the requirements for an acknowledgment, jurat, verification on oath or affirmation, or verification of witness or attestation under the laws of this State; and

(d) indicates that the person making the acknowledgment, oath or affirmation appeared remotely online.

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(7) ‘Remote online notarization’ or ‘remote online notarial act’ means a notarial act performed by means of communication technology that meets the standards adopted under this chapter.

(8) ‘Remote online notary public’ means a notary public who has been authorized by the Secretary of State to perform remote online notarizations under this chapter.

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

(10) ‘Remote presentation’ means transmission to the remote online notary public through communication technology of an image of a government-issued identification credential that is of sufficient quality to enable the remote online notary public to:

(a) identify the individual seeking the remote online notary public’s services; and

(b) perform credential analysis.

(11) ‘Remotely located individual’ means an individual who is not in the physical presence of the notary.

Section 26-4-30. The provisions of Chapters 1 and 3 of Title 26 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 remote online notaries public and remote online notarial acts.

Section 26-4-40. (A) The Secretary of State by rule shall develop and maintain standards for credential analysis and identity proofing.

(B) In developing standards for remote online notarization, the Secretary of State may review and consider standards established by the National Association of Secretaries of State (NASS), and national standard setting bodies such as the Mortgage Industry Standards and Maintenance Organization (MISMO).

Section 26-4-50. (A) A notary public commissioned in this State may become a remote online notary public in accordance with this section. Before a notary public performs a remote online notarization, the notary public must register with the Secretary of State in accordance with rules for registration as a remote online notary public and identify the technology that the notary public intends to use, which must conform to any rules or regulations adopted by the Secretary of State. A notary public must be registered as an electronic notary public prior to submitting a registration to be a remote online notary public. A notary public intending to conduct remote electronic notarizations must file a registration with the Secretary of State on forms prescribed by the

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Secretary of State prior to performing an electronic notarization. The Secretary of State may charge a fee of fifty dollars for the application submitted under this section to administer this chapter.

(B) Before registering to perform remote online notarial acts, a notary public shall complete a course of instruction approved by the Secretary of State and pass an examination based on the course. The content of the course shall include notarial rules, procedures, and ethical obligations pertaining to remote online notarization or in any other law or official guideline as required by the Secretary of State. The course may be taken in conjunction with any course required by the Secretary of State for an electronic notary public.

(C) Unless terminated pursuant to this chapter, the term of registration to perform remote online 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.

(D) An individual registering to perform remote online notarial acts shall submit to the Secretary of State an application in a format prescribed by the Secretary of State which includes:

- (1) proof of successful completion of the course and examination required under subsection (B);
- (2) disclosure of any and all license or commission revocations or other disciplinary actions against the registrant; and
- (3) any other information, evidence, or declaration required by the Secretary of State.

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

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

Section 26-4-60. (A) The following notarial acts may be performed by remote online notaries using communication technology:

- (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 26-4-70. A commissioned remote online notary public physically located in this State may perform a remote online notarial act

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using communication technology in accordance with this chapter and any rules or regulations adopted by the Secretary of State for a remotely located individual who is physically located:

- (1) in this State;
- (2) outside of this State but within the United States; or
- (3) outside of the United States if:

(a) the remote online notary public has no actual knowledge that the act of making the statement or signing the records is prohibited in the jurisdiction in which the person is located; and

(b) the person placing his or her electronic signature on the electronic record confirms to the remote online notary public that the requested remote online notarial act and the electronic record:

(i) are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity, or other entity in the United States;

(ii) relates to property located in the United States; or

(iii) relates to a transaction substantially connected to the United States.

Section 26-4-80. (A) A remote online notary public shall keep a secure electronic journal of each remote online notarial act performed by the remote online notary public. The electronic journal must contain for each remote online notarization:

(1) the date and time of the notarization;

(2) the type of notarial act;

(3) the type, the title, or a description of the electronic record or proceeding;

(4) the printed name and address of each principal involved in the transaction proceeding;

(5) evidence of identity of each principal involved in the transaction or proceeding in the form of:

(a) a statement that the person is personally known to the remote online notary public;

(b) a notation of the type of identification document provided to the remote online notary public;

(c) a record of the identity verification made under this chapter, if applicable; or

(d) if the principal is identified by one or more credible witnesses:

(i) the printed name and address of each credible witness swearing to or affirming the person's identity; and

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(ii) for each credible witness not personally known to the remote online notary public, a description of the type of identification documents provided to the remote online notary public; and

(6) the fee, if any, charged for the notarization.

(B) The remote online notary public shall create an audio and video copy of the performance of the notarial act.

(C) The remote online notary public shall take reasonable steps to:

(1) ensure the integrity, security, and authenticity of remote online notarizations;

(2) maintain a backup for the electronic journal required by subsection (A) and the recording required by subsection (B); and

(3) protect the backup records from unauthorized use.

(D) The electronic journal required by subsection (A) and the recording required by subsection (B) shall be maintained for at least ten years after the date of the transaction or proceeding.

(E) The remote online notary public may designate as custodian of the recording and the electronic journal:

(1) the employer of the remote online notary public if evidenced by a record signed by the remote online notary public and the employer; or

(2) a repository meeting the standards established by the Secretary of State.

(F) The Secretary of State shall establish:

(1) standards for the retention of a video and audio copy of the performance of the notarial act;

(2) procedures for preservation of the audio and video copy and the electronic journal if the remote online notary public dies or is adjudicated incompetent or if the remote online notary public's commission or authority to perform notarial acts is otherwise terminated; and

(3) standards for third party repositories for the retention of the audio and video copy of the performance of the notarial act.

Section 26-4-90. (A) A remote online notary public shall keep the remote online notary public's electronic journal, public key certificate, and electronic seal secure. The remote online notary public may not allow another person to use the remote online notary public's electronic journal, public key certificate, or electronic seal.

(B) A remote online notary public shall attach the remote online notary public's electronic signature and seal to the remote online notarial certificate of an electronic record in a manner that renders any subsequent change or modification to the electronic record to be evident.

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(C) A remote online notary public shall immediately notify an appropriate law enforcement agency and the Secretary of State of the theft or vandalism of the remote online notary public's electronic journal, electronic signature, or electronic seal. A remote online notary public shall immediately notify the Secretary of State of the loss or use by another person of the remote online notary public's electronic journal, electronic signature, or electronic seal.

Section 26-4-100. (A) A remote online notary public may perform a remote online notarization authorized under this chapter that meets the requirements of this chapter and rules adopted under this chapter regardless of whether the principal is physically located in this State at the time of the remote online notarization.

(B) In performing a remote online notarization, a remote online notary public shall verify the identity of a person creating an electronic signature at the time that the signature is taken by using communication technology that meets the requirements of this chapter and rules adopted under this chapter. Identity may be verified by:

(1) the remote online notary public's personal knowledge of the person creating the electronic signature; or

(2) each of the following:

(a) remote presentation by the person creating the electronic signature of a government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the person;

(b) credential analysis; and

(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).

(C) The remote online notary public shall take reasonable steps to ensure that the communication technology used in a remote online notarization is secure from unauthorized interception.

(D) The remote online notarial certificate for a remote online notarization must state that the person making the acknowledgment or making the oath appeared remotely online.

(E) A remote online notarial act meeting the requirements of this chapter satisfies the requirement of any law of this State relating to a notarial act that requires a principal to appear or personally appear before a notary or that the notarial act be performed in the presence of a notary.

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(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.

(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.

Section 26-4-110. (A) A remote online notarization system shall comply with this chapter and any regulations adopted by the Secretary of State pursuant to Section 26-4-180.

(B) A remote online notarization system shall require access to the system by the remote online notary public by a password or other secure means of authentication.

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

(D) A remote online 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 perform remote online notarizations expires or is resigned or revoked, or when such notary public dies or is adjudicated as incompetent, the notary public or the notary public's personal representative or guardian within three months shall dispose of all or any part of a remote online notarization system that had been in the notary public's sole control whose exclusive purpose was to perform electronic notarial acts.

(F) A former 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 and reregistered to perform electronic notarial acts.

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Section 26-4-120. (A) Any person or entity wishing to apply to the Secretary of State for designation as a remote online notarization system permissible for use by remote online notaries public in this State must complete and submit a registration form to the Secretary of State for review. The Secretary of State shall determine if the applicant meets the requirements of this chapter and any regulations promulgated by the authority of this chapter.

(B) A remote online notarization system must comply with all regulations adopted by the Secretary of State.

Section 26-4-130. A remote online notary public or the remote online notary public's employer may charge a fee of not more than twenty-five dollars for performance of remote online notarization.

Section 26-4-140. (A) Except as provided by subsection (B), a remote online notary public whose commission terminates shall destroy the coding, disk, certificate, card, software, or password that enables electronic affixation of the remote online notary public's official electronic signature or seal. The remote notary public shall certify compliance with this subsection to the Secretary of State.

(B) A former remote online notary public whose commission is terminated for a reason other than revocation or a denial of renewal is not required to destroy the items described by subsection (A) if the former remote online notary public is recommissioned as a remote online notary public with the same electronic signature and seal within three months after the remote online notary public's former commission is terminated.

Section 26-4-150. (A) A person who, without authorization, knowingly obtains, conceals, damages, or destroys the certificate, disk, coding, card, program, software, or hardware enabling a remote online notary public to affix an official electronic signature or seal commits a criminal offense.

(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 or 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 26-4-160. In the event of a conflict between the provisions of this chapter and any other law in this State, the provisions of this chapter shall control.

Section 26-4-170. (A) If a law requires as a condition for recording that a document be an original, be on paper or another tangible medium, be in writing, or be signed, the requirement is satisfied by a paper copy

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of an electronic document bearing an electronic signature that a notary public has certified to be a true and correct copy of a document that was originally in electronic form and bearing an electronic signature pursuant to subsection (C).

(B) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied by a paper copy of an electronic document bearing an electronic signature of the person authorized to perform that act, and all other information required to be included, that a notary public has certified to be a true and correct copy of a document that was originally in electronic form and bearing an electronic signature of the person pursuant to subsection (C). A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

(C) A recorder shall record a paper copy of a document that was originally in electronic form and that is otherwise entitled to be recorded under the laws of this State, provided that the paper copy has been certified to be a true and correct copy of the electronic original by a notary public duly commissioned under the laws of this State as evidenced by a certificate attached to or made a part of the document. The certificate must:

- (1) be signed and dated by the notary public, and be signed in the same manner as on file with the Secretary of State;
- (2) identify the jurisdiction in which the certification is performed;
- (3) contain the title of the notary public;
- (4) indicate the date of expiration, if any, of the notary public's commission; and
- (5) include an official stamp of the notary public affixed to or embossed on the certificate.

(D) The following form of certificate is sufficient for the purposes of this section, if completed with the information required by subsection (C):

‘State of _____
County of _____

I certify that the foregoing and annexed document entitled _____ [document title], if applicable, dated _____ [document date], if applicable, and containing ___ pages is a true and correct copy of an electronic document bearing one or more electronic signatures this _____ date.

Signature of Notary Public
Stamp

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Notary Public

My commission expires: _____

My notary registration number is: _____,

(E) A notary public duly commissioned under the laws of this State has the authority to make the certification provided in this section.

(F) A notary public making the certification provided in this section shall:

(1) confirm that the electronic record contains an electronic signature that is capable of independent verification and renders any subsequent changes or modifications to the electronic record evident;

(2) personally print or supervise the printing of the electronic record onto paper; and

(3) not make any changes or modifications to the electronic record other than the certification described in subsection (C).

(G) If a certificate is completed with the information required by subsection (C) and is attached to or made a part of a paper document, the certificate may be conclusive evidence that the requirements of subsection (F) have been satisfied with respect to the document.

(H) A document purporting to convey or encumber real property or any interest therein that, by inadvertence or excusable neglect, has been recorded by a recorder for the jurisdiction in which the real property is located, and that has not been certified in accordance with the provisions of this section, shall impart the same notice to third persons and be effective, from the time of recording, as if the document had been certified in accordance with the provisions of this section.

(I) This section does not apply to a plat, map, or survey of real property if under another law of this State or under a rule, regulation, or ordinance applicable to a recorder:

(1) there are requirements of format or medium for the execution, creation, or recording of such plat, map, or survey beyond the requirements applicable to a deed to real property; or

(2) such plat, map, or survey must be recorded in a different location than a deed to real property.

Section 26-4-180. The Secretary of State is authorized to promulgate and enforce any regulations, policies, and procedures necessary for the administration of this chapter, including rules to facilitate remote online notarizations.

Section 26-4-190. 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.”

B. Title 26 of the 1976 Code is amended by adding:

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“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.”

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

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

E.This SECTION 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. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

On motion of Senator VERDIN, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

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

COMMITTEE AMENDMENT ADOPTED AMENDED, READ THE SECOND TIME

H. 3821 -- Rep. Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “ADVANCED PRACTICE REGISTERED NURSE ACT”; TO AMEND SECTION 32-8-325, RELATING TO THE USE OF DEATH CERTIFICATES TO AUTHORIZE CREMATORIES TO CREMATE

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HUMAN REMAINS, SO AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN SUCH DEATH CERTIFICATES; TO AMEND SECTION 32-8-340, RELATING TO CONDITIONS FOR CREMATIONS, SO AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN DEATH CERTIFICATES AND WAIVE CERTAIN TIME REQUIREMENTS; TO AMEND SECTION 40-33-34, AS AMENDED, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE CERTIFYING THE MANNER OF DEATH AND EXECUTING DO NOT RESUSCITATE ORDERS AMONG THE MEDICAL ACTS THAT MAY BE PERFORMED UNLESS OTHERWISE PROVIDED IN A PRACTICE AGREEMENT, AND TO PERMIT THE PRESCRIPTION OF SCHEDULE II NARCOTIC SUBSTANCES FOR PATIENTS RESIDING IN LONG-TERM CARE SETTINGS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 44-63-74, RELATING TO THE MANDATORY ELECTRONIC FILING OF DEATH CERTIFICATES WITH THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES TO REFLECT THE AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES TO SIGN DEATH CERTIFICATES AND CERTIFY CAUSES OF DEATH, AND TO PROVIDE ADVANCED PRACTICE REGISTERED NURSES WHO FAIL TO COMPLY WITH CERTAIN TIME LIMITS FOR CERTIFYING A CAUSE OF DEATH MAY BE SUBJECT TO CERTAIN PENALTIES; TO AMEND SECTION 44-78-15, RELATING TO DEFINITIONS IN THE DO NOT RESUSCITATE ORDER ACT, SO AS TO REVISE THE DEFINITION OF A "HEALTH CARE PROVIDER" TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES; AND TO AMEND SECTION 44-78-30, RELATING TO THE FORM OF DO NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (3821R001.SP.SRM), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 32-34 and inserting:

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/ (d) pronounce death and sign death certificates pursuant to the provisions of Chapter 63, Title 44 and Chapter 8, Title 32; /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3821R002.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period

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between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 45; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

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Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	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--45

NAYS

Total--0

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

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

H. 4004 -- Reps. Clary, G.M. Smith, Lucas, Ridgeway, Gilliard and Moore: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) ACT" BY ADDING CHAPTER 80 TO TITLE 44 SO AS TO ENABLE CERTAIN PERSONS TO EXECUTE A POST FORM SIGNED BY A PHYSICIAN THAT SETS FORTH THE PATIENT'S WISHES AS TO LIFE-SUSTAINING CARE; TO REQUIRE HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES TO ACCEPT A POST FORM AS A VALID MEDICAL ORDER WHICH TAKES PRECEDENCE OVER AN ADVANCE DIRECTIVE AND TO COMPLY WITH THE ORDER, WITH EXCEPTIONS; TO ESTABLISH A PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) ADVISORY COUNCIL AND TO PROVIDE FOR ITS MEMBERSHIP AND DUTIES; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PERFORM CERTAIN DUTIES WITH RESPECT TO OVERSEEING POST FORMS AND TO PROMULGATE REGULATIONS; TO PROVIDE IMMUNITY FROM CIVIL AND

[SJ]

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CRIMINAL LIABILITY AND FROM DISCIPLINARY ACTION FOR CERTAIN PERSONS ACTING IN ACCORDANCE WITH PROVISIONS OF THE CHAPTER; AND FOR OTHER PURPOSES.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (DG\4004C001.NBD.DG19), which was adopted:

Amend the bill, as and if amended, SECTION 2, by adding two sections at the end to read:

/ Section 44-80-110. An advanced practice registered nurse (APRN) may create, execute, and sign a POST form if authorized to do so by his or her practice agreement. The POST form must be for a patient of the APRN, the physician with whom the APRN has entered into a practice agreement, or both.

Section 44-80-120. A physician assistant (PA) may create, execute, and sign a POST form if authorized to do so by his or her scope of practice guidelines. The POST form must be for a patient of that PA, the PA's supervising physician, or both." /

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (4004R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

"Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the

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office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

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Renumber sections to conform.
Amend title to conform.

Senator MASSEY 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 45; 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	Loftis	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--45

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 4011 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 49-3-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF

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NATURAL RESOURCES' DUTIES IN REGARDS TO WATER RESOURCE PLANNING AND COORDINATION, SO AS TO MAKE STATUTORY CHANGES TO REFLECT THE DUTIES OF THE DEPARTMENT; AND TO AMEND SECTION 49-3-50, RELATING TO MATTERS TO BE CONSIDERED BY THE DEPARTMENT IN EXERCISING ITS AUTHORITY UNDER THE WATER RESOURCES PLANNING AND COORDINATION ACT, SO AS TO REQUIRE THE DEPARTMENT TO CONSIDER THE NEED FOR MEASURES TO PREVENT SALTWATER INTRUSION ON GROUNDWATER AND SURFACE WATER AND PROTECT THE STATE'S AQUATIC RESOURCES.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4011R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to ~~sine die adjournment~~ the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in

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January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL 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 43; Nays 0

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AYES

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

Total--43

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 4012 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTIONS 48-9-15 AND 48-9-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO DEFINITIONS APPLICABLE TO CHAPTER 9, TITLE 48, SO AS TO REDEFINE THE TERM "DIVISION", DEFINE THE TERM "BOARD", AND EXPAND THE DEFINITION OF "THE UNITED STATES"; TO AMEND SECTION 48-9-45, RELATING TO THE LAND, RESOURCES, AND CONSERVATION DISTRICTS DIVISION, SO AS TO UPDATE THE NAME OF THE DIVISION; TO AMEND SECTION 48-9-50, RELATING TO AGENCIES OPERATING PUBLIC LANDS, SO AS TO DELETE A REFERENCE TO CERTAIN LAND USE REGULATIONS; TO AMEND SECTION 48-9-220, RELATING TO GEOGRAPHIC AREAS FOR THE STATE LAND RESOURCES CONSERVATION COMMISSION, SO AS TO REFORMAT THE STATE LAND RESOURCES CONSERVATION

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COMMISSION INTO THE LAND, WATER, AND CONSERVATION DIVISION ADVISORY COMMITTEE; TO AMEND SECTION 48-9-310, RELATING TO ESTIMATES OF FINANCIAL NEEDS FOR SOIL AND WATER CONSERVATION DISTRICTS, SO AS TO REMOVE UNNECESSARY STATUTORY REQUIREMENTS THAT ARE NOW ACCOMPLISHED THROUGH THE BUDGETING PROCESS; TO AMEND SECTION 48-9-1220, RELATING TO THE NOMINATION AND ELECTION OF COMMISSIONERS, SO AS TO UPDATE AN EXISTING REFERENCE TO REFLECT THE ROLE OF THE STATE ELECTION COMMISSION TO DETERMINE ELECTORS; TO AMEND SECTION 48-9-1250, RELATING TO THE USE OF COUNTY AGRICULTURAL AGENTS, SO AS TO REMOVE REFERENCES TO DISCONTINUED PRACTICES; TO AMEND SECTION 48-11-10, RELATING TO DEFINITIONS APPLICABLE TO WATERSHED CONSERVATION DISTRICTS, SO AS TO ALTER THE DEFINITION OF THE TERM "DIVISION"; TO REPEAL SECTION 48-9-40 RELATING TO THE RENAMING OF THE STATE LAND RESOURCES CONSERVATION COMMISSION; TO REPEAL SECTION 48-9-230 RELATING TO ADVISORS TO THE LAND RESOURCES AND CONSERVATION DISTRICTS DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES; TO REPEAL ARTICLE 13 OF CHAPTER 9, TITLE 48 RELATING TO LAND USE REGULATIONS; AND TO REPEAL ARTICLE 15 OF CHAPTER 9, TITLE 48 RELATING TO THE BOARD OF ADJUSTMENT FOR A NEWLY ORGANIZED SOIL AND WATER CONSERVATION DISTRICT.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4012R003.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 6, line 4, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

"Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment

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to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) ~~If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not

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receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.
Amend title to conform.

Senator CAMPSSEN 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	Loftis	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
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.

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AMENDED, READ THE SECOND TIME

H. 4013 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 48-22-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO CHANGE CERTAIN REQUIREMENTS FOR THE STATE GEOLOGIST; TO AMEND SECTION 48-22-30, RELATING TO THE POWERS AND DUTIES OF THE STATE GEOLOGIST, SO AS TO REQUIRE THAT THE STATE GEOLOGIST BECOME FAMILIAR WITH GEOLOGIC HAZARDS THROUGHOUT THE STATE; AND TO AMEND SECTION 48-22-40, RELATING TO THE DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO ESTABLISH NEW DUTIES FOR THE UNIT AND REMOVE CERTAIN MAPPING DUTIES.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4013R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to ~~the~~ adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same

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~~vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the Bill.

The amendment was adopted.

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	Loftis	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
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.

AMENDED, READ THE SECOND TIME

H. 4245 -- Reps. Ligon, Kirby, Ott, Hewitt, Atkinson, Hiott, Hixon, Pope, Felder, V.S. Moss, D.C. Moss, B. Cox, Forrest, Simrill, Martin, B. Newton, Magnuson, Moore, Hyde, Simmons, Trantham, R. Williams, Jefferson, King, W. Cox and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 17, TITLE 47 SO AS TO PROVIDE IT IS UNLAWFUL TO ADVERTISE, SELL, LABEL, OR MISREPRESENT AS "MEAT" OR "CLEAN MEAT" ALL OR PART OF A CARCASS THAT IS CELL-CULTURED MEAT/PROTEIN, OR IS NOT DERIVED FROM HARVESTED PRODUCTION LIVESTOCK OR POULTRY, AND TO PROVIDE A PENALTY.

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The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4245R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent

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of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Re-number sections to conform.

Amend title to conform.

Senator CAMPSSEN 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	Loftis	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson

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Peeler	Rankin	Reese
Rice	Sabb	Scott
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

H. 4369 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO TRANSPORTATION PROJECT PRIORITIZATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4839, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

H. 4380 -- Reps. Rose, Caskey, Huggins, Bales, Anderson, Crawford, Moore, Hewitt and Bailey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SAMANTHA L. JOSEPHSON RIDESHARING SAFETY ACT"; AND TO AMEND SECTION 58-23-1640, RELATING TO THE SAFETY INSPECTION OF TRANSPORTATION NETWORK COMPANY (TNC) VEHICLES, SO AS TO REQUIRE TNC VEHICLES IN THIS STATE TO POSSESS AND DISPLAY CERTAIN ILLUMINATED SIGNAGE AT ALL TIMES WHEN THE TNC DRIVER IS ACTIVE.

The Senate proceeded to the consideration of the Bill.

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The Committee on Transportation proposed the following amendment (4380R001.KMM.JTM), which was adopted:

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

/SECTION 1. Section 58-23-1640 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“() At the time of a pick-up of a TNC passenger, a TNC vehicle must display the vehicle’s license plate number, which must be printed in a legible font of no less than two inches in height and displayed from the front of the TNC vehicle. The display of the license plate number shall not be required to be permanent and shall not be required to be issued or approved by a TNC or the State, including the Department of Motor Vehicles or the Office of Regulatory Staff.”

SECTION 2. This act takes effect thirty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

The amendment was adopted.

Senator HEMBREE proposed the following amendment (4380R002.SP.GH):

Amend the bill, as and if amended, Section 58-23-1640, by adding appropriately lettered new subsections to read:

/ () A person who misrepresents himself as a licensed TNC driver is guilty of a misdemeanor and shall be fined not more than five hundred dollars, imprisoned not more than thirty days, or both.

() A person who knowingly engages in the use of a TNC trade dress or a TNC ridesharing application in the furtherance of a criminal activity is guilty of a misdemeanor and shall be fined not more than one thousand dollars, imprisoned for not more than three years, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

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Motion Adopted

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

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

OBJECTION

H. 3586 -- Reps. Sandifer and Forrester: A BILL TO AMEND SECTION 23-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 23-47-20, RELATING TO REQUIREMENTS THAT PERTAIN TO A 911 SYSTEM, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE IS RESPONSIBLE FOR CREATING AND UPDATING A COMPREHENSIVE STRATEGIC 911 AND NEXTGEN 9-1-1 (NG9-1-1) SYSTEM, AND TO REVISE THE STANDARDS THAT GOVERN THE OPERATION OF 911 AND NG9-1-1 SYSTEMS; TO AMEND SECTION 23-47-40, RELATING TO 911 CHARGES THAT MAY BE IMPOSED UPON EACH LOCAL EXCHANGE ACCESS FACILITY SUBSCRIBED TO BY TELEPHONE SUBSCRIBERS WHOSE LOCAL EXCHANGE ACCESS LINES ARE IN THE AREA SERVED OR WHICH WOULD BE SERVED BY THE 911 SERVICE, SO AS TO REVISE THE LIST OF ITEMS THAT MAY BE FUNDED WITH THESE CHARGES; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING FOR THE PROVISION OF 911 SERVICE, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE "EMERGENCY TELEPHONE SYSTEM" FUND MUST BE INCLUDED IN THE ANNUAL AUDIT OF THE LOCAL GOVERNMENT, TO PROVIDE THAT UPON THE FINDING OF INAPPROPRIATE USE OF 911 FUNDS PURSUANT TO AN AUDIT, THE LOCAL GOVERNMENT MUST RESTORE THOSE FUNDS WITHIN NINETY DAYS, TO PROVIDE THAT THE LOCAL GOVERNMENT MUST PROVIDE THE REVENUE AND FISCAL AFFAIRS OFFICE A COPY OF THE AUDITED REPORT, TO PROVIDE THAT FUNDS MAY BE WITHHELD FROM A LOCAL GOVERNMENT THAT FAILS TO COMPLY WITH THE AUDIT PROVISIONS, AND TO REVISE THE PURPOSE FOR

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LEVYING A CMRS 911 CHARGE; TO AMEND SECTION 23-47-60, RELATING TO A LOCAL GOVERNMENT PROVIDING STANDARD ADDRESSES FOR THEIR RESIDENTS BEFORE ENHANCED 911 IS PLACED IN SERVICE, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE SHALL DESIGNATE ONE OFFICE WITHIN EACH COUNTY AS THE ADDRESSING OFFICIAL; TO AMEND SECTION 23-47-65, AS AMENDED, RELATING TO THE CREATION AND RESPONSIBILITIES OF THE SOUTH CAROLINA 911 ADVISORY COMMITTEE, SO AS TO INCREASE ITS RESPONSIBILITIES, TO INCREASE THE SIZE OF ITS MEMBERSHIP, TO REVISE THE PROCESS OF APPOINTING MEMBERS, TO PROVIDE ITS MEMBERS COMPENSATION FOR CERTAIN EXPENSES, TO INCREASE AND REVISE THE RESPONSIBILITIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-75, RELATING TO CERTAIN 911 INFORMATION THAT IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT OR DISCLOSURE, SO AS TO MAKE A TECHNICAL CHANGE, TO PROVIDE THAT CERTAIN LOCATION INFORMATION IS NOT CONSIDERED A RECORD OF THE LOCAL 911 SYSTEM, AND TO PROVIDE RESTRICTIONS ON THE RELEASE OF CERTAIN DATA AND TELEPHONE CALLS TO CERTAIN AGENCIES AND THE PUBLIC; AND TO AMEND SECTION 23-47-80, RELATING TO PENALTIES ASSOCIATED WITH UNLAWFULLY PLACING A 911 CALL, SO AS MAKE TECHNICAL CHANGES.

Senator MALLOY objected to the consideration of the Bill.

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

H. 3754 -- Reps. Sandifer, Thayer, Clemmons and Rutherford: A BILL TO AMEND SECTION 27-32-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO VACATION TIME SHARING PLANS, SO AS TO DEFINE THE TERM "TIMESHARE INSTRUMENT"; TO AMEND SECTION 27-32-410 RELATING TO TIMESHARE CLOSINGS, PROCEDURES, AND RELATED PROVISIONS, SO AS TO FURTHER PROVIDE FOR WHEN A TIMESHARE CLOSING IS CONSIDERED TO HAVE OCCURRED, AND OTHER REQUIREMENTS IN REGARD TO THE CLOSING; AND BY ADDING ARTICLE 5 TO CHAPTER 32, TITLE 27, SO AS TO

[SJ]

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ENACT THE “VACATION TIME-SHARING PLAN EXTENSIONS AND TERMINATION ACT”, INCLUDING PROVISIONS TO CLARIFY AND SUPPLEMENT THE PROCEDURES AND REQUIREMENTS AS TO HOW OWNERS OF VACATION TIME-SHARING INTERESTS MAY TERMINATE VACATION TIME-SHARING PLANS OR EXTEND THE TERMS OF THESE PLANS, WITH THE PROVISIONS OF ARTICLE 5 TO APPLY BOTH PROSPECTIVELY AND RETROACTIVELY.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3754.002), which was adopted:

Amend the bill, as and if amended, page 1, beginning on line 35, by striking SECTION 1 in its entirety and inserting therein the following:

/ SECTION 1. Section 27-32-10 of the 1976 Code is amended by adding an appropriately numbered item to read:

“() ‘Timeshare declaration’ means the document or documents which provide the legal framework for the establishment of the method of interval ownership and which is or are recorded at the office of the Clerk of Court, Register of Mesne Conveyance, or the Register of Deeds as may be determined by the county in which the vacation time-sharing property is located.” /

Amend the bill further, as and if amended, page 3, beginning on line 1, by striking SECTION 3 in its entirety and inserting therein the following:

/ SECTION 3. Chapter 32, Title 27 of the 1976 Code is amended by adding:

“Article 5

Extension or Termination of Vacation Time-sharing Plans

Section 27-32-500. This article may be cited as the ‘Vacation Time-sharing Plan Extension and Termination Act’.

Section 27-32-505. The General Assembly declares that the purposes of this article are to recognize that:

(A) Vacation time-sharing plans are created as authorized by statute with most of the older vacation time-sharing properties based on a horizontal property regime structure, and many of these older vacation time-sharing properties are approaching the termination dates set forth in their governing documents, some of which governing documents address termination or extension of the vacation time-sharing property and some of which do not address termination or extension.

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(B) In order to provide the owners of vacation time-sharing interests with the right to terminate vacation time-sharing plans or to extend the terms of vacation time-sharing plans and preserve the continued use, enjoyment, and tax values of these time-sharing properties, the General Assembly further declares that the public policy of this State requires the creation of a statutory method to enable the owners of these vacation time-sharing properties to either terminate their vacation time-sharing plans or extend the terms of their vacation time-sharing plans, notwithstanding contrary provisions in their governing documents which may create uncertainty for purchasers, prospective purchasers, owners, and lenders, and which may discourage the ongoing maintenance, refurbishment, and improvement of these vacation time-sharing properties.

Section 27-32-510. (A) Unless the timeshare declaration provides a lower percentage, the vote or written consent, or both, of sixty percent of all eligible voting interests in a vacation time-sharing plan may extend the term of the vacation time-sharing plan at any time. If the term of a vacation time-sharing plan is extended pursuant to this section, all rights, privileges, duties, and obligations created under applicable law or the timeshare declaration continue in full force to the same extent as if the extended termination date of the vacation time-sharing plan were the original termination date of the vacation time-sharing plan.

(B) Unless the timeshare declaration specifically provides for a lower quorum, the quorum for a vacation time-sharing association meeting to consider extension of the term of the vacation time-sharing plan is fifty percent of all eligible voting interests in the vacation time-sharing plan.

(C) A vacation time-sharing association meeting held to consider extension of the term of the vacation time-sharing plan may be held at any time before the termination of the vacation time-sharing plan.

(D) The board of directors of the vacation time-sharing association may determine that a voting interest that is delinquent in the payment of more than two years of assessments is ineligible to consent to or vote on an extension of the vacation time-sharing plan unless the delinquency is paid in full before the consent or vote. A voting interest determined to be ineligible by the board of directors must be subtracted from the total percentage or number of all voting interests required to consent to or vote to approve the extension of the vacation time-sharing plan and must not be considered for any purpose, including the percentage or number of voting interests necessary to constitute a quorum.

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(E) A proxy for a vote to extend a vacation time-sharing plan pursuant to this section is valid for up to three years and is revocable unless the proxy states it is irrevocable.

Section 27-32-520. (A) Unless the timeshare declaration provides a lower percentage, the vote or written consent, or both, of sixty percent of all eligible voting interests in a vacation time-sharing plan may terminate the term of the vacation time-sharing plan at any time. If a vacation time-sharing plan is terminated pursuant to this section, the termination has immediate effect as if the effective date of the termination were the original date of termination.

(B) If the vacation time-sharing property is managed by a vacation time-sharing association that is separate from any underlying owners' association, the termination of a vacation time-sharing plan does not change the corporate status of the vacation time-sharing association. The vacation time-sharing association continues to exist only for the purposes of concluding its affairs, prosecuting and defending actions by or against it, collecting and discharging obligations, disposing of and conveying its property, collecting and dividing its assets, and otherwise complying with this section.

(C) After termination of a vacation time-sharing plan, the board of directors of the vacation time-sharing association shall serve as the termination trustee, as the entity empowered to implement the termination of the vacation time-sharing plan, and in this fiduciary capacity may bring an action in partition on behalf of the tenants in common in each former vacation time-sharing property or sell the former vacation time-sharing property in a manner and to a person who is approved by a majority of all tenants in common. The termination trustee also has all other powers reasonably necessary to effect the partition or sale of the former vacation time-sharing property, including the power to maintain the property during the pendency of a partition action or sale.

(D) All reasonable expenses incurred by the termination trustee relating to the performance of its duties pursuant to this section, including the reasonable fees of attorneys and other professionals, must be paid by the tenants in common of the former vacation time-sharing property subject to partition or sale, proportionate to their respective ownership interests.

(E) The termination trustee shall adopt reasonable procedures to implement the partition or sale of the former vacation time-sharing property and comply with the requirements of this section.

(F) If the terminated vacation time-sharing plan is in an underlying subdivision that is not simultaneously terminated, a majority of the

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tenants in common in each former accommodation present and voting in person or by proxy at a meeting of the tenants in common conducted by the termination trustee, or conducted by the board of directors of the underlying owners' association, if the underlying owners' association managed the former vacation time-sharing property, shall designate a voting representative for the former accommodation and file a voting certificate with the underlying owners' association. The voting representative may vote on all matters at meetings of the underlying owners' association, including termination of the underlying subdivision.

(G) Unless the timeshare declaration specifically provides for a lower quorum, the quorum for a vacation time-sharing association meeting to consider termination of the vacation time-sharing plan is fifty percent of all eligible voting interests in the vacation time-sharing plan.

(H) The board of directors of the vacation time-sharing association may determine that a voting interest that is delinquent in the payment of more than two years of assessments is ineligible to consent to or vote on any termination of the vacation time-sharing plan unless the delinquency is paid in full before the consent or vote. A voting interest determined to be ineligible by the board of directors must be subtracted from the total percentage or number of all voting interests required to consent to or vote to approve the termination of the vacation time-sharing plan and must not be considered for any purpose, including the percentage or number of voting interests necessary to constitute a quorum.

(I) A proxy for a vote to terminate a vacation time-sharing plan pursuant to this section is valid for up to three years and is revocable unless the proxy states it is irrevocable.

Section 27-32-530. The provisions of this article apply to all vacation time-sharing plans in this State in existence on or after the effective date of this article and apply retroactively.” /

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3754R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

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/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no

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longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSen 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	Loftis	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

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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.

AMENDED, CARRIED OVER

H. 3760 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-79-500 SO AS TO MERGE THE PATIENTS' COMPENSATION FUND WITH THE SOUTH CAROLINA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION; BY ADDING SECTION 40-15-390 SO AS TO ESTABLISH A SURCHARGE FEE FOR A DENTIST'S LICENSE TO REDUCE THE OPERATING DEFICIT OF THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION; BY ADDING SECTION 40-47-55 SO AS TO ESTABLISH A SURCHARGE FEE FOR A PHYSICIAN'S LICENSE FOR THE PURPOSE OF REDUCING THE OPERATING DEFICIT OF THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION; AND TO AMEND ARTICLE 3, CHAPTER 79, TITLE 38, RELATING TO THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION, SO AS TO DEFINE THE TERM "DEFICIT", TO ALTER THE MEMBERSHIP OF THE ASSOCIATION, TO ESTABLISH CERTAIN REQUIREMENTS FOR THE INITIAL FILING OF POLICY FORMS, TO PROVIDE CERTAIN ACTIONS THAT MUST BE DONE WHEN THE ASSOCIATION ACCUMULATES OR SUSTAINS A DEFICIT, TO ESTABLISH CERTAIN OBLIGATIONS FOR TERMINATED MEMBERS OF THE ASSOCIATION, TO ALTER THE COMPOSITION OF THE BOARD OF THE ASSOCIATION, TO ESTABLISH CERTAIN CONDITIONS REGARDING THE ASSOCIATION'S ANNUAL FINANCIAL STATEMENT AND THE EXAMINATION OF THE ASSOCIATION BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, AND TO PROVIDE FOR THE MERGER OF THE ASSOCIATION WITH THE PATIENTS' COMPENSATION FUND.

The Senate proceeded to the consideration of the Bill.

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The Committee on Banking and Insurance proposed the following amendment (CZ\3760C003.JN.CZ19), which was carried over:

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

/ SECTION 1. Article 3, Chapter 79, Title 38 of the 1976 Code is amended to read:

“Article 3

South Carolina Medical Malpractice Liability

Joint Underwriting Association

Section 38-79-110. As used in this article:

(1) ‘Accumulated deficit’ means the amount that the association’s and the fund’s liabilities exceed their assets, as reported in the association’s and fund’s respective financial statements.

(2) ‘Association’ means any joint underwriting association established by the General Assembly in 1987 and managed and operated pursuant to the provisions of this article including the South Carolina Joint Underwriting Association as provided for in Section 38-79-300.

(2)(3) ‘Fund’ means the Patients’ Compensation Fund.

(4) ‘Licensed health care providers’ means physicians and surgeons, nurses, oral surgeons, dentists, pharmacists, ~~chiropractors~~, podiatrists, hospitals, nursing homes, or any similar major category of licensed health care providers. The term ‘licensed health care provider’ also includes blood centers which collect, process, and distribute blood to hospitals and physicians for the care of patients if these blood centers as of July 1, 1997, were insured with the Joint Underwriting association.

(3)(5) ‘Medical malpractice insurance’ means medical professional liability insurance or insurance protection against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering or failing to render professional service by any licensed physician, licensed health care provider, or hospital.

(4)(6) ‘Net-direct premiums’ means gross direct premiums written on ~~bodily injury liability insurance, other than automobile liability insurance, homeowners liability insurance, and farmowners liability insurance, including the liability component of multiple peril package policies, as computed by the director or his designee, less return premiums or the unused or unabsorbed portions of premium deposits.~~ medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, and any other type of professional liability insurance covering risks of licensed health care providers and facilities as determined and computed by the director or

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his designee, less return premiums or the unused or unabsorbed portions of premium deposits. The net-direct premium calculation does not include premiums written by the fund.

Section 38-79-120. (1) A joint underwriting association (association) is created, consisting of ~~all insurers authorized to write within this State, on a direct basis, bodily injury liability insurance, other than automobile bodily injury liability insurance, homeowners liability insurance, and farmowners liability insurance, including insurers covering such peril in multiple peril package policies. Every such insurer is and must remain a member of the association as a condition of its authority to continue to transact such kind of insurance in this State.~~ all insurers authorized to write and report net-direct written premiums for medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers. The fund and nonadmitted insurers are not members of the association. Each insurer described above is and must remain a member of the association as a condition of the authorization to transact the sale of insurance in this State.

(2) The purpose of the association is to ~~provide medical malpractice insurance~~ ensure the availability of a stable facility for medical malpractice insurance for healthcare providers and act as a residual market on a self-supporting basis to the fullest extent possible.

(3) The association must be called into operation at any time that the department finds and declares the existence of an emergency because of the unavailability of medical malpractice liability insurance, or the unavailability of medical malpractice liability insurance on a reasonable basis through normal channels, in respect to all or any one or more of the major categories of licensed health care providers listed in item (2) of Section 38-79-110.

Section 38-79-125. (1) As of January 1, 2020, all insurers authorized to write, on a direct basis, bodily injury liability insurance and insurers covering such peril in multiple peril package policies and bodily injury insurance, other than automobile bodily injury insurance, homeowners liability insurance, farmowners liability insurance including monoline farm liability insurance, medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers must pay an assessment equal to their share of twenty percent of the accumulated deficit of the association as determined by

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the director and contained in their most recently reported financial statements. Each insurer's share of the assessment must be calculated based upon the net-direct written premiums for the insurer's liability lines described above on the most recent year preceding the effective date of this section. All money collected from this assessment must be applied to the accumulated deficit of the association. Each insurer may pay the assessment in one lump sum or, at the insurer's option, in equal installments over a period not to exceed five years. The assessment may be incorporated into the rate filings of the insurer. Upon satisfaction of the assessment, each insurer may withdraw as members of the association upon submission of:

(a) an application for withdrawal in the format prescribed by the director or his designee;

(b) evidence that it has not written any medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers in the preceding consecutive five years; and

(c) certification by the association and the director or his designee that all obligations to the association have been fully satisfied.

(2) The director may set the date on which the insurer's withdrawal becomes effective by order.

(3) Insurers writing medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers are not eligible to withdraw from membership in the association.

Section 38-79-130. The association, pursuant to the provisions of this article and the approved plan of operation in respect to medical malpractice insurance, has the power on behalf of its members to:

(1) issue, or cause to be issued, policies of insurance to applicants including incidental coverages including, but not limited to, premises or operations liability coverage on the premises where services are rendered, all subject to limits of liability as specified in the plan of operation but not to exceed two hundred thousand dollars for each claim under one policy and six hundred thousand dollars for all claims under one policy in any one year; provided, however, that the association may offer policies up to one million dollars for each claim under one policy and three million dollars for all claims under one policy in any one year only upon approval of the board of the association and with the written

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concurrence of the Board of Governors of the South Carolina Patients' Compensation Fund;

(2) underwrite medical malpractice insurance and to adjust and pay losses with respect to it or to appoint service companies to perform those functions; and

(3) cede and assume reinsurance.

Section 38-79-140. (1) The association must operate pursuant to a plan of operation which shall provide for economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice insurance and may contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of the members to defray losses and expenses, commissions arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers, and procedures for determining amounts of insurance to be provided by the association.

(2) The plan of operation shall provide that any profit achieved by the association must be applied to the accumulated deficit. If there is no accumulated deficit, any profit achieved by the association must be added to the reserves of the association or returned to the policyholders as a dividend.

(3) The plan of operation becomes effective and operative no later than thirty days after the declaration of any emergency by the department.

(4) Amendments to the plan of operation may be made by the directors of the association with the approval of the director or his designee or must be made at the direction of the director or his designee after due notice and public hearing.

Section 38-79-150. Any licensed health care provider in a category in which the department has declared an emergency exists is entitled to apply to the association for coverage. The application may be made on behalf of the applicant by a licensed agent or broker authorized in writing by the applicant. Beginning July 1, 2025, the board of directors may require evidence of declinations from the admitted medical malpractice market before quoting policies to a prospective policy owner. The board decision to require declinations must be subject to the approval of the director who may disapprove such requirement only if it can be reasonably shown that declinations will cause the accumulated deficit to worsen. If the association determines that the applicant meets the

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underwriting standards of the association as set forth in the approved plan of operation and there is no unpaid, uncontested premium due from the applicant for any prior insurance of the same kind, the association, upon receipt of the premium, or a portion thereof as prescribed by the plan of operation, shall cause to be issued a policy of medical malpractice liability insurance for a term of one year.

The rates, rating plans, rating rules, rating classifications, territories, and policy forms applicable to insurance written by the association and the statistical and experience data relating thereto are subject to this article and to those provisions of Chapter 73 of this title which are not inconsistent with the purposes and provisions of this article.

~~Section 38-79-160. The director or his designee shall obtain complete statistical data in respect to medical malpractice losses and reparation costs as well as all other costs or expenses which underlie or are related to medical malpractice liability insurance. He shall promulgate any statistical plan he considers necessary for the purpose of gathering data referable to loss and loss adjustment expense experience and other expense experience. When a statistical plan is promulgated all members of the association shall adopt and use it. The director or his designee shall also obtain statistical data in respect to the costs of compensating or rehabilitating victims of medical malpractice without respect to insurance for purposes of studying the feasibility or desirability of alternative medical malpractice compensation systems and estimating the impact of medical malpractice loss and insurance costs upon other compensation and insurance systems such as workers' compensation and accident and health insurance. He may require from any person obtaining insurance through the association loss, claim, or expense data. This information or data is confidential and the physician patient privilege must be preserved. Reserved.~~

Section 38-79-170. In respect to the structuring of rates for medical malpractice liability insurance and the determination of the profit or loss of the association in respect to that insurance, due consideration must be given by the director or his designee to all investment income.

Section 38-79-180. Within a time that the director or his designee directs, the association shall submit, for the approval of the director or his designee, an initial filing, in proper form, of policy forms, classifications, rates, rating plans, and rating rules applicable to medical malpractice liability insurance to be written by the association. In the event the director or his designee disapproves the initial filing, in whole or in part, the association shall amend the filing, in whole or in part, in accordance with the direction of the director or his designee. If the

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director or his designee is unable to approve the filing or amended filing, within the time specified, he shall promulgate the policy forms, classifications, rates, rating plans, and rules to be used by the association in making rates for and writing the insurance.

Section 38-79-190. (1) The board of directors shall specify whether policy forms and the rate structure must be on a 'claims-made' or 'occurrence' basis and coverage may be provided by the association only on the basis specified by the board of directors. The board of directors shall specify the 'claims-made' basis only if the contract makes provision for residual 'occurrence' coverage upon the retirement, death, disability, or removal from the State of the insured. Provision may be made for a premium charge allocable to any such residual 'occurrence' coverage and the premium charges for the residual coverage must be segregated and separately maintained for such purpose which may include the reinsurance of all or a part of that portion of the risk.

(2) The policy may not contain any limitation in relation to the existing law in tort as provided by the statute of limitations of the State of South Carolina.

(3) The policy form whether on a 'claims-made' or 'occurrence' basis may not require as a condition precedent to settlement or compromise of any claim the consent or acquiescence of the insured. However, such settlement or compromise may never be held or considered to be an admission of fault or wrongdoing by the insured.

(4) The premium rate charged for either or both 'claims-made' or 'occurrence' coverage must be at rates established on an actuarially sound basis, including consideration of trends in the frequency and severity of losses, ~~and must be calculated to be self supporting.~~ After the accumulated deficit has been eliminated, the association must function as a residual market mechanism. After that time, the association must not offer rates competitive with the admitted market, but the rates for policies issued by the association must be adequate and established at a level that permits the association to operate as a self-sustaining mechanism.

Section 38-79-200. The association is authorized to provide a rate increase or assessment on association policyholders which is subject to the approval of the director or his designee.

Section 38-79-210. Any operating deficit sustained by the association in any year must be recouped, ~~pursuant to the plan of operation and the rating plan then in effect,~~ by one or both of the following procedures:

(1) ~~An assessment upon the policyholders which may not exceed one additional annual premium at the then current rate.~~

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(2) by a rate increase applicable prospectively.

~~Section 38-79-220. Effective after the initial year of operation, rates, rating plans, and rating rules, and any provision for recoupment through policyholder assessment or premium rate increase, must be based upon the association's loss and expense experience and investment income, together with any other information based upon such experience and income as the director or his designee considers appropriate. The resultant premium rates must be on an actuarially sound basis and must be calculated to be self supporting.~~

~~In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided in Section 38-79-210, all members shall, on a temporary basis, contribute to the financial requirements of the association in the manner provided for in Section 38-79-230. Any such contribution must be reimbursed to the members following recoupment as provided in Section 38-79-210.~~

(1) Beginning July 1, 2019, the association, the fund, and every member association must assess and remit to the department a surcharge on all premiums written for the purpose of reducing the accumulated deficit of the fund and the association. The surcharge must be between four and ten percent and will be approved by the board and the director. Forty-five percent of the surcharge must be remitted to the fund by the department and the remaining amount must be remitted to the association by the department. The assessment must continue until the director declares that the accumulated deficit has been eliminated or July 1, 2030, whichever is earlier. In the event that the accumulated deficit of the fund or association is eliminated, one hundred percent of the surcharge must be remitted to the entity with a remaining accumulated deficit. Any excess funds must be retained by the association or fund as capital. If the accumulated deficits have not been eliminated by July 1, 2030, the director may extend the surcharge for up to an additional five years.

(2) Beginning on July 1, 2020, an additional one percent surcharge must be assessed on association policyholders. The surcharge must increase by one additional percentage point annually until it reaches ten percent and shall not sunset.

(3) Surcharges levied under this section are not premium and are not subject to premium tax, any fees, or any commissions; however, failure to pay the surcharges must be treated the same as failure to pay premium. Surcharges must not be included in the revenue or income of the association or fund.

(4) Beginning July 1, 2019, all surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall collect

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from the insured and remit to the department to be distributed to the association and fund a nonadmitted policy surcharge on all premiums for all insurance written by such surplus lines insurance producer or broker for a policy from a nonadmitted insurer for any and all medical malpractice risks in this State. By procuring or selling medical malpractice insurance in this State from a nonadmitted insurer, each surplus lines insurance producer or broker placing insurance through a nonadmitted insurer agrees to be bound by the provisions of this chapter and to collect and remit the nonadmitted policy surcharge provided for herein.

(5) The nonadmitted policy surcharge must be a percentage of the total policy premium, but the nonadmitted policy surcharge must not be considered premium and is not subject to premium taxes or commissions. However, failure to pay the nonadmitted policy surcharge must be treated the same as failure to pay premium. 'Total policy premium' includes taxes and commissions.

(6) The nonadmitted policy surcharge percentage must be the same percentage as the surcharge that has been approved by the board and director.

(7) Within thirty days of the end of the quarter, surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall remit to the department all nonadmitted policy surcharges collected in the preceding quarter. Surplus lines insurance producers or brokers placing insurance through nonadmitted insurers may designate another surplus lines insurance producer or broker that actually procured the insurance from the nonadmitted carrier to collect and remit the nonadmitted policy surcharges.

(8) Each insured in this State who directly procures or renews insurance with a nonadmitted insurer on medical malpractice insurance other than insurance procured through a surplus lines licensee, must be subject to the nonadmitted policy surcharge which must be paid by the insured according to the procedures provided for premium taxes in Section 38-79-220 (4).

(9) Monies derived from the nonadmitted policy surcharge collected under this section must be distributed by the department to the association and the fund, with the association receiving fifty-five percent of the fee and the fund receiving forty-five percent. The nonadmitted policy surcharge must continue until the surcharge established in Section 38-79-220(1) is eliminated.

~~Section 38-79-230. All insurers which are members of the association shall participate in its writings, expenses, profits, and losses in the~~

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~~proportion that the net direct premiums of each member (excluding that portion of premiums attributable to the operation of the association) written during the preceding calendar year bear to the aggregate net direct premiums written in this State by all members of the association. Each insurer's participation in the association must be determined annually on the basis of the net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the insurer with the department. The assessment of a member insurer, after hearing, may be ordered deferred in whole or in part upon application by the insurer if, in the opinion of the director or his designee, payment of the assessment may render the insurer insolvent or in danger of insolvency or otherwise may leave the insurer in a condition that further transaction of the insurer's business may be hazardous to its policyholders, creditors, members, subscribers, stockholders, or the public. If payment of an assessment against a member insurer is deferred by order of the director or his designee in whole or in part, the amount by which the assessment is deferred must be assessed against other member insurers in the same manner as provided in this section. In the order of deferral or in subsequent orders as may be necessary, the director or his designee shall prescribe a plan by which the assessment deferred must be repaid to the association by the impaired insurer with interest at the six month treasury bill rate adjusted semiannually. Profits, dividends, or other funds of the association to which the insurer is otherwise entitled may not be distributed to the impaired insurer but must be applied toward repayment of any assessment until the obligation has been satisfied. The association shall distribute the repayments, including interest on them, to the other member insurers on the basis on which assessments were made.~~
Reserved.

Section 38-79-240. Every member of the Association is bound by the approved plan of operation of the Association and by any other rules the board of directors of the Association lawfully prescribes.

Section 38-79-250. (1) ~~If the authority of an insurer to transact bodily injury liability insurance, other than automobile, homeowners, or farmowners, in this State terminates for any reason its obligations as a member of the association nevertheless continue until all its obligations have been fulfilled and the director or his designee has so found and certified to the board of directors.~~

(2) ~~If a member insurer merges into or consolidates with another insurer authorized to transact such insurance in this State or another insurer authorized to transact such insurance in this State has reinsured~~

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the insurer's entire general liability business in this State, both the insurer and its successor or assuming reinsurer, as the case may be, are liable for the insurer's obligations in respect to the association.

~~(3) Any unsatisfied net liability of any insolvent member of the association must be assumed by and apportioned among the remaining members in the same manner in which assessments or gain and loss are apportioned and the association shall thereupon acquire and have all rights and remedies allowed by law in behalf of the remaining members against the estate or funds of the insolvent insurer for funds due the association.~~

(4) The State is not responsible for any costs, expenses, liabilities, judgments, or other obligations of the association.

Section 38-79-260. The association is governed by a board of ~~thirteen~~ eleven directors, all of whom must be appointed by the Governor within thirty days of the effective date of this Section. The director or his designee shall serve as an ex officio member of the board. The Governor shall appoint ~~five~~ four health care providers after consultation with the South Carolina Medical Association, the South Carolina Dental Association, the South Carolina Nurses' Association, and the South Carolina ~~Health Alliance~~ Hospital Association; four medical malpractice insurance representatives after consultation with the ~~insurance industry~~ three members with the largest proportion of net-direct premium; one consumer representative who is unaffiliated with the insurance or health care industries or the medical or legal professions; one representative representing property and casualty insurers; and ~~two~~ one licensed insurance ~~agents or brokers~~ agent or broker who is not employed by the same insurer or insurer group as any of the four insurance representatives. The professional associations listed and the insurance industry may nominate qualified individuals to the Governor for his consideration. The Governor may also receive nominations for appointments to the board from any other individual, group, or association. Notices of vacancies on the board must be published in newspapers of general statewide circulation. ~~The director or his designee shall serve as an ex officio member of the board.~~ The board shall develop a plan of operation which is subject to the approval of the director or his designee as provided in this article. The plan of operation shall provide for staggered terms of the members of the board. The approved plan of operation of the association may make provision for combining insurers under common ownership or management into groups for voting, assessment, and all other purposes and may provide that not more than one of the officers or employees of a group may serve as a director at

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any one time. The board shall elect a chairman, who must represent a voting member, and other necessary officers for two-year terms. A vacancy must be filled for the unexpired portion of the term only. The Governor may receive recommendations from any individual, group, or association for any vacancy on the board. The board must meet at the call of the chairman or a majority of the members of the board, but in any event it must meet at least once a year.

Section 38-79-280. The association shall file in the office of the department annually, by March first, a statement which contains information with respect to its transactions, condition, operations, and affairs during the preceding year. The statement shall contain such matters and information as are prescribed by the director or his designee and must be in the form he directs. The director or his designee may, at any reasonable time, require the association to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation, and experience of the association.

Section 38-79-290. The director or his designee shall make an examination into the financial condition and affairs of the association at least annually and shall file a report thereon with the department, the Governor, and the General Assembly. The expenses of the examination must be paid by the association.”

SECTION 2. Section 38-79-430 of the 1976 Code is amended to read:

“Section 38-79-430. The Board of Governors (board) is created to manage and operate the fund. The board is composed of three physicians to be appointed by the Governor after consultation with the South Carolina Medical Association, two dentists to be appointed by the Governor after consultation with the South Carolina Dental Association, two hospital representatives to be appointed by the Governor after consultation with the South Carolina Hospital Association, two insurance representatives to be appointed by the Governor after consultation with the medical malpractice insurance industry, one attorney to be appointed by the Governor after consultation with the South Carolina Bar, one attorney to be appointed by the Governor after consultation with the South Carolina Trial Lawyers Association, and two representatives of the general public appointed by the Governor who are unaffiliated with insurance or health care industries or the medical or legal professions. The appointed members shall serve for a term of six years. The board shall elect a chairman and other necessary officers for two-year terms. The board must meet at the call of the chairman or a

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majority of the members but in any event it must meet at least once a year. A majority of the board members shall constitute a quorum for the transaction of any business of the board. The affirmative vote by a majority of the quorum present at a duly called meeting after notice is required to exercise any function of the board. The board may promulgate any regulations necessary to carry out the provisions of this article.

The board shall develop a plan of operation for the efficient administration of the fund consistent with the provisions of this article. The fund must operate pursuant to a plan of operation which provides for the economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of excess medical malpractice insurance and which may contain other provisions including, but not limited to, assessment of all members for expenses, deficits, losses, commissions' arrangements, reasonable underwriting standards, acceptance and cession of reinsurance appointment of servicing carriers, and procedures for determining the amounts of insurance to be provided by the fund. The fund may not grant retroactive coverage to members. The plan of operation and any amendments to the plan are subject to the approval of the director or his designee. If the board fails to develop a plan of operation within the timeframe established by the Governor or his designee, the director or his designee shall develop the plan of operation for the fund."

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

The amendment was carried over.

Senators DAVIS and CROMER proposed the following amendment (CZ\3760C005.JN.CZ19), which was adopted:

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

/ SECTION 1. Article 3, Chapter 79, Title 38 of the 1976 Code is amended to read:

“Article 3

South Carolina Medical Malpractice Liability

Joint Underwriting Association

Section 38-79-110. As used in this article:

[SJ]

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(1) 'Accumulated deficit' means the amount that the association's and the fund's liabilities exceed their assets, as reported in the association's and fund's respective most recently reported financial statements on June 30, 2019.

(2) 'Association' means any joint underwriting association established by the General Assembly in 1987 and managed and operated pursuant to the provisions of this article.

(3) 'Fund' means the Patients' Compensation Fund.

(4) 'Future deficit' means any deficit accumulated by the association and fund after the most recently reported financial statements as of June 30, 2019.

~~(2)~~(5) 'Licensed health care providers' means physicians and surgeons, nurses, oral surgeons, dentists, pharmacists, ~~chiropractors~~, podiatrists, hospitals, nursing homes, or any similar major category of licensed health care providers. The term 'licensed health care provider' also includes blood centers which collect, process, and distribute blood to hospitals and physicians for the care of patients if these blood centers as of July 1, 1997, were insured with the Joint Underwriting Association.

~~(3)~~(6) 'Medical malpractice insurance' means medical professional liability insurance or insurance protection against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering or failing to render professional service by any licensed physician, licensed health care provider, or hospital.

~~(4)~~(7) 'Net-direct premiums' means gross direct premiums written on ~~bodily injury liability insurance, other than automobile liability insurance, homeowners liability insurance, and farmowners liability insurance, including the liability component of multiple peril package policies,~~ as medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, and any other type of professional liability insurance covering risks of licensed health care providers and facilities as determined and computed by the director or his designee, less return premiums or the unused or unabsorbed portions of premium deposits. The net-direct premium calculation does not include premiums written by the fund.

Section 38-79-120. (1) A joint underwriting association (association) is created, ~~consisting of all insurers authorized to write within this State, on a direct basis, bodily injury liability insurance, other than automobile bodily injury liability insurance, homeowners liability insurance, and farmowners liability insurance, including insurers covering such peril in multiple peril package policies. Every such insurer~~

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is and must remain a member of the association as a condition of its authority to continue to transact such kind of insurance in this State. containing as members all insurers authorized to write and report net-direct written premiums for medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers. Membership also includes foreign and domestic risk retention groups and captive insurers authorized to write and report net-direct premiums for medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risk of licensed health care providers, and authorized to do business in accordance with the provisions of this title. The South Carolina Insurance Reserve Fund is not a member of the association. Each insurer described above is and must remain a member of the association as a condition of the authorization to transact the sale of insurance in this State. The membership of the association shall continue as members in the South Carolina Medical Malpractice Association upon its creation as provided in Section 38-79-300.

(2) The purpose of the association is to ~~provide medical malpractice insurance~~ ensure the availability of medical malpractice and other types of professional liability insurance for health care providers on a self-supporting basis to the fullest extent possible. The intent of the General Assembly in enacting this section is to eliminate the accumulated deficit of the association and of the fund and to transition the association over time to a market of last resort so that it is no longer in competition with the private market. Specifically, the General Assembly does not intend that the South Carolina Joint Underwriting Association offer rates that are competitive to the private market.

(3) The association must be called into operation at any time that the department finds and declares the existence of an emergency because of the unavailability of medical malpractice liability insurance, or the unavailability of medical malpractice liability insurance on a reasonable basis through normal channels, in respect to all or any one or more of the major categories of licensed health care providers listed in item (2) of Section 38-79-110.

Section 38-79-125. (1) As of January 1, 2020, all insurers authorized to write on a direct basis bodily injury liability insurance, other than automobile bodily injury insurance, homeowners liability insurance, and farmowners liability insurance including monoline farm

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liability insurance, including insurers covering such peril in multiple peril package policies and bodily injury insurance, must pay an assessment equal to their share of twenty percent of the accumulated deficit of the association as contained in their most recently reported financial statements as of June 30, 2019 as determined by the director. Each insurer's share of the assessment must be calculated based upon the net-direct written premiums for the insurer's liability lines as identified in this subsection on the most recent year preceding the effective date of this section. All money collected from this assessment must be applied to the accumulated deficit of the association. Each insurer may pay the assessment in one lump sum or, at the insurer's option, in equal installments over a period not to exceed five years. The assessment may be incorporated into the rate filings of the insurer. Upon satisfaction of the assessment, each insurer may withdraw as members of the association upon submission of:

(a) an application for withdrawal in the format prescribed by the director or his designee;

(b) evidence that it has not written any medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers in the consecutive five years preceding the insurer's withdrawal application; and

(c) certification by the association and the director or his designee that all obligations to the association have been fully satisfied.

(2) The director may set the date on which the insurer's withdrawal becomes effective by order.

(3) Insurers writing medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers are not eligible to withdraw from membership in the association.

Section 38-79-130. The association, pursuant to the provisions of this article and the approved plan of operation in respect to medical malpractice insurance, has the power on behalf of its members to:

(1) issue, or cause to be issued, policies of insurance to applicants including incidental coverages including, but not limited to, premises or operations liability coverage on the premises where services are rendered, all subject to limits of liability as specified in the plan of operation but not to exceed ~~two hundred thousand~~ one million dollars for each claim under one policy and ~~six hundred thousand~~ three million

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dollars for all claims under one policy in any one year; provided, however, that the association may offer ~~policies up to one million dollars for each claim under one policy and three million dollars~~ higher limits per claim and for all claims under one policy in any one year only upon approval of the board of the association and with the ~~written concurrence of the Board of Governors of the South Carolina Patients' Compensation Fund~~ approval of the director;

(2) underwrite medical malpractice insurance and to adjust and pay losses with respect to it or to appoint service companies to perform those functions; and

(3) cede and assume reinsurance.

Section 38-79-140. (1) The association must operate pursuant to a plan of operation which shall provide for economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice insurance and may contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of the members to defray losses and expenses, commissions arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers, and procedures for determining amounts of insurance to be provided by the association. The plan of operation must be amended within thirty days following the merger provided for in Section 38-79-300. The amended plan must address the orderly and expeditious winding down of the Patients' Compensation Fund.

(2) The plan of operation shall provide that any profit achieved by the association must be added to the reserves of the association or returned to the policyholders as a dividend. If there is no accumulated deficit, any profit achieved by the association must be added to the reserves of the association.

(3) ~~The plan of operation becomes effective and operative no later than thirty days after the declaration of any emergency by the department.~~ The approved plan of operation may make provisions for combining insurers under common ownership or management into groups for voting, assessment, and all other purposes and may provide that no more than one of the officers or employees of a group may serve as a director at any one time.

(4) Amendments to the plan of operation may be made by the directors of the association with the approval of the director or his

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designee or must be made at the direction of the director or his designee after due notice and public hearing.

Section 38-79-150. ~~(1) Any licensed health care provider in a category in which the department has declared an emergency exists is entitled to apply to the association for coverage. The application may be made on behalf of the applicant by a licensed agent or broker authorized in writing by the applicant. If the association determines that the applicant meets the underwriting standards of the association as set forth in the approved plan of operation and there is no unpaid, uncontested premium due from the applicant for any prior insurance of the same kind, the association, upon receipt of the premium, or a portion thereof as prescribed by the plan of operation, shall cause to be issued a policy of medical malpractice liability insurance for a term of one year.~~

The rates, rating plans, rating rules, rating classifications, territories, and policy forms applicable to insurance written by the association and the statistical and experience data relating thereto are subject to this article and to those provisions of Chapter 73 of this title which are not inconsistent with the purposes and provisions of this article.

(2) Beginning July 1, 2025, the board of directors must require evidence of two declinations from the admitted medical malpractice market before quoting policies to a prospective policy owner.

~~Section 38-79-160. The director or his designee shall obtain complete statistical data in respect to medical malpractice losses and reparation costs as well as all other costs or expenses which underlie or are related to medical malpractice liability insurance. He shall promulgate any statistical plan he considers necessary for the purpose of gathering data referable to loss and loss adjustment expense experience and other expense experience. When a statistical plan is promulgated all members of the association shall adopt and use it. The director or his designee shall also obtain statistical data in respect to the costs of compensating or rehabilitating victims of medical malpractice without respect to insurance for purposes of studying the feasibility or desirability of alternative medical malpractice compensation systems and estimating the impact of medical malpractice loss and insurance costs upon other compensation and insurance systems such as workers' compensation and accident and health insurance. He may require from any person obtaining insurance through the association loss, claim, or expense data. This information or data is confidential and the physician patient privilege must be preserved. Reserved.~~

Section 38-79-170. In respect to the structuring of rates for medical malpractice liability insurance and the determination of the profit or loss

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of the association in respect to that insurance, due consideration must be given by the director or his designee to all investment income.

~~Section 38-79-180. Within a time that the director or his designee directs, the association shall submit, for the approval of the director or his designee, an initial filing, in proper form, of policy forms, classifications, rates, rating plans, and rating rules applicable to medical malpractice liability insurance to be written by the association. In the event the director or his designee disapproves the initial filing, in whole or in part, the association shall amend the filing, in whole or in part, in accordance with the direction of the director or his designee. If the director or his designee is unable to approve the filing or amended filing, within the time specified, he shall promulgate the policy forms, classifications, rates, rating plans, and rules to be used by the association in making rates for and writing the insurance. The association shall submit, for the approval of the director or his designee, all policy forms, classifications, rates, rating plans, or rules applicable to its insurance product offerings to customers in this State. Such filings must be submitted for approval to the director no less than sixty days prior to their intended effective date. The director may extend the time for his review by an additional sixty days to allow the department sufficient time to evaluate the proposed form, classification, rate, rating plan, or rule to be used by the association. Rates must be actuarially sound, self supporting, and may not be excessive, inadequate, or unfairly discriminatory.~~

Section 38-79-190. (1) The board of directors shall specify whether policy forms and the rate structure must be on a 'claims-made' or 'occurrence' basis and coverage may be provided by the association only on the basis specified by the board of directors. The board of directors shall specify the 'claims-made' basis only if the contract makes provision for residual 'occurrence' coverage upon the retirement, death, disability, or removal from the State of the insured. Provision may be made for a premium charge allocable to any such residual 'occurrence' coverage and the premium charges for the residual coverage must be segregated and separately maintained for such purpose which may include the reinsurance of all or a part of that portion of the risk.

(2) The policy may not contain any limitation in relation to the existing law in tort as provided by the statute of limitations of the State of South Carolina.

(3) The policy form whether on a 'claims-made' or 'occurrence' basis may not require as a condition precedent to settlement or compromise of any claim the consent or acquiescence of the insured.

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However, such settlement or compromise may never be held or considered to be an admission of fault or wrongdoing by the insured.

(4) The premium rate charged for either or both 'claims-made' or 'occurrence' coverage must be at rates established on an actuarially sound basis, including consideration of trends in the frequency and severity of losses, ~~and must be calculated to be self supporting.~~ After the accumulated deficit has been eliminated, the association must function as a residual market mechanism. After that time, the association may not offer rates competitive with the admitted market but the rates for policies issued by the association must be adequate and established at a level that permits the association to operate as a self-sustaining mechanism.

Section 38-79-200. The association is authorized to provide a rate increase or assessment on policyholders which is subject to the approval of the director or his designee.

Section 38-79-210. ~~(1) Any future deficit sustained by the association in any year must be recouped, pursuant to the plan of operation and the rating plan then in effect, by one or both of the following procedures:~~

~~(1) An assessment upon the policyholders which may not exceed one additional annual premium at the then current rate.~~

~~(2) a rate increase applicable prospectively approved by the director or his designee pursuant to the provisions of Section 38-79-180.~~

~~Section 38-79-220. Effective after the initial year of operation, rates, rating plans, and rating rules, and any provision for recoupment through policyholder assessment or premium rate increase, must be based upon the association's loss and expense experience and investment income, together with any other information based upon such experience and income as the director or his designee considers appropriate. The resultant premium rates must be on an actuarially sound basis and must be calculated to be self supporting.~~

~~In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided in Section 38-79-210, all members shall, on a temporary basis, contribute to the financial requirements of the association in the manner provided for in Section 38-79-230. Any such contribution must be reimbursed to the members following recoupment as provided in Section 38-79-210.~~

~~(1) All members of the association, excluding companies who have withdrawn from the association pursuant to 38-79-125, must contribute to the elimination of the association and fund's accumulated deficit. Beginning on January 1, 2020, a uniform assessment of not less than two percent and not more than six percent of net direct written premium must~~

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be assessed against each member of the association in order to eliminate the accumulated deficits of the association and the fund. Association members must be notified of the assessment at least sixty days prior to each year-end. After each quarter during the year following notification of the assessment, each member of the association must remit an amount equal to the assessment percentage of the previous quarter's direct written premiums. Monies derived from this assessment and collected must be distributed by the association to the accumulated deficits of the association and fund as determined appropriate by the director. Every member must directly recover from each policyholder one percent of the assessment and is authorized to recoup up to the remaining amount if they so choose. Amounts recouped under this section are not premium and are not subject to premium taxes, fees, or commissions. If one deficit is eliminated before the other, all subsequent monies collected must be distributed to the remaining deficit until it is eliminated. Assessments must cease when both accumulated deficits have been fully eliminated or on December 31, 2035, or whichever occurs first. Funds received by the association under this section will not be considered revenue or considered part of their operating income and will only be used to reduce the accumulated deficit.

(2) Beginning on January 1, 2020, a surcharge on premium shall be assessed on association policyholders equal to the assessment percentage amount on members in any given year pursuant to the provisions of Section 38-79-220. Association policyholders will be notified of the surcharge percentage at least sixty days prior to each year-end. Surcharges levied under this section are not premiums and are not subject to premium tax, any fees, or any commissions. Monies derived from this assessment and collected under this section must be distributed by the association to the accumulated deficits of the association and fund as determined appropriate by the director. Should one deficit be eliminated before the other deficit, all subsequent monies collected shall be distributed to the remaining deficit until it is eliminated. This surcharge shall cease when the accumulated deficits of both the association and the fund have been fully eliminated or on December 31, 2035, whichever occurs first. Funds received by the association under this section will not be considered revenue or considered part of their operating income and will only be used to reduce the accumulated deficit.

(3) Each member shall remit to the association payment in full of its assessed amount under this section within thirty days of the end of each quarter. If a member fails to remit its assessed amount by the deadline, the association shall report the failure to the director or designee who

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may immediately take action to suspend or revoke such insurer's certificate of authority to transact the business of insurance in the State of South Carolina or issue a fine on that member until such time as the association certifies to the director or his designee that such assessment has been paid in full. The issuance of a fine, suspension, or revocation of an insurer's certificate of authority to transact business in the State of South Carolina shall not affect the right of the association to proceed against such insurer in any court for any remedy provided by law or contract to the association, including the right to collect such insurer's assessment. In addition to any other remedy, the association may offset assessments due from an insurer against any amounts in any account of such delinquent insurer. By mailing payment of its allocated amount of assessment, as provided herein, a member shall not waive any right it may have to contest the computation of its allocated amount of assessment. Such contest shall not, however, toll the time within which assessments must be paid or the report to be made to the director or his designee or affect or impede any action to be taken by the director or his designee upon receipt of such report.

(4) Beginning January 1, 2020, all surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall collect from the insured and remit to the department to be distributed to the association and fund a nonadmitted policy surcharge on all premiums for all insurance written by such surplus lines insurance producer or broker for a policy from a nonadmitted insurer for any and all medical malpractice risks in this State. By procuring or selling medical malpractice insurance in this State from a nonadmitted insurer, each surplus lines insurance producer or broker placing insurance through a nonadmitted insurer agrees to be bound by the provisions of this chapter and to collect and remit the nonadmitted policy surcharge provided for herein.

(a) The nonadmitted policy surcharge must be a percentage of the total policy premium, but the nonadmitted policy surcharge shall not be considered premium and is not subject to premium taxes or commissions. However, failure to pay the nonadmitted policy surcharge must be treated the same as failure to pay premium. 'Total policy premium' includes taxes and commissions.

(b) The nonadmitted policy surcharge percentage must be the same percentage as the assessment that has been approved by the board and director as applied to the insurers writing medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance

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in this State covering the professional liability risks of licensed health care providers as described in section 38-79-220.

(5) Within thirty days of the end of the quarter, surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall remit to the department all nonadmitted policy surcharges collected in the preceding quarter. Surplus lines insurance producers or brokers placing insurance through nonadmitted insurers may designate another surplus lines insurance producer or broker that actually procured the insurance from the nonadmitted carrier to collect and remit the nonadmitted policy surcharges.

(6) Each insured in this State who directly procures or renews insurance with a nonadmitted insurer on medical malpractice insurance other than insurance procured through a surplus lines licensee, must be subject to the nonadmitted policy surcharge which must be paid by the insured according to the procedures provided for premium taxes in Chapter 45 of this Title.

Monies derived from the nonadmitted policy surcharge collected under this section must exclusively be used to reduce the accumulated deficits of the association and fund by equal amounts unless the director or his designee determines that different proportions are appropriate. Once the accumulated deficit of the association or the fund is eliminated, whichever occurs first, all subsequent monies collected through the assessment shall exclusively be used to reduce the remaining deficit until it has also been eliminated. The nonadmitted policy surcharge must continue until the surcharge provided in subsection (1) is eliminated.

(7) The accumulated deficits of the association and the fund have accrued and persisted over a period of decades and being partially attributable to state agencies or institutions or their employees, until the director determines that the accumulated deficits of the association and the fund have been eliminated, he may receive appropriations that are explicitly provided for purposes of reducing the accumulated deficits of the association and fund.

~~Section 38-79-230. All insurers which are members of the association shall participate in its writings, expenses, profits, and losses in the proportion that the net direct premiums of each member (excluding that portion of premiums attributable to the operation of the association) written during the preceding calendar year bear to the aggregate net direct premiums written in this State by all members of the association. Each insurer's participation in the association must be determined annually on the basis of the net direct premiums written during the preceding calendar year, as reported in the annual statements and other~~

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~~reports filed by the insurer with the department. The assessment of a member insurer, after hearing, may be ordered deferred in whole or in part upon application by the insurer if, in the opinion of the director or his designee, payment of the assessment may render the insurer insolvent or in danger of insolvency or otherwise may leave the insurer in a condition that further transaction of the insurer's business may be hazardous to its policyholders, creditors, members, subscribers, stockholders, or the public. If payment of an assessment against a member insurer is deferred by order of the director or his designee in whole or in part, the amount by which the assessment is deferred must be assessed against other member insurers in the same manner as provided in this section. In the order of deferral or in subsequent orders as may be necessary, the director or his designee shall prescribe a plan by which the assessment deferred must be repaid to the association by the impaired insurer with interest at the six month treasury bill rate adjusted semiannually. Profits, dividends, or other funds of the association to which the insurer is otherwise entitled may not be distributed to the impaired insurer but must be applied toward repayment of any assessment until the obligation has been satisfied. The association shall distribute the repayments, including interest on them, to the other member insurers on the basis on which assessments were made. Beginning on January 1, 2021, an additional one percent surcharge on premium must be assessed on association policyholders. The premium surcharge must increase by one additional percentage point annually until it reaches ten percent and does not sunset. Surcharges levied under this section are not premium and therefore not subject to premium taxes, fees, or commissions. Surcharges may not be considered when evaluating whether rates are excessive, adequate, or unfairly discriminatory.~~

Section 38-79-240. Every member of the Association is bound by the approved plan of operation of the Association, including any amendments made, and by any other rules the board of directors of the Association lawfully prescribes.

Section 38-79-250. (1) ~~If the authority of an insurer to transact bodily injury liability insurance, other than automobile, homeowners, or farmowners, in this State terminates for any reason its obligations as a member of the association nevertheless continue until all its obligations have been fulfilled and the director or his designee has so found and certified to the board of directors. If any member insurer ceases writing business in this State, voluntarily or involuntarily, or by order or authority of the director, the insurer shall continue to be a member of the~~

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association until all of its obligations have been satisfied and the director has certified the satisfaction to the association's board.

(2) ~~If a member insurer merges into, acquires, or consolidates with another insurer authorized to transact such insurance in this State or another insurer authorized to transact such insurance in this State has reinsured the insurer's entire general liability business in this State, both the insurer and its successor or assuming reinsurer, as the case may be, are liable for the insurer's transacting business subject to this article or if any other insurer or entity has reinsured or assumed a member insurer's entire liability business in this State, the surviving insurer, acquiring insurer, its legal successor, or its assuming reinsurer nonetheless remains liable for the member insurer's obligations in respect to the association.~~

(3) Any unsatisfied net liability of any insolvent member of the association must be assumed by and apportioned among the remaining members in the same manner in which assessments or gain and loss are apportioned and the association shall thereupon acquire and have all rights and remedies allowed by law ~~in~~ on behalf of the remaining members against the estate or funds of the insolvent insurer for funds due the association.

(4) The State is not responsible for any costs, expenses, liabilities, judgments, or other obligations of the association.

Section 38-79-260. (1) The provisions of this section only apply until January 1, 2020.

(2) The association is governed by a board of thirteen directors, all of whom must be appointed by the Governor. The Governor shall appoint five health care providers after consultation with the South Carolina Medical Association, the South Carolina Dental Association, and the South Carolina Health Alliance; four insurance representatives after consultation with the insurance industry; one consumer representative who is unaffiliated with the insurance or health care industries or the medical or legal professions; and two licensed insurance agents or brokers. The professional associations listed and the insurance industry may nominate qualified individuals to the Governor for his consideration. The Governor may also receive nominations for appointments to the board from any other individual, group, or association. Notices of vacancies on the board must be published in newspapers of general statewide circulation. The director or his designee shall serve as an ex officio member of the board. The board shall develop a plan of operation which is subject to the approval of the director or his designee as provided in this article. The plan of operation shall provide for staggered terms of the members of the board. The approved plan of

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operation of the association may make provision for combining insurers under common ownership or management into groups for voting, assessment, and all other purposes and may provide that not more than one of the officers or employees of a group may serve as a director at any one time. The board shall elect a chairman and other necessary officers for two-year terms. A vacancy must be filled for the unexpired portion of the term only. The Governor may receive recommendations from any individual, group, or association for any vacancy on the board. The board must meet at the call of the chairman or a majority of the members of the board, but in any event it must meet at least once a year.

Section 38-79-280. ~~The association shall file in the office of the department annually, by March first, a statement which contains information with respect to its transactions, condition, operations, and affairs during the preceding year.~~ The association shall file a financial statement with the department by March first of each year detailing its transactions, financial condition, operations, and affairs during the previous calendar year. In addition, the director may require the association to file quarterly financial statements with the department on the fifteenth of May, August, and November of each year. The statement shall contain such matters and information as are prescribed by the director or his designee and must be ~~in the form he directs~~ prepared in the format the director prescribes. The director or his designee may, ~~at any reasonable time,~~ require the association to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation, and experience of the association.

Section 38-79-290. The director or his designee shall ~~make~~ conduct an examination into the financial condition and affairs of the association at least annually and shall file a report thereon with the department, the Governor, and the General Assembly. The expenses of the examination must be paid by the association. The director or his designee may accept an audit of the association performed by a qualified public accounting firm in lieu of conducting his own examination.

Section 38-79-300. (A) Effective on January 1, 2020, the Patients' Compensation Fund provided for in Article 5 of this chapter shall merge into the South Carolina Medical Malpractice Association as created by this article. The surviving entity is the Joint Underwriting Association and referred to herein as the South Carolina Medical Malpractice Association. The South Carolina Medical Malpractice Association shall assume all obligations and responsibilities of the Patients' Compensation Fund, while retaining all obligations and responsibilities of the Joint

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Underwriting Association. However, the accumulated deficits of the former Joint Underwriting Association and the Patients' Compensation Fund must be separately accounted for until such time as the director determines each of them is fully eliminated.

(B) On January 1, 2020, the board of the Patients' Compensation Fund shall, with oversight of the Department of Insurance, exercise due diligence in providing for the orderly and expeditious winding down of the Patients' Compensation Fund. All outstanding affairs and existing contractual obligations of the Patients' Compensation Fund shall contemporaneously become the responsibility of the South Carolina Medical Malpractice Association on January 1, 2020. After January 1, 2020, the Patients' Compensation Fund shall cease to exist except as required by law for purposes of winding down its affairs.

(C) The Board of Directors of the South Carolina Medical Malpractice Association must:

(1) be appointed on or before January 1, 2020, and is authorized to enter into contracts for the management of the South Carolina Joint Underwriting Association in accordance with governing law;

(2) have the right to attend any regular or special meeting of the Board of Directors of the Joint Underwriting Association or the Board of Governors of the Patients' Compensation Fund, but shall have no vote at these meetings;

(3) replace the existing board of the Joint Underwriting Association as provided for in Section 38-79-260;

(4) consist of eleven members all appointed by the Governor, as follows:

(a) four medical providers after consultation with the South Carolina Medical Association, the South Carolina Hospital Association, the South Carolina Nurses Association, and the South Carolina Dental Association;

(b) four representatives from the medical malpractice insurance industry representing member companies of the association after consultation with the three largest members;

(c) two consumer representatives; and

(d) one independent insurance agent or broker not affiliated with one of the three medical malpractice insurance companies already represented on the board; and

(e) the director of the Department of Insurance, who serves ex-officio and does not have any voting privileges.

(5) elect other necessary officers for two-year terms after the accumulated deficits of the South Carolina Joint Underwriting

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Association and the Patients' Compensation Fund are eliminated. The director or his designee shall serve as chairman of the board.

(D) Upon consultation with and consent of the director, the board of the South Carolina Medical Malpractice Association:

(1) must select a person or firm for the administration and management of the South Carolina Joint Underwriting Association using a competitive bidding process;

(2) is responsible for the negotiation of the administrator's contract including, without limitation, compensation, fees, and the length of the contract; and

(3) shall have the authority to terminate or retain the administrator.

(E) Each member of the board of the South Carolina Medical Malpractice Association shall serve a term of four years; however, any board member may be reappointed for up to two additional four-year terms. The professional associations listed and the insurance industry may nominate qualified individuals to the Governor for his consideration. The Governor also may receive nominations for appointments to the board from any other individual, group, or association. The South Carolina Medical Malpractice Association and director must publicize all board vacancies to the general public. A vacancy must be filled for the unexpired portion of the term only. The Board of the South Carolina Medical Malpractice Association Board must meet at the call of the chairman or a majority of the members of the board, but in any event it must meet at least once a year. Any board members of the Joint Underwriting Association or the Patients' Compensation Fund serving at the time of this enactment may be reappointed by the Governor to the Board of the South Carolina Joint Underwriting Association. The prior service of a board member on the Board of the Joint Underwriting Association or Patients' Compensation Fund does not count toward the term limits on members of the Board of the South Carolina Medical Malpractice Association.

(F) Each member of the board of the South Carolina Medical Malpractice Association has a fiduciary relationship to the organization and must discharge his duties accordingly."

SECTION 4. Article 5, Chapter 79, Title 38 of the 1976 Code is amended by adding:

"Section 38-79-400. This article must be repealed upon the merger of the Patients' Compensation Fund for benefit of licensed health care providers into the South Carolina Joint Underwriting Association as provided for in Section 38-79-300 on January 1, 2020."

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

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Renumber sections to conform.
Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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

AMENDED, READ THE SECOND TIME

H. 3986 -- Reps. G.M. Smith, Willis, Rose and Caskey: A BILL TO AMEND ARTICLE 3 OF CHAPTER 5, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "ABLE SAVINGS PROGRAM" SO AS TO RENAME THE PROGRAM THE "SOUTH CAROLINA STABLE ACCOUNT PROGRAM" AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-6-1140, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO DIRECT THE CODE COMMISSIONER TO MAKE CERTAIN CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (3986R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

"Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

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(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

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Senator MASSEY explained the amendment.

The amendment was adopted.

Senators McELVEEN, LOFTIS, and RICE proposed the following amendment (3986R003.SP.JTMWW), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION __. SECTION 1B of Act 80 of 2013 is amended to read:

“B. The provisions of Chapter 44, Title 11, contained in this act are repealed on December 31, ~~2019~~ 2025. Any carry forward credits shall continue to be allowed until the ten year time period in Section 11-44-40(B) is completed.” /

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN 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 43; Nays 0

AYES

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

[SJ]

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Young

Total--43

NAYS

Total--0

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

OBJECTION

H. 3998 -- Reps. Bannister, Bernstein, Crawford, Pendarvis, Garvin, Herbkersman, Hosey, Alexander, Bales, Stavrinakis, Cogswell, Whitmire, Norrell, Cobb-Hunter, Dillard, Elliott, Moore, Mack, Rutherford, Govan, Bennett, Clemmons, Funderburk, Hayes, McDaniel, Ridgeway, G.M. Smith, G.R. Smith, Sottile, Weeks, Wheeler, S. Williams, Davis, Rivers, Brown, Jefferson, R. Williams, Henderson-Myers, Simmons and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT" BY ADDING SECTION 12-6-3795 SO AS TO ALLOW A TAXPAYER ELIGIBLE FOR A FEDERAL LOW-INCOME HOUSING TAX CREDIT TO CLAIM A LOW-INCOME STATE TAX CREDIT.

Senator ALEXANDER objected to the consideration of the Bill.

AMENDED, READ THE SECOND TIME

H. 4133 -- Reps. Weeks, G.M. Smith, Clyburn, Stavrinakis, Gilliard, Bales, Hosey, Henderson-Myers, R. Williams, Rutherford, Alexander and Forrest: A BILL TO AMEND SECTION 12-6-3530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO ALLOW A TAX CREDIT OF FIFTY PERCENT OF ANY CASH DONATION TO A COMMUNITY DEVELOPMENT CORPORATION OR COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT, TO ESTABLISH TAX CREDIT RESERVE ACCOUNTS FOR THE FIRST THREE QUARTERS OF EACH TAX YEAR SO AS TO AVOID THE DEPLETION OF CREDITS BY AN INDIVIDUAL TAXPAYER, TO DELETE THE PRO-RATA DISTRIBUTION OF TAX CREDITS, TO

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ALLOW FINANCIAL INSTITUTIONS WITH TAX LIABILITIES IN THIS STATE TO INVEST IN COMMUNITY DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF RECEIVING A TAX CREDIT, AND TO PROVIDE THAT RETURNS ON INVESTMENTS IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS AND CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS MAY NOT EXCEED THE TOTAL AMOUNT OF THE INITIAL INVESTMENT; AND TO AMEND SECTION 4 OF ACT 314 OF 2000, AS AMENDED, RELATING TO COMMUNITY DEVELOPMENT CORPORATIONS AND FINANCIAL INSTITUTIONS, SO AS TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT UNTIL JUNE 30, 2023.

The Senate proceeded to the consideration of the Bill.

Senators CAMPBELL and WILLIAMS proposed the following amendment (DG4133C002.NBD.DG19), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by striking Section 12-6-3530(B) and inserting:

/ (B)(1) The total amount of credits allowed pursuant to this section may not exceed in the aggregate five million dollars for all taxpayers and all calendar years and one million dollars for all taxpayers in one calendar year.

(2) Notwithstanding item (1), the aggregate limit for all taxpayers in all tax years set forth in item (1) is increased by one million dollars. This additional one million dollars may only be used for credits earned and certificates issued in tax years beginning after 2018. /

Amend the bill further, by striking SECTION 4 and inserting:

/ SECTION 4. This act takes effect upon approval by the Governor and first applies to credits earned and certificates issued, and the administration thereof, after 2018. Any credits earned and certificates issued, and the administration thereof, before 2019 must be claimed in accordance with the provisions of Section 12-6-3530 as it existed on December 31, 2018. However, any credits earned and certificates issued before 2019 must count toward the aggregate credit limit for tall taxpayers in all calendar years set forth in Section 12-6-3530(B)./

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

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The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (4133R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent

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of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 35; Nays 7

AYES

Alexander	Allen	Campbell
Campsen	Cash	Climer
Cromer	Gambrell	Goldfinch
Gregory	Harpootlian	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Setzler	Shealy

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Sheheen
Verdin

Talley
Williams

Turner

Total--35

NAYS

Bennett
Grooms
Young

Corbin
Martin

Davis
Massey

Total--7

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

H. 4413 -- Reprs. G.M. Smith, Lucas, Simrill, Rutherford and Stavrinakis: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2019-2020 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

The Senate proceeded to the consideration of the Resolution.

Senators MASSEY and SHEALY proposed the following amendment (4413R003.SP.ASM), which was withdrawn:

Amend the joint resolution, as and if amended, page 1, line 40, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the

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office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

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Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was withdrawn.

The question being the second reading of the Resolution.

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	Hutto	Jackson
Johnson	Kimpson	Leatherman
Loftis	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

OBJECTION

S. 493 -- Senators Senn, Talley, Sabb, Sheheen, Kimpson, McElveen, Allen, Gregory, McLeod, Harpootlian and Hembree: A BILL TO

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AMEND SECTION 38-77-170 OF THE 1976 CODE, RELATING TO CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF A MOTOR VEHICLE CAUSING INJURY OR DAMAGE IS UNKNOWN, TO PROVIDE THAT THERE IS A RIGHT OF ACTION OR RECOVERY UNDER THE UNINSURED MOTORIST PROVISION IF THE INJURY OR DAMAGE WAS CAUSED BY THE UNKNOWN VEHICLE, OR THE INSURED CAN PROVE THAT THE INJURY OR DAMAGE WAS CAUSED BY AN UNKNOWN VEHICLE BY AN ELECTRONIC OR OTHER RECORDING OR OTHER CLEAR AND CONVINCING EVIDENCE.

Senator MALLOY objected to consideration of the Bill.

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

H. 3383 -- Reps. Ott, Hosey, Ridgeway and Cogswell: A BILL TO AMEND SECTION 48-23-260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SHARING STATE FOREST LAND REVENUES WITH COUNTIES, SO AS TO EXCLUDE THE PROCEEDS FROM LAND RENTALS AND WILDLIFE MANAGEMENT AREA PAYMENTS FROM THE PROCEEDS TO BE SHARED WITH THE COUNTIES.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (3383R001.KMM.GEC), which was adopted:

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

/ SECTION 1. Section 48-23-260 of the 1976 Code is amended to read:

“Section 48-23-260. The State Treasurer ~~shall~~ must pay to ~~any~~ a county containing ~~State state~~ forest lands an amount equal to twenty-five ~~per cent~~ percent of the gross proceeds received by the State in each fiscal year from the sale of timber, pulpwood, poles, gravel, ~~land rentals~~ and other privileges on ~~such State state~~ forest lands within in any such the county, except for the gross proceeds from land rentals. ~~This provision shall apply~~ The provisions of this section are applicable to all State state forest lands managed or operated by the State Commission of Forestry, whether they be owned in fee by the State or leased from the United States, but ~~this provision shall~~ do not apply to ~~State state~~ parks. The funds herein provided for ~~shall~~ must be spent for general school purposes.

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Where a particular ~~State~~ state forest lies in more than one county or school district, the funds derived from ~~such State~~ the state forest and to be paid by the State Treasurer ~~shall~~ must be apportioned on the basis of land acreage involved. All funds distributed under the provisions of this section ~~shall~~ must be spent upon the approval of a majority of the county legislative delegation, ~~including the Senator.~~”

SECTION 2. This act takes effect July 1, 2019. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3383R002.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the~~

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~~original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 40; Nays 3

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AYES

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

Total--40

NAYS

Johnson	McElveen	Sabb
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Total--3

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

AMENDED, READ THE SECOND TIME

H. 3755 -- Reps. Sandifer, Spires and Anderson: A BILL TO AMEND SECTION 38-77-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO AUTOMOBILE INSURANCE COVERAGE, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR THE RENEWAL OF AN AUTOMOBILE COVERAGE POLICY AND TO DEFINE THE TERM "REDUCTION IN COVERAGE"; AND TO AMEND SECTION 38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO RENEW A POLICY, SO AS TO ALLOW FOR AN INSURER TO RENEW A POLICY WITH A REDUCTION IN COVERAGE AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE REDUCTION IN COVERAGE.

The Senate proceeded to the consideration of the Bill.

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Senators MASSEY and SHEALY proposed the following amendment (3755R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by

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the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Motion Adopted

On motion of Senator BENNETT, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

OBJECTION

H. 3784 -- Rep. Herbkersman: A BILL TO AMEND SECTION 7-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO ADD THE NEW RIVER, PALMETTO BLUFF, AND SANDY POINTE VOTING PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO

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CORRECT AN OUTDATED REFERENCE TO THE FORMER OFFICE OF RESEARCH AND STATISTICS.

Senator M. B. MATTHEWS objected to the consideration of the Bill.

AMENDED, READ THE SECOND TIME

H. 3916 -- Reps. Murphy, Chellis, Kimmons, Simrill and Pope: A BILL TO AMEND SECTION 12-37-2615, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR FAILURE TO REGISTER A MOTOR VEHICLE, SO AS TO PROVIDE THAT A PERSON WHO FAILS TO REGISTER A MOTOR VEHICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED FIVE HUNDRED DOLLARS OR IMPRISONED FOR A PERIOD NOT TO EXCEED THIRTY DAYS, OR BOTH.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT proposed the following amendment (SA\3916C001.RT.SA19), which was adopted:

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

/ SECTION 1. Section 12-37-2615 of the 1976 Code is amended to read:

“Section 12-37-2615. Any person who violates the provisions of Section 12-37-2610 ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, shall be fined not more than ~~one~~ five hundred dollars or imprisoned for a period not to exceed thirty days, or both.”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3916R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

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“Section 1-3-210. (A)(1) ~~During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate ~~becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant.~~ The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. ~~If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.~~

(2) If the Senate does not advise and consent ~~thereto to the formal appointment~~ prior to ~~the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. ~~The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

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(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 43; Nays 0

AYES

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

Total--43

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NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 4010 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 51-17-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM ACREAGE THAT MAY BE ACQUIRED UNDER THE HERITAGE TRUST PROGRAM, SO AS TO REMOVE THE MAXIMUM ACREAGE LIMITATION.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4010R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to ~~the~~ the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same

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~~vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

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

OBJECTION

H. 4019 -- Reps. Clary, W. Newton, R. Williams and Funderburk: A BILL TO AMEND SECTION 51-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM'S AUTHORITY TO CONSTRUCT STREETS AND ROADS THROUGH HUNTING ISLAND, SO AS TO REMOVE REFERENCES TO RESIDENTIAL AREAS; TO AMEND SECTION 51-7-70, RELATING TO THE PAYMENT OF REVENUE OBLIGATIONS, SO AS TO REMOVE CERTAIN ACTIONS THE DEPARTMENT MAY UNDERTAKE TO SECURE PAYMENT OF OBLIGATIONS; AND TO REPEAL SECTION 51-7-20 RELATING TO LEASES OF RESIDENTIAL AREAS ON HUNTING ISLAND.

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Senator M. B. MATTHEWS objected to the consideration of the Bill.

AMENDED, READ THE SECOND TIME

H. 4020 -- Reprs. Clary, W. Newton, R. Williams, Funderburk, Erickson and Bradley: A BILL TO AMEND SECTION 51-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO PROVIDE NEW DUTIES FOR THE DEPARTMENT; AND TO REPEAL ARTICLE 3 OF CHAPTER 1, TITLE 51, RELATING TO THE DIVISION OF COMMUNITY DEVELOPMENT.

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4020R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent ~~thereto~~ to the formal appointment prior to ~~sine die adjournment~~ the second Thursday in May following the interim period during which the interim appointment was ~~made~~ of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in

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January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN 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 43; Nays 0

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AYES

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

Total--43

NAYS

Total--0

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

OBJECTION

H. 4021 -- Reps. Clary, W. Newton, R. Williams and Funderburk: A BILL TO AMEND SECTION 51-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF SWIMMING OR USE OF CABINS AT STATE PARKS, SO AS TO REMOVE THE PROHIBITION; TO AMEND SECTION 51-3-50, RELATING TO THE POWER OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM TO OPEN PARKS TO NORMAL PUBLIC USE, SO AS TO REMOVE A LIMITATION ON THE DEPARTMENT'S POWER; TO REPEAL SECTION 51-3-20 RELATING TO LIMITATIONS ON THE FACILITIES AT STATE PARKS; TO REPEAL SECTION 51-3-30 RELATING TO PENALTIES FOR USING CABINS OR SWIMMING AT A STATE PARK; AND TO REPEAL SECTION 51-3-40 RELATING TO THE LIMITATIONS ON THE OPERATIONS OF CERTAIN STATE PARKS.

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Senator M. B. MATTHEWS objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

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

The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4239R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in

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January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant."

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN 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 43; Nays 0

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AYES

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

Total--43

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 4244 -- Rep. Sandifer: A BILL TO AMEND SECTION 38-78-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO SERVICE CONTRACTS, SO AS TO EXPAND THE DEFINITION OF "SERVICE CONTRACT" AND "WARRANTY" AND TO DEFINE THE TERMS "ROAD HAZARD", "THEFT PROTECTION PROGRAM", AND "THEFT PROTECTION PROGRAM WARRANTY"; TO AMEND SECTION 38-78-30, RELATING TO SERVICE CONTRACT REQUIREMENTS, SO AS TO EXCLUDE A SERVICE CONTRACT PROVIDER THAT INSURES THEIR OBLIGATIONS UNDER A REIMBURSEMENT INSURANCE POLICY FROM THE FINANCIAL STATEMENT REQUIREMENT FOR REGISTRATION WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION 38-78-50, RELATING TO REQUIRED PROVISIONS IN SERVICE CONTRACTS, SO AS TO REQUIRE A CERTAIN DISCLOSURE.

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The Senate proceeded to the consideration of the Bill.

Senators MASSEY and SHEALY proposed the following amendment (4244R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session,~~ the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION __. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent

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of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Re-number sections to conform.

Amend title to conform.

Senator BENNETT 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 43; Nays 0

AYES

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

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Rankin	Reese	Rice
Sabb	Scott	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

POINT OF ORDER

H. 3205 -- Rep. B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-16-150 SO AS TO PROVIDE THAT THE TRIBE IS NOT REQUIRED TO PAY ANY FEE IN LIEU OF SCHOOL TAXES BEGINNING WITH SCHOOL YEARS AFTER 2007-2008; AND TO AMEND SECTION 27-16-130, RELATING TO THE TAXATION OF THE TRIBE, SO AS TO DELETE A CONTRARY PROVISION.

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

H. 3621 -- Reps. V.S. Moss, D.C. Moss, Erickson and W. Cox: A BILL TO AMEND SECTION 44-75-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE ATHLETIC TRAINERS' ACT OF SOUTH CAROLINA, SO AS TO CHANGE THE DEFINITION OF "ATHLETIC TRAINER"; TO AMEND SECTION 44-75-50, RELATING TO CERTIFICATION OF ATHLETIC TRAINERS, SO AS TO REVISE THE NAME OF THE REQUIRED EXAMINATION; TO AMEND SECTION 44-75-100, RELATING TO EMPLOYEES OF ORGANIZATIONS THAT ARE CONSIDERED ATHLETIC TRAINERS, SO AS TO ADD CERTAIN

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ORGANIZATIONS; AND TO AMEND SECTION 44-75-120, RELATING TO PENALTIES FOR VIOLATING A PROVISION OF THE ACT, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO TAKE CERTAIN DISCIPLINARY ACTIONS, INCLUDING THE IMPOSITION OF MONETARY PENALTIES.

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

H. 3728 -- Reps. Fry, Alexander, Dillard, Erickson, Hewitt, Huggins, Norrell, Pendarvis, Ridgeway, Rutherford, Spires, Trantham, Weeks, West, Wooten, Yow, Henegan, Cogswell, Mack, R. Williams, Gilliard, Govan and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-80 SO AS TO REQUIRE HOSPITAL EMERGENCY DEPARTMENT PHYSICIANS AND PHARMACISTS TO SUBMIT CERTAIN INFORMATION TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM WHEN A PERSON IS ADMINISTERED AN OPIOID ANTIDOTE; TO AMEND SECTION 44-130-60, RELATING TO THE AUTHORITY OF FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES, SO AS TO REQUIRE FIRST RESPONDERS TO SUBMIT CERTAIN INFORMATION TO DHEC FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM; TO AMEND SECTION 44-53-1640, RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE THE PROGRAM TO MONITOR THE ADMINISTERING OF OPIOID ANTIDOTES BY FIRST RESPONDERS AND IN EMERGENCY HEALTH CARE SETTINGS; AND TO AMEND SECTION 44-53-1645, RELATING TO THE REQUIREMENT OF PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, SO AS TO ALSO REQUIRE A REVIEW OF ANY INCIDENTS IN WHICH THE PATIENT HAS

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BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING.

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

H. 4119 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO GENERAL LICENSING PROVISIONS; SPEECH-LANGUAGE PATHOLOGY ASSISTANTS; AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4858, 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.

POINT OF ORDER

H. 4120 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF OCCUPATIONAL THERAPY, RELATING TO REACTIVATION OF INACTIVE OR LAPSED LICENSES; AND CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4854, 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.

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The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 4121 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS TO TAKE STEP 3 OF THE UNITED STATES MEDICAL LICENSING EXAMINATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4853, 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.

POINT OF ORDER

H. 4123 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO LONG TERM HEALTH CARE ADMINISTRATORS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4844, 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.

POINT OF ORDER

H. 4124 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF PHARMACY, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES, DESIGNATED AS REGULATION

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DOCUMENT NUMBER 4822, 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.

POINT OF ORDER

H. 4276 -- Rep. Hayes: A BILL TO AMEND SECTION 7-7-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DILLON COUNTY, SO AS TO ELIMINATE THE GADDY'S MILL 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.

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

H. 4330 -- Rep. McCravy: A BILL 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.

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.

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POINT OF ORDER

H. 4365 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4841, 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.

POINT OF ORDER

H. 4384 -- Reps. Herbkersman and W. Newton: A BILL TO AMEND SECTION 7-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD TWO PRECINCTS, 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.

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

H. 4370 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING CRISIS STABILIZATION UNIT FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4809, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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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.

POINT OF ORDER

H. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, 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.

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.

ADOPTED

H. 3012 -- Reps. McDaniel, S. Williams, Moore, Brawley and Gilliard: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT THE SCHOOLS AND SCHOOL DISTRICTS OF THIS STATE SHOULD UTILIZE THE EDUCATION RATE PROGRAM OF THE FEDERAL COMMUNICATIONS COMMISSION (E-RATE) ESTABLISHED BY THE TELECOMMUNICATIONS ACT OF 1996 WHICH PROVIDES DISCOUNTS ON INTERNET ACCESS AND TELECOMMUNICATIONS SERVICES FOR SCHOOLS AND SCHOOL DISTRICTS WITH HIGHER POVERTY LEVELS IN THEIR STUDENT POPULATION THAT WOULD BE OF GREAT BENEFIT TO THESE STUDENTS.

The Resolution was adopted, ordered returned to the House.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:00 A.M. tomorrow.

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

MOTION ADOPTED

Senator MASSEY moved to dispense with the balance of the motion period.

Senator MARTIN moved to table the motion to dispense with the balance of the motion period.

The motion failed.

The question then was the motion to dispense with the balance of the motion period.

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

Ayes 31; Nays 13

AYES

Allen	Bennett	Campbell
Campsen	Cromer	Davis
Fanning	Gambrell	Gregory
Harpoottlian	Hembree	Hutto
Johnson	Kimpson	Leatherman
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Rankin	Reese	Sabb
Scott	Setzler	Sheheen
Talley	Turner	Williams
Young		

Total--31

NAYS

Alexander	Cash	Climer
Corbin	Goldfinch	Grooms
Loftis	Malloy	Martin
Peeler	Rice	Shealy
Verdin		

Total--13

[SJ]

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TUESDAY, MAY 7, 2019

At 6:48 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**LOCAL APPOINTMENT
Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Georgetown County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James McKenzie, 7 Gillette Place, Murrells Inlet, SC 29576-5238
VICE John C. Benso

Motion Adopted

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

MOTION ADOPTED

On motion of Senator SABB, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Herman (Jimmy) Dunn of Andrews, S.C. Jimmy earned a BS degree from Presbyterian College. He was the owner and operator of Dunn's Variety Store. Jimmy was a board member of the Georgetown County Water and Sewer District and a lifetime member of Andrews First Pentecostal Holiness Church. He was an avid golfer and Eagle Scout. Jimmy was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 6:51 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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