

NO. 72

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

MONDAY, MAY 20, 2019

Monday, May 20, 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:

Psalm 118: 24

“This is the day that the Lord hath made; Let us rejoice and be glad in it.”

Let us pray. O Lord, though we now begin an additional session of the Senate, we do so...not with regret, but with praise...for this is the day that You have made for us. Give us a watchful eye and an open mind to Your hand in this hour. May what we say and what we do be in accordance with Your will. Grant, O Lord, that we might look beyond ourselves and make this a special week for the people of South Carolina. In Your holy name we pray, Amen.

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

Point of Quorum

At 12:06 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:

Bennett	Campbell	Campsen
Cash	Climer	Corbin
Cromer	Davis	Goldfinch
Grooms	Hembree	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Turner	Williams

[SJ]

MONDAY, MAY 20, 2019

Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tracey Carroll, 1930 University Parkway, Suite 1500, Aiken, SC 29801-0009

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Sheridan L. Lynn, Jr., 537 Edgefield Road, North Augusta, SC 29841-2474

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Yvonne A. Rushton, 129 Langely Dam Road, Langely, SC 29834

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Patrick D. Sullivan, 227 Gateway Drive, Suite 133, Aiken, SC 29803-9193

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Donna H. Williamson, P. O. Box 99, Wagener, SC 29164-0099

Initial Appointment, Cherokee County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

William Dean Cobb, P. O. Box 204, Blacksburg, SC 29702-0204
VICE Bruce Wayne Byars

Initial Appointment, Chester County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Angela Boyd, 1229 Old Richburg Rd., Chester, SC 29706-5775 *VICE*
Lenard Price

[SJ]

MONDAY, MAY 20, 2019

Reappointment, Chester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Angel C. Underwood, 2240 Colvin Road, Chester, SC 29706

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

Theodore Wilder, Jr., 111 Graham Street, Chester, SC 29706-2603
VICE Yale Zamore

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

Olivia Williford, 1024 Center Road, Chester, SC 29706-7141 *VICE*
Barbara Hinnant Cameron

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Katina Capers-Washington, 307 Robinson Avenue, Winnsboro, SC 29180-6153 *VICE* William D. Robinson

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Vannessa Hollins, 445 Maple Street, Winnsboro, SC 29180-1821
VICE Carol A. Tolen

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Danielle Miller, 628 Old Chester Road, Winnsboro, SC 29180-7153
VICE Johnny Dewese

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jonathan A. Horne, 50 Tindal Road, Greenville, SC 29617-7631

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Matthew Bruce Hubbard, 9 Montford Court, Travelers Rest, SC 29690-2262

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James Davis, P.O. Box 1528, Camden, SC 29021-8528

MONDAY, MAY 20, 2019

Initial Appointment, Kershaw County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Carrie Tanner, 944 Sessions Road, Elgin, SC 29045-9098 *VICE* Scott Rankin

Reappointment, Kershaw County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Roderick Todd, P. O. Box 1528, Camden, SC 29021-8528

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

D. Allen Trapp, P. O. Box 1528, Camden, SC 29021-8528

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

Tracy E. Richards, 107 Lewis Lane, Laurens, SC 29360 *VICE* Mareno C. Foggie

Reappointment, Marlboro County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Mia Weaver, 128 Springdale Drive, Bennettsville, SC 29512-2106

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

Diedra Hightower, 613 Dulaney Bvd., Columbia, SC 29229-7416 *VICE* Josef Robinson

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Clayburn S. Barnette, 3131 Oak Park Road, Rock Hill, SC 29730-7746

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Lynne H. Benfield, 247 Lauren Pines Drive, York, SC 29745-7771

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Clifford E. Berinsky, 4319 Inwood Drive, Rock Hill, SC 29732-9267

MONDAY, MAY 20, 2019

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

John C. Dover, 1517 Ole Cambridge Circle, Clover, SC 29710-8214
VICE Douglas W. Sexton

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Johnny H. Grayson, 387 Boyd Road, Clover, SC 29710-7750

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Lewis D. Malphrus, 608 Pine Street, Fort Mill, SC 29715-1749

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Ashley B. Rhodes, 12088 Smith Ford Road, Hickory Grove, SC 29717-7765

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael L. Scurlock, 2773 Bonnybrook Circle, Rock Hill, SC 29732-9415

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

Douglas W. Sexton, 3035 Riker Street, Clover, SC 29710-6723 *VICE*
Johnny Grayson

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Stephanie A. Wood, 4609 Emily Place, Rock Hill, SC 29732-8992

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Leon E. Yard, 2072 Dunlap Roddey Road, Rock Hill, SC 29730-8642

Motion Adopted

On motion of Senator HEMBREE, with unanimous consent, Senators TALLEY, M.B. MATTHEWS and HEMBREE were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

MONDAY, MAY 20, 2019

Leave of Absence

On motion of Senator MALLOY, at 12:09 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator YOUNG, at 12:09 P.M., Senator GAMBRELL was granted a leave of absence until 1:30 P.M.

Expression of Personal Interest

Senator MASSEY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SHEHEEN rose for an Expression of Personal Interest.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 842 -- Senator M. B. Matthews: A SENATE RESOLUTION TO CONGRATULATE SAMUEL TERRY ON THE OCCASION OF HIS ONE HUNDRETH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

l:\s-res\mbm\016samu.kmm.mbm.docx

The Senate Resolution was adopted.

S. 843 -- Senators McElveen, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE DR. WILLIAM CLAY SMITH UPON THE OCCASION OF HIS TWENTY-FIFTH ANNIVERSARY AS PASTOR OF ALICE DRIVE BAPTIST CHURCH AND TO COMMEND HIM FOR HIS MANY YEARS OF SERVICE TO HIS CONGREGATION AND THE COMMUNITY OF SUMTER.

l:\s-res\jtm\021clay.kmm.jtm.docx

The Senate Resolution was adopted.

MONDAY, MAY 20, 2019

S. 844 -- Senator Talley: A SENATE RESOLUTION TO CONGRATULATE AND HONOR DR. DAVID H. MRUZ OF GREENVILLE, SOUTH CAROLINA FOR HIS MANY ACCOMPLISHMENTS AND TO WISH HIM CONTINUED SUCCESS, HEALTH, AND HAPPINESS FOR MANY YEARS TO COME.

I:\s-res\sft\024davi.kmm.sft.docx

The Senate Resolution was adopted.

S. 845 -- Senator Scott: A SENATE RESOLUTION TO EXTEND THE DEEPEST SYMPATHY OF THE MEMBERS OF THE SOUTH CAROLINA SENATE TO THE LOVING FAMILY AND MANY FRIENDS OF FORDYCE HARWOOD "FORD" MASON III OF RICHLAND COUNTY UPON HIS PASSING.

I:\council\bill\gm\24239vr19.docx

The Senate Resolution was adopted.

S. 846 -- Senators McElveen and Johnson: A SENATE RESOLUTION TO CONGRATULATE AND HONOR DR. DEBRA HAMM FOR HER SERVICE AS INTERIM SUPERINTENDENT TO THE SUMTER SCHOOL DISTRICT AND TO WISH HER MUCH CONTINUED SUCCESS IN ALL OF HER FUTURE ENDEAVORS.

I:\council\bill\rt\17643wab19.docx

The Senate Resolution was adopted.

Appointment Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

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

Received as information.

THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

MONDAY, MAY 20, 2019

**H. 3137--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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 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.

On motion of Senator CROMER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CROMER spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 38; Nays 0

AYES

Allen	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis

[SJ]

MONDAY, MAY 20, 2019

Fanning	Goldfinch	Gregory
Grooms	Harpootlian	Hembree
Jackson	Johnson	Leatherman
Loftis	Malloy	Martin
Massey	McLeod	Nicholson
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 3137 -- Conference Report

The General Assembly, Columbia, S.C., May 17, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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 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

[SJ]

MONDAY, MAY 20, 2019

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/09/19-H.)

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

/ SECTION 1. Chapter 27, Title 6 of the 1976 Code is amended to read:

“CHAPTER 27

State Aid to Subdivisions Act

Section 6-27-10. This chapter may be cited as the ‘State Aid to Subdivisions Act’.

Section 6-27-20. There is created the Local Government Fund administered by the State Treasurer. This fund is part of the general fund of the State. ~~It is the intent of the General Assembly that this fund not be subject to mid-year cuts. However, if mid-year cuts are mandated by the State Budget and Control Board to avoid a year-end deficit, this fund is not subject to such cuts, except by a majority vote of the entire State Budget and Control Board which is separate and apart from any other reduction. These cuts are permitted only to the extent that counties and municipalities do not receive less funding than received in the immediate preceding fiscal year.~~ The Local Government Fund must be financed as provided in this chapter.

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

MONDAY, MAY 20, 2019

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 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).

Section 6-27-40. (A) Not later than thirty days after the end of the calendar quarter, the State Treasurer shall distribute the monies appropriated to the Local Government Fund as follows:

(1) Eighty-three and two hundred seventy-eight thousandths percent must be distributed to counties. Of the total distributed to counties, each county must receive an amount based on the ratio that the county's population is of the whole population of this State according to the most recent United States Census.

(2) Sixteen and seven hundred twenty-two thousandths percent must be distributed to municipalities. Of the total distributed to municipalities, each municipality must receive an amount based on the

MONDAY, MAY 20, 2019

ratio that the municipality's population is of the population of all municipalities in this State according to the most recent United States Census.

(B) In making the quarterly distribution to counties, the State Treasurer must notify each county of the amount that must be used for educational purposes relating to the use of alcoholic liquors and for the rehabilitation of alcoholics and drug addicts. Counties may pool these funds with other counties and may combine these funds with other funds for the same purposes. The amount that must be used as provided in this subsection is equal to twenty-five percent of the revenue derived pursuant to Section 12-33-245 allocated on a per capita basis according to the most recent United States Census.

~~Section 6-27-50. No section of this chapter may be amended or repealed except in separate legislation solely for that purpose.~~

Section 6-27-55. From funds distributed to the county pursuant to Section 6-27-40, a county council shall provide a reasonable amount of funds for all county offices of state agencies for which the council is required to provide funding by state law."

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

Amend title to read:

/ TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS 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 DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE APPROPRIATION TO THE FUND MUST BE ADJUSTED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE OR DECREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE ADJUSTMENT, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION. /

/s/Sen. Ronnie W. Cromer Rep. Gilda Yevette Cobb-Hunter
/s/Sen. John L. Scott, Jr. /s/Rep. Bruce Wyche Bannister
/s/Sen. Thomas D. "Tom" Corbin /s/Rep. Kirkman Finlay, III

[SJ]

MONDAY, MAY 20, 2019

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

**H. 4243--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

H. 4243 -- Reprs. 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.

On motion of Senator GREGORY, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator GREGORY spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 23; Nays 17

AYES

Alexander	Allen	Campbell
Climer	Cromer	Fanning
Goldfinch	Gregory	Jackson

[SJ]

MONDAY, MAY 20, 2019

Johnson	Leatherman	Loftis
Malloy	<i>Matthews, John</i>	McLeod
Peeler	Rankin	Reese
Sabb	Scott	Senn
Turner	Williams	

Total--23

NAYS

Bennett	Campsen	Cash
Corbin	Davis	Grooms
Harpootlian	Hembree	Martin
Massey	Rice	Setzler
Shealy	Sheheen	Talley
Verdin	Young	

Total--17

Statement by Senator McELVEEN

I was present but outside of the Senate Chamber during the Senate's roll call vote on the conference report on H. 4243, which has been referred to as the "Carolina Panther's" Bill. During the roll call vote, I was in the House of Representatives' chamber speaking with a Sumter County Legislative Delegation member about several local issues.

Had I been present for the vote, I would have voted no. Although it would not have changed the outcome of the vote on the conference report. This is consistent with the no vote I previously cast for H. 4243 during the Senate's roll call vote following debate on the matter which took place on May 9, 2019.

The Committee of Conference Committee was adopted as follows:

H. 4243 -- Conference Report

The General Assembly, Columbia, S.C., May 20, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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

MONDAY, MAY 20, 2019

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 5/9/19-S.)

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

/ SECTION 1. Section 12-6-3360(A) and (M) of the 1976 Code is amended to read:

“(A) Taxpayers that operate manufacturing, tourism, processing, agricultural packaging, warehousing, distribution, research and development, corporate office, qualifying service-related facilities, agribusiness operations, extraordinary retail establishment, professional sports teams, and qualifying technology intensive facilities, and banks as defined pursuant to this title are allowed an annual jobs tax credit as provided in this section. In addition, taxpayers that operate retail facilities and service-related industries qualify for an annual jobs tax credit in counties designated as ‘Tier IV’. As used in this section, ‘corporate office’ includes general contractors licensed by the South Carolina Department of Labor, Licensing and Regulation. Credits pursuant to this section may be claimed against income taxes imposed by Section 12-6-510 or 12-6-530, bank taxes imposed pursuant to Chapter 11 of this title, and insurance premium taxes imposed pursuant to Chapter 7, Title 38, and are limited in use to fifty percent of the taxpayer’s South Carolina income tax, bank tax, or insurance premium tax liability. In computing a tax payable by a taxpayer pursuant to Section 38-7-90, the credit allowable pursuant to this section must be treated as a premium tax paid pursuant to Section 38-7-20.

MONDAY, MAY 20, 2019

(M) As used in this section:

(1) ‘Taxpayer’ means a sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity that is subject to South Carolina taxes as contained in Section 12-6-510, Section 12-6-530, Chapter 11, Title 12, or Chapter 7, Title 38.

(2) ‘Appropriate agency’ means the Department of Revenue, except that for taxpayers subject to the premium tax imposed by Chapter 7, Title 38, it means the Department of Insurance.

(3) ‘New job’ means a job created in this State at the time a new facility or an expansion is initially staffed. Except as otherwise provided in this item, the term does not include a job created when an employee is shifted from an existing location in this State to a new or expanded facility whether the transferred job is from, or to, a facility of the taxpayer or a related person. However, for a professional sports team, ‘new job’ means all jobs located at the professional sports team park regardless of whether an employee previously worked at an existing location in this State before 2019 as an employee of the same professional sports team. A related person includes any entity or person that bears a relationship to the taxpayer as described in Section 267 of the Internal Revenue Code. However, this exclusion of a new job created by employee shifting does not extend to a job created at a new or expanded facility located in a county in which is located an ‘applicable federal facility’ as defined in Section 12-6-3450(A)(1)(b). The term ‘new job’ also includes an existing job at a facility of an employer which is reinstated after the employer has rebuilt the facility due to:

(a) its destruction by accidental fire, natural disaster, or act of God;

(b) involuntary conversion as a result of condemnation or exercise of eminent domain by the State or any of its political subdivisions or by the federal government.

Destruction for purposes of this provision means that more than fifty percent of the facility was destroyed. For purposes of this section, involuntary conversion as a result of condemnation or exercise of eminent domain includes a legally binding agreement for the purchase of a facility of an employer entered into between an employer and the State of South Carolina or a political subdivision of the State under threat of exercise of eminent domain by the State or its political subdivision.

The year of reinstatement is the year of creation of the job. All reinstated jobs qualify for the credit pursuant to this section, and a comparison is not required to be made between the number of full-time

MONDAY, MAY 20, 2019

jobs of the employer in the taxable year and the number of full-time jobs of the employer with the corresponding period of the prior taxable year.

(4) 'Full-time' means a job requiring a minimum of thirty-five hours of an employee's time a week for the entire normal year of company operations or a job requiring a minimum of thirty-five hours of an employee's time for a week for a year in which the employee was hired initially for or transferred to the South Carolina facility. For members of a professional sports team, 'full-time' means a job requiring a minimum of one hundred eighty days of an employee's time a year of which at least eighty percent of such days must be spent at a professional sports team park located in South Carolina. For the purposes of this section, two half-time jobs are considered one full-time job. A 'half-time job' is a job requiring a minimum of twenty hours of an employee's time a week for the entire normal year of the company's operations or a job requiring a minimum of twenty hours of an employee's time a week for a year in which the employee was hired initially for or transferred to the South Carolina facility. For agricultural packaging and agribusiness operations, seasonal workers may be considered a full-time employee; however, a seasonal employee only counts as a fraction of a full-time worker, with the numerator being the number of hours worked a week multiplied by the number of weeks worked, and the denominator being the number one thousand eight hundred twenty.

(5) 'Manufacturing facility' means an establishment where tangible personal property is produced or assembled.

(6) 'Processing facility' means an establishment that prepares, treats, or converts tangible personal property into finished goods or another form of tangible personal property. The term includes a business engaged in processing agricultural, aquacultural, or maricultural products and specifically includes meat, poultry, and any other variety of food processing operations. It does not include an establishment in which retail sales of tangible personal property are made to retail customers.

(7) 'Warehousing facility' means an establishment where tangible personal property is stored but does not include any establishment where retail sales of tangible personal property are made to retail customers.

(8) 'Distribution facility' means an establishment where shipments of tangible personal property are processed for delivery to customers. The term does not include an establishment where retail sales of tangible personal property are made to retail customers on more than twelve days a year except for a facility which processes customer sales orders by mail, telephone, or electronic means, if the facility also

MONDAY, MAY 20, 2019

processes shipments of tangible personal property to customers and if at least seventy-five percent of the dollar amount of goods sold through the facility are sold to customers outside of South Carolina. Retail sales made inside the facility to employees working at the facility are not considered for purposes of the twelve-day and seventy-five percent limitation. For purposes of this definition, 'retail sale' and 'tangible personal property' have the meaning provided in Chapter 36 of this title.

(9) 'Research and development facility' means an establishment engaged in laboratory, scientific, or experimental testing and development related to new products, new uses for existing products, or improving existing products. The term does not include an establishment engaged in efficiency surveys, management studies, consumer surveys, economic surveys, advertising, promotion, banking, or research in connection with literary, historical, or similar projects.

(10) 'Corporate office facility' means a corporate headquarters that meets the definition of a 'corporate headquarters' contained in Section 12-6-3410(J)(1). The corporate headquarters of a general contractor licensed by the South Carolina Department of Labor, Licensing and Regulation qualifies even if it is not a regional or national headquarters as those terms are defined in Section 12-6-3410(J)(1).

(11) The terms 'retail sales' and 'tangible personal property' for purposes of this section are defined in Chapter 36 of this title.

(12) 'Tourism facility' means an establishment used for a theme park; amusement park; historical, educational, or trade museum; botanical garden; cultural center; theater; motion picture production studio; convention center; arena; auditorium; or a spectator or participatory sports facility; and similar establishments where entertainment, education, or recreation is provided to the general public. Tourism facility also includes new hotel and motel construction, except that to qualify for the credits allowed by this section and regardless of the county in which the facility is located, the number of new jobs that must be created by the new hotel or motel is twenty or more. It does not include that portion of an establishment where retail merchandise or retail services are sold directly to retail customers.

(13) 'Qualifying service-related facility' means:

(a) an establishment engaged in an activity or activities listed under the North American Industry Classification System Manual (NAICS) Section 62, subsectors 621, 622, and 623, or Sector 4881, subsector 488190; or

(b) a business, other than a business engaged in legal, accounting, banking, or investment services (including a business

MONDAY, MAY 20, 2019

identified under NAICS Section 55) or retail sales, which has a net increase of at least:

- (i) one hundred seventy-five jobs at a single location;
- (ii) one hundred fifty jobs at a single location comprised of a building or portion of building that has been vacant for at least twelve consecutive months prior to the taxpayer's investment;
- (iii) one hundred jobs at a single location and the jobs have an average cash compensation level of more than one and one-half times the lower of state per capita income or per capita income in the county where the jobs are located;
- (iv) fifty jobs at a single location and the jobs have an average cash compensation level of more than twice the lower of state per capita income or per capita income in the county where the jobs are located; or
- (v) twenty-five jobs at a single location and the jobs have an average cash compensation level of more than two and one-half times the lower of state per capita income or per capita income in the county where the jobs are located.

A taxpayer shall use the most recent per capita income data available as of the end of the taxable year in which the jobs are filled. Determination of the required number of jobs is in accordance with the monthly average described in subsection (F).

(14) 'Technology intensive facility' means:

(a) a facility at which a firm engages in the design, development, and introduction of new products or innovative manufacturing processes, or both, through the systematic application of scientific and technical knowledge. Included in this definition are the following North American Industrial Classification Systems Codes, NAICS, published by the Office of the Management and Budget of the federal government:

- (i) 5114 database and directory publishers;
- (ii) 5112 software publishers;
- (iii) 54151 computer systems design and related services;
- (iv) 541511 custom computer programming services;
- (v) 541512 computer systems design services;
- (vi) 541711 research and development in biotechnology;

2007 NAICS;

- (vii) 541712 research and development in physical, engineering, and life sciences; 2007 NAICS;
- (viii) 518210 data processing, hosting, and related services;
- (ix) 9271 space research and technology; or

MONDAY, MAY 20, 2019

(b) a facility primarily used for one or more activities listed under the 2002 version of the NAICS Codes 51811 (Internet Service Providers and Web Search Portals).

(15) 'Extraordinary retail establishment' as defined in Sections 12-21-6520 and 12-21-6590.

(16) 'Agricultural packaging' means the technology of enclosing or protecting or preserving agricultural products for distribution, storage, sale, and use. Packaging also refers to the process of design, evaluation, and production of packages used for agricultural products. Packaging can be described as a coordinated system of preparing agricultural goods for transport, warehousing, logistics, sale, and end use.

(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 in this State.

(18) 'Professional sports team park' means a sports facility designed for use primarily as a professional park or stadium. Such a facility may include, without limitation, practice fields and features such as parking areas and facilities, office facilities for team use or other users of the facility as authorized by the professional sports team, and other ancillary facilities necessary for the sports facility. Such a facility also includes the landscaped grounds surrounding the park, stadium, and ancillary facilities.

(19) 'Members of a professional sports team' means active players, players on the disabled list, and any other persons required to travel and who do travel with and perform services on behalf of the professional sports team on a regular basis. This includes coaches, managers, and trainers."

SECTION 2. Section 4-9-30(12) of the 1976 Code is amended to read:

“(12) to levy uniform license taxes upon persons and businesses engaged in or intending to engage in a business, occupation, or profession, in whole or in part, within the county but outside the corporate limits of a municipality except those persons who are engaged in the profession of teaching or who are ministers of the gospel and rabbis, except persons and businesses acting in the capacity of telephone, telegraph, gas and electric utilities, suppliers, or other utility regulated by the Public Service Commission and except an entity which is exempt

MONDAY, MAY 20, 2019

from license tax under another law or a subsidiary or affiliate of any such exempt entity. No county license fee or tax may be levied on insurance companies. No county license fee or tax may be levied on a professional sports team as defined in Section 12-6-3360(M)(17). The license tax must be graduated according to the gross income of the person or business taxed. A business engaged in making loans secured by real estate is subject to the license tax only if it has premises located in the county but outside the corporate limits of a municipality. If the person or business taxed pays a license tax to another county or to a municipality, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other county or municipality.”

SECTION 3. Section 5-7-30 of the 1976 Code is amended to read:

“Section 5-7-30. Each municipality of the State, in addition to the powers conferred to its specific form of government, may enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it, including the authority to levy and collect taxes on real and personal property and as otherwise authorized in this section, make assessments, and establish uniform service charges relating to them; the authority to abate nuisances; the authority to provide police protection in contiguous municipalities and in unincorporated areas located not more than three miles from the municipal limits upon the request and agreement of the governing body of such contiguous municipality or the county, including agreement as to the boundaries of such police jurisdictional areas, in which case the municipal law enforcement officers shall have the full jurisdiction, authority, rights, privileges, and immunities, including coverage under the workers’ compensation law, which they have in the municipality, including the authority to make arrests, and to execute criminal process within the extended jurisdictional area; provided, however, that this shall not extend the effect of the laws of the municipality beyond its corporate boundaries; grant franchises for the use of public streets and make charges for them; grant franchises and make charges for the use of public beaches; engage in the recreation function; levy a business license tax on gross income, but a wholesaler delivering goods to retailers in a municipality is not subject to the business license tax unless he maintains

MONDAY, MAY 20, 2019

within the corporate limits of the municipality a warehouse or mercantile establishment for the distribution of wholesale goods; and a business engaged in making loans secured by real estate is not subject to the business license tax unless it has premises located within the corporate limits of the municipality and no entity which is exempt from the license tax under another law nor a subsidiary or affiliate of an exempt entity is subject to the business license tax; and a business engaged in operating a professional sports team as defined in Section 12-6-3360(M)(17) is not subject to the business license tax; borrow in anticipation of taxes; and pledge revenues to be collected and the full faith and credit of the municipality against its note and conduct advisory referenda. The municipal governing body may fix fines and penalties for the violation of municipal ordinances and regulations not exceeding five hundred dollars or imprisonment not exceeding thirty days, or both. If the person or business taxed pays a business license tax to a county or to another municipality where the income is earned, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other county or municipality.

For the purpose of providing and maintaining parking for the benefit of a downtown commercial area, a municipality may levy a surtax upon the business license of a person doing business in a designated area in an amount not to exceed fifty percent of the current yearly business license tax upon terms and conditions fixed by ordinance of the municipal council. The area must be designated by council only after a petition is submitted by not less than two-thirds of the persons paying a business license tax in the area and who paid not less than one-half of the total business license tax collected for the preceding calendar year requesting the designation of the area. The business within the designated area which is providing twenty-five or more parking spaces for customer use is required to pay not more than twenty-five percent of a surtax levied pursuant to the provisions of this paragraph.”

SECTION 4. Chapter 3, Title 5 of the 1976 Code is amended by adding:

“Section 5-3-20. No municipality may annex, under the provisions of this chapter, any real property owned by a professional sports team as defined in Section 12-6-3360(M)(17) without prior written consent of the professional sports team.”

SECTION 5. 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

MONDAY, MAY 20, 2019

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).”

SECTION 6. Section 11-9-805 of the 1976 Code, as amended by Act 246 of 2018, is further amended by adding an appropriately numbered 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 7. Section 11-9-830 of the 1976 Code, as last amended by Act 246 of 2018, is further amended by adding an appropriately numbered 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 expenditure 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.”

SECTION 8. 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:

MONDAY, MAY 20, 2019

(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.~~

~~(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.”~~

SECTION 9. 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 if that specific professional sports team creates the new full-time jobs in this State as specified in subsection (M)(17) by July 1, 2022, and the professional sports team otherwise meets the requirements to claim the credit allowed by this section. However, this subsection does not apply to a professional sports team

MONDAY, MAY 20, 2019

that entered into a revitalization agreement with the South Carolina Coordinating Council for Economic Development before July 1, 2022.”
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 job and payroll provisions of Section 12-6-3360(M)(17) and (O) continue to be met by the professional sports team.

SECTION 10. Chapter 10, Title 12 of the 1976 Code is amended by adding:

“Section 12-10-120. No credit may be awarded pursuant to this chapter until the minimum job requirement set forth in Section 12-6-3360(M)(17) has been fully met. Further, the council may not award any partial credit if the same minimum job requirement is not fully met. The provisions of this section only apply to a professional sports team pursuant to Section 12-6-3360.”

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. This act takes effect upon approval by the Governor./
Amend title to read:

/ 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 AND TO PROVIDE REQUIREMENTS THAT SPECIFICALLY APPLY TO A PROFESSIONAL SPORTS TEAM, AND TO INCREASE JOBS TAX CREDIT AMOUNTS IN TIER IV AND TIER III COUNTIES; 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; BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED

MONDAY, MAY 20, 2019

BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM; TO AMEND SECTIONS 11-9-805 AND 11-9-830, AS AMENDED, BOTH RELATING TO THE REVENUE AND FISCAL AFFAIRS OFFICE, SO AS TO REQUIRE THE OFFICE ANNUALLY TO SUBMIT TAX EXPENDITURE REPORTS TO THE GENERAL ASSEMBLY AND TO DEFINE "TAX EXPENDITURE"; AND BY ADDING SECTION 12-10-120 SO AS TO SPECIFY CERTAIN JOB DEVELOPMENT CREDIT REQUIREMENTS THAT APPLY TO A PROFESSIONAL SPORTS TEAM. /

/s/Sen. Chauncey K. Gregory	/s/Rep. J. Gary Simrill
/s/Sen. David Wesley Climer	/s/Rep. James Todd Rutherford
/s/Sen. Richard A. Harpootlian	/s/Rep. Thomas E. "Tommy" Pope
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

**H. 3601--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator HEMBREE, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HEMBREE spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash

[SJ]

26

MONDAY, MAY 20, 2019

Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Jackson	Johnson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 3601 -- Conference Report

The General Assembly, Columbia, S.C., May 20, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 5/9/19.)

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

/ SECTION 1. Section 16-17-530 of the 1976 Code is amended to read:

“Section 16-17-530. (A) Any A person who ~~shall (a) be~~ is: (1) found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise ~~conducting~~ conducts himself in a

MONDAY, MAY 20, 2019

disorderly or boisterous manner; ~~(b)(2)~~ use uses obscene or profane language on any highway or at any public place or gathering or in hearing distance of any schoolhouse or church; or ~~(e)(3)~~ while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse, ~~discharge~~ discharges any gun, pistol, or other firearm while upon or within fifty yards of any public road or highway, except upon his own premises, ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be fined not more than one hundred dollars or be imprisoned for not more than thirty days. However, conditional discharge may be granted by the court in accordance with the provisions of this section upon approval by the circuit solicitor.

(B) When a person who has not previously been convicted of an offense pursuant to this section or any similar offense under any state or federal statute relating to drunk or disorderly conduct pleads guilty to or is found guilty of a violation of this section, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires, including the requirement that the person cooperate in a treatment and rehabilitation program of a state-supported facility, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal pursuant to this section is without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. However, a nonpublic record must be forwarded to and retained by the South Carolina Law Enforcement Division solely for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense pursuant to this section. Discharge and dismissal pursuant to this section may occur only once with respect to any person.

(C) Upon the dismissal of the person and discharge of the proceedings against him pursuant to subsection (B), the person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained as provided in subsection (B)) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after a hearing, that the person was dismissed and the proceedings against him discharged, it shall enter the order. The

MONDAY, MAY 20, 2019

effect of the order is to restore the person, in the contemplation of the law, to the status he occupied before the arrest or indictment or information. No person as to whom the order has been entered may be held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose.

(D) Before a person may be discharged and the proceedings dismissed pursuant to this section, the person must pay a fee to the summary court of one hundred fifty dollars. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this subsection must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The State Treasurer shall transmit these funds to the Prosecution Coordination Commission which shall then apportion these funds among the sixteen judicial circuits on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds must be used for drug treatment court programs only. The amounts generated by this subsection are in addition to any amounts presently being provided for drug treatment court programs and may not be used to supplant funding already allocated for these services. The State Treasurer may request the State Auditor to examine the financial records of a jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to this subsection. The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

MONDAY, MAY 20, 2019

SECTION 3. This act takes effect upon approval by the Governor. /
Amend title to conform.

/s/Sen. Greg Hembree	/s/Rep. Peter M. McCoy, Jr.
Sen. Margie Bright Matthews	Rep. Marvin R. Pendarvis
/s/Sen. Scott Talley	/s/Rep. Seth C. Rose
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 13, 2019, at 2:30 P.M. and the following Acts were ratified:

(R62, S. 21) -- Senators Hutto, Shealy and Jackson: AN ACT TO AMEND SECTION 63-17-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT ORDERS DETERMINING THAT A PUTATIVE FATHER IS THE LEGAL FATHER, SO AS TO REQUIRE THAT THE CHILD'S BIRTH CERTIFICATE BE AMENDED AND FOR OTHER PURPOSES; TO AMEND SECTION 44-63-163, RELATING TO BIRTH CERTIFICATES PREPARED AFTER A PATERNITY DETERMINATION, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 44-1-310, RELATING TO THE MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE, SO AS TO CHANGE THE OPERATION OF THE COMMITTEE BY ASSIGNING CERTAIN RESPONSIBILITIES TO STAFF OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FUNDING CONTINGENCIES, AND FOR OTHER PURPOSES.

L:\COUNCIL\ACTS\21VR19.DOCX

(R63, S. 105) -- Senators Campbell, Sheheen, Verdin and Rankin: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-1-225 SO AS TO REQUIRE THAT MAGISTRATES AND MUNICIPAL COURT JUDGES RECEIVE AT LEAST TWO HOURS OF INSTRUCTIONS ON ISSUES CONCERNING ANIMAL CRUELTY EVERY FOUR YEARS; TO AMEND SECTION 47-3-10, RELATING TO DEFINITIONS APPLICABLE TO DOMESTIC PETS, SO AS TO DEFINE THE

[SJ]

MONDAY, MAY 20, 2019

TERM "LITTER"; TO AMEND SECTION 47-3-60, RELATING TO THE DISPOSITION OF IMPOUNDED ANIMALS, SO AS TO AUTHORIZE AN ANIMAL SHELTER TO TURN OVER A LITTER OF UNIDENTIFIABLE DOGS OR CATS UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 47-1-145 SO AS TO PROVIDE FOR THE CUSTODY AND CARE OF AN ANIMAL AFTER THE ARREST OF THE ANIMAL'S OWNER FOR CHARGES RELATED TO ANIMAL CRUELTY; TO AMEND SECTION 56-3-9600, RELATING TO THE SPECIAL FUND TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING PROGRAMS, SO AS TO ESTABLISH CERTAIN PROCEDURES FOR THE AWARD OF GRANTS TO SPAYING AND NEUTERING PROGRAMS; TO AMEND SECTION 40-69-30, RELATING TO A LICENSE TO PRACTICE VETERINARY MEDICINE, SO AS TO PROVIDE THAT A VETERINARIAN LICENSED IN ANOTHER JURISDICTION MAY OBTAIN AN EMERGENCY LIMITED LICENSE DURING AN EMERGENCY OR NATURAL DISASTER; TO AMEND SECTIONS 47-3-470, 47-3-480, AND 47-3-490, ALL RELATING TO THE STERILIZATION OF DOGS AND CATS, SO AS TO REMOVE REFERENCES TO "ANIMAL REFUGE" AND REPLACE IT WITH "RESCUE ORGANIZATION".

L:\COUNCIL\ACTS\105CZ19.DOCX

(R64, S. 281) -- Senators Talley, Campbell and Martin: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 47-3-980 AND 47-3-990 SO AS TO PROVIDE THAT INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL IS UNLAWFUL, TO ESTABLISH PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 56-7-10, RELATING TO OFFENSES FOR WHICH UNIFORM TRAFFIC TICKETS MUST BE USED, SO AS TO ADD THE OFFENSE OF MISREPRESENTING SERVICE ANIMALS; TO AMEND SECTIONS 47-3-920 AND 47-3-970, RELATING TO TERMS DEFINED IN LAYLA'S LAW AND RESTITUTION REQUIREMENTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 31-21-70, RELATING TO FAIR HOUSING APPLICATIONS, SO AS TO ALLOW LANDLORDS TO ASK CERTAIN QUESTIONS REGARDING A TENANT'S OR PROSPECTIVE TENANT'S ANIMAL FOR PURPOSES OF REASONABLE ACCOMMODATIONS.

L:\COUNCIL\ACTS\281VR19.DOCX

[SJ]

MONDAY, MAY 20, 2019

(R65, S. 314) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3800 SO AS TO ALLOW AN INCOME TAX CREDIT FOR EACH CLINICAL ROTATION SERVED BY A PHYSICIAN, ADVANCED PRACTICE NURSE, OR PHYSICIAN ASSISTANT AS A PRECEPTOR FOR CERTAIN PROGRAMS; AND TO AMEND SECTION 12-6-1140, AS AMENDED, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO ALLOW A DEDUCTION FOR CERTAIN ROTATIONS FOR WHICH NO INCOME TAX CREDIT IS AVAILABLE.

L:\COUNCIL\ACTS\314DG19.DOCX

(R66, S. 323) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-54-265 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO SUBMIT CERTAIN INFORMATION TO A FINANCIAL INSTITUTION REGARDING A DEBTOR THAT HAS BEEN NAMED ON A WARRANT FOR DISTRAINT, AND TO REQUIRE THE FINANCIAL INSTITUTION PROVIDE CERTAIN INFORMATION TO THE DEPARTMENT.

L:\COUNCIL\ACTS\323DG19.DOCX

(R67, S. 329) -- Senators Cromer, Scott, Verdin, Reese and Nicholson: AN ACT TO EXTEND THE TAX CREDITS FOR THE PURCHASE AND INSTALLATION OF GEOTHERMAL MACHINERY AND EQUIPMENT UNTIL JANUARY 1, 2022, BY RE-ENACTING PROVISIONS OF SECTION 12-6-3587.

L:\COUNCIL\ACTS\329DG19.DOCX

(R68, S. 359) -- Senators Gambrell, Johnson, Senn, Grooms, Cromer and Scott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO ESTABLISH A LICENSE REQUIREMENT FOR PHARMACY BENEFITS MANAGERS, TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM RESTRICTING OR PENALIZING A PHARMACY FROM PERFORMING CERTAIN ACTIONS OR DISCLOSING CERTAIN INFORMATION, TO PROHIBIT A PHARMACY BENEFITS MANAGER FROM UNDERTAKING CERTAIN ACTIONS, TO SET CERTAIN REQUIREMENTS FOR A MAXIMUM ALLOWABLE COST LIST, AND TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT

MONDAY, MAY 20, 2019

OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS ARTICLE; TO AMEND SECTION 38-2-10, AS AMENDED, RELATING TO ADMINISTRATIVE PENALTIES, SO AS TO APPLY CERTAIN ADMINISTRATIVE PENALTIES TO PHARMACY BENEFITS MANAGERS; TO AMEND SECTION 38-71-1810, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO ALLOW A PHARMACY TO SUBMIT RECORDS IN AN ELECTRONIC FORMAT OR BY CERTIFIED MAIL AND TO PROHIBIT CERTAIN ERRORS FROM SERVING AS THE SOLE BASIS OF THE REJECTION OF A CLAIM; AND TO REPEAL ARTICLE 20 OF CHAPTER 71, TITLE 38 RELATING TO PHARMACY BENEFIT MANAGERS.

L:\COUNCIL\ACTS\359CZ19.DOCX

(R69, S. 408) -- Senators Reese, Turner and Campbell: AN ACT TO AMEND SECTION 12-6-2295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ITEMS INCLUDED AND EXCLUDED FROM THE TERMS "SALES" AND "GROSS RECEIPTS", SO AS TO PROVIDE THAT RECEIPTS FROM THE OPERATION OF A CABLE SYSTEM AND A VIDEO SERVICE ARE ATTRIBUTABLE TO THIS STATE IN PRO RATA PROPORTION OF THE COSTS OF PERFORMING THE SERVICE.

L:\COUNCIL\ACTS\408DG19.DOCX

(R70, S. 440) -- Senators Talley and Reese: AN ACT TO AMEND SECTION 12-65-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO PROVIDE THAT A CERTAIN CAP ON REHABILITATION EXPENSES ONLY APPLIES TO CERTAIN REHABILITATED BUILDINGS ON CONTIGUOUS PARCELS; AND BY ADDING SECTION 12-67-170 SO AS TO PROVIDE FOR AN EXTENSION OF THE PLACED IN SERVICE DATE FOR A REHABILITATED ABANDONED BUILDING UNDER CERTAIN CIRCUMSTANCES.

L:\COUNCIL\ACTS\440DG19.DOCX

(R71, S. 575) -- Senators Campsen, McElveen and Martin: AN ACT TO AMEND SECTION 50-11-544, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILD TURKEY HUNTING AND TRANSPORTATION TAGS, SO AS TO DELETE THE TERM "WILD

[SJ]

MONDAY, MAY 20, 2019

TURKEY TRANSPORTATION TAGS” AND REPLACE IT WITH THE TERM “WILD TURKEY TAG”, TO PROVIDE THE TAG WILL NO LONGER BE ISSUED AT NO COST, AND TO REVISE THE NUMBER OF TAGS RESIDENTS AND NONRESIDENTS MAY OBTAIN OR POSSESS; TO AMEND SECTION 50-11-580, RELATING TO THE SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEY, THE ESTABLISHMENT OF YOUTH TURKEY HUNTING WEEKEND, BAG LIMITS, AND AN ANNUAL REPORT, SO AS TO REVISE THE SEASON FOR HUNTING AND TAKING A MALE WILD TURKEY, TO REVISE THE BAG LIMITS, TO DELETE THE PROVISION ESTABLISHING YOUTH TURKEY HUNTING WEEKEND, TO PROVIDE FOR THE TAKING OF FEMALE WILD TURKEYS, AND TO DELETE AN OBSOLETE PROVISION; BY ADDING SECTION 50-11-590 SO AS TO PROVIDE FOR YOUTH TURKEY HUNTING WEEKEND; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, SO AS TO PROVIDE THAT REVENUE GENERATED FROM RESIDENT AND NONRESIDENT WILD TURKEY TAGS SHALL BE USED FOR CERTAIN PURPOSES; BY ADDING SECTION 50-9-640 SO AS TO PROVIDE FEES FOR WILD TURKEY TAGS; BY ADDING SECTION 50-11-546 SO AS TO PROVIDE FOR AN ELECTRONIC HARVEST REPORTING SYSTEM, AND REQUIREMENTS FOR REPORTING THE HARVEST OF A WILD TURKEY; TO AMEND SECTION 50-9-1120, RELATING TO THE POINT SYSTEM ESTABLISHED FOR VIOLATIONS OF CERTAIN PROVISIONS OF LAW, SO AS TO PROVIDE FAILING TO REPORT THE HARVEST OF WILD TURKEY IS A SIX POINT VIOLATION; TO REPEAL SECTION 50-11-520 RELATING TO WILD TURKEY SEASON AND THE DECLARATION OF OPEN OR CLOSED SEASONS; AND TO REPEAL SECTION 7 OF ACT 41 OF 2015 RELATING TO THE HUNTING AND TAKING OF WILD TURKEY.

L:\COUNCIL\ACTS\575CM19.DOCX

(R72, S. 595) -- Senators Shealy and Hutto: AN ACT TO AMEND SECTION 63-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BACKGROUND CHECKS FOR CHILDCARE FACILITY EMPLOYMENT, SO AS TO PROVIDE THAT CHILDCARE FACILITIES AND FEDERALLY SUBSIDIZED CHILDCARE PROVIDERS MAY NOT EMPLOY A CAREGIVER

[SJ]

MONDAY, MAY 20, 2019

OR OTHER STAFF IF THAT PERSON IS REGISTERED OR REQUIRED TO REGISTER ON THE NATIONAL SEX OFFENDER REGISTRY, STATE SEX OFFENDER REGISTRY, OR CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, OR HAS BEEN CONVICTED OF CERTAIN OFFENSES, TO REQUIRE EMPLOYEES TO UNDERGO CERTAIN BACKGROUND CHECKS, TO AUTHORIZE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND THE FEDERAL BUREAU OF INVESTIGATION TO RETAIN, STORE, AND SHARE BACKGROUND CHECK RECORDS, TO PROVIDE A FEE FOR BACKGROUND CHECKS, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-13-50, RELATING TO FINGERPRINT REVIEW EXEMPTIONS, SO AS TO CHANGE THE PERIOD OF TIME DURING WHICH THE EXEMPTION APPLIES; TO AMEND SECTIONS 63-13-420 AND 63-13-430, RELATING TO LICENSING OR RENEWAL REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES, SO AS TO MAKE CONFORMING CHANGES, TO REQUIRE CERTAIN BACKGROUND CHECKS FOR OLDER YOUTH RESIDING IN GROUP FAMILY CHILDCARE HOMES, AND FOR OTHER PURPOSES; TO AMEND SECTIONS 63-13-620 AND 63-13-630, RELATING TO ISSUANCE OR RENEWAL OF A STATEMENT OF APPROVAL FOR PUBLIC CHILDCARE CENTERS AND GROUP CHILDCARE HOMES, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 63-13-810, 63-13-820, AND 63-13-830, ALL RELATING TO FAMILY CHILDCARE HOME REGISTRATION ISSUANCE OR RENEWAL REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO REQUIRE CERTAIN BACKGROUND CHECKS FOR OLDER YOUTH RESIDING IN FAMILY CHILDCARE HOMES; TO AMEND SECTION 63-13-1010, RELATING TO CHURCH AND RELIGIOUS CENTER REGISTRATION ISSUANCE OR RENEWAL REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY ADDING ARTICLE 10 TO CHAPTER 13, TITLE 63 SO AS TO PROHIBIT INDIVIDUALS ON THE SEX OFFENDER REGISTRY FROM WORKING, WITH OR WITHOUT COMPENSATION, WITH MINORS, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

L:\COUNCIL\ACTS\595VR19.DOCX

[SJ]

35

MONDAY, MAY 20, 2019

(R73, S. 621) -- Senators Setzler, Campbell and Williams: AN ACT TO AMEND SECTION 41-43-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF BONDS BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR CERTAIN NOTICE REQUIREMENTS BEFORE THE BONDS MAY BE ISSUED.

L:\COUNCIL\ACTS\621DG19.DOCX

(R74, H. 3035) -- Reps. Funderburk, Thigpen, W. Newton, R. Williams and Wheeler: AN ACT TO AMEND SECTION 7-13-72, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANAGERS OF ELECTION, SO AS TO PROVIDE THAT A CLERK APPOINTED FROM AMONG THE MANAGERS FOR EACH POLLING PLACE MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY; TO AMEND SECTION 7-13-80, RELATING TO THE ORGANIZATION OF BOARDS OF VOTER REGISTRATION AND ELECTIONS AND MANAGERS AND CLERKS, SO AS TO PROVIDE THAT A CHAIRMAN OF A BOARD OF MANAGERS MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY; AND TO AMEND SECTION 7-13-110, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT A CHAIRMAN OR CLERK APPOINTED FROM AMONG THE MANAGERS FOR THE VARIOUS POLLING PLACES MUST BE A RESIDENT AND REGISTERED ELECTOR OF THE RESPECTIVE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY, TO PROVIDE THAT A MANAGER WHO IS NOT APPOINTED TO SERVE AS A CHAIRMAN OR CLERK MUST BE A RESIDENT AND A REGISTERED ELECTOR OF THE STATE OF SOUTH CAROLINA, AND TO REQUIRE THAT ANY PERSON QUALIFIED TO SERVE AS A MANAGER WHO REQUESTS TO WORK IN HIS RESIDENT COUNTY OR IN AN ADJOINING COUNTY MUST BE GIVEN PRIORITY OVER QUALIFIED PERSONS FROM OTHER COUNTIES FOR APPOINTMENT TO WORK IN THE RESIDENT COUNTY OR IN AN ADJOINING COUNTY.

L:\COUNCIL\ACTS\3035ZW19.DOCX

MONDAY, MAY 20, 2019

(R75, 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: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-35 SO AS TO REQUIRE NEONATAL TESTING FOR CERTAIN GENETIC DISORDERS AND DISEASES AND FOR OTHER PURPOSES; AND TO AMEND SECTION 44-37-30, RELATING TO NEONATAL TESTING OF CHILDREN, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH A NEWBORN SCREENING ADVISORY COMMITTEE TO REVIEW THE DESIRABILITY AND ADVISABILITY OF INCLUDING ADDITIONAL METABOLIC, GENETIC, AND CONGENITAL DISORDERS IN CERTAIN NEONATAL TESTING.
L:\COUNCIL\ACTS\3036VR19.DOCX

(R76, 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: AN ACT TO AMEND SECTION 33-49-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF COOPERATIVES AND FOREIGN CORPORATIONS FROM THE JURISDICTION AND CONTROL OF THE PUBLIC SERVICE COMMISSION, SO AS TO MODIFY THIS EXEMPTION; BY ADDING SECTION 33-49-150 SO AS TO VEST THE OFFICE OF REGULATORY STAFF WITH AUTHORITY AND JURISDICTION TO MAKE INSPECTIONS, AUDITS, AND EXAMINATIONS OF SPECIFIED ELECTRIC COOPERATIVES AND TO PROVIDE EXCEPTIONS AND A PROCESS RESOLVING DISPUTED ISSUES; TO AMEND SECTION 33-49-255, RELATING TO RESTRICTIONS ON THE INTERRUPTION OF ELECTRIC SERVICE TO RESIDENTIAL CUSTOMERS OF ELECTRIC COOPERATIVES AND COMPLAINTS BY CUSTOMERS FOR VIOLATION OF THESE PROVISIONS, SO AS TO PROVIDE THAT THESE COMPLAINTS MUST BE MADE TO THE OFFICE OF REGULATORY STAFF AND THEN, IF NECESSARY, TO COURTS OF APPROPRIATE

MONDAY, MAY 20, 2019

JURISDICTION; 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 WHERE AN ELECTION IS TO BE HELD TO BE COUNTED FOR PURPOSES OF DETERMINING A QUORUM AT THE MEETING, 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 TRUSTEES MAY BE ELECTED, SO AS TO REQUIRE POLLING LOCATIONS TO BE OPEN FOR A MINIMUM OF FOUR HOURS AND 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 PROVIDE THAT A TRUSTEE'S PRINCIPAL RESIDENCE MUST BE SERVED BY THE COOPERATIVE AND REVISE THE MANNER IN WHICH VACANCIES OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM ARE FILLED; BY ADDING SECTION 33-49-615 SO AS TO REQUIRE DISCLOSURE OF COMPENSATION AND BENEFITS OF MEMBERS OF THE BOARD OF TRUSTEES AND THE DATE WHEN THESE PROVISIONS ARE EFFECTIVE; BY ADDING SECTION 33-49-621 SO AS TO PROVIDE THAT WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, EACH DISTRIBUTION COOPERATIVE MUST PUT THE QUESTION OF SINGLE-MEMBER VOTING DISTRICTS TO ITS MEMBERSHIP AT AN ANNUAL MEETING; BY ADDING SECTION 33-49-625 SO AS TO REQUIRE SPECIFIED NOTICE OF CERTAIN 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; TO AMEND SECTION 33-49-630, RELATING TO COMPENSATION OR EMPLOYMENT OF TRUSTEES, SO AS TO PROHIBIT CERTAIN ACTIONS OR

MONDAY, MAY 20, 2019

CONDUCT BY TRUSTEES WITH SPECIFIED EXCEPTIONS; TO AMEND SECTION 33-49-640, RELATING TO THE ANNUAL ELECTION AND TERMS OF TRUSTEES, SO AS TO PROVIDE THAT INCUMBENT TRUSTEES SEEKING REELECTION SHALL NOT DIRECTLY OR INDIRECTLY INFLUENCE THE NOMINATION OR CREDENTIALS PROCESS; BY ADDING SECTION 33-49-645 SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH TRUSTEE AND OTHER ELECTIONS MUST BE CONDUCTED; TO AMEND SECTION 58-4-50, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT WHEN CONSIDERED NECESSARY BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF AND IN THE PUBLIC INTEREST, THE OFFICE OF REGULATORY STAFF SHALL CONDUCT INSPECTIONS AND AUDITS OF, AND EXAMINATIONS OF COMPLIANCE BY ELECTRIC COOPERATIVES; TO AMEND SECTION 58-4-55, RELATING TO THE PRODUCTION OF RECORDS TO THE OFFICE OF REGULATORY STAFF WHEN CONDUCTING INSPECTIONS, AUDITS, AND EXAMINATIONS, SO AS TO INCLUDE ELECTRIC COOPERATIVES WITHIN THE SECTION, AND TO PROVIDE FOR HOW THE EXPENSES OF THE OFFICE OF REGULATORY STAFF MUST BE CERTIFIED AND ASSESSED TO AUDITED ELECTRIC COOPERATIVES; TO AMEND SECTION 58-27-840, RELATING TO PREFERENCES AND UNREASONABLE DIFFERENCES IN RATES, SO AS TO PROVIDE FOR THE MANNER IN WHICH THIS PROHIBITION APPLIES TO DISTRIBUTION ELECTRIC COOPERATIVES; BY ADDING SECTION 33-49-160 SO AS TO PROVIDE THAT AN ASSOCIATION FORMED BY A GROUP OF ELECTRIC COOPERATIVES THAT MEETS THE REQUIREMENTS OF SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE, IS ORGANIZED UNDER THE LAWS OF THIS STATE AND HAS AS ITS PURPOSE THE REPRESENTATION OF THE INTERESTS OF ELECTRIC COOPERATIVES IN THIS STATE, IS SUBJECT TO CERTAIN REQUIREMENTS, TO REQUIRE CERTAIN DISCLOSURES BY THE ASSOCIATION, TO AUTHORIZE THE ASSOCIATION TO COMPENSATE ITS BOARD OF TRUSTEES AND PROVIDE FOR SPECIFIC REQUIREMENTS IN REGARD TO THIS COMPENSATION, AND TO PROVIDE FOR SPECIFIED ETHICAL AND OTHER RULES OF CONDUCT,

[SJ]

MONDAY, MAY 20, 2019

INCLUDING PROHIBITED ACTIONS BY TRUSTEES AND OFFICERS OF THE ASSOCIATION.

L:\COUNCIL\ACTS\3145SD19.DOCX

(R77, H. 3205) -- Rep. B. Newton: AN ACT 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.

L:\COUNCIL\ACTS\3205SA19.DOCX

(R78, H. 3243) -- Reps. Bernstein, W. Cox, Fry, Clemmons and Hixon: AN ACT 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 FOR VARIOUS DOCUMENTS.

L:\COUNCIL\ACTS\3243SD19.DOCX

(R79, H. 3383) -- Reps. Ott, Hosey, Ridgeway and Cogswell: AN ACT 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 FROM THE PROCEEDS TO BE SHARED WITH THE COUNTIES.

L:\COUNCIL\ACTS\3383CZ19.DOCX

(R80, H. 3586) -- Reps. Sandifer and Forrester: AN ACT 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

[SJ]

MONDAY, MAY 20, 2019

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 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 PROVIDE A LOCAL GOVERNMENT MAY EXEMPT CERTAIN INFORMATION FROM DISCLOSURE AND TO DEFINE THE TERM "IDENTIFYING

[SJ]

MONDAY, MAY 20, 2019

INFORMATION”; AND TO AMEND SECTION 23-47-80, RELATING TO PENALTIES ASSOCIATED WITH UNLAWFULLY PLACING A 911 CALL, SO AS MAKE TECHNICAL CHANGES.
L:\COUNCIL\ACTS\3586CM19.DOCX

(R81, H. 3621) -- Reps. V.S. Moss, D.C. Moss, Erickson and W. Cox: AN ACT 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 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.
L:\COUNCIL\ACTS\3621VR19.DOCX

(R82, 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: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 41 TO TITLE 58 ENTITLED “RENEWABLE ENERGY PROGRAMS” SO AS TO DEFINE RELEVANT TERMS, TO PROVIDE REVIEW AND APPROVAL PROCEEDINGS BY THE PUBLIC SERVICE COMMISSION FOR ELECTRICAL UTILITIES’ AVOIDED COST METHODOLOGIES, STANDARD OFFERS, FORM CONTRACTS, AND COMMITMENT TO SELL FORMS, AND TO ESTABLISH VOLUNTARY RENEWABLE ENERGY PROGRAMS; BY ADDING SECTION 58-27-845 SO AS TO ENUMERATE SPECIFIC RIGHTS OWED TO EVERY

[SJ]

MONDAY, MAY 20, 2019

ELECTRICAL UTILITY CUSTOMER IN SOUTH CAROLINA; 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 DEFINE “SOLAR CHOICE METERING MEASUREMENT”; TO AMEND SECTION 58-40-20, RELATING TO NET ENERGY METERING RATES, SO AS TO DECLARE THE INTENT OF THE GENERAL ASSEMBLY, TO REQUIRE NET ENERGY METERING, AND TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE PUBLIC SERVICE COMMISSION; TO 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 58-37-40, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO, AMONG OTHER THINGS, ESTABLISH MANDATORY CONTENTS OF INTEGRATED RESOURCE PLANS AND PROVIDE FOR CERTAIN REPORTING REQUIREMENTS; BY ADDING SECTION 58-37-60 SO AS TO AUTHORIZE AN INDEPENDENT STUDY TO EVALUATE THE INTEGRATION OF RENEWABLE ENERGY AND EMERGING ENERGY TECHNOLOGIES INTO THE ELECTRIC GRID; 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 TO BE BUILT HAS BEEN COMPARED TO OTHER GENERATION OPTIONS IN TERMS OF COST, RELIABILITY, AND OTHER REGULATORY IMPLICATIONS DEEMED LEGALLY OR REASONABLY NECESSARY FOR CONSIDERATION BY THE COMMISSION; TO AMEND SECTION 58-27-460, RELATING TO THE PROMULGATION OF STANDARDS FOR INTERCONNECTION OF RENEWABLE ENERGY, SO AS TO, AMONG OTHER THINGS, REQUIRE THE PUBLIC SERVICE COMMISSION TO PERIODICALLY REVIEW THE STANDARDS FOR INTERCONNECTION AND PARALLEL OPERATION OF GENERATING FACILITIES TO AN ELECTRICAL UTILITY’S DISTRIBUTION AND TRANSMISSION SYSTEM; BY ADDING SECTION 58-27-2660 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF AND THE DEPARTMENT OF CONSUMER AFFAIRS TO DEVELOP CONSUMER PROTECTION

[SJ]

MONDAY, MAY 20, 2019

REGULATIONS REGARDING THE SALE OR LEASE OF RENEWABLE ENERGY GENERATION FACILITIES; TO AMEND SECTION 58-4-10, AS AMENDED, RELATING TO THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF MUST BE CONSIDERED A PARTY OF RECORD IN ALL FILINGS, APPLICATIONS, OR PROCEEDINGS BEFORE THE PUBLIC SERVICE COMMISSION; AND TO AMEND SECTION 58-4-100, RELATING TO THE EMPLOYMENT OF EXPERT WITNESSES, SO AS TO EXEMPT THE OFFICE OF REGULATORY STAFF FROM THE STATE PROCUREMENT CODE IN THE SELECTION AND EMPLOYMENT OF CERTAIN EXPERT WITNESSES AND THIRD-PARTY CONSULTANTS.

L:\COUNCIL\ACTS\3659ZW19.DOCX

(R83, H. 3662) -- Rep. McCoy: AN ACT 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.

L:\COUNCIL\ACTS\3662AHB19.DOCX

(R84, H. 3703) -- Reps. Lowe, Moore, Rose, Rutherford, Willis, Sottile and Hill: AN ACT TO AMEND SECTION 40-45-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXAMINATION REQUIRED FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE THE MAXIMUM NUMBER OF TIMES A PERSON MAY ATTEMPT TO PASS THE EXAMINATION FROM THREE TO SIX, TO PROVIDE A PERSON WHO FAILS THE EXAMINATION A FIFTH TIME FIRST MUST TAKE COURSES THE BOARD MAY REQUIRE AND FURNISH EVIDENCE OF COMPLETING THESE COURSES BEFORE TAKING THE EXAMINATION A SIXTH TIME, AND TO PROVIDE A PERSON WHO FAILS THE EXAMINATION SIX OR MORE TIMES MAY NOT BE LICENSED BY THE BOARD; AND TO AMEND SECTION 40-45-260, RELATING TO THE PROHIBITION OF THE BOARD FROM GRANTING LICENSURE TO APPLICANTS WHO FAIL THE EXAMINATION THREE OR MORE TIMES, SO AS INCREASE THE NUMBER OF ALLOWED ATTEMPTS TO SIX.

L:\COUNCIL\ACTS\3703WAB19.DOCX

[SJ]

MONDAY, MAY 20, 2019

(R85, 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: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-80 SO AS TO REQUIRE HEALTH CARE FACILITIES 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; 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 BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING; AND TO AMEND SECTION 44-53-360, AS AMENDED, RELATING TO PRESCRIPTIONS, SO AS TO PROVIDE FOR THE USE OF ELECTRONIC PRESCRIPTIONS.
L:\COUNCIL\ACTS\3728VR19.DOCX

(R86, H. 3754) -- Reps. Sandifer, Thayer, Clemmons and Rutherford: AN ACT 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 DECLARATION"; 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 IN THE CASE OF AN INSTALLMENT SALES CONTRACT, AND OTHER

MONDAY, MAY 20, 2019

REQUIREMENTS IN REGARD TO THE CLOSING; BY ADDING ARTICLE 5 TO CHAPTER 32, TITLE 27 SO AS TO ENACT THE "VACATION TIME SHARING PLAN EXTENSION 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; AND TO AMEND SECTION 27-30-120, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO HOMEOWNERS ASSOCIATIONS, SO AS TO REVISE THE DEFINITION OF "HOMEOWNERS ASSOCIATION".

L:\COUNCIL\ACTS\3754SD19.DOCX

(R87, H. 3760) -- Rep. Sandifer: AN ACT TO AMEND ARTICLE 3, CHAPTER 79, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION, SO AS TO MERGE THE JOINT UNDERWRITING ASSOCIATION WITH THE PATIENTS' COMPENSATION FUND AND TO RENAME THE SURVIVING ENTITY THE SOUTH CAROLINA MEDICAL MALPRACTICE ASSOCIATION, TO DEFINE NECESSARY TERMS, TO ALTER THE MEMBERSHIP OF THE ASSOCIATION, TO ESTABLISH CERTAIN REQUIREMENTS FOR THE INITIAL FILING OF POLICY FORMS, TO REQUIRE THE MEMBERS OF THE ASSOCIATION TO PAY AN ASSESSMENT EQUAL TO THE MEMBER'S PROPORTIONAL SHARE OF THE ACCUMULATED DEFICIT OF THE ASSOCIATION, TO INCREASE POLICY LIMITS FOR POLICIES ISSUED BY THE ASSOCIATION ON BEHALF OF ITS MEMBERS, TO REQUIRE THE ASSOCIATION TO SUBMIT ALL POLICY FORMS, CLASSIFICATIONS, RATES, RATING PLANS, OR RULES TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, TO ESTABLISH A UNIFORM ASSESSMENT ON THE MEMBERSHIP OF THE ASSOCIATION AND PROVIDE FOR AN ADDITIONAL SURCHARGE ON PREMIUMS THAT MUST BE ASSESSED ON ASSOCIATION POLICYHOLDERS, TO ESTABLISH CERTAIN OBLIGATIONS FOR TERMINATED MEMBERS OF THE ASSOCIATION, TO ESTABLISH CERTAIN CONDITIONS REGARDING THE ASSOCIATION'S ANNUAL FINANCIAL

[SJ]

MONDAY, MAY 20, 2019

STATEMENT AND THE EXAMINATION OF THE ASSOCIATION BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, TO PROVIDE THE EFFECTIVE DATE OF THE MERGER OF THE PATIENTS' COMPENSATION FUND AND THE JOINT UNDERWRITING ASSOCIATION, TO PROVIDE FOR THE WINDING DOWN OF PATIENTS' COMPENSATION FUND, AND TO PROVIDE FOR THE COMPOSITION OF THE BOARD AND THE DUTIES OF THE ASSOCIATION; AND BY ADDING SECTION 38-79-400 SO AS TO REPEAL THE ARTICLE 5, CHAPTER 79, TITLE 38, RELATING TO THE PATIENTS' COMPENSATION FUND, UPON THE MERGER OF THE PATIENTS' COMPENSATION FUND INTO THE JOINT UNDERWRITING ASSOCIATION.

L:\COUNCIL\ACTS\3760CZ19.DOCX

(R88, H. 3785) -- Reps. Sandifer, Howard, Thayer, West and Weeks: AN ACT TO AMEND SECTION 40-2-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PURPOSES FOR WHICH MEETINGS OF THE BOARD OF ACCOUNTANCY MAY BE CLOSED TO THE PUBLIC, SO AS TO PROVIDE MEETINGS MAY BE CLOSED TO PROTECT CERTAIN CONFIDENTIAL INFORMATION; TO AMEND SECTION 40-2-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CERTIFIED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANTS, SO AS TO REVISE A DEFINITION; TO AMEND SECTION 40-2-35, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EXAMINATIONS BE COMPUTER-BASED; TO AMEND SECTION 40-2-40, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR NONCERTIFIED PUBLIC ACCOUNTANT OWNERS OF CERTIFIED PUBLIC ACCOUNTING FIRMS, SO AS TO INCLUDE CERTAIN ETHICS REQUIREMENTS; TO AMEND SECTION 40-2-80, RELATING TO THE CONFIDENTIAL TREATMENT OF CERTAIN EVIDENCE OBTAINED DURING INVESTIGATIONS BY THE BOARD, SO AS TO PROVIDE ALL PROCEEDINGS AND INQUIRIES RELATED TO THE INVESTIGATIONS ARE CONFIDENTIAL EXCEPT WHEN THE SUBJECT OF AN INVESTIGATION WAIVES CONFIDENTIALITY OF THE EXISTENCE OF THE COMPLAINT; TO AMEND SECTION 40-2-90, RELATING TO INVESTIGATIONS BY THE BOARD, SO AS TO

[SJ]

MONDAY, MAY 20, 2019

PROVIDE DISCIPLINARY HEARINGS BY THE BOARD MUST BE OPEN TO THE PUBLIC EXCEPT IN CERTAIN CIRCUMSTANCES AND ALL EVIDENCE MUST BE MADE PART OF THE RECORD IN THE PROCEEDINGS; TO AMEND SECTION 40-2-240, RELATING TO LICENSURE OF OUT-OF-STATE PERSONS BY THE BOARD, SO AS TO PROVIDE ALTERNATIVE CRITERIA FOR SUCH LICENSURE; AND TO AMEND SECTION 40-2-340, RELATING TO DISCLAIMERS THAT ACCOUNTING PRACTITIONERS AND ACCOUNTING PRACTITIONER FIRMS MUST USE WHEN ASSOCIATING THEIR NAMES WITH CERTAIN COMPILED FINANCIAL STATEMENTS, SO AS TO REMOVE THE EXISTING BOILERPLATE LANGUAGE REQUIRED AND INSTEAD PROVIDE SUCH DISCLAIMERS MUST COMPLY WITH CERTAIN NATIONAL STANDARDS.
L:\COUNCIL\ACTS\3785WAB19.DOCX

(R89, H. 3916) -- Reps. Murphy, Chellis, Kimmons, Simrill and Pope: AN ACT 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 NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONED FOR A PERIOD NOT TO EXCEED THIRTY DAYS, OR BOTH.
L:\COUNCIL\ACTS\3916SA19.DOCX

(R90, H. 3951) -- Reps. Clary, McCoy, Tallon, Bryant, Elliott, Martin, Gagnon, Thayer, McCravy, B. Newton, Jefferson and R. Williams: AN ACT 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 THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES FOR SHERIFF, TO MAKE TECHNICAL CHANGES, TO PROVIDE A SHERIFF HOLDING OFFICE ON THE EFFECTIVE DATE OF THIS SECTION IS NOT REQUIRED TO BE AN EXPERIENCED CERTIFIED LAW ENFORCEMENT OFFICER OR BE ELIGIBLE TO OBTAIN A CLASS 1 LAW ENFORCEMENT OFFICER CERTIFICATE UPON THE COMMENCEMENT OF HIS TERM OF OFFICE, AND TO PROVIDE ADDITIONAL QUALIFICATIONS.
L:\COUNCIL\ACTS\3951CM19.DOCX

[SJ]

MONDAY, MAY 20, 2019

(R91, 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: AN ACT 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 WHO IS UNDER THE AGE OF EIGHTEEN YEARS OR WHO IS UNABLE TO CONSENT, TO CREATE A FELONY OFFENSE OF FEMALE GENITAL MUTILATION, WITH EXCEPTIONS, AND FOR OTHER PURPOSES; 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".

L:\COUNCIL\ACTS\3973VR19.DOCX

(R92, H. 4010) -- Reps. Hixon, Tallon, Johnson and R. Williams: AN ACT 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.

L:\COUNCIL\ACTS\4010AHB19.DOCX

(R93, H. 4011) -- Reps. Hixon, Tallon, Johnson and R. Williams: AN ACT TO AMEND SECTION 49-3-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF 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 REVISE THESE MATTERS.

L:\COUNCIL\ACTS\4011CZ19.DOCX

MONDAY, MAY 20, 2019

(R94, H. 4012) -- Reps. Hixon, Tallon, Johnson and R. Williams: AN ACT 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 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.

[SJ]

MONDAY, MAY 20, 2019

L:\COUNCIL\ACTS\4012AHB19.DOCX

(R95, H. 4013) -- Reps. Hixon, Tallon, Johnson and R. Williams: AN ACT 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.

L:\COUNCIL\ACTS\4013CZ19.DOCX

(R96, H. 4020) -- Reps. Clary, W. Newton, R. Williams, Funderburk, Erickson and Bradley: AN ACT 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.

L:\COUNCIL\ACTS\4020AHB19.DOCX

(R97, H. 4133) -- Reps. Weeks, G.M. Smith, Clyburn, Stavrinakis, Gilliard, Bales, Hosey, Henderson-Myers, R. Williams, Rutherford, Alexander and Forrest: AN ACT 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 INCREASE AN AGGREGATE CREDIT PROVISION, 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 ALLOW FINANCIAL

[SJ]

MONDAY, MAY 20, 2019

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; 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; AND BY ADDING SECTION 12-6-3775 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES CERTAIN SOLAR ENERGY PROPERTY AND THAT PLACES IT IN SERVICE IN CERTAIN PLACES IN THIS STATE, AND TO DEFINE NECESSARY TERMS.

L:\COUNCIL\ACTS\4133DG19.DOCX

(R98, H. 4239) -- Rep. Hewitt: AN ACT 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.

L:\COUNCIL\ACTS\4239CZ19.DOCX

(R99, 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: AN ACT 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, POULTRY, FISH, OR CRUSTACEANS, TO PROVIDE

[SJ]

MONDAY, MAY 20, 2019

THAT THIS PROVISION DOES NOT APPLY TO PLANT-BASED MEAT SUBSTITUTES, AND TO PROVIDE A PENALTY.

L:\COUNCIL\ACTS\4245CM19.DOCX

(R100, H. 4276) -- Rep. Hayes: AN ACT 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.

L:\COUNCIL\ACTS\4276ZW19.DOCX

(R101, H. 4330) -- Rep. McCravy: AN ACT TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

L:\COUNCIL\ACTS\4330ZW19.DOCX

(R102, H. 4380) -- Reps. Rose, Caskey, Huggins, Bales, Anderson, Crawford, Moore, Hewitt and Bailey: AN ACT TO AMEND SECTION 58-23-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAFETY INSPECTION OF TRANSPORTATION NETWORK COMPANY (TNC) VEHICLES, SO AS TO REQUIRE TNC VEHICLES IN THIS STATE TO DISPLAY LICENSE PLATE NUMBERS FROM THE FRONT, TO ESTABLISH ADDITIONAL REQUIREMENTS REGARDING THE FRONT-DISPLAYED LICENSE PLATE NUMBERS, AND TO ESTABLISH MISDEMEANOR OFFENSES FOR MISREPRESENTING ONESELF AS AN AUTHORIZED TNC DRIVER AND KNOWINGLY USING TNC TRADE DRESS OR TNC RIDESHARING APPLICATIONS IN THE FURTHERANCE OF CRIMINAL ACTIVITY.

L:\COUNCIL\ACTS\4380ZW19.DOCX

MONDAY, MAY 20, 2019

ADDENDUM TO THE JOURNAL

The following remarks by Senator SHEALY were ordered printed in the Journal of May 9, 2019:

Remarks by Senator SHEALY

Fellow Senators, I rarely take Points of Personal Interest. In fact I can probably count them on 3 fingers but today I feel that the time has come to just say what needs to be said.

For the last several weeks the tension in this “building” has been growing but it just didn’t start this year -- it’s getting worse and worse and it’s time for someone to say stop. We as a Senate, being the deliberative Body have tried to have the, lets be calm about this, attitude and find a way to work around it while we get worked over by our “friends” across the hall or ignored by our “friends” downstairs. We all have jobs that we feel we are supposed to do, or missions we want to accomplish. This week we sent 28 House Bills back across the hall while all week they have sent back 8 of our Bills. On a personal note. I work on primarily Bills driven by the Children’s Committee. These Bills work to protect those who are unable to protect or speak for themselves. South Carolina’s children don’t have high paid lobbyist standing at the rail every time we walk out the door. They don’t have someone sending you a text when their Bill comes up to remind you how to vote. These children are depending on us and yes, the House to look after them. No one is going to contribute to our campaign when we fight for them but you darn well will sleep better at night when you win one for them. Because the House is upset about S.1 and because I said they were working on House Bills when I felt they should be passing Senate Bills yesterday they have held children’s Bills hostage. There are Bills sitting on the house floor or in someone’s desk that can keep “CHILDREN” from being charged as prostitutes. Bills that can give information to Children’s trust to help us find ways to solve more children’s issues and move the ball forward. There is the Kinship Care Bill allowing payment to caregivers, the child torture Bill...I could go on but most of these Bills passed the Senate unanimously and most, early in the session. Senator McELVEEN has an adoption Bill on the floor that is being held up because of an “OLD” dispute over a magistrate. Really? We can decide if we are going to continue to be called Romper Room and petty. We can decide if we can be told from the floor of the House to take our problems down stairs and straighten them out and keep the House out of the middle of them or we can decide to take back the Senate. This is too much work to at the end of the day feel like you fight to come back

MONDAY, MAY 20, 2019

another day to lose again. If we want to talk about Romper Room or Captain Kangaroo or on a local note Mr. Knozit, look no further than what everyone does when they look at the author of a Bill instead of the content. Look no further than who has the most powerful lobby and forget what you are really voting for, and who it effects. We need to lead. I will continue to fight for the children, veterans and seniors and when something happens to someone because we failed to protect them because of one of these loopholes we left uncovered, that we tried to put in place and it is sitting on the floor or someone's desk, I will have the names of those who held it up and when the media calls I will tell them I don't have the answer, but they might.

It is time to start caring about people and not politics. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator HARPOOTLIAN were ordered printed in the Journal of May 7, 2019:

Remarks by Senator HARPOOTLIAN

Thank you, Mr. PRESIDENT. I have been a member of this Body for a little over four months now, and I am impressed with how deliberate and how focused we are on most issues. As one of the Senators here pointed out to me, we are the deliberative Body. We are the Body that is supposed to give extreme attention to detail and analysis. Not to denigrate our friends across the Chamber, but they pass Bills, we pass laws. Maybe I did mean to denigrate the folks across the hall.

In that vein, I must admit that when they call it the Panthers Bill, the word "panther" is not in it. It is a Bill that would dramatically expand the economic largesse of the State of South Carolina to professional athletic teams. The most immediate beneficiary of that would be the Panthers. But remember now, once this Bill is approved, Mr. Hitt, the Department of Commerce and the Governor will have wide discretion - - unlimited discretion, unfettered discretion, unreviewed discretion -- to give away our money. And I find it extraordinary bothersome in this case, as I've handed out to you my remarks in writing. I'm trying to keep it to those remarks in writing so there's no misunderstanding. I want to know that we do not have a copy of a single written document that would evidence an agreement between the Panthers and the State of South Carolina -- No promises in writing by us or them. I would further note and ask after the House passes this Bill in three weeks, what's the rush? The last time I know of that this Body got into a rush was the Base Load

MONDAY, MAY 20, 2019

Review Act. It breezed through, the consequences of which we are still dealing with. We're not cleaning up the mess, we're minimizing the mess. We're not necessarily fixing the mess. We're trying to limit the number of victims to the mess. So what's the rush?

No other state is competing with this project. I talked to their lawyer and he indicated North Carolina is not attempting to compete. And as I just said, I thought the General Assembly would have learned the perils of precipitous action in light of the Base Load Review Act. There's been no meaningful debate in committee or subcommittee on this Bill. I find this particularly amazing in light of the fact that earlier in this session I participated in a committee meeting that gave more time to whether miniature horses ought to be included in the definition of a service animal than we have spent scrutinizing the finer points of S. 655. Have we learned nothing from the Base Load Review Act -- from the need to scrutinize such overt special interest legislation to ensure it serves the public interest? Is there some reason this deal has to be signed this year based on this incomplete record and the lack of information?

Now, let me talk a little bit about the details. The operative provision in S. 665 is an amendment to the definition of the statutory term "new jobs" and "full-time jobs". Presently a new job is that: a new job. Current law also makes it clear the term "new job" does "not include a job created when an employee has shifted from an existing location in the State to a new or expanded facility". This Bill adds that definition, adding a special exemption for professional sports teams. However, and I quote, "for a professional sports team, a new job means all jobs located in the professional sports team park regardless of whether an employee previously worked in an existing location of the State before 2/19 as an employee of the professional sports team". Of course, this provision is essential to the Panthers because for the last 24 years they've held summer practice sessions at Wofford college in Spartanburg.

S. 655 also changes the very benchmark of success by creating a new category of "full-time job" unique to sports franchises. While current law defines a full-time job as a 35 hour week, this Bill declares a full time job on a professional team as a 180 day work year, at least 80% of which --144 days are spent at the team facility. This accommodation recognizes that the considerable time a franchise spends on the road during which they pay income taxes to states in away locations consistent with the wages earned there. This is known as the "jock tax". Of course, whatever accommodations might be justified in anticipation of taxing wages earned during the season are absent here, for the Panthers never play in South Carolina. Where we rightly prohibit incentives from

MONDAY, MAY 20, 2019

companies shifting facilities from one county to another, are we prepared to authorize the Panthers or any other professional sports team to do precisely that? Are we prepared to take an exception with the incentive model that works for every other industry in this State as deemed worthy of support? If you make the car I drive or the airplane I fly in one standard, if you entertain me for two hours on a Sunday afternoon, we'll write a standard just for you. So understand while this may be the first sports franchise package, it will not be the last -- just the last time this Body has an opportunity to scrutinize such a massive public expenditure and tax giveaway to a private corporation.

The current statute was designed to give commerce the tools to recruit BMW, Boeing and Volvo. Are you prepared today to dramatically redefine the statutory scheme -- to fundamentally change its purpose? And to what end? Under current law, Commerce routinely engages private corporations in economic incentive deals to entice them into our State without bringing the deal into the General Assembly. We never see them. We get the press release like everybody else. The only reason this question is before the Senate is because the Panthers' deal requires a change in law. So ask yourself, are you on board with all future sports franchise incentive packages? Because the Panthers will not be the last and a vote for this Bill is consent for all future deals.

Now with respect to the particulars of the Panther's deal, my hope was that we would have an opportunity to debate the nuances of such a proposal, or perhaps spar over differing economic models. That is one of the reasons I retained an economist to help me to help all of us scrutinize the limited information we were given. I assume there must be volumes of data, economic analyses, term sheets, confidential communications, and other papers that better define the contours of this deal and its punitive benefits. Thanks in large part to Dr. Rebecca Gunnlaugsson's assistance and correspondence with the Governor's office, I have come to the more troubling conclusion that the Panther's proposal is as precisely as ill-defined as has been represented to us and rests on a series of flawed assumptions. I've handed out to you a copy of these remarks, and in addition some attachments, and those attachments are the specifics that we received from the Governor's office and our response to them.

And you'll see a letter on April 8 from Governor McMaster in a two-page letter, with a two-page cost-benefit analysis, touting the merits of the deal, with an economic impact exceeding 3.788 billion. This purported benefit was expected notwithstanding the 40 million dollar cost the State would incur to build a new I-77 exchange in proximity to

[SJ]

MONDAY, MAY 20, 2019

the Panther's facility. On April 10, I wrote the Governor noting I had placed the Bill on the Contested Calendar until the Senate received sufficient information to make an informed judgement about the possible merit of the proposal. I noted that my objections stemmed from insufficient information, and that after sufficient information was disclosed I would remove my objection and allow the Bill to proceed in debate and a vote, even if I concluded it was a Bill I could not support... which is what I'm going to do today, by the way. I promised the Governor, Senator CLIMER, the PRESIDENT, and the Chairman of Senate Finance I would do that. I highlighted the absence of deal-specific records and furnished a preliminary report by Dr. Gunnlaugsson that observed based on publicly available information that the department's net impact was overstated by at least 2.6 billion. The expected job creation was 200 jobs, not 5,700. The department's figures appear to rely on a series of flawed assumptions by assuming all 150 players, coaches and staff will relocate to South Carolina, assuming those individuals will spend all of their wages in our State, and assuming all construction and equipment purchases will be made in South Carolina.

Let me make a couple observations about Dr. Gunnlaugsson. First, she is someone with a doctorate in economics and previously served in state government as the economist for the Department of Commerce. She is a subject matter expert -- has firsthand experience. She knows better than anyone in this Chamber what a commerce deal should look like and what due diligence should have been done. Second, I would be remiss not to correct the record concerning her conclusion or rather, the characterization of her conclusion by the department. Ms. Gunnlaugsson did not conclude that the commerce figures were overstated by \$2.6 billion, but that there would be an economic impact of \$1.1 billion. She did not state that, even though Mr. Hitt has stated that and other supporters have stated, well, "It's still going to be a billion dollars." She concludes that the commerce's economic impact figures are overstated by *at least* \$2,684 billion, but possibly more. Her adjustments are based on the information available. If additional numbers were furnished, she believes those numbers would come down further. On April 11, I received a letter from commerce secretary Bobby Hitt with observations in response to Dr. Gunnlaugsson, and he said, "It's a good deal for the State and York County," noting that even if you assume the doctor's calculations are correct and every point is valid, the benefit to the State is still projected to be \$1.1 billion. *Wrong. Misstated. Distorted. Hyperbolized*, as I just explained that is not accurate.

[SJ]

MONDAY, MAY 20, 2019

Nevertheless, Secretary Hitt's response raised further questions still; for example, in response to the observation that this deal largely shifts economic activity, Secretary Hitt replied that the true scope of that shift cannot be ascertained, an implicit concession that at least the premise was correct. That is, we're shifting jobs, not creating new jobs. Further, Secretary Hitt opined that this deal would spur new economic clusters, like a sports medicine facility, but there is no evidence to support the contention that a new sports medicine facility would open in York instead of Charlotte. Secretary Hitt conceded a foundational assumption underpinning the deal by acknowledging that all Panther's players, coaches and staff "may not move initially to South Carolina." Other discrepancies became apparent; for example, while Secretary Hitt's response noted that the department only assumed 20% of construction-related purchase would occur in South Carolina, that assumption is inconsistent with the \$224 million construction and equipment benefit anticipated by Commerce's figures. The sum exceeds the 200 million-dollar capital investment and the 20%. Those aren't South Carolina construction jobs. It's more likely they'll come out of Charlotte. Also, while Secretary Hitt acknowledged that expected job creation could fall short of 5,700, I am informed by Dr. Gunnlaugsson that the updated calculation provided by Commerce relies on non-standard assumptions inconsistent with the facts.

None of these questions have been resolved, and the administration's response has been focused on obscuring the facts, not clarifying them. For example, we received a recent copy of a letter from the Department of Transportation Secretary Christie Hall to the Governor assuring him that the \$40 million interchange the State plans to build, an interchange to cut player drive time to and from work, "will not be funded with SCDOT funds and will not interfere with any other SCDOT projects". No explanation has been offered as to where the money will come from. I wrote the Governor and said, "If it's not DOT money, where is the money coming from?" That was 10 days ago. Not a word. Now, it's rumored some of it will be federal. Some will come from York. Some will come from the Governor's discretionary fund. But we don't know. Assume Secretary Hall is correct and the 40 million dollar interchange can be funded from some other pot of money. Is that really the best use of these funds? Is there no other road in this State in need of fixing, no other highway in need of a new interchange? I know many of my constituents spend hours of their week commuting to and from work sitting in traffic on congested highways. That's purely wasted time that

MONDAY, MAY 20, 2019

creates no economic value and diminishes the time they spend with family. How many of your constituents do the same?

And if this interchange isn't being built with state money, where will the funds come from? Does the Governor plan to spend federal tax dollars -- in whole or in part -- to build the Panther's interchange? Surely this cannot be his intention, because the Governor has a philosophical commitment to the notion that we cannot and should not to seek to justify a massive public expenditure simply because the federal government will pick up the tab. Governor McMaster and Governor Haley before him refused to expand health insurance coverage for an estimated 170,000 poor children even though the federal government would pay 90% of the cost. Never mind that this expanded insurance coverage would have broadly benefitted doctors and hospitals, a significant economic sector that carries the financial weight of treating uninsured patients in emergency rooms. Forget any moral obligation to care for the poor. But no, philosophy trumped pragmatism and the Governor refused to take the federal money to help insure these women and children. While I am heartened to see that ideology does have its limits in this administration, it will be shocking to learn that the Governor will use federal dollars to build an interchange for David Tepper, a man worth an estimated \$11.6 billion. I requested clarification on this point, but to date, the Governor's office has been silent.

Now, I do want to point out the lack of transparency surrounding this deal is shocking. The lack of transparency surrounding this deal is shocking. This State is prepared to spend 40 to 45 million dollars to build an interchange before the Panthers turn over a single shovel's worth of dirt and give away 115 million dollars in payroll taxes without any empirical evidence that this tax giveaway will deliver the benefits promised. There are no performance benchmarks before incentives kick in, there's no callback provision. Well, if what we're being asked to do here is to trust the professional judgement of Commerce that this is a good deal, the department has been unwilling to extend the same trust to this Body to provide adequate assurances the deal has merit.

I'm not insensitive to the notion that some aspects of an economic incentive deal might be needed to shield from public view in order to protect our competitive advantage. But here I spoke with the Panther's lawyer who, I reiterate, said there's no other state competing. Still in an effort to address what might be an ongoing negotiation, I proposed to the Governor in writing that he meet or his staff meet in executive session and brief us on this matter and he refused.

[SJ]

MONDAY, MAY 20, 2019

In attempting to examine the Panther's deal, I've discovered the optics of this process appear routine with the commerce and its handling of other incentive deals. According to one independent watchdog organization that studies incentive deals, South Carolina is tied for 45th in the nation in transparency when it comes to the success or failure of programs such as this one. There's no accountability with respect to the performance of impact zone investment credits, the Governor's closing fun, job development, and training tax credits -- Job tax credits themselves.

I'm told that on May 1, Secretary Hitt admitted in a meeting with the Senate Commerce and Legislative Oversight Committee -- I believe chaired by Majority Leader Massey -- that when it comes to public reporting by Commerce about the jobs created by any particular deal, Commerce's analysis routinely parrots the benefactor's claim that a deal would create X number of jobs by copying the corporation's press release and releasing it. This is not disclosure. This is propaganda. More troubling still is the manner in which these corporate beneficiaries manipulate the terms of the deal. I'm not going to go into a huge amount of detail; that's in my remarks. But what Secretary Hitt told us last week was that a company that promised 500 jobs might return to Commerce after creating just 250 jobs and Commerce has acceded to such demands. This strikes me as bait and switch.

Because of these reports and the process surrounding S. 655, a bipartisan group of ten members of this Chamber requested a Legislative Audit Council review of all economic incentive packages over the last ten years to examine the efficacy of our strategy based on objective facts: the number of jobs promised versus delivered, the number of dollars actually invested, the accuracy of the department's methodology, and I'm grateful to those of you who joined in this request. With respect to economic incentives more broadly, this is our opportunity today to make an important choice about the proper role of government. Do we believe our role is creating conditions of economic success, an even playing field where all businesses succeed or fail on their own merits, or is our role to pick winners and losers? To put the considerable weight of the State and the public's money behind one market participant; in my view, that is the choice we face here.

Several studies detail the litany of broken promises by sports franchises across the country that have succeeded in fooling state and local governments into wasting spectacular sums of public money. One author's study of the practice details their findings in a book called *Field of Schemes*. Consider a few examples: Virginia's incentive package to

[SJ]

MONDAY, MAY 20, 2019

entice the Washington Redskins. According to a public audit, the financial projections underpinning that decision proved unfeasible, and the city is suffering an annual revenue shortfall in excess of 4.5 million, and has been saddled with a 10 million dollar loan. How about the Minneapolis Vikings? When the Metrodome's roof collapsed in 2010 the owners took state and local government hostage by threatening to leave for Los Angeles. Minnesota forked over 500 million dollars to rebuild the stadium, and the total cost was 678 million, financed over thirty years.

When it comes to exploiting taxpayers and shirking obligations to the public, the Panthers do not fare much better. According to a March 13 report by the Charlotte Observer, at the same time they are pursuing tens of millions of dollars in incentives from our State, the franchise is disputing the value of the Bank of America stadium in an effort to reduce its tax obligation. Had the franchise built the stadium, that argument might carry some weight, but this is a franchise with \$1 per year 100 year lease of a city-owned stadium that just six years ago received \$87.5 million in public funds. And how have the Panthers repaid the city of Charlotte for its largesse? By disputing its tax bill. So today, I rise to explain why I'm removing my procedural hold on S. 655 and why I believe it's critical we call the roll and vote it up or down. As we proceed to debate and vote, let's remember what we plan to tell our constituents about this.

To my conservative friends on record extolling the virtues of the marketplace and the folly of picking winners and losers, what will you tell your constituents about this massive piece of corporate welfare to benefit a single corporation and a billionaire? And to my liberal friends concerned about rising inequity, what will you tell your constituents about why one billionaire received a \$40 million infrastructure project and \$115 million in tax giveaways when so many of our most vulnerable citizens' needs remain unaddressed. Growth is exploding. Growth in Lexington is so out of hand the county is looking to rein it in before it is too late. Instead of passing this Bill we should come back next year and commit ourselves to reforming our economic incentives program to bolster the conditions that incentivize all forms of growth across our State.

I would just say this in conclusion. A couple of weeks ago we participated, all of us, in something I would call "gimmick government". We voted to give \$50 back to every tax filer in a way to show our constituents we care about them. I've been out in my district since then. Let me tell you something. They're not fooled. Every one of them I've

[SJ]

MONDAY, MAY 20, 2019

talked to thought that was a gimmick, and they wanted to know why we were giving a billionaire \$200 million of our money. So I would ask that as I take my hold off, read the materials I've given you. Maybe I haven't expressed this in the most articulate fashion, but this is a bad deal for South Carolina. And I believe, like Senator CAMPSSEN, that this is a great State; we shouldn't have to bribe people to come to us. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator M.B. MATTHEWS were ordered printed in the Journal of April 2, 2019:

Remarks by Senator M.B. MATTHEWS

Thank you Mr. PRESIDENT, for permitting me to be heard. I am before you today -- a lot of you didn't realize that some of us had taken off to spend time with our children for spring break. While I was on spring break with my children, a lot of you heard about the tragic incidences that occurred in Colleton County. I am before you today to tell you a little bit about what has transpired. And I thank a lot of my fellow Senators for calling and checking on me to see exactly what happened. There was a lot of speculation online. Let me tell you what I know from my conversations with all of the parties involved in the incident.

It involved a 10 year old girl in her 5th grade class where there was a substitute teacher. It involved what appears to initially be a simple back and forth between two young girls. It was the substitute teachers first day in that class. There were 20-22 students in that class. It was right before lunch. And you can imagine how kids, normally good kids act -- they usually act out when there is a substitute teacher. We have all been around, or have been 10 years old before. Well, apparently something went on between the two girls, the substitute teacher intervened, and then sent one of the other students into the hallway -- luckily the assistant principal was right down the hallway. He came in and escorted both of the girls to the principal's office. They were still going back and forth with their mouths from what I have been able to discern. The principal put the girls in his office, and one of them complained of her head hurting. She grabbed her head. From what the evidence shows, she was taken right outside of the principal's office and into the nurse's office, which is steps away. Then she became nauseous, vomited, and by the time she was taken to the hospital, she was unresponsive. And then she was Medi-vacced to MUSC. After staying at MUSC the next day, I was

[SJ]

MONDAY, MAY 20, 2019

in Indianapolis with my daughter at a tournament, the grandmother called me and told me, "Oh my God, she is not responsive, they can't get a lead in her. My grandbaby is going to die." I was shocked because I had heard about what was going on from other folks. Low and behold, by Friday morning, no Wednesday morning, when I was driving in -- that was when I had gotten the call that she had passed.

This is a tragic situation, not only for the family of the deceased 10 year old child, but its tragic for, imagine, what the school is feeling, what the teacher that was out is feeling, what the principal is feeling, the assistant principal, and the nurse, and more importantly, the little girl on the other side.

I have heard a lot of people say, "Oh they were kicking her, they ganged her." I have heard none of that. That is so far from the truth. Not even banging of head, the head, that was not an issue as I understand it. Imagine what the substitute teacher is feeling.

Well, I ask, and I have asked my community to withhold their opinions on all of this. And I ask this Senate to consider some things. And number 1, give us your prayers. We need to look at some things regarding our education system. I have talked with Molly Spearman about this, and I thank her for responding to us. We need to seriously look at these classroom sizes. All of us are parents, or have had to supervise children. Can you imagine grouping children in a classroom, and these are a lot of the time in at-risk schools -- grouping them 20-22 students per class. And you've got IEP students mixed with regular students. You don't know what sets folks off. In this particular case, it is understood that it involved IEP students as well as DSS that had intervened previously. So you can imagine. But I wish that, I know we can't get back to the good old days, where your teacher knew you, and your teacher knew your parents, but you know what, I do know, in looking at this -- I have been asked if I was going to introduce anti-bullying legislation. That is the stupidest thing in the world. Because you and I both know that children are not born mean. They are not born a bully. They are not born to hate other students. So, I think we have look at what do we have control of. I would propose that we start thinking about these K-6th grade schools. There should not be one teacher trying to supervise 25 kids. There is no way that teacher can have a relationship with the children. If the teacher was in a small classroom environment, that teacher would know what was going on with little Billy, and what environment he came out of. That teacher would be able to stop a lot of the going back and forth. And, that teacher would be able to separate them. From what I understand, I spoke with all of the parties involved here. These kids were bunched in

[SJ]

MONDAY, MAY 20, 2019

a class. Four desks bunched all together. Not even a lot of room to walk in the class. We've got to think about that. The other issue is -- we should consider, what I think was proposed in the House, limiting class size, as I said already, and we should consider mental health counselors in these schools. We've got to look at that. And, the Teachers Association says, a lot of them have been complaining, and I've gotten a lot of emails. They don't even get a break. They come there at 7 o'clock -- 7:15 in the morning. And some of them, depending upon what classes you have -- you are with students until you go home. They need to have a mental break. We've also have to think about how we are going to integrate special needs kids with the regular population. I ask you to just look at this tragic situation, and don't let young 10 year old Raniya Wright's death, or public persecution of the other folks, go in vain. Please don't.

The other thing I ask before I sit down is for a moment of silence, two days before the Raniya Wright incident, in Walterboro, a young 21 year old man, in the military, -- he was in the reserves -- had mental issues, called the cops, apparently -- from what we are learning -- and we feel that mental issues may have had something to do with it. But the police officer ended up killing this 21 year old man. And I don't want to get into any speculations otherwise, but I do know, I know the police officer and I know the family of the young man, and they are both very distraught because it was a young, new officer.

So, I would like for at this time, Mr. PRESIDENT to request that the Senate take a moment of silence, for Raniya Wright, Colleton County Schools, the Sherriff's Department, the victim and the decedent Derrick Smith. I would ask that we give them a moment of silence in prayer. Thank you.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow at 1:00 P.M.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

MONDAY, MAY 20, 2019

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tracey Carroll, 1930 University Parkway, Suite 1500, Aiken, SC 29801-0009

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Sheridan L. Lynn, Jr., 537 Edgefield Road, North Augusta, SC 29841-2474

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Yvonne A. Rushton, 129 Langely Dam Road, Langley, SC 29834

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Patrick D. Sullivan, 227 Gateway Drive, Suite 133, Aiken, SC 29803-9193

Reappointment, Aiken County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Donna H. Williamson, P. O. Box 99, Wagener, SC 29164-0099

Initial Appointment, Cherokee County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

William Dean Cobb, P. O. Box 204, Blacksburg, SC 29702-0204
VICE Bruce Wayne Byars

Initial Appointment, Chester County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Angela Boyd, 1229 Old Richburg Rd., Chester, SC 29706-5775 *VICE* Lenard Price

Reappointment, Chester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Angel C. Underwood, 2240 Colvin Road, Chester, SC 29706

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

Theodore Wilder, Jr., 111 Graham Street, Chester, SC 29706-2603
VICE Yale Zamore

MONDAY, MAY 20, 2019

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

Olivia Williford, 1024 Center Road, Chester, SC 29706-7141 *VICE*
Barbara Hinnant Cameron

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Katina Capers-Washington, 307 Robinson Avenue, Winnsboro, SC 29180-6153 *VICE* William D. Robinson

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Vannessa Hollins, 445 Maple Street, Winnsboro, SC 29180-1821
VICE Carol A. Tolen

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Danielle Miller, 628 Old Chester Road, Winnsboro, SC 29180-7153
VICE Johnny Dewese

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jonathan A. Horne, 50 Tindal Road, Greenville, SC 29617-7631

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Matthew Bruce Hubbard, 9 Montford Court, Travelers Rest, SC 29690-2262

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James Davis, P.O. Box 1528, Camden, SC 29021-8528

Initial Appointment, Kershaw County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Carrie Tanner, 944 Sessions Road, Elgin, SC 29045-9098 *VICE* Scott Rankin

Reappointment, Kershaw County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Roderick Todd, P. O. Box 1528, Camden, SC 29021-8528

MONDAY, MAY 20, 2019

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

D. Allen Trapp, P. O. Box 1528, Camden, SC 29021-8528

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

Tracy E. Richards, 107 Lewis Lane, Laurens, SC 29360 *VICE* Mareno C. Foggie

Reappointment, Marlboro County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Mia Weaver, 128 Springdale Drive, Bennettsville, SC 29512-2106

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

Diedra Hightower, 613 Dulaney Blvd., Columbia, SC 29229-7416
VICE Josef Robinson

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Clayburn S. Barnette, 3131 Oak Park Road, Rock Hill, SC 29730-7746

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Lynne H. Benfield, 247 Lauren Pines Drive, York, SC 29745-7771

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Clifford E. Berinsky, 4319 Inwood Drive, Rock Hill, SC 29732-9267

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

John C. Dover, 1517 Ole Cambridge Circle, Clover, SC 29710-8214
VICE Douglas W. Sexton

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Johnny H. Grayson, 387 Boyd Road, Clover, SC 29710-7750

MONDAY, MAY 20, 2019

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Lewis D. Malphrus, 608 Pine Street, Fort Mill, SC 29715-1749

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Ashley B. Rhodes, 12088 Smith Ford Road, Hickory Grove, SC 29717-7765

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Michael L. Scurlock, 2773 Bonnybrook Circle, Rock Hill, SC 29732-9415

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

Douglas W. Sexton, 3035 Riker Street, Clover, SC 29710-6723 *VICE*
Johnny Grayson

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Stephanie A. Wood, 4609 Emily Place, Rock Hill, SC 29732-8992

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Leon E. Yard, 2072 Dunlap Roddey Road, Rock Hill, SC 29730-8642

Motion Adopted

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

MOTION ADOPTED

On motion of Senators McELVEEN and JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Valeria H. Ford of Sumter, S.C. Vickie was a member of Sumter First Church of God. She was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MONDAY, MAY 20, 2019

MOTION ADOPTED

On motion of Senators McELVEEN and JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. William "Bill" Thomas Painter of Sumter, S.C. Bill earned his doctorate in education from the University of South Carolina. He was a U.S. Marine Corps veteran and a member of First Presbyterian Church. Bill was a public school administrator and educator for more than 38 years and was selected to the Governor Edwards Task Force for Early Childhood Education and Governor Riley's Education Reform Act Task Force. He served on the board of United Way and was serving as Chairman of the board of directors for the Sumter Education Foundation to mention a few. Bill was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 1:23 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M., under the provisions of S. 785, the *Sine Die* Resolution.

* * *

MONDAY, MAY 20, 2019
SENATE JOURNAL INDEX

S. 21.....	30	H. 3586	40
S. 105.....	30	H. 3601	26, 27
S. 281.....	31	H. 3621	42
S. 314.....	32	H. 3659	42
S. 323.....	32	H. 3662	44
S. 329.....	32	H. 3703	44
S. 359.....	32	H. 3728	45
S. 408.....	33	H. 3754	45
S. 440.....	33	H. 3760	46
S. 575.....	33	H. 3785	47
S. 595.....	34	H. 3916	48
S. 621.....	36	H. 3951	48
S. 842.....	6	H. 3973	49
S. 843.....	6	H. 4010	49
S. 844.....	7	H. 4011	49
S. 845.....	7	H. 4012	50
S. 846.....	7	H. 4013	51
		H. 4020	51
H. 3035	36	H. 4133	51
H. 3036	37	H. 4239	52
H. 3137	8, 9	H. 4243	13, 14
H. 3145	37	H. 4245	52
H. 3205	40	H. 4276	53
H. 3243	40	H. 4330	53
H. 3383	40	H. 4380	53