

NO. 34

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

---

THURSDAY, MARCH 10, 2022  
(STATEWIDE SESSION)

**Thursday, March 10, 2022**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Exodus 15:11: "Who is like you, O Lord, among the gods? Who is like you, majestic in holiness, awesome in glorious deeds, doing wonders?"

Let us pray. Almighty God, when problems threaten to overwhelm us, be our refuge and strength. Continue Your love and faithfulness to these Representatives and staff and all of Your people. Bless our defenders of freedom and first responders. Let Your face shine upon our World, Nation, President, State, Governor, Speaker, Staff, and all those who suffer from wounds. Keep us always in Your love and care. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. STAVRINAKIS moved that when the House adjourns, it adjourn in memory of Melissa Ward Hunter, which was agreed to.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5102 -- Reps. Jones, Fry, Long, May, Haddon, Morgan, McCabe, Dabney, Crawford, M. M. Smith, Willis, B. Cox, Wooten, Trantham, Caskey, Bennett, Nutt, Magnuson, Allison, Bustos, McGarry, Huggins, Hiott, Forrest, Oremus, Burns, T. Moore, McCravy, Hardee, Davis and White: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS AND PRESIDENT BIDEN TO RETURN TO THE "AMERICA FIRST" ENERGY POLICY OF PRESIDENT TRUMP, REAUTHORIZE THE KEYSTONE XL PIPELINE PROJECT, AND

**THURSDAY, MARCH 10, 2022**

UTILIZE ALL OPTIONS POSSIBLE TO MAXIMIZE THE DOMESTIC PRODUCTION OF OIL.

The Concurrent Resolution was ordered referred to the Committee on Judiciary.

**INTRODUCTION OF BILL**

The following Joint Resolution was introduced, read the first time, and referred to appropriate committee:

H. 5103 -- Reps. Jones, Fry, Long, May, Haddon, Morgan, McCabe, Dabney, M. M. Smith, Willis, B. Cox, Oremus, Bennett, Nutt, Magnuson, Bustos, Huggins, Hiott, Burns, Hardee and Forrest: A JOINT RESOLUTION TO SUSPEND THE IMPOSITION OF THE USER FEE ON GASOLINE AND DIESEL FUEL AND THE IMPOSITION OF THE ROAD TAX FOR ONE YEAR.

Referred to Committee on Ways and Means

**ROLL CALL**

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

|               |                 |               |
|---------------|-----------------|---------------|
| Alexander     | Allison         | Anderson      |
| Atkinson      | Bailey          | Ballentine    |
| Bamberg       | Bannister       | Bennett       |
| Bernstein     | Blackwell       | Brawley       |
| Brittain      | Bryant          | Burns         |
| Bustos        | Calhoon         | Carter        |
| Caskey        | Chumley         | Clyburn       |
| Cobb-Hunter   | Cogswell        | Collins       |
| B. Cox        | W. Cox          | Crawford      |
| Dabney        | Davis           | Dillard       |
| Elliott       | Erickson        | Felder        |
| Finlay        | Forrest         | Fry           |
| Gagnon        | Garvin          | Gatch         |
| Gilliam       | Gilliard        | Govan         |
| Haddon        | Hardee          | Hart          |
| Hayes         | Henderson-Myers | Henegan       |
| Herbkersman   | Hewitt          | Hill          |
| Hiott         | Hixon           | Hosey         |
| Howard        | Huggins         | Hyde          |
| J. E. Johnson | J. L. Johnson   | K. O. Johnson |
| Jones         | Jordan          | King          |

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| Kirby       | Ligon       | Long        |
| Lowe        | Lucas       | Magnuson    |
| Matthews    | May         | McCabe      |
| McCravy     | McDaniel    | McGarry     |
| McGinnis    | McKnight    | J. Moore    |
| T. Moore    | Morgan      | D. C. Moss  |
| V. S. Moss  | Murray      | B. Newton   |
| W. Newton   | Nutt        | Oremus      |
| Ott         | Pendarvis   | Pope        |
| Rivers      | Robinson    | Rose        |
| Rutherford  | Sandifer    | Simrill     |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor      | Tedder      | Thayer      |
| Thigpen     | Trantham    | Weeks       |
| West        | Wetmore     | Wheeler     |
| White       | Whitmire    | R. Williams |
| Willis      | Wooten      | Yow         |

**Total Present--114**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. JEFFERSON a leave of absence for medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MURPHY a leave of absence for medical reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. S. WILLIAMS a leave of absence for medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. R. SMITH a leave of absence for the day.

**THURSDAY, MARCH 10, 2022**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PARKS a leave of absence due to a death in the family.

**DOCTOR OF THE DAY**

Announcement was made that Dr. David Mitchell of Spartanburg was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

Bill Number: H. 3340  
Date: REMOVE:  
03/10/22 ATKINSON, HAYES and BRITTAIN

**CO-SPONSOR ADDED**

Bill Number: H. 3498  
Date: ADD:  
03/10/22 DAVIS

**CO-SPONSOR ADDED**

Bill Number: H. 3537  
Date: ADD:  
03/10/22 YOW

**THURSDAY, MARCH 10, 2022**

**CO-SPONSOR ADDED**

Bill Number: H. 3950  
Date: ADD:  
03/10/22 W. NEWTON

**CO-SPONSOR ADDED**

Bill Number: H. 4563  
Date: ADD:  
03/10/22 WHITE

**CO-SPONSOR ADDED**

Bill Number: H. 4567  
Date: ADD:  
03/10/22 FRY

**CO-SPONSOR ADDED**

Bill Number: H. 4568  
Date: ADD:  
03/10/22 CASKEY

**CO-SPONSOR ADDED**

Bill Number: H. 4601  
Date: ADD:  
03/10/22 MATTHEWS

**CO-SPONSOR ADDED**

Bill Number: H. 4817  
Date: ADD:  
03/10/22 HUGGINS

**CO-SPONSOR ADDED**

Bill Number: H. 4837  
Date: ADD:  
03/10/22 MATTHEWS

**CO-SPONSOR ADDED**

Bill Number: H. 4998  
Date: ADD:  
03/10/22 WOOTEN

**THURSDAY, MARCH 10, 2022**

**CO-SPONSOR ADDED**

Bill Number: H. 5037  
Date: ADD:  
03/10/22 WETMORE

**CO-SPONSOR ADDED**

Bill Number: H. 5084  
Date: ADD:  
03/10/22 YOW

**H. 5098--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5098 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE CONSOLIDATION OF BAMBERG EHRHARDT SCHOOL DISTRICT ONE AND DENMARK OLAR SCHOOL DISTRICT TWO (THE TWO PRESENT SCHOOL DISTRICTS) INTO ONE SCHOOL DISTRICT KNOWN AS THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE TWO PRESENT SCHOOL DISTRICTS' BOARDS OF TRUSTEES IF THE APPOINTMENTS TO THE BAMBERG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES RESULT IN THE ABSENCE OF A QUORUM ON BOTH OF THE TWO PRESENT DISTRICTS' BOARDS OF TRUSTEES.

Rep. J. L. JOHNSON moved to adjourn debate upon the following Bill, which was adopted:

**SENT TO THE SENATE**

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

H. 3600 -- Reps. Ott, Taylor, Forrest, Gagnon, Caskey, McCabe, Atkinson, Rivers, S. Williams, Jefferson, R. Williams, Kirby, Yow, Gilliam, Hardee, Sandifer, W. Newton, B. Newton, Ballentine, Bradley and Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-2-140 SO AS TO DEFINE THE TERM "UTILITY TERRAIN VEHICLE" AND PROVIDE FOR THE REGISTRATION AND OPERATION OF THEM ON THE HIGHWAYS AND STREETS OF THE STATE.

[HJ]

**THURSDAY, MARCH 10, 2022**

H. 4866 -- Reps. Chumley, Burns, Magnuson, Long, Kirby, Henegan, Rivers, W. Newton, Cobb-Hunter, Govan, Pendarvis, Forrest, Jones, Trantham, Oremus, Ligon, Haddon, Allison, Nutt, B. Cox, S. Williams, Atkinson, M. M. Smith, McGinnis, Bryant, Gilliam, Henderson-Myers, Ballentine, Herbkersman, Hill, Hiott, Hixon, D. C. Moss, Sandifer, Thayer, Wooten, Whitmire and Garvin: A JOINT RESOLUTION TO PROVIDE A THREE-YEAR PILOT PROGRAM ESTABLISHING RURAL PUBLIC SCHOOL-BASED COMMUNITY CANNERIES WHERE MEMBERS OF THE GENERAL PUBLIC MAY BRING LOCALLY-GROWN PRODUCE TO BE CANNED FOR THEIR PERSONAL USE, TO PROVIDE RELATED RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION AND CLEMSON EXTENSION AGENCY.

**H. 3509--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3509 -- Reps. Fry, Felder, Bernstein, Collins, Kimmons, Robinson, Haddon, V. S. Moss, Pope, Forrest, J. L. Johnson, W. Cox, Carter, Oremus, Henegan, Jefferson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 63 SO AS TO ESTABLISH AN EXTENDED FOSTER CARE PROGRAM AND RELATED PROCEDURES TO ENABLE CERTAIN CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ON THEIR EIGHTEENTH BIRTHDAY TO CONTINUE TO RECEIVE SERVICES AND SUPPORTS FROM THE DEPARTMENT UNTIL THE AGE OF TWENTY-ONE; TO DEFINE TERMS; TO PROVIDE FOR VOLUNTARY AND COURT-ORDERED EXTENDED FOSTER CARE; TO REQUIRE CASE REVIEW AND PERMANENCY PLANNING; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING HEARINGS, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3509 (COUNCIL\VR\3509C002.NBD.VR22):

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

/ SECTION 1. Chapter 7, Title 63 of the 1976 Code is amended by adding:

[HJ]



## THURSDAY, MARCH 10, 2022

### “Article 8

#### Extended Foster Care for Persons Age Eighteen to Twenty-one

Section 63-7-2700. The purpose of this article is to establish procedures for a child who is or was in the legal custody of the Department of Social Services on the child's eighteenth birthday and who has not attained age twenty-one to receive services and supports that promote emotional well-being, economic productivity, self-sufficiency, connection to family and community, and a successful transition to adulthood upon leaving the state's foster care system.

Section 63-7-2710. For purposes of this article:

(1) ‘Administrative case review’ means a review open to the child and if the child consents, the child's parents, conducted by a panel of appropriate persons. Although at least one member of the panel must be a person who is not responsible for the case management of or the delivery of services to the child or the child's parents, employees of the Department of Social Services are appropriate persons and may participate as panelist.

(2) ‘Child’ means a person who is or was in the legal custody of the department on the person's eighteenth birthday, who has not attained age twenty-one, and who meets at least one of the following requirements:

(a) is completing secondary education or a program leading to an equivalent credential;

(b) is enrolled in an institution which provides post-secondary or vocational education;

(c) is participating in a program or activity designed to promote or remove barriers to employment;

(d) is employed for at least eighty hours a month; or

(e) is incapable of doing any of the above-described activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation, and the presence of the condition is supported by regularly updated information in the transition plan.

(3) ‘Childcare institution’ means a private childcare institution, or a public childcare institution which accommodates no more than twenty-five children, that is licensed by the department. ‘Childcare institution’ does not include wilderness camps or training schools, nor does it include any facility that exists primarily for the detention or correction of children.

(4) ‘Court’ means the family court.

(5) ‘Department’ means the Department of Social Services.

**THURSDAY, MARCH 10, 2022**

(6) ‘Foster family home’ means the private home of an individual or family that is licensed by the department and in which a child in foster care has been placed in the care of an individual who resides with the child; has been licensed by the department to be a foster parent that the department deems capable of adhering to the reasonable and prudent parent standard as defined in Section 63-7-20(24); provides twenty-four hour substitute care for children placed away from their parents or other caretakers; and provides care for children subject to capacity limitations set forth in Section 63-7-2400. This term also includes kinship, relative, and child-specific homes.

(7) ‘Legal custody’ means the right to the physical custody, care, and control of the child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian.

(8) ‘Placement and care responsibility’ means the authority conveyed through the court, through written authorization prior to the child’s eighteenth birthday, or through a voluntary placement agreement to provide supervision of the child and the child’s placement.

(9) ‘Supervised independent living setting’ means any housing arrangement that is licensed or approved by the department and which makes support services for a successful transition to adulthood available to the child. Case management for the child must be provided by the department or a contracted provider. The child must reside in the setting voluntarily and the setting does not include wilderness camps or training schools, nor does it include any facility that exists primarily for the detention or correction of children.

(10) ‘Transition plan’ means a written case plan that is personalized, as detailed as the child may elect, and that includes specific options on housing, health insurance, education, local opportunities for mentors and for continuing support services, work force supports, and employment services. A transition plan also must include information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized to make such decisions, and provides the child with the option to execute a health care power of attorney or health care proxy.

(11) ‘Voluntary placement agreement’ means a written agreement, binding on the child and the department, which describes at a minimum,

**THURSDAY, MARCH 10, 2022**

the legal status of the child, as well as the rights and obligations of the child and the department while the child is under the placement and care responsibility of the department.

Section 63-7-2720. There is created within the Department of Social Services an extended foster care program for eligible children, as the term 'child' is defined in Section 63-7-2710. An eligible child is under the placement and care responsibility of the department while participating in the program. The department must provide placement in a licensed foster family home, childcare institution, or in an approved or licensed supervised independent living setting. The department shall adopt rules and promulgate regulations as necessary to implement the extended foster care program.

Section 63-7-2730. (A) Before a child's eighteenth birthday, the child may provide written authorization to remain under the placement and care responsibility of the department after the child attains age eighteen and the court may conclude that it is in the child's best interests to remain under the placement and care responsibility of the department after the child's eighteenth birthday. In such cases, the court's jurisdiction shall continue until the court issues an order terminating its jurisdiction. In no case may the court's jurisdiction pursuant to this article continue beyond the child's twenty-first birthday.

(B) Subject to eligibility criteria established by the department, after attaining age eighteen, a child may enter into a voluntary placement agreement with the department to remain under or return to the placement and care responsibility of the department. The department must develop a transition plan for a child who remains in or returns to the placement and care responsibility of the department.

(C) A voluntary placement agreement terminates within one hundred eighty days after it is executed, unless the court determines that it is in the child's best interests to remain under the placement and care responsibility of the department.

Section 63-7-2740. (A) Within thirty days of entering a voluntary placement agreement, the department shall initiate proceedings for the review of the agreement by filing with the court a summons, petition, and supplemental report as outlined in Subsection (B). The summons, petition, and supplemental report must be served on the child and must include notice of the procedures to request counsel if the child desires representation at the proceedings. No responsive pleading is required. If the child does not have private representation, an attorney can be requested by the child and provided by the Commission on Indigent

**THURSDAY, MARCH 10, 2022**

Defense under the Rule 608 contract program or Rule 608 of the South Carolina Appellate Court Rules.

(B) The supplemental report must include the following:

(1) information necessary to support a determination that the child is eligible to remain under the placement and care responsibility of the department, that the child wants to remain under the placement and care responsibility of the department, and that remaining under the placement and care responsibility of the department is in the child's best interests;

(2) the voluntary placement agreement; and

(3) a transition plan which states specific, measurable goals and objectives.

(C) The court shall conduct a hearing on the petition within sixty days of the filing of the petition. The department must provide written notice of the hearing to the child at least ten days before the hearing and the child is entitled to be present for the hearing.

(D) The court shall include its findings and conclusions in a written order that addresses whether:

(1) the child wants to remain under the placement and care responsibility of the department;

(2) remaining under the placement and care responsibility of the department is in the best interests of the child;

(3) the services provided to the child improve placement;

(4) the services provided to the child further the child's educational or vocational goals, as applicable; and

(5) the department has made reasonable efforts to support the child's transition to living independently.

(E) Under no circumstances may a voluntary placement agreement exceed a child's twenty-first birthday.

Section 63-7-2750. (A) A child who is in the legal custody of the department on the child's eighteenth birthday and who, due to a physical, intellectual, emotional, or psychiatric impairment, cannot execute a voluntary placement agreement in accordance with Section 63-7-2730 (B), may remain in foster care beyond the child's eighteenth birthday and until the department has coordinated appropriate services for a successful transition to adulthood.

(B) Before the child's eighteenth birthday, at a hearing held pursuant to Section 63-7-700, 63-7-1660, 63-7-1680, or 63-7-1700, the court must determine that it is in the child's best interests to remain under the placement and care responsibility of the department beyond the child's eighteenth birthday due to a physical, intellectual, emotional, or

**THURSDAY, MARCH 10, 2022**

psychiatric impairment and until the department has coordinated appropriate services for a successful transition to adulthood. The court shall continue to review the child's status annually pursuant to Section 63-7-1700.

(C) The child's guardian ad litem shall continue to serve as outlined in Section 63-11-510. If the child's guardian ad litem cannot continue to serve, the court shall appoint a guardian ad litem to represent the child as outlined in Section 63-11-510.

(D) The jurisdiction of the court continues until the court determines the department has coordinated appropriate transitional services, but in no case may the court's jurisdiction pursuant to this article exceed the child's twenty-first birthday.

Section 63-7-2760. (A) The department shall establish a developmentally appropriate administrative process to review the case of a child who remains under the placement and care responsibility or in the legal custody of the department beyond the child's eighteenth birthday pursuant to Section 63-7-2730(B) or 63-7-2750.

(B) The department or a contracted provider must conduct an administrative case review no less frequently than once every six months to promote the development of a transition plan designed to help the child acquire the skills necessary to live independently or to promote the delivery of supportive services for the child who, due to physical, intellectual, emotional, or psychiatric impairment, cannot live independently.

(C) Administrative case reviews must include the child and if the child consents, the child's parents, and any other supportive adult identified by the child.

(D) The panel conducting the administrative case review shall present its findings and conclusions to all parties who are entitled to participate in the administrative case review in a written report on a form approved by the department.

Section. 63-7-2770. (A) If a child remains in the legal custody of the department in accordance with Section 63-7-2750, permanency planning hearings must be held annually and in accordance with Section 63-7-1700. The court shall review the status of the child, the child's transition plan, and the progress being made to coordinate supportive services for the child's successful transition to adulthood.

(B) If a child is under the placement and care responsibility of the department in accordance with Section 63-7-2730(B), upon motion filed by the department, the court shall conduct a permanency planning hearing. A permanency planning hearing must be held on an annual basis

**THURSDAY, MARCH 10, 2022**

for as long as the child remains under the placement and care responsibility of the department. The department shall attach a supplemental report to the motion for permanency planning that includes the transition plan and the report of the administrative case review conducted pursuant to Section 63-7-2760. The motion, supplemental report, and notice of the hearing must be served upon the child at least ten days before the permanency planning hearing and the child is entitled to be present for the hearing. The notice of the hearing must inform the child of the procedures to request counsel if the child desires representation. No responsive pleading is required.

(C) The order issued as a result of a hearing pursuant to subsection (B) must make specific findings regarding progress being made toward the child's successful transition from the placement and care responsibility of the department and achieving independence, including whether:

(1) the child wants to remain under the placement and care responsibility of the department pursuant to a voluntary placement agreement;

(2) there is a transition plan that contains specific, measurable goals;

(3) the services being provided are designed to support the child's successful transition to living independently;

(4) the services being provided further the child's placement, vocational, or educational goals;

(5) additional services are necessary to support the child's successful transition to living independently; and

(6) the department has made reasonable efforts to support the child's transition to living independently.

(D) A permanency planning hearing held pursuant to this section meets the requirements of the case review required pursuant to Section 63-7-2760.

Section 63-7-2780. Upon motion of the child or the department at any time, the court may review the child's case to address progress being made toward meeting the child's goals as set forth in the transition plan. The department must provide notice at least ten days before a hearing held pursuant to this section, and the notice must advise the child of the procedures to request counsel if the child desires representation. The child is entitled to be present for the hearing. No responsive pleading is required.

Section 63-7-2790. (A) If the department denies, disqualifies, terminates, or suspends a child from participation in the extended foster

**THURSDAY, MARCH 10, 2022**

care program created pursuant to this article, the department shall notify the child in writing of the right to appeal the adverse decision through the department's fair hearings procedures, unless there is a case pending before the family court that can dispose of the issue. Such notice must be served by certified mail. The notice must explain the fair hearings procedures and must inform the child that notice of intent to appeal must be submitted within thirty days of receipt of the adverse decision. If the department denies, disqualifies, terminates, or suspends a child from participation in the extended foster care program, that child is automatically entitled to representation by a South Carolina licensed attorney. If the child does not have private representation, an attorney can be requested by the child and provided by the Commission on Indigent Defense under the Rule 608 contract program or Rule 608 of the South Carolina Appellate Court Rules.

(B) Judicial review of a final agency decision is in the family court. A child seeking judicial review shall file a petition in the family court within thirty days after the final decision of the department. The child shall serve a copy of the petition upon the department. The family court shall conduct a judicial review in accordance with the standards of review provided for in Section 1-23-380. The court may enter judgment upon the pleadings and a certified transcript of the record which must include the evidence upon which the findings and decisions appealed are based. The judgment must include a determination of whether the decision of the department to disqualify, terminate, or suspend the child from participation in the extended foster care program should be affirmed or reversed. The child is not entitled to a trial de novo in the family court."

SECTION 2. A. Section 63-7-1700(H)(8)-(10) of the 1976 Code is amended to read:

"(8) whether the child has provided written authorization to remain in foster care after the child's eighteenth birthday and whether the court finds that it would be in the child's best interests to remain in foster care after the child's eighteenth birthday for a period not to exceed the child's twenty-first birthday pursuant to Article 8;

(9) whether the child's current placement is safe and appropriate;

~~(9)~~(10) whether the department has made reasonable efforts to assist the parents in remedying the causes of the child's placement or retention in foster care, unless the court has previously authorized the department to terminate or forego reasonable efforts pursuant to Section 63-7-1640; and

**THURSDAY, MARCH 10, 2022**

~~(10)~~(11) the steps the department is taking to promote and expedite the adoptive placement and to finalize the adoption of the child, including documentation of child specific recruitment efforts.”

B. Section 63-7-1700(I)(5) of the 1976 Code is amended to read:

“(5) If the child is retained in foster care pursuant to a plan other than one described in items (1) through (4), future permanency planning hearings must be held at least annually. If the child has provided written authorization to remain in foster care after the child’s eighteenth birthday, the court shall specify whether it is in the child’s best interests to remain in foster care for a period not to exceed the child’s twenty-first birthday pursuant to Article 8.”

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

Rep. BERNSTEIN explained the amendment.

Rep. BERNSTEIN moved to adjourn debate upon the following Bill, which was adopted:

#### **H. 4538--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4538 -- Reps. Whitmire, Bustos, Forrest and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-1-320 SO AS TO PROHIBIT THE UNLAWFUL REMOVAL OR DESTRUCTION OF AN ELECTRONIC COLLAR OR OTHER ELECTRONIC DEVICE PLACED ON A DOG BY ITS OWNER TO MAINTAIN CONTROL OF THE DOG.

Rep. HIOTT moved to adjourn debate on the Bill, which was agreed to.

#### **MOTION ADOPTED**

Rep. G. M. SMITH moved that H. 5150, the General Appropriation Bill for Fiscal Year 2022-2023, be set for Special Order on Monday, March 14, 2022, immediately after roll call and after roll call every day thereafter, and continue each day until given second reading, which was agreed to.



**THURSDAY, MARCH 10, 2022**

**MOTION ADOPTED**

Rep. G. M. SMITH moved that while debating H. 5150 on second reading that the Bills on the Calendar be printed by number only, which was agreed to.

**MOTION ADOPTED**

Rep. G. M. SMITH moved that when the House adjourns today that it adjourn to meet in Local Session tomorrow, Friday, March 11, 2021, and then convene in Statewide Session at 1:00 p.m., Monday, March 14, 2022, which was agreed to.

**MOTION ADOPTED**

Rep. G. M. SMITH moved that H. 5151, the Joint Resolution appropriating the Capital Reserve Fund for Fiscal Year 2021-2022, be set for Special Order immediately following second reading of H. 5150, and immediately after roll call every day thereafter, and continue each day until given second reading, which was agreed to.

**MOTION ADOPTED**

Rep. G. M. SMITH moved that H. 5150 be set for Special Order for third reading immediately after second reading of H. 5151, and immediately after roll call every day thereafter, and continue each day until given third reading, which was agreed to.

**MOTION ADOPTED**

Rep. G. M. SMITH moved that H. 5151 be set for Special Order for third reading immediately after third reading of H. 5150, and immediately after roll call every day thereafter, and continue each day until given third reading, which was agreed to.

**S. 1090--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1090 -- Senator Massey: A BILL TO AMEND SECTION 41-35-40 OF THE 1976 CODE, RELATING TO AN INSURED WORKER'S WEEKLY BENEFIT AMOUNT, TO PROVIDE THAT THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE MUST

[HJ]

**THURSDAY, MARCH 10, 2022**

ANNUALLY ADJUST THE MAXIMUM WEEKLY BENEFIT AMOUNT BY AN AMOUNT BY THE RATE OF INFLATION AND TO RETROACTIVELY RATIFY AND AFFIRM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S INTERPRETATION AND EXECUTION OF SECTION 41-35-40 OF THE 1976 CODE.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 1090 (COUNCIL\WAB\1090C001. RT.WAB22), which was adopted:

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

/ Whereas, pursuant to Section 41-27-40, the General Assembly has the right to amend or repeal all or any part of Chapters 27 through 41 of this Title at any time and there is no vested private right of any kind against such amendment or repeal; and

Whereas, the General Assembly intended to charge the department with the administration of Title 41, Chapters 27 through 41, which includes the enforcement, interpretation, and execution of Section 41-35-40; and

Whereas, the General Assembly has known of the department's enforcement, interpretation, and execution of Section 41-35-40 regarding the weekly maximum benefit amounts paid to claimants; and

Whereas, the General Assembly has continuously approved the decades long practice by the department and its predecessor, the Employment Security Commission, of exercising its discretion to set a weekly maximum amount of unemployment benefits that an individual may receive in a week for the legitimate legislative purpose of ensuring the solvency of the unemployment insurance trust fund and that there are adequate funds to pay unemployment insurance benefits to individuals unemployed through no fault of their own; and

Whereas the General Assembly believes that the department's enforcement, interpretation and execution of Section 41-35-40 has been and continues to be reasonable and consistent with the General Assembly's intent and charge to administer Section 41-35-40; and

Whereas, the General Assembly intends to explicitly reaffirm that the department has always had the discretion to establish a maximum amount of unemployment benefits an individual may receive each week; and

Whereas, the General Assembly intends for this act to apply retroactively and govern all claims for unemployment insurance filed on

**THURSDAY, MARCH 10, 2022**

or after July 1, 2007, and to apply to all proceedings disputing the department's calculation of an unemployed individual's maximum weekly benefit amount pending on or commenced after the date the enactment of this act. Now, therefore, /

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

/ SECTION 1. A. Section 41-35-40 of the 1976 Code is amended to read:

“Section 41-35-40. (A) An insured worker's weekly benefit amount is fifty percent of his weekly average wage, as defined in Section 41-27-140, and the weekly benefit amount, if not a multiple of one dollar, must be computed to the next lower multiple of one dollar. However, no insured worker's weekly benefit amount may be less than forty-two dollars nor greater than sixty-six and two-thirds percent of the statewide average weekly wage most recently computed before the beginning of the individual's benefit year.

(B) The maximum weekly benefit amount set each year by the department within the range established in subsection (A) must be published on the department's website.

(C) The procedure for reconsideration of determinations pursuant to Section 41-35-640 is the sole and exclusive procedure and remedy for disputing the department's determination of an insured worker's weekly benefit amount.”

B. The General Assembly ratifies and affirms that the department has reasonably and faithfully interpreted, executed, and enforced the provisions contained in Section 41-35-40 in accordance with its charge of the administration of the statute and the General Assembly's intent. The provisions of this SECTION shall apply retroactively to govern all claims for unemployment insurance benefits on or after July 1, 2007, so that all such claims are subject to the maximum weekly benefit amount set by the department at the time the claim was filed.

SECTION 2. Section 41-31-60(A) of the 1976 Code is amended to read:

“Section 41-31-60. (A) If on the computation date upon which an employer's tax rate is to be computed as provided in Section 41-31-40 there is a delinquent report, the tax class twenty rate must be assigned to the employer for the period to which the computation applies until the next computation date or until all outstanding tax reports have been filed.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be

**THURSDAY, MARCH 10, 2022**

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

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:  
Yeas 91; Nays 19

Those who voted in the affirmative are:

|             |               |            |
|-------------|---------------|------------|
| Alexander   | Allison       | Anderson   |
| Atkinson    | Bailey        | Ballentine |
| Bamberg     | Bannister     | Bennett    |
| Bernstein   | Blackwell     | Brittain   |
| Bryant      | Burns         | Bustos     |
| Calhoon     | Carter        | Chumley    |
| Clyburn     | Cogswell      | Collins    |
| B. Cox      | W. Cox        | Crawford   |
| Dabney      | Davis         | Elliott    |
| Erickson    | Felder        | Finlay     |
| Forrest     | Fry           | Gagnon     |
| Garvin      | Gatch         | Gilliam    |
| Haddon      | Hardee        | Hayes      |
| Herbkersman | Hewitt        | Hill       |
| Hiott       | Hixon         | Huggins    |
| Hyde        | J. E. Johnson | Jones      |
| Jordan      | Kirby         | Ligon      |
| Long        | Lowe          | Lucas      |
| Magnuson    | May           | McCabe     |
| McCravy     | McGarry       | McGinnis   |

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| McKnight    | J. Moore    | T. Moore    |
| Morgan      | D. C. Moss  | V. S. Moss  |
| B. Newton   | W. Newton   | Nutt        |
| Oremus      | Ott         | Pendarvis   |
| Pope        | Rose        | Rutherford  |
| Sandifer    | M. M. Smith | Stavrinakis |
| Taylor      | Tedder      | Thayer      |
| Thigpen     | Trantham    | West        |
| Wetmore     | White       | Whitmire    |
| R. Williams | Willis      | Wooten      |
| Yow         |             |             |

**Total--91**

Those who voted in the negative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Brawley         | Cobb-Hunter   | Dillard       |
| Gilliard        | Govan         | Hart          |
| Henderson-Myers | Henegan       | Hosey         |
| Howard          | J. L. Johnson | K. O. Johnson |
| King            | Matthews      | McDaniel      |
| Murray          | Robinson      | Weeks         |
| Wheeler         |               |               |

**Total--19**

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

**S. 1090--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. COGSWELL, with unanimous consent, it was ordered that S. 1090 be read the third time tomorrow.

**H. 4837--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4837 -- Reps. Elliott, B. Cox, Felder, B. Newton, Pope, Wooten, Caskey, Collins, Haddon, Gilliam, W. Cox, Atkinson, Jefferson, Forrest, R. Williams, Bryant, T. Moore, Hardee, McGinnis, Anderson, Thigpen, Hayes, Rutherford, Hyde, Daning, Bennett, Huggins, M. M. Smith, White, V. S. Moss, Blackwell, Taylor, Ballentine, Henegan and

[HJ]

THURSDAY, MARCH 10, 2022

Matthews: A BILL TO AMEND SECTION 40-37-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OPTOMETRY MOBILE UNITS, SO AS TO PROVIDE ADDITIONAL REQUIREMENTS FOR THE OPERATION OF SUCH UNITS.

The Committee on Labor, Commerce and Industry proposed the following Amendment No.1 to H. 4837 (COUNCIL\WAB\4837C002.RT.WAB22), which was adopted:

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

/ SECTION 1. Section 40-37-20 of the 1976 Code is amended by adding and item at the end to read:

“( ) ‘Operator’ means the licensed optometrist, optometric practice, or organization engaged in providing optometric services directly or through persons authorized by law to provide the services.”

SECTION 2. Section 40-37-320(B) of the 1976 Code is amended to read:

~~“(B)(1) Mobile units may be used; however, the optometrist shall obtain a registration either by a licensed optometrist, optometric practice, or organization using a licensed optometrist to operate the mobile optometric facility if the operator files a permit for the mobile unit from the board and complies with the other provisions of this subsection. A mobile unit must be limited to visiting and providing services;~~

~~(a) to licensed health care facilities within this State; or~~

~~(b) on the site of a Title I public school to the students attending the school, provided the services must be rendered as part of a not-for-profit program.~~

~~(2) In order to operate a mobile clinic in this State, the operator shall submit a permit application and fee in the form and manner set forth by the board.~~

~~(3)(a) A mobile clinic permit only may be issued following an inspection of the mobile clinic by an authorized representative of the board. Upon the completion of a satisfactory inspection, the board shall issue the applicant a mobile clinic permit. The applicant must affix the permit in a prominent and conspicuous place within the mobile clinic.~~

~~(b) A mobile clinic permit issued under this subsection annually must be renewed upon the payment of a renewal fee and satisfactorily undergoing an annual inspection.~~

~~(c) In addition to the annual inspection, a mobile clinic authorized to operate under this subsection is subject to periodic~~

**THURSDAY, MARCH 10, 2022**

unannounced inspections by an authorized representative of the board. If the mobile unit is a not-for-profit organization operating at a Title I school, the periodic unannounced inspection must be conducted after school hours.

(4)(a) The mobile clinic shall maintain and furnish to the board both an official business address of record, which may not be a post office box, and an official telephone number of record. A mailing address, if different than the business address and used on an official basis, also must be provided to the board.

(b) The board must be notified within thirty days of any change in the address or telephone number of record.

(c) All written or printed documents available from or issued by a mobile clinic must contain an official address and telephone number of record for the mobile clinic.

(d) All records must be maintained and available for inspection and copying upon request by the board, subject to HIPPA and FERPA privacy protections.

(5) The operator in charge of each mobile clinic, in addition to the other requirements of this subsection, shall ensure that:

(a) all services provided in the mobile clinic follow all statutes, regulations, and board policies that regulate the practice of optometry in this State;

(b) written procedures are implemented for emergency or follow-up care for patients treated in the mobile clinic, including making prior arrangements, as may be appropriate, for emergency or follow-up treatment in an optometric facility located in the geographic area where services are being provided;

(c) the mobile clinic complies with all applicable federal, state, and local laws, regulations, and ordinances dealing with flammability, construction, sanitation, zoning, infectious waste management, universal precautions, occupational safety, access by persons with disabilities, and federal Centers for Disease Control guidelines;

(d) the operator possesses all applicable county and city licenses or permits, including business licenses, to operate the unit at the location where services are being provided;

(e) the mobile clinic is at all times fitted with working carbon monoxide detection devices;

(f) no services are performed on minors without consent of their parent or guardian; and

**THURSDAY, MARCH 10, 2022**

(g) during or at the conclusion of each patient's visit to the mobile clinic, the patient is provided with an information sheet, and if the patient or their parent or guardian has provided consent to an institutional facility to assist in the patient's health records, the institutional facility is provided with a copy of the information sheet. An institutional facility includes, but is not limited to, a long-term care facility or school, and an information sheet must include the following:

(i) pertinent contact information as provided by this subsection;

(ii) the name of the optometrist, optician, and other staff who provided services and their license numbers, if applicable;

(iii) a description of the treatment rendered;

(iv) a description of any optometric needs diagnosed during the optometrist's examination; and

(v) a recommendation that the patient see another optometrist if the mobile clinic is unable to provide the follow-up treatment described in subsubitem (iv).

(6) A mobile clinic that accepts a patient and provides preventive treatment, including a screening, eye examination, or prescription for corrective lenses, but does not follow-up with treatment or a referral for treatment when such treatment is clearly indicated, is considered to have abandoned the patient. Appropriate arrangements must be made for treatment services within the patient's geographic area on a follow-up basis. Reasonable attempts to have follow-up treatment when a patient does not reappear for treatment or does not meet a scheduled appointment is not considered abandonment.

(7) In addition to the other requirements of this subsection, every mobile clinic must have:

(a) written procedures and necessary equipment to provide services provided to disabled persons; and

(b) access to an adequate supply of potable water, including hot water either at the clinic or available at locations served by the mobile unit;

(8)(a) All examinations conducted as part of the operation of a mobile clinic must be performed by an optometrist who is licensed to practice optometry in this State. All glasses fitted and dispensed as part of the operation of a mobile clinic must be fitted and dispensed by an optician licensed in this State.

(b) The operator of the mobile clinic shall identify and advise the board in writing within thirty days of any personnel change relative to all licensed optometrists associated with the mobile clinic by



**THURSDAY, MARCH 10, 2022**

providing the full name, address, telephone numbers, and license numbers where applicable.

(c) The operator shall advise the board in writing within thirty days of any change in the written procedure for emergency follow-up care for patients treated in the mobile clinic.

(d) An optometrist providing services in the mobile clinic prominently shall display his license to practice in this State in plain view of patients.

(9)(a) An operator of a mobile clinic shall maintain a confidential written or electronic record detailing each location where services are provided, including:

- (i) the street address of the service location;
- (ii) the dates and times of each session; and
- (iii) the number of patients served.

(b) All confidential written or electronic records required to be maintained by this chapter or applicable regulations shall be made available to the board within ten days of a request by the board, subject to HIPPA and FERPA privacy protections. Costs for such records must be covered by the mobile clinic operator.

(10) Optometric services provided on a mobile clinic must be in the charge of an optometrist licensed to practice optometry in this State at all times.

(11)(a) Upon cessation of operation by the mobile clinic, the operator shall notify the board in writing within thirty days of the last day of operations of the final disposition of patient records and charts.

(b) Upon choosing to discontinue a practice or services in a community, the operator of a mobile clinic shall:

(i) notify all of the operator's active patients in writing that the operator intends to discontinue the mobile clinic's practice in the community;

(ii) encourage the patients to seek the services of another optometrist; and

(iii) make reasonable arrangements with all active patients for the transfer of the patient's records to the patient or a succeeding practitioner.

(c) As used in this subsection, 'active patient' refers to a person whom the mobile clinic has examined, treated, cared for, or otherwise consulted with during the two-year period prior to discontinuation of practice, or moving from or leaving the community.

(12) The board shall adopt rules and regulations regarding the registration, administration, and operation of mobile clinics as may be

THURSDAY, MARCH 10, 2022

necessary to carry out the provisions of this subsection, and may amend, modify, and repeal any rules and regulations from time to time. Failure to comply with any statutes, regulations, or board policies governing the practice of optometry and the operation of a mobile clinic may subject the mobile clinic and any optometrists providing services through the mobile clinic to disciplinary action by the board, including suspension or revocation of the optometrist's license or revocation of the mobile clinic permit. However, a licensed optometrist providing services through a mobile unit shall not be subject to disciplinary action on the sole basis that the licensed optometrist has prescribed eyeglasses without dilating the patient's eye where the following provisions are satisfied:

(a) the operator of the mobile unit is a not-for-profit organization providing services at a Title 1 public school; and

(b) the optometrist practicing in the mobile unit shall:

(i) provide an appropriate eye examination prior to diagnosing, treating, and/or prescribing eyeglasses to the patient;

(ii) when providing an appropriate eye examination pursuant to this subsection that does not necessarily require dilation of the eye, employ technology sufficient to accurately study the health of the eye in order to prescribe eyeglasses to the patient, provided that the prescription for eyeglasses is not based solely on the refractive eye error of the human eye or is generated by a kiosk;

(iii) not prescribe eyeglasses to the patient and provide a referral to another licensed optometrist or ophthalmologist for follow-up care, if the eye examination reveals to the optometrist that a more comprehensive examination is necessary prior to prescribing eyeglasses. Any licensed optometrist or ophthalmologist performing a comprehensive eye examination of a patient referred under this subsection shall conduct a comprehensive eye exam, including dilation of the eyes; and

(iv) if a patient is referred to the optometrist or ophthalmologist with a prescription issued by another licensed optometrist or physician that has conducted a comprehensive eye examination of the patient, provide eyeglasses to the referred patient according to the prescription issued by the referring licensed optometrist or ophthalmologist."

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

Renumber sections to conform.

Amend title to conform.

Rep. COGSWELL explained the amendment.

[HJ]

**THURSDAY, MARCH 10, 2022**

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bamberg         | Bannister     | Bennett       |
| Bernstein       | Blackwell     | Brawley       |
| Bryant          | Burns         | Bustos        |
| Calhoon         | Carter        | Caskey        |
| Chumley         | Clyburn       | Cobb-Hunter   |
| Cogswell        | Collins       | B. Cox        |
| W. Cox          | Crawford      | Dabney        |
| Davis           | Dillard       | Elliott       |
| Erickson        | Felder        | Finlay        |
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Hixon           | Hosey         | Howard        |
| Huggins         | Hyde          | J. E. Johnson |
| J. L. Johnson   | K. O. Johnson | Jones         |
| Jordan          | King          | Kirby         |
| Ligon           | Long          | Lowe          |
| Lucas           | Magnuson      | Matthews      |
| May             | McCabe        | McCravy       |
| McDaniel        | McGarry       | McGinnis      |
| J. Moore        | T. Moore      | Morgan        |
| D. C. Moss      | V. S. Moss    | Murray        |
| B. Newton       | W. Newton     | Nutt          |
| Oremus          | Ott           | Pendarvis     |
| Pope            | Robinson      | Rose          |
| Rutherford      | Sandifer      | G. M. Smith   |
| M. M. Smith     | Stavrinakis   | Taylor        |
| Tedder          | Thayer        | Thigpen       |

**THURSDAY, MARCH 10, 2022**

|          |             |        |
|----------|-------------|--------|
| Trantham | Weeks       | West   |
| Wetmore  | Wheeler     | White  |
| Whitmire | R. Williams | Willis |
| Wooten   | Yow         |        |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**H. 4837--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. COGSWELL, with unanimous consent, it was ordered that H. 4837 be read the third time tomorrow.

**H. 3859--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3859 -- Reps. Jordan, Sandifer, Kirby and Cogswell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT A PERSON WHO OWNS OR OPERATES A WEBSITE DEALING IN ELECTRONIC DISSEMINATION OF THIRD-PARTY COMMERCIAL RECORDINGS OR AUDIOVISUAL WORKS SHALL MAKE CERTAIN DISCLOSURES, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION, TO PROVIDE THAT THIS CHAPTER IS SUPPLEMENTAL TO STATE AND FEDERAL CRIMINAL AND CIVIL LAW, AND TO PROVIDE THAT VIOLATIONS CONSTITUTE AN UNFAIR TRADE PRACTICE.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3859 (COUNCIL\SA\3859C001.DF.SA22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 39-77-20 and inserting:

/ Section 39-77-20. As used in this chapter:

[HJ]

**THURSDAY, MARCH 10, 2022**

(1) ‘Audiovisual works’ means works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

(2) ‘Commercial recording or audiovisual work’ means a recording or audiovisual work whose owner, assignee, authorized agent, or licensee has disseminated or intends to disseminate such recording or audiovisual work for sale, for rental, or for performance or exhibition to the public, including under license, but does not include an excerpt consisting of less than substantially all of a recording or audiovisual work. A recording or audiovisual work may be commercial regardless of whether a person who electronically disseminates it seeks commercial advantage or private financial gain from the dissemination.

(3) ‘Electronic dissemination’ means initiating a transmission of, making available, or otherwise offering a commercial recording or audiovisual work for distribution, display, or performance through the Internet or other digital network, regardless of whether another person has previously electronically disseminated the same commercial recording or audiovisual work.

(4) ‘Website’ means a set of related web pages served from a single web domain. The term does not include a home page or channel page for the user account of a person who is not the owner or operator of the website upon which such user home page or channel page appears. /

Renumber sections to conform.

Amend title to conform.

Rep. COGSWELL explained the amendment.

The amendment was then adopted.

Rep. COGSWELL explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

**THURSDAY, MARCH 10, 2022**

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bamberg         | Bannister     | Bennett       |
| Bernstein       | Blackwell     | Brawley       |
| Brittain        | Bryant        | Burns         |
| Bustos          | Calhoon       | Carter        |
| Caskey          | Chumley       | Clyburn       |
| Cobb-Hunter     | Cogswell      | Collins       |
| B. Cox          | W. Cox        | Crawford      |
| Dabney          | Davis         | Dillard       |
| Elliott         | Felder        | Finlay        |
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Hixon           | Hosey         | Howard        |
| Huggins         | Hyde          | J. E. Johnson |
| J. L. Johnson   | K. O. Johnson | Jones         |
| Jordan          | King          | Kirby         |
| Ligon           | Long          | Lowe          |
| Lucas           | Matthews      | May           |
| McCravy         | McDaniel      | McGarry       |
| McGinnis        | J. Moore      | T. Moore      |
| Morgan          | D. C. Moss    | V. S. Moss    |
| Murray          | B. Newton     | W. Newton     |
| Nutt            | Oremus        | Ott           |
| Pendarvis       | Pope          | Rivers        |
| Rose            | Rutherford    | Sandifer      |
| Simrill         | G. M. Smith   | M. M. Smith   |
| Stavrinakis     | Taylor        | Tedder        |
| Thayer          | Thigpen       | Trantham      |
| Weeks           | West          | Wetmore       |
| Wheeler         | White         | Whitmire      |
| R. Williams     | Willis        | Wooten        |
| Yow             |               |               |

**Total--109**

**THURSDAY, MARCH 10, 2022**

Those who voted in the negative are:

**Total--0**

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

**H. 3859--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. COGSWELL, with unanimous consent, it was ordered that H. 3859 be read the third time tomorrow.

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

**RECURRENCE TO THE MORNING HOUR**

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

**H. 5098--ORDERED TO THIRD READING**

H. 5098 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE CONSOLIDATION OF BAMBERG EHRHARDT SCHOOL DISTRICT ONE AND DENMARK OLAR SCHOOL DISTRICT TWO (THE TWO PRESENT SCHOOL DISTRICTS) INTO ONE SCHOOL DISTRICT KNOWN AS THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE TWO PRESENT SCHOOL DISTRICTS' BOARDS OF TRUSTEES IF THE APPOINTMENTS TO THE BAMBERG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES RESULT IN THE ABSENCE OF A QUORUM ON BOTH OF THE TWO PRESENT DISTRICTS' BOARDS OF TRUSTEES.

Rep. BAMBERG explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 1

Those who voted in the affirmative are:

|           |           |            |
|-----------|-----------|------------|
| Alexander | Allison   | Anderson   |
| Atkinson  | Bailey    | Ballentine |
| Bamberg   | Bannister | Bennett    |

[HJ]

**THURSDAY, MARCH 10, 2022**

|                 |               |               |
|-----------------|---------------|---------------|
| Bernstein       | Blackwell     | Brittain      |
| Bryant          | Burns         | Calhoon       |
| Carter          | Chumley       | Clyburn       |
| Cobb-Hunter     | Cogswell      | Collins       |
| B. Cox          | Crawford      | Dabney        |
| Davis           | Dillard       | Elliott       |
| Erickson        | Felder        | Finlay        |
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hixon         | Hosey         |
| Howard          | Huggins       | Hyde          |
| J. E. Johnson   | J. L. Johnson | K. O. Johnson |
| Jordan          | Kirby         | Ligon         |
| Long            | Lucas         | Matthews      |
| McDaniel        | McGarry       | J. Moore      |
| T. Moore        | Morgan        | D. C. Moss    |
| V. S. Moss      | Murray        | B. Newton     |
| W. Newton       | Nutt          | Oremus        |
| Ott             | Pendarvis     | Pope          |
| Rivers          | Robinson      | Rose          |
| Rutherford      | G. M. Smith   | M. M. Smith   |
| Stavrinakis     | Taylor        | Thayer        |
| Thigpen         | Weeks         | West          |
| Wetmore         | Wheeler       | White         |
| R. Williams     | Willis        | Wooten        |
| Yow             |               |               |

**Total--94**

Those who voted in the negative are:  
Hill

**Total--1**

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



**THURSDAY, MARCH 10, 2022**

**H. 5098--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. BAMBERG, with unanimous consent, it was ordered that H. 5098 be read the third time tomorrow.

**H. 3509--AMENDED AND SENT TO THE SENATE**

The following Bill was taken up:

H. 3509 -- Reps. Fry, Felder, Bernstein, Collins, Kimmons, Robinson, Haddon, V. S. Moss, Pope, Forrest, J. L. Johnson, W. Cox, Carter, Oremus, Henegan, Jefferson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 63 SO AS TO ESTABLISH AN EXTENDED FOSTER CARE PROGRAM AND RELATED PROCEDURES TO ENABLE CERTAIN CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ON THEIR EIGHTEENTH BIRTHDAY TO CONTINUE TO RECEIVE SERVICES AND SUPPORTS FROM THE DEPARTMENT UNTIL THE AGE OF TWENTY-ONE; TO DEFINE TERMS; TO PROVIDE FOR VOLUNTARY AND COURT-ORDERED EXTENDED FOSTER CARE; TO REQUIRE CASE REVIEW AND PERMANENCY PLANNING; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING HEARINGS, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3509 (COUNCIL\VR\3509C002.NBD.VR22), which was adopted:

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

/ SECTION 1. Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Article 8

Extended Foster Care for Persons Age Eighteen to Twenty-one

Section 63-7-2700. The purpose of this article is to establish procedures for a child who is or was in the legal custody of the Department of Social Services on the child’s eighteenth birthday and who has not attained age twenty-one to receive services and supports that promote emotional well-being, economic productivity, self-sufficiency,

**THURSDAY, MARCH 10, 2022**

connection to family and community, and a successful transition to adulthood upon leaving the state's foster care system.

Section 63-7-2710. For purposes of this article:

(1) 'Administrative case review' means a review open to the child and if the child consents, the child's parents, conducted by a panel of appropriate persons. Although at least one member of the panel must be a person who is not responsible for the case management of or the delivery of services to the child or the child's parents, employees of the Department of Social Services are appropriate persons and may participate as panelist.

(2) 'Child' means a person who is or was in the legal custody of the department on the person's eighteenth birthday, who has not attained age twenty-one, and who meets at least one of the following requirements:

(a) is completing secondary education or a program leading to an equivalent credential;

(b) is enrolled in an institution which provides post-secondary or vocational education;

(c) is participating in a program or activity designed to promote or remove barriers to employment;

(d) is employed for at least eighty hours a month; or

(e) is incapable of doing any of the above-described activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation, and the presence of the condition is supported by regularly updated information in the transition plan.

(3) 'Childcare institution' means a private childcare institution, or a public childcare institution which accommodates no more than twenty-five children, that is licensed by the department. 'Childcare institution' does not include wilderness camps or training schools, nor does it include any facility that exists primarily for the detention or correction of children.

(4) 'Court' means the family court.

(5) 'Department' means the Department of Social Services.

(6) 'Foster family home' means the private home of an individual or family that is licensed by the department and in which a child in foster care has been placed in the care of an individual who resides with the child; has been licensed by the department to be a foster parent that the department deems capable of adhering to the reasonable and prudent parent standard as defined in Section 63-7-20(24); provides twenty-four hour substitute care for children placed away from their parents or other caretakers; and provides care for children subject to capacity limitations

**THURSDAY, MARCH 10, 2022**

set forth in Section 63-7-2400. This term also includes kinship, relative, and child-specific homes.

(7) 'Legal custody' means the right to the physical custody, care, and control of the child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian.

(8) 'Placement and care responsibility' means the authority conveyed through the court, through written authorization prior to the child's eighteenth birthday, or through a voluntary placement agreement to provide supervision of the child and the child's placement.

(9) 'Supervised independent living setting' means any housing arrangement that is licensed or approved by the department and which makes support services for a successful transition to adulthood available to the child. Case management for the child must be provided by the department or a contracted provider. The child must reside in the setting voluntarily and the setting does not include wilderness camps or training schools, nor does it include any facility that exists primarily for the detention or correction of children.

(10) 'Transition plan' means a written case plan that is personalized, as detailed as the child may elect, and that includes specific options on housing, health insurance, education, local opportunities for mentors and for continuing support services, work force supports, and employment services. A transition plan also must include information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized to make such decisions, and provides the child with the option to execute a health care power of attorney or health care proxy.

(11) 'Voluntary placement agreement' means a written agreement, binding on the child and the department, which describes at a minimum, the legal status of the child, as well as the rights and obligations of the child and the department while the child is under the placement and care responsibility of the department.

Section 63-7-2720. There is created within the Department of Social Services an extended foster care program for eligible children, as the term 'child' is defined in Section 63-7-2710. An eligible child is under the placement and care responsibility of the department while participating in the program. The department must provide placement in

a licensed foster family home, childcare institution, or in an approved or licensed supervised independent living setting. The department shall adopt rules and promulgate regulations as necessary to implement the extended foster care program.

Section 63-7-2730. (A) Before a child's eighteenth birthday, the child may provide written authorization to remain under the placement and care responsibility of the department after the child attains age eighteen and the court may conclude that it is in the child's best interests to remain under the placement and care responsibility of the department after the child's eighteenth birthday. In such cases, the court's jurisdiction shall continue until the court issues an order terminating its jurisdiction. In no case may the court's jurisdiction pursuant to this article continue beyond the child's twenty-first birthday.

(B) Subject to eligibility criteria established by the department, after attaining age eighteen, a child may enter into a voluntary placement agreement with the department to remain under or return to the placement and care responsibility of the department. The department must develop a transition plan for a child who remains in or returns to the placement and care responsibility of the department.

(C) A voluntary placement agreement terminates within one hundred eighty days after it is executed, unless the court determines that it is in the child's best interests to remain under the placement and care responsibility of the department.

Section 63-7-2740. (A) Within thirty days of entering a voluntary placement agreement, the department shall initiate proceedings for the review of the agreement by filing with the court a summons, petition, and supplemental report as outlined in Subsection (B). The summons, petition, and supplemental report must be served on the child and must include notice of the procedures to request counsel if the child desires representation at the proceedings. No responsive pleading is required. If the child does not have private representation, an attorney can be requested by the child and provided by the Commission on Indigent Defense under the Rule 608 contract program or Rule 608 of the South Carolina Appellate Court Rules.

(B) The supplemental report must include the following:

(1) information necessary to support a determination that the child is eligible to remain under the placement and care responsibility of the department, that the child wants to remain under the placement and care responsibility of the department, and that remaining under the placement and care responsibility of the department is in the child's best interests;

**THURSDAY, MARCH 10, 2022**

- (2) the voluntary placement agreement; and
- (3) a transition plan which states specific, measurable goals and objectives.

(C) The court shall conduct a hearing on the petition within sixty days of the filing of the petition. The department must provide written notice of the hearing to the child at least ten days before the hearing and the child is entitled to be present for the hearing.

(D) The court shall include its findings and conclusions in a written order that addresses whether:

- (1) the child wants to remain under the placement and care responsibility of the department;
- (2) remaining under the placement and care responsibility of the department is in the best interests of the child;
- (3) the services provided to the child improve placement;
- (4) the services provided to the child further the child's educational or vocational goals, as applicable; and
- (5) the department has made reasonable efforts to support the child's transition to living independently.

(E) Under no circumstances may a voluntary placement agreement exceed a child's twenty-first birthday.

Section 63-7-2750. (A) A child who is in the legal custody of the department on the child's eighteenth birthday and who, due to a physical, intellectual, emotional, or psychiatric impairment, cannot execute a voluntary placement agreement in accordance with Section 63-7-2730 (B), may remain in foster care beyond the child's eighteenth birthday and until the department has coordinated appropriate services for a successful transition to adulthood.

(B) Before the child's eighteenth birthday, at a hearing held pursuant to Section 63-7-700, 63-7-1660, 63-7-1680, or 63-7-1700, the court must determine that it is in the child's best interests to remain under the placement and care responsibility of the department beyond the child's eighteenth birthday due to a physical, intellectual, emotional, or psychiatric impairment and until the department has coordinated appropriate services for a successful transition to adulthood. The court shall continue to review the child's status annually pursuant to Section 63-7-1700.

(C) The child's guardian ad litem shall continue to serve as outlined in Section 63-11-510. If the child's guardian ad litem cannot continue to serve, the court shall appoint a guardian ad litem to represent the child as outlined in Section 63-11-510.

**THURSDAY, MARCH 10, 2022**

(D) The jurisdiction of the court continues until the court determines the department has coordinated appropriate transitional services, but in no case may the court's jurisdiction pursuant to this article exceed the child's twenty-first birthday.

Section 63-7-2760. (A) The department shall establish a developmentally appropriate administrative process to review the case of a child who remains under the placement and care responsibility or in the legal custody of the department beyond the child's eighteenth birthday pursuant to Section 63-7-2730(B) or 63-7-2750.

(B) The department or a contracted provider must conduct an administrative case review no less frequently than once every six months to promote the development of a transition plan designed to help the child acquire the skills necessary to live independently or to promote the delivery of supportive services for the child who, due to physical, intellectual, emotional, or psychiatric impairment, cannot live independently.

(C) Administrative case reviews must include the child and if the child consents, the child's parents, and any other supportive adult identified by the child.

(D) The panel conducting the administrative case review shall present its findings and conclusions to all parties who are entitled to participate in the administrative case review in a written report on a form approved by the department.

Section. 63-7-2770. (A) If a child remains in the legal custody of the department in accordance with Section 63-7-2750, permanency planning hearings must be held annually and in accordance with Section 63-7-1700. The court shall review the status of the child, the child's transition plan, and the progress being made to coordinate supportive services for the child's successful transition to adulthood.

(B) If a child is under the placement and care responsibility of the department in accordance with Section 63-7-2730(B), upon motion filed by the department, the court shall conduct a permanency planning hearing. A permanency planning hearing must be held on an annual basis for as long as the child remains under the placement and care responsibility of the department. The department shall attach a supplemental report to the motion for permanency planning that includes the transition plan and the report of the administrative case review conducted pursuant to Section 63-7-2760. The motion, supplemental report, and notice of the hearing must be served upon the child at least ten days before the permanency planning hearing and the child is entitled to be present for the hearing. The notice of the hearing must inform the

**THURSDAY, MARCH 10, 2022**

child of the procedures to request counsel if the child desires representation. No responsive pleading is required.

(C) The order issued as a result of a hearing pursuant to subsection (B) must make specific findings regarding progress being made toward the child's successful transition from the placement and care responsibility of the department and achieving independence, including whether:

(1) the child wants to remain under the placement and care responsibility of the department pursuant to a voluntary placement agreement;

(2) there is a transition plan that contains specific, measurable goals;

(3) the services being provided are designed to support the child's successful transition to living independently;

(4) the services being provided further the child's placement, vocational, or educational goals;

(5) additional services are necessary to support the child's successful transition to living independently; and

(6) the department has made reasonable efforts to support the child's transition to living independently.

(D) A permanency planning hearing held pursuant to this section meets the requirements of the case review required pursuant to Section 63-7-2760.

Section 63-7-2780. Upon motion of the child or the department at any time, the court may review the child's case to address progress being made toward meeting the child's goals as set forth in the transition plan. The department must provide notice at least ten days before a hearing held pursuant to this section, and the notice must advise the child of the procedures to request counsel if the child desires representation. The child is entitled to be present for the hearing. No responsive pleading is required.

Section 63-7-2790. (A) If the department denies, disqualifies, terminates, or suspends a child from participation in the extended foster care program created pursuant to this article, the department shall notify the child in writing of the right to appeal the adverse decision through the department's fair hearings procedures, unless there is a case pending before the family court that can dispose of the issue. Such notice must be served by certified mail. The notice must explain the fair hearings procedures and must inform the child that notice of intent to appeal must be submitted within thirty days of receipt of the adverse decision. If the department denies, disqualifies, terminates, or suspends a child from

**THURSDAY, MARCH 10, 2022**

participation in the extended foster care program, that child is automatically entitled to representation by a South Carolina licensed attorney. If the child does not have private representation, an attorney can be requested by the child and provided by the Commission on Indigent Defense under the Rule 608 contract program or Rule 608 of the South Carolina Appellate Court Rules.

(B) Judicial review of a final agency decision is in the family court. A child seeking judicial review shall file a petition in the family court within thirty days after the final decision of the department. The child shall serve a copy of the petition upon the department. The family court shall conduct a judicial review in accordance with the standards of review provided for in Section 1-23-380. The court may enter judgment upon the pleadings and a certified transcript of the record which must include the evidence upon which the findings and decisions appealed are based. The judgment must include a determination of whether the decision of the department to disqualify, terminate, or suspend the child from participation in the extended foster care program should be affirmed or reversed. The child is not entitled to a trial de novo in the family court.”

SECTION 2. A. Section 63-7-1700(H)(8)-(10) of the 1976 Code is amended to read:

“(8) whether the child has provided written authorization to remain in foster care after the child’s eighteenth birthday and whether the court finds that it would be in the child’s best interests to remain in foster care after the child’s eighteenth birthday for a period not to exceed the child’s twenty-first birthday pursuant to Article 8;

(9) whether the child’s current placement is safe and appropriate;

~~(9)~~(10) whether the department has made reasonable efforts to assist the parents in remedying the causes of the child’s placement or retention in foster care, unless the court has previously authorized the department to terminate or forego reasonable efforts pursuant to Section 63-7-1640; and

~~(10)~~(11) the steps the department is taking to promote and expedite the adoptive placement and to finalize the adoption of the child, including documentation of child specific recruitment efforts.”

B. Section 63-7-1700(I)(5) of the 1976 Code is amended to read:

“(5) If the child is retained in foster care pursuant to a plan other than one described in items (1) through (4), future permanency planning hearings must be held at least annually. If the child has provided written authorization to remain in foster care after the child’s eighteenth



**THURSDAY, MARCH 10, 2022**

birthday, the court shall specify whether it is in the child's best interests to remain in foster care for a period not to exceed the child's twenty-first birthday pursuant to Article 8."

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

Rep. BERNSTEIN spoke in favor of the amendment.  
The amendment was then adopted.

Rep. FRY proposed the following Amendment No. 2 to H. 3509 (COUNCIL\AHB\3509C001.BH.AHB22), which was adopted:

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

/ SECTION 3. This act takes effect upon approval by the Governor and is contingent upon funding in the general appropriations bill. /  
Renumber sections to conform.  
Amend title to conform.

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:  
Yeas 103; Nays 0

Those who voted in the affirmative are:

|           |           |             |
|-----------|-----------|-------------|
| Alexander | Allison   | Anderson    |
| Atkinson  | Bailey    | Ballentine  |
| Bamberg   | Bannister | Bennett     |
| Bernstein | Blackwell | Brawley     |
| Brittain  | Bryant    | Burns       |
| Bustos    | Carter    | Caskey      |
| Chumley   | Clyburn   | Cobb-Hunter |
| Cogswell  | Collins   | B. Cox      |
| W. Cox    | Crawford  | Dabney      |
| Davis     | Dillard   | Elliott     |
| Erickson  | Felder    | Finlay      |
| Forrest   | Fry       | Gagnon      |
| Garvin    | Gatch     | Gilliam     |

[HJ]

**THURSDAY, MARCH 10, 2022**

|                 |               |               |
|-----------------|---------------|---------------|
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hiott         | Hixon         |
| Hosey           | Howard        | Huggins       |
| Hyde            | J. E. Johnson | J. L. Johnson |
| Jones           | Jordan        | King          |
| Kirby           | Ligon         | Long          |
| Lowe            | Lucas         | Matthews      |
| May             | McCravy       | McDaniel      |
| McGarry         | McGinnis      | J. Moore      |
| T. Moore        | Morgan        | D. C. Moss    |
| V. S. Moss      | B. Newton     | W. Newton     |
| Nutt            | Oremus        | Pendarvis     |
| Pope            | Rivers        | Robinson      |
| Rose            | Rutherford    | Sandifer      |
| G. M. Smith     | M. M. Smith   | Stavrinakis   |
| Taylor          | Tedder        | Thayer        |
| Thigpen         | Weeks         | Wetmore       |
| Wheeler         | White         | Whitmire      |
| R. Williams     | Willis        | Wooten        |
| Yow             |               |               |

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**H. 4538--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4538 -- Reps. Whitmire, Bustos, Forrest and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-1-320 SO AS TO PROHIBIT THE UNLAWFUL REMOVAL OR DESTRUCTION OF AN ELECTRONIC COLLAR OR OTHER ELECTRONIC DEVICE

**THURSDAY, MARCH 10, 2022**

PLACED ON A DOG BY ITS OWNER TO MAINTAIN CONTROL OF THE DOG.

Rep. HIOTT moved to adjourn debate on the Bill, which was agreed to.

**H. 5036--POINT OF ORDER**

The following Bill was taken up:

H. 5036 -- Reps. Sandifer, West, Thigpen, Hardee, Jordan, Anderson, Bailey, Gagnon, Simrill, Thayer, White and Atkinson: A BILL TO AMEND ARTICLE 3 OF CHAPTER 15, TITLE 31, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDINGS UNFIT FOR HABITATION IN COUNTIES, SO AS TO EXTEND THE PROVISIONS OF THE CHAPTER TO BUILDINGS UNFIT FOR OCCUPATION, TO ADD A CAUSE FOR WHICH POLICE POWERS MAY BE USED REGARDING RUBBISH, AND TO DELETE AN APPROVAL REQUIREMENT.

**POINT OF ORDER**

Rep. W. COX made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4889--POINT OF ORDER**

The following Bill was taken up:

H. 4889 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-79-215 SO AS TO PROHIBIT AN ALARM BUSINESS OR CONTRACTOR FROM BEING FINED FOR A FALSE ALARM NOT ATTRIBUTED TO IMPROPER INSTALLATION, DEFECTIVE EQUIPMENT, OR OPERATIONAL ERROR BY THE ALARM BUSINESS OR CONTRACTOR.

**POINT OF ORDER**

Rep. BENNETT made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not

**THURSDAY, MARCH 10, 2022**

been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**S. 973--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 973 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUME 21 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2022.

Rep. J. E. JOHNSON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|                 |           |               |
|-----------------|-----------|---------------|
| Alexander       | Allison   | Anderson      |
| Atkinson        | Bailey    | Ballentine    |
| Bamberg         | Bannister | Bennett       |
| Bernstein       | Blackwell | Brawley       |
| Brittain        | Bryant    | Burns         |
| Bustos          | Calhoon   | Carter        |
| Chumley         | Clyburn   | Cobb-Hunter   |
| Cogswell        | Collins   | B. Cox        |
| W. Cox          | Crawford  | Dabney        |
| Davis           | Dillard   | Elliott       |
| Erickson        | Felder    | Finlay        |
| Forrest         | Fry       | Gagnon        |
| Garvin          | Gatch     | Gilliam       |
| Gilliard        | Govan     | Haddon        |
| Hardee          | Hart      | Hayes         |
| Henderson-Myers | Henegan   | Herbkersman   |
| Hewitt          | Hill      | Hiott         |
| Hixon           | Hosey     | Howard        |
| Huggins         | Hyde      | J. E. Johnson |
| K. O. Johnson   | Jones     | Jordan        |
| King            | Kirby     | Ligon         |
| Long            | Lowe      | Lucas         |

[HJ]

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| Magnuson    | Matthews    | May         |
| McCabe      | McCravy     | McDaniel    |
| McGarry     | McGinnis    | J. Moore    |
| T. Moore    | Morgan      | D. C. Moss  |
| V. S. Moss  | Murray      | B. Newton   |
| W. Newton   | Nutt        | Ott         |
| Pendarvis   | Pope        | Rivers      |
| Robinson    | Rose        | Rutherford  |
| Sandifer    | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor      | Tedder      |
| Thayer      | Thigpen     | Trantham    |
| Weeks       | West        | Wheeler     |
| White       | Whitmire    | R. Williams |
| Willis      | Wooten      | Yow         |

**Total--108**

Those who voted in the negative are:

**Total--0**

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

**S. 973--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. J. E. JOHNSON, with unanimous consent, it was ordered that S. 973 be read the third time tomorrow.

**H. 4534--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4534 -- Rep. Rutherford: A BILL TO AMEND SECTION 16-17-680, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO PURCHASE NONFERROUS METALS, TRANSPORTATION AND SALE OF NONFERROUS METALS, AND VARIOUS OFFENSES ASSOCIATED WITH NONFERROUS METALS, SO AS TO RESTRUCTURE THE VARIOUS OFFENSES TO INCLUDE INTENT AND CLARIFY CERTAIN ASPECTS OF THE VIOLATIONS.

**THURSDAY, MARCH 10, 2022**

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4534 (COUNCIL\AHB\4534C001.BH.AHB22), which was adopted:

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

/ SECTION 1. Section 16-17-680 of the 1976 Code, as last amended by Act 80 of 2021, is further amended to read:

“Section 16-17-680. (A) For purposes of this section:

(1) ‘Coil’ means a copper, aluminum, or aluminum-copper condensing coil or evaporation coil. The term includes, but is not limited to, coil from a commercial or residential heating or air-conditioning system. The term does not include coil from a window air-conditioning system, if the coil is contained within the system, or coil from an automobile condenser.

(2) ‘Fixed site’ means a site occupied by a secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by a secondary metals recycler for a total duration of not less than three hundred sixty-four days.

(3) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead-acid batteries, steel propane gas tanks, and stainless steel beer kegs or containers.

(4) ‘Secondary metals recycler’ means a person or entity who is engaged, from a fixed site or otherwise, in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(B)(1) A secondary metals recycler shall obtain a permit to purchase nonferrous metals. A secondary metals recycler’s employee is not required to obtain a separate permit to purchase nonferrous metals provided that the employee is acting within the scope and duties of their employment with the secondary metals recycler. A secondary metals recycler’s employee who intends to purchase nonferrous metals on behalf of the secondary metals recycler at a location other than a fixed site shall have a copy of the secondary metals recycler’s permit readily available for inspection. There is a presumption that an employee or

THURSDAY, MARCH 10, 2022

agent of a secondary metals recycler who violates the provisions of this section is engaging in activity outside the normal course and scope of his employment. A secondary metals recycler employer or owner may not be criminally charged under this subsection for illegal activities of an employee or agent absent evidence the secondary metals recycler employer or owner knew or should have known the employee or agent was conducting illegal activity to benefit the secondary metals recycler employer or owner.

(2) If a secondary metals recycler intends to purchase nonferrous metals at a fixed site or fixed sites, the secondary metals recycler shall obtain a permit from the sheriff of the county in which each of the secondary metals recycler's fixed sites are located. The sheriff ~~may~~ must issue the permit to the secondary metals recycler, if the secondary metals recycler:

(a) has a fixed site or fixed sites located in the sheriff's county;

(b) has not been convicted of a violation of Section 16-11-523 or this section; and

(c) declares on an application provided by the sheriff that the secondary metals recycler is informed of and will comply with the provisions of this section.

(3) If a secondary metals recycler intends to purchase nonferrous metals at a location other than a fixed site, the secondary metals recycler shall obtain a permit from the sheriff of each county in which the secondary metals recycler intends to purchase nonferrous metals. The sheriff ~~may~~ must issue the permit to the secondary metals recycler if the secondary metals recycler:

(a) ~~can sufficiently demonstrate to the sheriff the secondary metals recycler's ability to comply with the provisions of this section;~~

~~(b)~~ has not been convicted of a violation of Section 16-11-523 or this section; and

~~(c)~~(b) declares on an application provided by the sheriff that the secondary metals recycler is informed of and will comply with the provisions of this section.

(4) The South Carolina Law Enforcement Division shall develop the application and permit in consultation with the state's sheriffs and representatives from the secondary metals recyclers' industry.

(5) A sheriff may investigate a secondary metals recycler's background prior to issuing a permit for purposes of determining if the secondary metals recycler qualifies to be issued a permit.

**THURSDAY, MARCH 10, 2022**

(6) A sheriff may charge and retain a two hundred dollar fee for each permit.

(7) A sheriff shall keep a record of all permits issued containing, at a minimum, the date of issuance, and the name and address of the secondary metals recycler.

(8) A permit is valid for twenty-four months.

(9) A permit may be denied, suspended, or revoked at any time if a sheriff discovers that the information on an application is intentionally inaccurate, a secondary metals recycler does not comply with the requirements of this section, or a secondary metals recycler is convicted of a violation of Section 16-11-523 or this section.

(10) A sheriff shall issue permits during regular business hours.

(C)(1) A person or entity who wants to transport or sell nonferrous metals to a secondary metals recycler shall obtain a permit to transport and sell the nonferrous metals. An entity's employee is not required to obtain a separate permit to transport or sell nonferrous metals provided that the employee is acting within the scope and duties of their employment with the entity. An entity's employee who intends to transport and sell nonferrous metals on behalf of an entity shall have a copy of the entity's permit readily available for inspection. There is a presumption that an employee or agent of a secondary metals recycler who violates the provisions of this section is engaging in activity outside the normal course and scope of his employment. A secondary metals recycler employer or owner may not be criminally charged under this subsection for illegal activities of an employee or agent absent evidence the secondary metals recycler employer or owner knew or should have known the employee or agent was conducting illegal activity to benefit the secondary metals recycler employer or owner.

(2) If a person is a resident of South Carolina or an entity is located in South Carolina, the person or entity shall obtain a permit from the sheriff of the county in which the person resides or has a secondary residence or in which the entity is located or has a secondary business. The sheriff ~~may~~ must issue the permit to the person or entity if the:

(a) person resides or has a secondary residence or the entity is located or has a secondary business in the sheriff's county;

(b) person or entity has not been convicted of a violation of Section 16-11-523 or this section; and

(c) person or entity declares on an application provided by the sheriff that the person or entity is informed of and will comply with the provisions of this section.



**THURSDAY, MARCH 10, 2022**

(3) If a person is not a resident of South Carolina or an entity is not located in South Carolina, the person or entity shall obtain a permit from any sheriff of any county. The sheriff ~~may~~ must issue the permit to the person or entity if the:

(a) person is not a resident of South Carolina or the entity is not located in South Carolina;

(b) person or entity has not been convicted of a violation of Section 16-11-523 or this section; and

(c) person or entity declares on an application provided by the sheriff that the person or entity is informed of and will comply with the provisions of this section.

(4) The South Carolina Law Enforcement Division shall develop the application and permit in consultation with the state's sheriffs and representatives of the secondary metals recyclers' industry.

(5) A sheriff may investigate a person or entity's background prior to issuing a permit for purposes of determining if the person or entity qualifies to be issued a permit.

(6) A sheriff may not charge a fee for a permit. A sheriff may charge a ten dollar fee to replace a permit that has been lost or destroyed. If the original permit is later found by the person or entity, the person or entity must turn the original permit into the sheriff or destroy the original permit.

(7) A sheriff shall keep a record of all permits issued containing, at a minimum, the date of issuance, the name and address of the person or entity, a photocopy of the person's identification or of the employee's identification, and the person's photograph or the entity's employee's photograph.

(8) A permit is valid statewide and expires on the person's birth date on the second calendar year after the calendar year in which the permit is issued, or, if the permittee is an entity, the permit expires on the date of issuance on the second calendar year after the calendar year in which the permit is issued.

(9) A permit may be denied, suspended, or revoked at any time if a sheriff discovers that the information on an application is intentionally inaccurate, a person or entity does not comply with the requirements of this section, or a person or entity is convicted of a violation of Section 16-11-523 or this section.

(10)(a) It is unlawful for a person or entity to obtain a permit to transport and sell nonferrous metals for the purpose of transporting or selling stolen nonferrous metals.

**THURSDAY, MARCH 10, 2022**

(b) A person who violates a provision of this subitem is guilty of a felony; and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. The person or entity's permit must be revoked.

(11) A sheriff shall issue permits during regular business hours.

(D)(1) It is unlawful to purchase nonferrous metals in any amount for the purpose of recycling the nonferrous metals from a seller unless the purchaser is a secondary metals recycler who has a valid permit to purchase nonferrous metals issued pursuant to subsection (B) and the seller has a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C). A secondary metals recycler may hold a seller's nonferrous metals while the seller obtains a permit to transport and sell nonferrous metals pursuant to subsection (C).

(2) A secondary metals recycler shall maintain a record containing, at a minimum, the date of purchase, the name and address of the seller, a photocopy of the seller's identification, a photocopy of the seller's permit to transport and sell nonferrous metals, if applicable, the license plate number of the seller's motor vehicle, if available, the seller's photograph, the weight and size or other description of the nonferrous metals purchased, the amount paid for the nonferrous metals, and a signed statement from the seller stating that the seller is the rightful owner or is entitled to sell the nonferrous metals being sold. If the secondary metals recycler has the seller's photograph on file, the secondary metals recycler may reference the photograph on file without making a photograph for each transaction; however, the secondary metals recycler shall update the seller's photograph on an annual basis. A secondary metals recycler may use a video of the seller in lieu of a photograph provided the secondary metals recycler maintains the video for at least one hundred twenty days. A secondary metals recycler may maintain a record in an electronic database provided that the information is legible and can be accessed by law enforcement upon request.

(3) All nonferrous metals that are purchased by and are in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies upon twenty-four hours notice to the secondary metals recycler and during regular business hours. The records must be maintained for one year from the date of purchase. Failure to maintain documentation required by this section may result in suspension of the licensed metal recycler's permit for up to ten days for a first offense and up to thirty days for a second or subsequent offense. Failure to maintain documentation must

**THURSDAY, MARCH 10, 2022**

not result in a criminal charge absent corroborating evidence that the secondary metals recycler is in possession of a used, detached catalytic converter or any nonferrous part of a used, detached catalytic converter in violation of applicable law.

(4) A secondary metals recycler shall not enter into a cash transaction in payment for the purchase of copper, catalytic converters, or beer kegs, which totals twenty-five dollars or more. Payment for the purchase of copper, catalytic converters, or beer kegs, which totals twenty-five dollars or more must be made by check alone issued and made payable to the seller. A secondary metals recycler shall neither cash a check issued pursuant to this item nor use an automated teller machine (ATM) or other cash card system in lieu of a check. A secondary metals recycler shall not enter into more than one cash transaction per day per seller in payment for the purchase of copper, catalytic converters, or beer kegs.

(5) A secondary metals recycler shall prominently display a twenty-inch by thirty-inch sign in the secondary metals recycler's fixed site that states: 'NO NONFERROUS METALS, INCLUDING COPPER, MAY BE PURCHASED BY A SECONDARY METALS RECYCLER FROM A SELLER UNLESS THE SELLER IS A HOLDER OF A RETAIL LICENSE, AN AUTHORIZED WHOLESALER, A CONTRACTOR LICENSED PURSUANT TO ARTICLE 1, CHAPTER 11, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, A GAS, ELECTRIC, COMMUNICATIONS, WATER, PLUMBING, ELECTRICAL, OR CLIMATE CONDITIONING SERVICE PROVIDER, OR THE SELLER PRESENTS THE SELLER'S VALID PERMIT TO TRANSPORT AND SELL NONFERROUS METALS ISSUED PURSUANT TO SECTION 16-17-680, CODE OF LAWS OF SOUTH CAROLINA, 1976.'

(6) A purchaser who violates a provision of this subsection:

(a) for a first offense, is guilty of a misdemeanor; and, upon conviction, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, is guilty of a misdemeanor; and, upon conviction, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both; and

(c) for a third offense or subsequent offense, is guilty of a misdemeanor; and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For

**THURSDAY, MARCH 10, 2022**

an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

If the purchaser obtained a permit to purchase nonferrous metals pursuant to subsection (B), the permit must be revoked.

(E)(1)(a) It is unlawful to sell nonferrous metals in any amount to a secondary metals recycler unless the secondary metals recycler has a valid permit to purchase nonferrous metals issued pursuant to subsection (B) and the seller has a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C).

(b) A seller who violates a provision of this subitem:

(i) for a first offense, is guilty of a misdemeanor; and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both;

(ii) for a second offense, is guilty of a misdemeanor; and, upon conviction, must be fined not less than five hundred dollars or imprisoned not more than three years, or both; and

(iii) for a third or subsequent offense, is guilty of a felony; and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than five years, or both.

If the seller obtained a permit to transport and sell nonferrous metals pursuant to subsection (C), the permit must be revoked.

(2)(a) It is unlawful to purchase or otherwise acquire nonferrous metals in any amount from a seller who does not have a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C) with the intent to resell the nonferrous metals in any amount to a secondary metals recycler using the purchaser's valid permit to transport and sell nonferrous metals issued pursuant to subsection (C).

(b) A purchaser who violates a provision of this subitem is guilty of a felony; and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. The purchaser's permit must be revoked.

(F)(1) When a law enforcement officer has reasonable cause to believe that any item of nonferrous metal in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the notice, and inform the secondary metals recycler of the information contained in this

subsection. Upon receipt of the notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metal recycler's fixed site for fifteen calendar days after receipt of the notice unless released prior to the fifteen-day period by the law enforcement officer.

(2) No later than the expiration of the fifteen-day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the extended hold notice, and inform the secondary metals recycler of the information contained in this subsection. Upon receipt of the extended hold notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metals recycler's fixed site for thirty calendar days after receipt of the extended hold notice unless released prior to the thirty-day period by the law enforcement officer.

(3) At the expiration of the hold period or, if extended, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the nonferrous metals unless other disposition has been ordered by a court of competent jurisdiction.

(4) A secondary metals recycler who intentionally violates a provision of this subsection:

(a) for a first offense, is guilty of a misdemeanor; and, upon conviction, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, is guilty of a misdemeanor; and, upon conviction, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than one year, or both; and

(c) for a third or subsequent offense, is guilty of a misdemeanor; and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense shall constitute a prior offense within the meaning of this subsection.

The secondary metals recycler's permit to purchase nonferrous metals issued pursuant to subsection (B) must be revoked.

**THURSDAY, MARCH 10, 2022**

(G)(1) It is unlawful to transport nonferrous metals in a vehicle or have nonferrous metals in a person's possession.

(2) Subsection (G)(1) does not apply if:

(a) the person can present a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C); or

(b) the person can present a valid bill of sale for the nonferrous metals.

(3) If a law enforcement officer determines that one or more of the exceptions listed in subsection (G)(2) applies, or the law enforcement officer determines that the nonferrous metals are not stolen goods and are in the rightful possession of the person, the law enforcement officer shall not issue a citation for a violation of this subsection.

(4) A person who violates a provision of subsection (G)(1):

(a) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both; and

(c) for a third or subsequent offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

(5) If a person transports nonferrous metals that the person knows are stolen in a vehicle or has in the person's possession nonferrous metals that the person knows are stolen, is operating a vehicle used in the ordinary course of business to transport nonferrous metals that the person knows are stolen, presents a valid or falsified permit to transport and sell nonferrous metals that the person knows are stolen, or presents a valid or falsified bill of sale for nonferrous metals that the person knows to be stolen, the person is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. If the person obtained a permit to transport and sell nonferrous metals pursuant to subsection (C), the permit must be revoked.

(H) For purposes of this section, the only acceptable identification is a valid:

**THURSDAY, MARCH 10, 2022**

(1) South Carolina driver's license issued by the Department of Motor Vehicles;

(2) South Carolina identification card issued by the Department of Motor Vehicles;

(3) driver's license from another state that contains the licensee's picture on the face of the license; or

(4) military identification card.

(I)(1) A secondary metals recycler shall not purchase or otherwise acquire:

(a) an iron or steel manhole cover;

(b) an iron or steel drainage grate; or

(c) a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

(2)(a) It is unlawful for any individual or entity other than a permitted secondary metals recycler to purchase, or to attempt to purchase, a used, detached catalytic converter or any nonferrous part of a catalytic converter.

(b) ~~Except as otherwise provided in item (3)(a)(iii)(aa), (bb), and (cc) for those businesses delineated in item (3)(a)(ii),~~ It is unlawful for any individual or entity to possess, obtain or otherwise acquire, transport, or sell a used, detached catalytic converter or any nonferrous part of a catalytic converter without a permit and without providing the following documentation to law enforcement and/or a permitted secondary metals recycler:

(i) the name of the person or company that removed the catalytic converter;

(ii) the name of the person for whom the work was completed;

(iii) the make and model of the vehicle from which the catalytic converter was removed;

(iv) the vehicle identification number of the vehicle from which the catalytic converter was removed;

(v) the part number or other identifying number of the catalytic converter that was removed; and

THURSDAY, MARCH 10, 2022

(vi) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

(c) It is unlawful for a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter to intentionally provide ~~any~~ false, fraudulent, altered or counterfeit information or documentation as required by this subsection.

(d) An individual or entity who violates any provision of subsection (I)(2), ~~for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both; or for a second offense, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both~~ is guilty of a:

(i) misdemeanor triable in magistrates or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both, when the value of the prohibited items is less than two thousand dollars;

(ii) felony and, upon conviction, must be fined in the discretion of the court and imprisoned not more than five years if the value of the prohibited items is at least two thousand dollars but not more than ten thousand dollars;

(iii) felony and, upon conviction, must be fined in the discretion of the court and imprisoned not more than ten years if the value of the prohibited items is more than ten thousand dollars.

~~(e) Each unlawfully obtained, possessed, or transported used, detached catalytic converter is a separate violation that subjects the individual or entity to a separate charge. Upon conviction, the court may order the individual or entity to pay restitution for the value of the repair and replacement of the catalytic converter or the individual or entity may be held liable as otherwise provided by law. A person in possession of a used, detached catalytic converter without identifying documentation is presumed to be in possession of contraband subject to forfeiture as otherwise provided by law.~~

~~(f)~~ For purposes of this section, a used, detached catalytic converter does not include a catalytic converter that has been tested, certified, and labeled for reuse in accordance with applicable U.S. Environmental Protection Agency Clean Air Act regulations, as may from time to time be amended.

(f) If a law enforcement officer determines that the used, detached catalytic converter or any nonferrous part of a used, detached



THURSDAY, MARCH 10, 2022

catalytic converter are not stolen goods and are in the rightful possession of the person, the law enforcement officer shall not issue a citation for a violation of this subsection. Failure to maintain documentation required by this section must not result in a criminal charge absent corroborating evidence that the secondary metals recycler is in possession of a used, detached catalytic converter or any nonferrous part of a used, detached catalytic converter in violation of applicable law.

(g) There is a presumption that an employee or agent of a secondary metals recycler who violates the provisions of this section is engaging in activity outside the normal course and scope of his employment. A secondary metals recycler employer or owner may not be criminally charged under this subsection for illegal activities of an employee or agent absent evidence the secondary metals recycler employer or owner knew or should have known the employee or agent was conducting illegal activity to benefit the secondary metals recycler employer or owner.

(3)(a) It is unlawful for a secondary metals recycler to purchase a used, detached catalytic converter or any nonferrous part of a used catalytic converter unless the secondary metals recycler has a permit from the local sheriff's office, the sale occurs at the secondary metals recycler's fixed site or the sale occurs at the seller's fixed site but only if the seller is a licensed automotive repair service, a licensed demolisher, as defined in Section 56-5-5810, a licensed secondary metals recycler, or a licensed motor vehicle dealer and the purchase is made by a permitted secondary metals recycler who maintains a fixed site within the State, and the following requirements are followed:

(i) the catalytic converter or nonferrous part was purchased as part of a vehicle; or

(ii) the catalytic converter or nonferrous part was purchased from a secondary metals recycler, new or used motor vehicle dealer, automotive repair service, motor vehicle manufacturer, vehicle demolisher, or distributor of catalytic converters and a copy of the seller's valid business license is received and maintained by the purchaser at the time of the transaction; or

(iii) the business selling the catalytic converter or nonferrous part provides a record or receipt showing:

(aa) the repair order number, when applicable;

(bb) the date of repair or the date on which the catalytic converter was removed from a vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

**THURSDAY, MARCH 10, 2022**

(cc) the vehicle identification number of the vehicle from which the catalytic converter was removed; or

(iv) the individual selling the catalytic converter or nonferrous part provides the secondary metals recycler with the following information for the motor vehicle that the catalytic converter was taken from to include all of the following:

(aa) the name of the person or company that removed the catalytic converter;

(bb) the name of the person for whom the work was completed;

(cc) the make and model of the vehicle from which the catalytic converter was removed;

(dd) the vehicle identification number of the vehicle from which the catalytic converter was removed;

(ee) the part number or other identifying number of the catalytic converter that was removed; and

(ff) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

Nothing in this item prevents an out-of-state secondary metals recycler who maintains a fixed site and who complies with all other provisions of this chapter from obtaining, purchasing, or otherwise acquiring a used, detached catalytic converter or any nonferrous part of a used catalytic converter.

(b) Before each purchase or acquisition of a used, detached catalytic converter, the secondary metals recycler, including an agent, employee, or representative of the secondary metals recycler, must:

(i) verify, with the applicable documentation that the person transferring or selling the used, detached catalytic converter acquired it legally and has the right to transfer or sell it; and

(ii) retain a record of the applicable verification and other information required pursuant to subsection (D)(2) and note in their records any obvious marking on the used, detached catalytic converter such as paint, labels, or engravings that would aid in the identification of the catalytic converter.

(c) A seller of used, detached catalytic converters or any nonferrous metal part of such is subject to the provisions of subsection (C) regarding the permitting of a person or entity to transport and sell nonferrous metals except for an automotive repair service who, in lieu of a permit, may produce a record or receipt showing:

(i) the repair order number, when applicable;

**THURSDAY, MARCH 10, 2022**

(ii) the date of repair or the date on which the catalytic converter was removed from a vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

(iii) the vehicle identification number of the vehicle from which the catalytic converter was removed.

(d) It is unlawful for a secondary metals recycler to fail to collect ~~or retain~~ all required documentation from a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter as required by this subsection. A secondary metals recycler who obtains all documentation as required by this subsection is exempt from prosecution under this subsection unless they knew or had reason to believe that the documentation provided was false, fraudulent, altered or counterfeit, or knew or had reason to believe that the used, detached catalytic converter or any nonferrous part of a catalytic converter was stolen.

(e) A licensed secondary metals recycler, who is exempt from the provisions of subsection (I)(2), but who violates a provision of subsection (I)(3) is guilty of a:

(i) ~~for a first offense, is guilty of a misdemeanor triable in~~ magistrates or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, and, upon conviction, must be fined not more than two hundred one thousand dollars or imprisoned not more than thirty days, or both, when the value of the prohibited items is less than two thousand dollars;

(ii) ~~for a second offense, is guilty of a misdemeanor felony~~ and, upon conviction, must be fined not more than five hundred dollars or in the discretion of the court and imprisoned not more than one year, or both five years if the value of the prohibited items is at least two thousand dollars but not more than ten thousand dollars; and

(iii) ~~for a third or subsequent offense, is guilty of a misdemeanor felony~~ and, upon conviction, must be fined not more than one thousand dollars or in the discretion of the court and imprisoned not more than three ten years, or both if the value of the prohibited items is more than ten thousand dollars.

(iv) ~~Each unlawfully obtained or possessed used, detached catalytic converter or part of a used catalytic converter is a separate violation and subjects the secondary metals recycler to a separate charge for each. Any unlawfully possessed used, detached catalytic converter is subject to forfeiture as otherwise provided for by law. Upon conviction, the court may order the secondary metals recycler to pay restitution for~~

THURSDAY, MARCH 10, 2022

~~the value of the repair and replacement of the catalytic converter or the secondary metals recycler may be held liable as otherwise provided for by law.~~

(f) If a law enforcement officer determines that the used, detached catalytic converter or any nonferrous part of a used, detached catalytic converter are not stolen goods and are in the rightful possession of the licensed metal recycler, the law enforcement officer shall not issue a citation for a violation of this subsection.

(g) There is a presumption that an employee or agent of a secondary metals recycler who violates the provisions of this section is engaging in activity outside the normal course and scope of his employment. A secondary metals recycler employer or owner may not be criminally charged under this subsection for illegal activities of an employee or agent absent evidence the secondary metals recycler employer or owner knew or should have known the employee or agent was conducting illegal activity to benefit the secondary metals recycler employer or owner.

(h) Failure to maintain documentation required by this section may result in suspension of the licensed metal recycler's permit for up to thirty days for a first offense and up to six months for a second offense. Failure to maintain documentation must not result in a criminal charge absent corroborating evidence that the secondary metals recycler is in possession of a used, detached catalytic converter or any nonferrous part of a used, detached catalytic converter in violation of applicable law.

(i) Law enforcement may inspect a permitted licensed metal recycler's documentation upon twenty-four hours notice to the licensed metal recycler unless law enforcement is in possession of a valid warrant or is acting upon a valid exception to the warrant requirement.

(J)(1) Except as provided in item (2), the provisions of this section do not apply to:

- (a) the purchase or sale of aluminum cans;
- (b) a transaction between a secondary metals recycler and another secondary metals recycler;
- (c) a governmental entity;
- (d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;
- (e) a seller who is a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56-5-5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a real estate broker or property manager licensed pursuant to Chapter 57, Title 40, a residential home builder licensed pursuant to Chapter 59, Title

**THURSDAY, MARCH 10, 2022**

40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, appliance repair service, automotive repair service, or electronics repair service; or

(f) a seller that is an organization, a corporation, or an association registered with the State as a charitable organization or a nonprofit corporation.

(2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10), subsection (G)(5), and subsection (I).

A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) ~~and is subject to the penalty provisions of subsection (D)(6).~~ Failure to maintain documentation required by this section may result in suspension of the licensed metal recycler's permit for up to thirty days for a first offense and up to six months for a second offense. Failure to maintain documentation must not result in a criminal charge absent corroborating evidence that the secondary metals recycler is in possession of a used, detached catalytic converter or any nonferrous part of a used, detached catalytic converter in violation of applicable law. Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).

(K) This section preempts local ordinances and regulations governing the purchase, sale, or transportation of nonferrous metals in any amount, except to the extent that such ordinances pertain to zoning or business license fees. Political subdivisions of the State may not enact ordinances or regulations more restrictive than those contained in this section.”

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.

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

**THURSDAY, MARCH 10, 2022**

Renumber sections to conform.  
Amend title to conform.

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:  
Yeas 107; Nays 3

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bamberg         | Bannister     | Bernstein     |
| Blackwell       | Brawley       | Brittain      |
| Burns           | Bustos        | Calhoon       |
| Carter          | Caskey        | Chumley       |
| Clyburn         | Cobb-Hunter   | Cogswell      |
| Collins         | B. Cox        | W. Cox        |
| Crawford        | Davis         | Dillard       |
| Elliott         | Erickson      | Felder        |
| Finlay          | Forrest       | Fry           |
| Gagnon          | Garvin        | Gatch         |
| Gilliam         | Gilliard      | Govan         |
| Haddon          | Hardee        | Hart          |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Hixon           | Hosey         | Howard        |
| Huggins         | Hyde          | J. E. Johnson |
| J. L. Johnson   | K. O. Johnson | Jones         |
| Jordan          | King          | Kirby         |
| Ligon           | Long          | Lowe          |
| Lucas           | Magnuson      | Matthews      |
| May             | McCabe        | McDaniel      |
| McGarry         | McGinnis      | J. Moore      |
| T. Moore        | Morgan        | D. C. Moss    |
| V. S. Moss      | Murray        | B. Newton     |
| W. Newton       | Nutt          | Oremus        |
| Ott             | Pendarvis     | Pope          |
| Rivers          | Robinson      | Rose          |

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| Rutherford  | Sandifer    | Simrill     |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor      | Tedder      | Thayer      |
| Thigpen     | Trantham    | Weeks       |
| West        | Wetmore     | Wheeler     |
| White       | Whitmire    | R. Williams |
| Willis      | Yow         |             |

**Total--107**

Those who voted in the negative are:

|        |         |        |
|--------|---------|--------|
| Bryant | McCravy | Wooten |
|--------|---------|--------|

**Total--3**

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

**H. 4534--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. RUTHERFORD, with unanimous consent, it was ordered that H. 4534 be read the third time tomorrow.

**H. 3271--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3271 -- Reps. Henderson-Myers, Govan, Hyde, T. Moore, Weeks, G. M. Smith, King, McDaniel, Collins, Morgan and Caskey: A BILL TO AMEND SECTIONS 15-49-10 AND 15-49-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONS FOR A CHANGE OF NAME, SO AS TO REQUIRE A PETITIONER TO HAVE RESIDED IN THE STATE OF SOUTH CAROLINA FOR AT LEAST SIX MONTHS TO BE ELIGIBLE TO APPLY FOR A NAME CHANGE.

Rep. BERNSTEIN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

**THURSDAY, MARCH 10, 2022**

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bannister       | Bennett       | Bernstein     |
| Blackwell       | Brawley       | Brittain      |
| Bryant          | Burns         | Bustos        |
| Calhoon         | Carter        | Caskey        |
| Chumley         | Clyburn       | Cobb-Hunter   |
| Cogswell        | Collins       | B. Cox        |
| W. Cox          | Crawford      | Dabney        |
| Davis           | Dillard       | Elliott       |
| Erickson        | Felder        | Finlay        |
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Hixon           | Hosey         | Howard        |
| Huggins         | Hyde          | J. E. Johnson |
| J. L. Johnson   | K. O. Johnson | Jones         |
| Jordan          | King          | Kirby         |
| Ligon           | Long          | Lowe          |
| Lucas           | Magnuson      | Matthews      |
| May             | McCabe        | McCravy       |
| McDaniel        | McGarry       | J. Moore      |
| T. Moore        | D. C. Moss    | V. S. Moss    |
| Murray          | B. Newton     | W. Newton     |
| Nutt            | Oremus        | Ott           |
| Pendarvis       | Pope          | Rivers        |
| Robinson        | Rose          | Rutherford    |
| Sandifer        | Simrill       | G. M. Smith   |
| M. M. Smith     | Stavrinakis   | Taylor        |
| Tedder          | Thayer        | Thigpen       |
| Trantham        | Weeks         | West          |
| Wetmore         | Wheeler       | White         |
| Whitmire        | R. Williams   | Willis        |
| Wooten          | Yow           |               |

**Total--110**



**THURSDAY, MARCH 10, 2022**

Those who voted in the negative are:

**Total--0**

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

**H. 3271--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. BERNSTEIN, with unanimous consent, it was ordered that H. 3271 be read the third time tomorrow.

**H. 3950--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3950 -- Reps. Murphy, Bernstein and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART 4 TO ARTICLE 6, TITLE 62 SO AS TO PROVIDE FOR TRANSFER ON DEATH DESIGNATIONS FOR CERTAIN CATEGORIES OF TITLED PERSONAL PROPERTY; TO AMEND SECTION 50-23-60, RELATING TO APPLICATIONS FOR CERTIFICATES OF TITLE FOR WATERCRAFT OR OUTBOARD MOTORS, SO AS TO PROVIDE FOR TRANSFER ON DEATH DESIGNATIONS; TO AMEND SECTION 50-23-70, AS AMENDED, RELATING TO FEES FOR WATERCRAFT AND OUTBOARD MOTOR CERTIFICATES OF TITLE, SO AS TO ESTABLISH A FEE FOR TRANSFER ON DEATH DESIGNATIONS; TO AMEND SECTION 50-23-90, RELATING TO THE CONTENTS OF WATERCRAFT AND OUTBOARD MOTOR CERTIFICATES OF TITLE, SO AS TO REQUIRE CERTAIN INFORMATION REGARDING TRANSFER ON DEATH DESIGNATIONS; TO AMEND SECTION 50-23-130, RELATING TO TRANSFERS OF OWNERSHIP OF WATERCRAFT AND OUTBOARD MOTORS BY OPERATION OF LAW, SO AS TO INCLUDE TRANSFER ON DEATH DESIGNATIONS; TO AMEND SECTION 56-19-290, RELATING TO THE CONTENTS OF A CERTIFICATE OF TITLE ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REQUIRE CERTAIN INFORMATION REGARDING TRANSFER ON DEATH DESIGNATIONS; TO AMEND SECTION 56-19-420, RELATING TO FEES THE DEPARTMENT OF MOTOR VEHICLES MAY CHARGE TO ISSUE OR TRANSFER A CERTIFICATE OF TITLE, SO AS TO ESTABLISH A FEE FOR

[HJ]

**THURSDAY, MARCH 10, 2022**

TRANSFER ON DEATH DESIGNATIONS; AND TO AMEND SECTION 62-6-101, RELATING TO DEFINITIONS APPLICABLE TO NONPROBATE TRANSFERS, SO AS TO REVISE AND INCLUDE CERTAIN DEFINITIONS PERTAINING TO TRANSFERS ON DEATH FOR TITLED PERSONAL PROPERTY.

Rep. BERNSTEIN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|               |               |                 |
|---------------|---------------|-----------------|
| Alexander     | Allison       | Anderson        |
| Atkinson      | Bailey        | Ballentine      |
| Bannister     | Bernstein     | Blackwell       |
| Brawley       | Bryant        | Burns           |
| Bustos        | Calhoon       | Carter          |
| Caskey        | Chumley       | Clyburn         |
| Cobb-Hunter   | Cogswell      | Collins         |
| B. Cox        | W. Cox        | Crawford        |
| Dabney        | Davis         | Dillard         |
| Elliott       | Erickson      | Felder          |
| Finlay        | Forrest       | Fry             |
| Gagnon        | Garvin        | Gatch           |
| Gilliam       | Haddon        | Hardee          |
| Hart          | Hayes         | Henderson-Myers |
| Henegan       | Herbkersman   | Hewitt          |
| Hiott         | Hixon         | Hosey           |
| Howard        | Huggins       | Hyde            |
| J. E. Johnson | J. L. Johnson | K. O. Johnson   |
| Jones         | Jordan        | King            |
| Kirby         | Ligon         | Long            |
| Lowe          | Lucas         | Magnuson        |
| May           | McCabe        | McCravy         |
| McDaniel      | McGarry       | McGinnis        |
| J. Moore      | T. Moore      | Morgan          |
| D. C. Moss    | V. S. Moss    | Murray          |
| B. Newton     | W. Newton     | Nutt            |
| Oremus        | Ott           | Pendarvis       |
| Pope          | Rivers        | Rose            |
| Rutherford    | Sandifer      | Simrill         |

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor      | Tedder      | Thayer      |
| Thigpen     | Trantham    | Weeks       |
| West        | Wetmore     | Wheeler     |
| White       | Whitmire    | R. Williams |
| Willis      | Wooten      | Yow         |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 3950--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. BERNSTEIN, with unanimous consent, it was ordered that H. 3950 be read the third time tomorrow.

**H. 4998--POINT OF ORDER**

The following Bill was taken up:

H. 4998 -- Reps. Caskey, Wetmore, W. Newton and Wooten: A BILL TO AMEND SECTIONS 61-4-10, 61-6-20, 61-6-30, 12-21-1010, 12-21-1030, AND 12-33-245, ALL RELATING TO ALCOHOLIC BEVERAGES, SO AS TO CONSIDER ALCOHOLIC CONSUMABLES THE SAME AS ALCOHOLIC BEVERAGES AND TO MAKE CONFORMING CHANGES.

**POINT OF ORDER**

Rep. CASKEY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

THURSDAY, MARCH 10, 2022

**H. 4601--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4601 -- Reps. W. Cox, G. R. Smith, Bustos, Gagnon, Bennett, McGarry, Atkinson, Hayes, M. M. Smith, V. S. Moss and Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-2020 SO AS TO, AMONG OTHER THINGS, DESIGNATE AMBULANCE SERVICE AS AN ESSENTIAL SERVICE IN SOUTH CAROLINA; TO REQUIRE THAT EACH COUNTY GOVERNING BODY ENSURES THAT AT LEAST ONE LICENSED AMBULANCE SERVICE IS OPERATING WITHIN THE COUNTY; AND TO DEFINE RELEVANT TERMS.

Rep. CASKEY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bannister       | Bennett       | Bernstein     |
| Blackwell       | Brawley       | Bryant        |
| Burns           | Bustos        | Calhoon       |
| Carter          | Caskey        | Chumley       |
| Clyburn         | Cobb-Hunter   | Cogswell      |
| Collins         | B. Cox        | W. Cox        |
| Crawford        | Dabney        | Davis         |
| Elliott         | Erickson      | Felder        |
| Finlay          | Forrest       | Fry           |
| Gagnon          | Garvin        | Gatch         |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Hixon           | Hosey         | Howard        |
| Huggins         | Hyde          | J. E. Johnson |
| J. L. Johnson   | K. O. Johnson | Jones         |
| Jordan          | King          | Kirby         |
| Ligon           | Long          | Lowe          |
| Lucas           | Magnuson      | Matthews      |

[HJ]

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| May         | McCabe      | McCravy     |
| McDaniel    | McGarry     | McGinnis    |
| McKnight    | J. Moore    | T. Moore    |
| Morgan      | D. C. Moss  | V. S. Moss  |
| Murray      | B. Newton   | W. Newton   |
| Nutt        | Oremus      | Ott         |
| Pendarvis   | Pope        | Rose        |
| Rutherford  | Sandifer    | Simrill     |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor      | Tedder      | Thayer      |
| Thigpen     | Trantham    | Weeks       |
| West        | Wetmore     | Wheeler     |
| White       | Whitmire    | Willis      |
| Wooten      | Yow         |             |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**H. 4601--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. CASKEY, with unanimous consent, it was ordered that H. 4601 be read the third time tomorrow.

**H. 4321 -- POINT OF ORDER, RULE 5.10 WAIVED  
PURSUANT TO RULE 5.15, REQUESTS FOR DEBATE, AND  
ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4321 -- Reps. J. E. Johnson, Murphy, Hardee, Bailey, Jordan, Brittain, Kirby, Hart, McCravy and West: A BILL TO AMEND SECTION 42-1-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE REQUIREMENT FOR FILING AN ACTION AGAINST A THIRD PARTY IN A WORKERS' COMPENSATION CLAIM, SO AS TO MAKE THE FILING OF A NOTICE FORM PERMISSIVE.

**THURSDAY, MARCH 10, 2022**

**POINT OF ORDER**

Rep. MAY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

Rep. MCCRAVY moved to waive Rule 5.10, pursuant to Rule 5.15.

The yeas and nays were taken resulting as follows:

Yeas 90; Nays 14

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Anderson      | Atkinson      |
| Bailey          | Ballentine    | Bannister     |
| Bennett         | Bernstein     | Brittain      |
| Bryant          | Burns         | Bustos        |
| Calhoon         | Carter        | Chumley       |
| Clyburn         | Cogswell      | Collins       |
| B. Cox          | W. Cox        | Crawford      |
| Davis           | Dillard       | Erickson      |
| Felder          | Finlay        | Forrest       |
| Fry             | Gagnon        | Garvin        |
| Gatch           | Gilliard      | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Herbkersman   | Hewitt        |
| Hixon           | Hosey         | Huggins       |
| Hyde            | J. E. Johnson | J. L. Johnson |
| K. O. Johnson   | Jordan        | King          |
| Kirby           | Ligon         | Long          |
| Lowe            | Lucas         | McCravy       |
| McDaniel        | McGarry       | McGinnis      |
| McKnight        | J. Moore      | T. Moore      |
| D. C. Moss      | V. S. Moss    | Murray        |
| B. Newton       | W. Newton     | Nutt          |
| Oremus          | Ott           | Pendarvis     |
| Pope            | Robinson      | Rose          |
| Rutherford      | Sandifer      | Simrill       |
| G. M. Smith     | M. M. Smith   | Stavrinakis   |
| Taylor          | Tedder        | Thayer        |
| Thigpen         | Trantham      | Weeks         |

[HJ]

**THURSDAY, MARCH 10, 2022**

|             |         |          |
|-------------|---------|----------|
| Wetmore     | Wheeler | Whitmire |
| R. Williams | Willis  | Yow      |

**Total--90**

Those who voted in the negative are:

|           |         |          |
|-----------|---------|----------|
| Blackwell | Brawley | Caskey   |
| Dabney    | Gilliam | Hill     |
| Howard    | Jones   | Magnuson |
| May       | McCabe  | Morgan   |
| White     | Wooten  |          |

**Total--14**

So, Rule 5.10 was waived, pursuant to Rule 5.15.

Reps. MAY and HILL requested debate on the Bill.

Rep. MCCRAVY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 5

Those who voted in the affirmative are:

|             |                 |            |
|-------------|-----------------|------------|
| Alexander   | Allison         | Anderson   |
| Atkinson    | Bailey          | Ballentine |
| Bannister   | Bennett         | Bernstein  |
| Brawley     | Brittain        | Bryant     |
| Burns       | Bustos          | Calhoon    |
| Carter      | Caskey          | Chumley    |
| Clyburn     | Cobb-Hunter     | Cogswell   |
| Collins     | B. Cox          | W. Cox     |
| Crawford    | Davis           | Dillard    |
| Elliott     | Erickson        | Felder     |
| Finlay      | Forrest         | Fry        |
| Gagnon      | Garvin          | Gatch      |
| Gilliam     | Gilliard        | Govan      |
| Haddon      | Hardee          | Hart       |
| Hayes       | Henderson-Myers | Henegan    |
| Herbkersman | Hewitt          | Hiott      |
| Hixon       | Hosey           | Howard     |

[HJ]

**THURSDAY, MARCH 10, 2022**

|               |               |               |
|---------------|---------------|---------------|
| Huggins       | Hyde          | J. E. Johnson |
| J. L. Johnson | K. O. Johnson | Jones         |
| Jordan        | King          | Kirby         |
| Ligon         | Long          | Lowe          |
| Lucas         | Matthews      | McCabe        |
| McCravy       | McDaniel      | McGarry       |
| McGinnis      | J. Moore      | T. Moore      |
| D. C. Moss    | V. S. Moss    | Murray        |
| B. Newton     | W. Newton     | Nutt          |
| Oremus        | Ott           | Pendarvis     |
| Pope          | Rivers        | Robinson      |
| Rose          | Rutherford    | Sandifer      |
| Simrill       | G. M. Smith   | M. M. Smith   |
| Stavrinakis   | Taylor        | Tedder        |
| Thayer        | Thigpen       | Trantham      |
| Weeks         | West          | Wetmore       |
| Wheeler       | Whitmire      | R. Williams   |
| Willis        | Wooten        | Yow           |

**Total--105**

Those who voted in the negative are:

|        |       |          |
|--------|-------|----------|
| Dabney | Hill  | Magnuson |
| May    | White |          |

**Total--5**

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

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on H. 4321. If I had been present, I would have voted against the Bill.

Rep. Bart Blackwell

**OBJECTION TO MOTION**

Rep. MCCRAVY asked unanimous consent that H. 4321 be read a third time tomorrow.

Rep. HILL objected.



**THURSDAY, MARCH 10, 2022**

**H. 4776--REQUESTS FOR DEBATE AND POINT OF ORDER**

The following Bill was taken up:

H. 4776 -- Reps. Willis, McCravy, Thayer, Bailey, Wooten, B. Cox, McGarry, Magnuson, Pope, Taylor, G. R. Smith, Gilliam, Jones, M. M. Smith, Trantham, Erickson, Huggins, Long, Hiott, Burns, May, Haddon, Oremus, Bennett, Daning, T. Moore, Chumley, Nutt, Hyde, Dabney, McCabe, Bryant, Forrest, Hixon, J. E. Johnson, Lucas, Morgan and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "MEDICAL ETHICS AND DIVERSITY ACT" BY ADDING CHAPTER 139 TO TITLE 44 SO AS TO SET FORTH FINDINGS OF THE GENERAL ASSEMBLY REGARDING THE RIGHT OF CONSCIENCE IN THE HEALTH CARE INDUSTRY; TO DEFINE CERTAIN TERMS; TO AUTHORIZE MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS NOT TO PARTICIPATE IN HEALTH CARE SERVICES THAT VIOLATE THE PRACTITIONER'S OR ENTITY'S CONSCIENCE AND TO PROTECT THESE INDIVIDUALS AND ENTITIES FROM CIVIL, CRIMINAL, OR ADMINISTRATIVE LIABILITY AND FROM DISCRIMINATION FOR EXERCISING THEIR PERSONAL RIGHT OF CONSCIENCE, WITH EXCEPTIONS; TO CREATE A PRIVATE RIGHT OF ACTION FOR MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS FOR VIOLATION OF THE CHAPTER; AND FOR OTHER PURPOSES.

Reps. WILLIS and ELLIOTT requested debate on the Bill.

**POINT OF ORDER**

Rep. COBB-HUNTER made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

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

**THURSDAY, MARCH 10, 2022**

**RECURRENCE TO THE MORNING HOUR**

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

**H. 4538--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4538 -- Reps. Whitmire, Bustos, Forrest and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-1-320 SO AS TO PROHIBIT THE UNLAWFUL REMOVAL OR DESTRUCTION OF AN ELECTRONIC COLLAR OR OTHER ELECTRONIC DEVICE PLACED ON A DOG BY ITS OWNER TO MAINTAIN CONTROL OF THE DOG.

Rep. HIOTT moved to adjourn debate on the Bill, which was agreed to.

**H. 3537--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3537 -- Reps. Bailey, McGarry, Fry, Bryant, Burns, Felder, Long, Pope, Gilliam, Caskey and Yow: A BILL TO AMEND SECTION 27-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHTS OF HOMEOWNERS OR TENANTS TO FLY THE UNITED STATES FLAG AT THEIR PREMISES, NOTWITHSTANDING THE PROVISIONS OF ANY HOMEOWNERS' ASSOCIATION GOVERNING DOCUMENTS, CONTRACTUAL PROVISIONS, OR DEED COVENANTS TO THE CONTRARY, SO AS TO PROVIDE THAT THIS RIGHT INCLUDES THE RIGHT TO DISPLAY THE FLAG ON A FLAGPOLE INSTALLED AT THE PREMISES FOR THIS PURPOSE.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3537 (COUNCIL\SA\3537C001.DF.SA22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-1-60(A) and (B) and inserting:

/ "Section 27-1-60. (A) Regardless of any restrictive covenant, declaration, rule, contractual provision, or other requirement concerning flags or decorations found in a deed, contract, lease, rental agreement, or

THURSDAY, MARCH 10, 2022

homeowners' association document, ~~any~~ a homeowner or tenant may display one portable, removable United States flag and one portable removable South Carolina flag in a respectful manner, consistent with 36 U.S.C. Sections 171-178, as amended, on the premises of the property of which he is entitled to use. The above referenced governing documents applicable to the premises, including the bylaws of the homeowners' association, also may not prohibit the installation of a flagpole for the display of the flag of the United States or South Carolina. However, the governing documents may include reasonable rules and regulations regarding the location and size of the flagpole.

(B)(1) ~~No~~ A homeowners' association document may not preclude the display of one portable, removable United States flag or one portable, removable South Carolina flag by homeowners and the use of a flagpole for displaying the flag as provided in subsection (A). However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171-178, as amended.

(2) ~~No~~ A restrictive covenant in a deed may not preclude the display of one portable, removable United States flag or one portable, removable South Carolina flag on the property and the use of a flagpole for displaying the flag as provided in subsection (A). However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171-178, as amended.

(3) ~~No~~ A rental agreement, lease, or contract may not preclude the display of one portable, removable United States flag or one portable, removable South Carolina flag on the premises of any tenant and the use of a flagpole for displaying the flag as provided in subsection (A). However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171-178, as amended. /

Renumber sections to conform.

Amend title to conform.

Rep. MATTHEWS explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 2

**THURSDAY, MARCH 10, 2022**

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bannister       | Bennett       | Bernstein     |
| Blackwell       | Brawley       | Bryant        |
| Burns           | Bustos        | Calhoon       |
| Carter          | Caskey        | Chumley       |
| Clyburn         | Cobb-Hunter   | Cogswell      |
| Collins         | B. Cox        | W. Cox        |
| Crawford        | Davis         | Elliott       |
| Erickson        | Felder        | Finlay        |
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Hixon           | Hosey         | Howard        |
| Huggins         | Hyde          | J. E. Johnson |
| J. L. Johnson   | K. O. Johnson | Jones         |
| Jordan          | Kirby         | Ligon         |
| Long            | Lowe          | Magnuson      |
| Matthews        | May           | McCravy       |
| McDaniel        | McGarry       | McGinnis      |
| J. Moore        | T. Moore      | Morgan        |
| D. C. Moss      | V. S. Moss    | Murray        |
| B. Newton       | W. Newton     | Nutt          |
| Oremus          | Ott           | Pendarvis     |
| Pope            | Rivers        | Rose          |
| Rutherford      | Sandifer      | Simrill       |
| G. M. Smith     | M. M. Smith   | Stavrinakis   |
| Tedder          | Thayer        | Thigpen       |
| Trantham        | Weeks         | West          |
| Wetmore         | Wheeler       | White         |
| Whitmire        | R. Williams   | Willis        |
| Wooten          | Yow           |               |

**Total--104**

**THURSDAY, MARCH 10, 2022**

Those who voted in the negative are:

Dabney

McCabe

**Total--2**

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

**H. 3537--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. BAILEY, with unanimous consent, it was ordered that H. 3537 be read the third time tomorrow.

**H. 4834--POINT OF ORDER**

The following Bill was taken up:

H. 4834 -- Reps. Bernstein, Collins, Crawford, Fry and Felder: A BILL TO AMEND SECTION 44-63-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTIFIED COPIES OF AN ORIGINAL BIRTH CERTIFICATE, SO AS TO ADD A DEFINITION FOR "OTHER LEGAL REPRESENTATIVE"; TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO OBTAIN CERTIFIED COPIES OF ORIGINAL BIRTH CERTIFICATES PURSUANT TO A WRITTEN AGREEMENT WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND FOR OTHER PURPOSES.

**POINT OF ORDER**

Rep. WHITE made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 5099--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5099 -- Reps. Rutherford, Jordan, Hart, Garvin, Rose, Howard, Bernstein, Finlay and J. L. Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-1-190 SO AS TO PROVIDE THAT THE COUNTY LEGISLATIVE

[HJ]

**THURSDAY, MARCH 10, 2022**

DELEGATION MAY, BY THE ADOPTION OF A RESOLUTION, APPOINT THE MEMBERS OF A COUNTY RECREATION COMMISSION THAT WAS ESTABLISHED AS A SPECIAL PURPOSE DISTRICT PRIOR TO THE ADOPTION OF HOME RULE, AND TO PROVIDE THAT THE MEMBERS OF A COUNTY RECREATION COMMISSION WHO THE COUNTY DELEGATION APPOINTS PURSUANT TO THE PROVISIONS OF THIS ACT SERVE AT THE PLEASURE OF THE COUNTY LEGISLATIVE DELEGATION AND MAY BE REMOVED AT ANY TIME BY THE COUNTY LEGISLATIVE DELEGATION.

Rep. RUTHERFORD explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 1

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Bannister     |
| Bennett         | Bernstein     | Blackwell     |
| Brittain        | Bryant        | Burns         |
| Bustos          | Calhoon       | Carter        |
| Caskey          | Chumley       | Clyburn       |
| Cobb-Hunter     | Cogswell      | Collins       |
| B. Cox          | W. Cox        | Dabney        |
| Davis           | Dillard       | Elliott       |
| Erickson        | Felder        | Finlay        |
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hiott         | Hixon         |
| Hosey           | Howard        | Hyde          |
| J. E. Johnson   | J. L. Johnson | K. O. Johnson |
| Jones           | Jordan        | King          |
| Kirby           | Ligon         | Long          |
| Lowe            | Lucas         | Magnuson      |
| Matthews        | May           | McCabe        |
| McCravy         | McDaniel      | McGarry       |
| McGinnis        | McKnight      | J. Moore      |

[HJ]

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| T. Moore    | Morgan      | D. C. Moss  |
| V. S. Moss  | Murray      | B. Newton   |
| W. Newton   | Nutt        | Oremus      |
| Ott         | Pendarvis   | Pope        |
| Rivers      | Rose        | Rutherford  |
| Sandifer    | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor      | Tedder      |
| Thayer      | Thigpen     | Trantham    |
| Weeks       | West        | Wetmore     |
| Wheeler     | White       | Whitmire    |
| R. Williams | Willis      | Wooten      |
| Yow         |             |             |

**Total--106**

Those who voted in the negative are:  
Hill

**Total--1**

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

**OBJECTION TO MOTION**

Rep. RUTHERFORD asked unanimous consent that H. 5099 be read a third time tomorrow.

Rep. HILL objected.

**S. 628--RECALLED AND REFERRED TO COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

On motion of Rep. OTT, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry and was referred to the Committee on Medical, Military, Public and Municipal Affairs:

S. 628 -- Senator Davis: A BILL TO ENACT THE "PHARMACY ACCESS ACT"; TO AMEND CHAPTER 43, TITLE 40 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA PHARMACY PRACTICE ACT, BY ADDING SECTIONS 40-43-210 THROUGH 40-43-280, TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT DOES NOT CREATE A DUTY OF CARE FOR A PERSON WHO PRESCRIBES OR DISPENSES A

**THURSDAY, MARCH 10, 2022**

SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT CERTAIN PHARMACISTS MAY DISPENSE A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTER AN INJECTABLE HORMONAL CONTRACEPTIVE PURSUANT TO A STANDING PRESCRIPTION DRUG ORDER, TO PROVIDE A JOINT PROTOCOL FOR DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE WITHOUT A PATIENT-SPECIFIC WRITTEN ORDER, TO REQUIRE CONTINUING EDUCATION FOR A PHARMACIST DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE, TO IMPOSE REQUIREMENTS ON A PHARMACIST WHO DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT A PRESCRIBER WHO ISSUES A STANDING PRESCRIPTION DRUG ORDER FOR A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR INJECTABLE HORMONAL CONTRACEPTIVE IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS RESULTING FROM THE DISPENSING OR ADMINISTERING OF THE CONTRACEPTIVE, AND TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT SHALL NOT BE CONSTRUED TO REQUIRE A PHARMACIST TO DISPENSE, ADMINISTER, INJECT, OR OTHERWISE PROVIDE HORMONAL CONTRACEPTIVES; AND TO AMEND ARTICLE 1, CHAPTER 6, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, BY ADDING SECTION 44-6-115, TO PROVIDE FOR PHARMACIST SERVICES COVERED UNDER MEDICAID; AND TO DEFINE NECESSARY TERMS.

**OBJECTION TO RECALL**

Rep. GOVAN asked unanimous consent to recall H. 3686 from the Committee on Education and Public Works.

Rep. HILL objected.



**THURSDAY, MARCH 10, 2022**

**H. 3590--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 3590 -- Reps. Allison and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1115 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS MAY HIRE NONCERTIFIED TEACHERS FOR ANY SCHOOLS AND CAREER AND TECHNOLOGY CENTERS THAT HAVE VACANT TEACHING POSITIONS FIVE BUSINESS DAYS BEFORE THE BEGINNING OF THE SCHOOL YEAR, TO PROVIDE THESE NONCERTIFIED TEACHERS MAY COMPRISE NO MORE THAN TWENTY-FIVE PERCENT OF THE ENTIRE TEACHING STAFF OF A SCHOOL OR CAREER AND TECHNOLOGY CENTER, TO PROVIDE ACADEMIC AND EXPERIENCE REQUIREMENTS FOR THESE NONCERTIFIED TEACHERS, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING THE REGISTRATION AND TERMINATION OF THESE NONCERTIFIED TEACHERS.

Rep. ALLISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 108

Those who voted in the affirmative are:

**Total--0**

Those who voted in the negative are:

|           |             |            |
|-----------|-------------|------------|
| Alexander | Allison     | Anderson   |
| Atkinson  | Bailey      | Ballentine |
| Bannister | Bennett     | Bernstein  |
| Blackwell | Brittain    | Bryant     |
| Burns     | Bustos      | Calhoon    |
| Carter    | Caskey      | Chumley    |
| Clyburn   | Cobb-Hunter | Cogswell   |
| Collins   | B. Cox      | W. Cox     |
| Crawford  | Dabney      | Davis      |
| Dillard   | Elliott     | Erickson   |
| Felder    | Finlay      | Forrest    |

[HJ]

**THURSDAY, MARCH 10, 2022**

|               |               |                 |
|---------------|---------------|-----------------|
| Fry           | Gagnon        | Garvin          |
| Gatch         | Gilliam       | Gilliard        |
| Govan         | Haddon        | Hardee          |
| Hart          | Hayes         | Henderson-Myers |
| Henegan       | Herbkersman   | Hewitt          |
| Hill          | Hiott         | Hixon           |
| Hosey         | Huggins       | Hyde            |
| J. E. Johnson | J. L. Johnson | K. O. Johnson   |
| Jones         | Jordan        | King            |
| Kirby         | Ligon         | Long            |
| Lowe          | Lucas         | Magnuson        |
| Matthews      | May           | McCabe          |
| McCravy       | McDaniel      | McGarry         |
| McGinnis      | McKnight      | J. Moore        |
| T. Moore      | Morgan        | D. C. Moss      |
| V. S. Moss    | Murray        | B. Newton       |
| W. Newton     | Nutt          | Oremus          |
| Ott           | Pendarvis     | Pope            |
| Rivers        | Robinson      | Rose            |
| Rutherford    | Sandifer      | G. M. Smith     |
| M. M. Smith   | Stavrinakis   | Taylor          |
| Tedder        | Thayer        | Thigpen         |
| Trantham      | Weeks         | West            |
| Wheeler       | White         | Whitmire        |
| Willis        | Wooten        | Yow             |

**Total--108**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 4161--SENT TO THE SENATE**

The following Bill was taken up:

H. 4161 -- Rep. Bannister: A BILL TO AMEND SECTION 12-21-2710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TYPES OF GAMING MACHINES PROHIBITED BY LAW, SO AS TO PROVIDE THAT THE PROHIBITION DOES NOT APPLY TO CERTAIN ITEMS THAT ARE DESIGNATED FOR USE IN OUT-OF-STATE JURISDICTIONS; AND TO AMEND SECTION 16-19-50, RELATING TO THE KEEPING OF UNLAWFUL GAMING

**THURSDAY, MARCH 10, 2022**

TABLES, SO AS TO PROVIDE THAT THE PROHIBITION DOES NOT APPLY TO CERTAIN ITEMS THAT ARE DESIGNATED FOR USE IN OUT OF STATE JURISDICTIONS.

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

**RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

S. 947 -- Senators Grooms, Climer and Garrett: A BILL TO AMEND SECTION 56-23-20 OF THE 1976 CODE, RELATING TO DRIVER TRAINING SCHOOLS, TO PROVIDE THAT ASSOCIATIONS FORMED BY GROUPS OF ELECTRIC COOPERATIVES PURSUANT TO SECTION 33-49-160 ARE PERMITTED TO PROVIDE DRIVER EDUCATION TRAINING.

**LEAVE OF ABSENCE**

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

**H. 5086--AMENDED AND ADOPTED**

The following House Resolution was taken up:

H. 5086 -- Rules Committee: A HOUSE RESOLUTION TO AMEND RULE 5.3B. OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE GENERAL APPROPRIATIONS BILL AND SUPPLEMENTAL APPROPRIATIONS BILLS, SO AS TO FURTHER CLARIFY THE RULE REGARDING GERMANENESS AND AMENDMENTS, SET CERTAIN VOTING REQUIREMENTS, AND PROHIBIT THE ADDITION, AMENDMENT, REPEAL, OR ALTERATION OF A PORTION OF THE GENERAL, PERMANENT TAX LAWS OF THE STATE, AMONG OTHER THINGS.

Rep. G.M. SMITH proposed the following Amendment No. 1 to H. 5086 (COUNCIL\AHB\5086C001.BH.AHB22), which was adopted:

Amend the House resolution, as and if amended, by striking all after the resolving clause and inserting:

/ That Rule 5.3B. of the Rules of the House of Representatives is amended to read:

[HJ]

**THURSDAY, MARCH 10, 2022**

“B. Germaneness and Amendments: The General Appropriations Bill and Supplemental Appropriations Bills may include both temporary and permanent provisions of law.

1. ~~The substantial principal~~ effect of all temporary provisions of law and amendments thereto must be directly germane to the appropriation of funds, affecting revenue, or be rules, regulations, directives, or procedures relative to the appropriation of funds or affecting revenue for the fiscal year referred to in the bill.

2. ~~The substantial principal~~ effect of all permanent provisions of law and amendments thereto must be directly related to and expressly germane to the purpose of an appropriation being made or revenue provided ~~therein for the fiscal year referred to in the bill~~ and require a vote of three-fifths of the House members present and voting.

3. An amendment which has the effect of appropriating or reducing funds in excess of one million dollars during the fiscal year stated within the bill shall include within the amendment the corresponding appropriation reduction(s) and/or revenue increase(s) within the same section that shall fully fund the amendment’s proposed appropriation(s) or revenue reductions(s) or have attached to it in writing an explanation of the specific appropriation reduction(s) and/or revenue increase(s) from the different section(s) that shall fully fund the amendment’s proposed appropriation(s) or revenue reductions. Provided, if an amendment identifies unspent projected revenue or balance as the funding source, the Speaker must consult with the Office of Revenue and Fiscal Affairs and confirm the existence of sufficient unspent revenue or balance before the House may consider the amendment.

4. No amendments thereto may temporarily or permanently add, amend, repeal, or alter a portion of the general permanent tax laws of South Carolina.

5. Any part, section, or division of a conference report concerning the General Appropriations Bill or Supplemental Appropriations Bills must comply with the germaneness requirements of this rule. Provided, further, any part, section, or division of a conference report concerning the General Appropriations Bill or Supplemental Appropriations Bill which amends, adds, or repeals a portion of the general permanent laws of South Carolina may only be included in any conference report or concurred in as a Senate amendment by a vote of three-fifths of the House members present and voting.

6. Nothing in this paragraph prohibits the temporary suspension of any permanent law.

**THURSDAY, MARCH 10, 2022**

The provisions of this paragraph shall be narrowly and strictly construed with regard to all provisions of and amendments to the General Appropriations Bill and Supplemental Appropriations Bills.” /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

Rep. G. M. SMITH spoke in favor of the amendment.

The amendment was then adopted.

The question recurred to the passage of the House Resolution.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 6

Those who voted in the affirmative are:

|               |               |                 |
|---------------|---------------|-----------------|
| Alexander     | Allison       | Anderson        |
| Atkinson      | Bailey        | Ballentine      |
| Bamberg       | Bannister     | Bennett         |
| Bernstein     | Blackwell     | Brittain        |
| Bryant        | Bustos        | Calhoon         |
| Carter        | Caskey        | Clyburn         |
| Cobb-Hunter   | Cogswell      | Collins         |
| B. Cox        | W. Cox        | Crawford        |
| Davis         | Dillard       | Elliott         |
| Erickson      | Felder        | Finlay          |
| Forrest       | Fry           | Gagnon          |
| Garvin        | Gatch         | Gilliam         |
| Gilliard      | Govan         | Hardee          |
| Hart          | Hayes         | Henderson-Myers |
| Henegan       | Herbkersman   | Hewitt          |
| Hiott         | Hixon         | Hosey           |
| Howard        | Huggins       | Hyde            |
| J. E. Johnson | J. L. Johnson | K. O. Johnson   |
| Jordan        | King          | Kirby           |
| Ligon         | Lowe          | Lucas           |
| Matthews      | McCravy       | McDaniel        |
| McGarry       | McGinnis      | McKnight        |
| J. Moore      | T. Moore      | D. C. Moss      |

[HJ]

**THURSDAY, MARCH 10, 2022**

|             |             |             |
|-------------|-------------|-------------|
| V. S. Moss  | Murray      | B. Newton   |
| W. Newton   | Oremus      | Ott         |
| Pendarvis   | Pope        | Rivers      |
| Robinson    | Rose        | Rutherford  |
| Sandifer    | Simrill     | G. M. Smith |
| G. R. Smith | M. M. Smith | Stavrinakis |
| Taylor      | Tedder      | Thayer      |
| Thigpen     | Trantham    | Weeks       |
| West        | Wetmore     | Wheeler     |
| White       | Whitmire    | R. Williams |
| Willis      | Wooten      | Yow         |

**Total--102**

Those who voted in the negative are:

|        |        |          |
|--------|--------|----------|
| Dabney | Hill   | Magnuson |
| May    | McCabe | Morgan   |

**Total--6**

The Resolution as amended, was adopted.

**MOTION PERIOD**

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

**H. 4879--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 4879 -- Reps. G. M. Smith, Lucas, Simrill, Erickson, Elliott, W. Cox, White, B. Newton, McGarry, Bradley, Taylor, Calhoon and Daning: A JOINT RESOLUTION TO CREATE THE "STUDENT FLEXIBILITY IN EDUCATION SCHOLARSHIP FUND", TO PROVIDE FOR FUNDING, TO PROVIDE FOR QUALIFICATIONS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE PROGRAM.

Rep. SIMRILL moved to adjourn debate on the Joint Resolution, which was agreed to.

THURSDAY, MARCH 10, 2022

**H. 3958--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3958 -- Reps. McGarry, Yow, Dabney, B. Newton, Bennett, Bustos, Haddon, Erickson, McCabe, Bryant, Robinson, Huggins, Ott, Ballentine, Oremus, Anderson, T. Moore, Long, Pope, Felder, Ligon, B. Cox, Morgan, Lucas, McKnight, Simrill, J. L. Johnson, Matthews, Jones, Wheeler, Hyde, Murray, Daning, M. M. Smith and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-5-135 SO AS TO PROVIDE THAT A CORONER MAY ACT AS A FIRST RESPONDER UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44-130-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE "SOUTH CAROLINA OVERDOSE PREVENTION ACT" SO AS TO INCLUDE A CORONER IN THE DEFINITION OF THE TERM "FIRST RESPONDER".

Rep. MCGARRY proposed the following Amendment No. 1 to H. 3958 (COUNCIL\WAB\3958C002.RT.WAB22), which was tabled:

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

/ SECTION 1. Chapter 1, Title 23 of the 1976 Code is amended to read:

“Section 23-1-235. ‘First responder’ means a:

(1) person who is a constitutionally elected officer; a state, county or municipal employee; or any person or entity who contracts with the State, a county, or a municipality; and

(2) whose routine job responsibilities include providing an immediate emergency response to calls for assistance through an affiliation with law enforcement agencies, fire departments, and rescue agencies.”

SECTION 2. Section 23-1-230(A)(2) of the 1976 Code is amended to read:

“(2) the following ~~nine~~ ten members who represent the following associations:

- (a) the South Carolina Sheriffs’ Association;
- (b) the South Carolina Police Chiefs Association;
- (c) the South Carolina Chapter of the National Emergency Number Association;
- (d) the Association of Public Communications Officials;

**THURSDAY, MARCH 10, 2022**

(e) the South Carolina Emergency Medical Services Association;

(f) the Emergency Management Association;

(g) the South Carolina Fireman's Association;

(h) the South Carolina Fire Chiefs' Association; ~~and~~

(i) the Palmetto 800 Advisory Committee; and

(j) the South Carolina Coroners Association."

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

Renumber sections to conform.

Amend title to conform.

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

Rep. WHITE proposed the following Amendment No. 2 to H. 3958 (COUNCIL\AHB\3958C001.BH.AHB22), which was adopted:

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

/ SECTION \_\_. Section 17-5-510 of the 1976 Code is amended to read:

"Section 17-5-510. In counties which have both a coroner and a medical examiner:

(1) the coroner has the ultimate responsibility for carrying out the duties required by this article;

(2) the medical examiner's duties must be specified in an annual written contract between the county governing body and the medical examiner; and

(3) a coroner is considered a public safety officer under 34 U.S.C. § 10281 et seq., if killed in the line of duty." /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

Rep. WHITE proposed the following Amendment No. 3 to H. 3958 (COUNCIL\HB\3958C002.NBD.HB22), which was adopted:

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

/ SECTION 1. Article 3, Chapter 5, Title 17 of the 1976 Code is amended by adding:



**THURSDAY, MARCH 10, 2022**

“Section 17-5-135. A coroner or his designee may possess and administer an opioid antidote pursuant to the requirements of the South Carolina Overdose Prevention Act. The coroner must comply with all of the requirements of Section 44-130-60 and is entitled to immunity from civil or criminal liability or professional disciplinary action when administering an opioid antidote to a person he believes in good faith is experiencing an opioid overdose.”

SECTION 2. Chapter 130, Title 44 of the 1976 Code is amended by adding:

“Section 44-130-70. (A) A coroner or coroner’s designee may administer an opioid antidote if the coroner or coroner’s designee believes in good faith that the person is experiencing an opioid overdose.

(B) The coroner or coroner’s designee must comply with all applicable requirements for possession, administration, and disposal of the opioid antidote and administration device. The department may promulgate regulations to implement this section, including appropriate training for coroners or coroners’ designees who carry or have access to an opioid antidote.

(C) A coroner, or coroner’s designee who administers an opioid antidote in accordance with the provisions of this section to a person whom the coroner or coroner’s designee believes in good faith is experiencing an opioid overdose is not by an act or omission subject to civil or criminal liability or to professional disciplinary action.

(D)(1) A coroner or coroner’s designee who administers an opioid antidote as provided in this section shall report to the department’s Bureau of Emergency Medical Services information regarding the opioid antidote administered for inclusion in the prescription monitoring program. The information submitted must include:

(a) date the opioid antidote was administered; and

(b) name, address, and date of birth of the person to whom the opioid antidote was administered, if available.

(2) A coroner or coroner’s designee shall submit the information required pursuant to item (1) electronically or by facsimile to the Bureau of Emergency Services within thirty days of administration. The Bureau of Emergency Medical Services shall transmit the information to the department’s Bureau of Drug Control.

(3)(a) If a coroner, or coroner’s designee submits the name, address, and date of birth of a person to whom an opioid antidote was administered, Drug Control shall verify whether any prescription history of the person appears in the prescription monitoring program and, if prescription history exists, shall document for review by a practitioner

**THURSDAY, MARCH 10, 2022**

or an authorized delegate the date on which the opioid antidote was administered to the person. If no history exists, then Drug Control shall confirm that the antidote was administered in response to a verified opioid overdose. If the antidote was administered in error, then Drug Control shall document the error.

(b) Drug Control also shall maintain data on the administering of opioid antidotes by coroners or coroners' designees including, but not limited to, the frequency with which coroners or coroners' designees administer opioid antidotes by geographic location, coroner or coroner's designee, and dispenser."

SECTION 3. Nothing in this act may be construed as creating or granting benefits in addition to those which a coroner or coroner's designee specifically may be entitled to by law.

SECTION 4. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:  
Yeas 107; Nays 0

Those who voted in the affirmative are:

|             |                 |           |
|-------------|-----------------|-----------|
| Alexander   | Allison         | Anderson  |
| Bailey      | Ballentine      | Bannister |
| Bennett     | Bernstein       | Blackwell |
| Brittain    | Bryant          | Burns     |
| Bustos      | Calhoon         | Carter    |
| Caskey      | Chumley         | Clyburn   |
| Cobb-Hunter | Collins         | B. Cox    |
| W. Cox      | Crawford        | Dabney    |
| Davis       | Dillard         | Elliott   |
| Erickson    | Felder          | Finlay    |
| Forrest     | Gagnon          | Garvin    |
| Gatch       | Gilliam         | Gilliard  |
| Govan       | Haddon          | Hardee    |
| Hart        | Henderson-Myers | Henegan   |
| Herbkersman | Hewitt          | Hill      |

[HJ]

**THURSDAY, MARCH 10, 2022**

|               |               |               |
|---------------|---------------|---------------|
| Hiott         | Hixon         | Hosey         |
| Howard        | Huggins       | Hyde          |
| J. E. Johnson | J. L. Johnson | K. O. Johnson |
| Jones         | Jordan        | King          |
| Kirby         | Ligon         | Long          |
| Lowe          | Lucas         | Magnuson      |
| Matthews      | May           | McCabe        |
| McCravy       | McDaniel      | McGarry       |
| McGinnis      | McKnight      | J. Moore      |
| T. Moore      | Morgan        | D. C. Moss    |
| V. S. Moss    | Murray        | B. Newton     |
| W. Newton     | Nutt          | Oremus        |
| Ott           | Pendarvis     | Pope          |
| Rivers        | Rose          | Rutherford    |
| Sandifer      | Simrill       | G. M. Smith   |
| M. M. Smith   | Stavrinakis   | Taylor        |
| Tedder        | Thigpen       | Trantham      |
| Weeks         | West          | Wetmore       |
| Wheeler       | White         | Whitmire      |
| R. Williams   | S. Williams   | Willis        |
| Wooten        | Yow           |               |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**RECORD FOR VOTING**

During the vote on H. 3958, I inadvertantly voted using Rep. Shedron Williams's voting card. I would like for the Journal to reflect that Rep. Williams has leave for the day and did not cast this vote.

Rep. Annie McDaniel

**H. 3958--RECONSIDERED AND DEBATE ADJOURNED**

Rep. WHITE moved to reconsider the vote wherebythe following Bill was given second reading, which was agreed to:

**THURSDAY, MARCH 10, 2022**

H. 3958 -- Reps. McGarry, Yow, Dabney, B. Newton, Bennett, Bustos, Haddon, Erickson, McCabe, Bryant, Robinson, Huggins, Ott, Ballentine, Oremus, Anderson, T. Moore, Long, Pope, Felder, Ligon, B. Cox, Morgan, Lucas, McKnight, Simrill, J. L. Johnson, Matthews, Jones, Wheeler, Hyde, Murray, Daning, M. M. Smith and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-5-135 SO AS TO PROVIDE THAT A CORONER MAY ACT AS A FIRST RESPONDER UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44-130-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE "SOUTH CAROLINA OVERDOSE PREVENTION ACT" SO AS TO INCLUDE A CORONER IN THE DEFINITION OF THE TERM "FIRST RESPONDER".

Rep. HOWARD moved to adjourn debate on the Bill, which was agreed to.

**H. 4220--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4220 -- Reps. Sandifer and Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-63-230 SO AS TO PROVIDE FOR MUTUAL RESCISSION OF INDIVIDUAL LIFE INSURANCE POLICIES; AND TO AMEND SECTION 38-6-220, RELATING TO REQUIRED INDIVIDUAL LIFE INSURANCE POLICY PROVISIONS, SO AS TO ALLOW FOR THE MUTUAL DECISION TO TERMINATE OR RESCIND A POLICY OF INSURANCE.

Rep. FELDER moved to adjourn debate on the Bill, which was agreed to.

**H. 4997--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 4997 -- Reps. Herbkersman, West, B. Cox, Rutherford, W. Newton, Wooten, Caskey, Huggins, Ballentine, Weeks, R. Williams, Bradley and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO TRANSFER FROM THE SOUTH CAROLINA MENTAL HEALTH COMMISSION THE AUTHORITY AND RESPONSIBILITY FOR ESTABLISHING VETERANS

**THURSDAY, MARCH 10, 2022**

NURSING HOMES AND TO DEVOLVE THOSE SAME DUTIES, RESPONSIBILITIES, AND FUNCTIONS UPON THE DEPARTMENT OF VETERANS' AFFAIRS; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO AUTHORIZE THE DEPARTMENT OF VETERANS' AFFAIRS TO ESTABLISH AND OPERATE VETERANS NURSING HOMES; TO AMEND SECTION 43-35-520, RELATING TO VULNERABLE ADULT FATALITY INVESTIGATIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS NURSING HOMES ESTABLISHED BY THE SOUTH CAROLINA MENTAL HEALTH COMMISSION.

Rep. HERBKERSMAN proposed the following Amendment No. 1 to H. 4997 (COUNCIL\VR\4997C002.CC.VR22), which was adopted:

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

/ SECTION 1. (A) On July 1, 2023, the responsibility and authority to establish and operate veterans nursing homes is transferred from the South Carolina Mental Health Commission, and these duties, responsibilities, and functions are devolved upon the Department of Veterans' Affairs.

(B)(1) The Department of Veterans' Affairs shall oversee the transition of the veterans nursing home program from the Department of Mental Health to the Department of Veterans Affairs.

(2) The Department of Mental and the Department of Veterans' Affairs shall work together at all stages of the process until the transition is complete.

(3) The Department of Mental Health shall immediately begin the reorganization of the veterans nursing home program consistent with any plans the Department of Veterans' Affairs may have in place.

(4) The Department of Mental Health and the Department of Veterans Affairs shall provide monthly reports to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the status of the transition through completion.

(C) The employees, authorized appropriations, and assets and liabilities of the South Carolina Mental Health Commission and the Department of Mental Health designated for the establishment and operation of veterans nursing homes are transferred to the Department of Veterans' Affairs. Classified or unclassified personnel employed by

**THURSDAY, MARCH 10, 2022**

the South Carolina Mental Health Commission or the Department of Mental Health to perform duties related to establishment or operation of veterans nursing homes on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of Veterans' Affairs with the same employment status, compensation, classification, and grade level as applicable.

(D) Applicable regulations promulgated by the South Carolina Mental Health Commission or the Department of Mental Health are continued and are considered to be promulgated by the Department of Veterans' Affairs.

(E) The Code Commissioner is directed to change or correct all references to the South Carolina Mental Health Commission and the Department of Mental Health relating to veterans nursing homes to the Department of Veterans' Affairs.

SECTION 2. Chapter 11, Title 25 of the 1976 Code is amended by adding:

“Article 7

South Carolina Veteran Homes

Section 25-11-710. The Department of Veterans' Affairs, in mutual agreement with the authorities of the United States Veterans Administration, may establish and operate South Carolina veterans homes on grounds owned by the Department of Veterans' Affairs to provide treatment for South Carolina veterans who require long-term nursing care. The Department of Veterans' Affairs is designated as the agency of the State to apply for and to accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes.

Section 25-11-720. For purposes of this article, ‘South Carolina veteran’ means a South Carolina resident who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. A reservist or member of the National Guard called to Federal active duty or disabled from a disease or injury incurred or aggravated in line of duty or while in training status also qualify as a veteran.”

SECTION 3. A. Section 43-35-10(4) of the 1976 Code is amended to read:

“(4) ‘Facility’ means a nursing care facility, community residential care facility, a psychiatric hospital, or any residential program operated or contracted for operation by the Department of Mental Health, the

THURSDAY, MARCH 10, 2022

Department of Veterans' Affairs, or the Department of Disabilities and Special Needs.

B. Section 43-35-520 of the 1976 Code is amended to read:

“Section 43-35-520. The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23-3-810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs. Provided, that in a nursing home, as defined in Section 44-7-130, contracted for operation by the Department of ~~Mental Health~~ Veterans' Affairs, the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43-35-35(A). In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of ~~Mental Health~~ Veterans' Affairs results from natural causes, the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.”

SECTION 4. Sections 44-11-30 and 44-11-40 of the 1976 Code are repealed.

SECTION 5. This act takes effect upon approval of the Governor. To ensure the efficient transition of the operation of veterans nursing homes from the Department to Mental Health to the Department of Veterans' Affairs upon the effective date of the act, the Department of Mental Health and the Department of Veterans' Affairs may begin completion of the tasks enumerated in SECTION 1.B. /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN spoke in favor of the amendment.

Rep. COBB-HUNTER moved to adjourn debate on the Bill.

Rep. HERBKERSMAN moved to table the motion.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 33

[HJ]

**THURSDAY, MARCH 10, 2022**

Those who voted in the affirmative are:

|               |               |             |
|---------------|---------------|-------------|
| Alexander     | Allison       | Bailey      |
| Ballentine    | Bannister     | Bennett     |
| Bernstein     | Blackwell     | Brittain    |
| Bryant        | Burns         | Calhoon     |
| Carter        | Chumley       | Collins     |
| B. Cox        | W. Cox        | Crawford    |
| Davis         | Elliott       | Erickson    |
| Finlay        | Forrest       | Fry         |
| Gagnon        | Gilliam       | Haddon      |
| Hardee        | Herbkersman   | Hewitt      |
| Hiott         | Hixon         | Hosey       |
| Howard        | Huggins       | Hyde        |
| J. E. Johnson | J. L. Johnson | Jones       |
| Jordan        | Long          | Lowe        |
| Lucas         | Magnuson      | McGarry     |
| McGinnis      | T. Moore      | Morgan      |
| D. C. Moss    | V. S. Moss    | B. Newton   |
| W. Newton     | Nutt          | Oremus      |
| Robinson      | Sandifer      | G. M. Smith |
| M. M. Smith   | Stavrinakis   | Taylor      |
| Trantham      | Weeks         | West        |
| White         | Whitmire      | R. Williams |
| Willis        | Wooten        | Yow         |

**Total--69**

Those who voted in the negative are:

|                 |             |           |
|-----------------|-------------|-----------|
| Anderson        | Bamberg     | Bustos    |
| Clyburn         | Cobb-Hunter | Dabney    |
| Dillard         | Felder      | Garvin    |
| Gilliard        | Govan       | Hart      |
| Henderson-Myers | Henegan     | Hill      |
| K. O. Johnson   | King        | Kirby     |
| Ligon           | May         | McCabe    |
| McCravy         | McDaniel    | McKnight  |
| Murray          | Ott         | Pendarvis |
| Pope            | Rivers      | Rose      |
| Rutherford      | Thigpen     | Wheeler   |

**Total--33**



**THURSDAY, MARCH 10, 2022**

So, the motion to adjourn debate was tabled.

The question then recurred to the adoption of the amendment, which was agreed to.

Rep. HERBKERSMAN explained the Bill.

Rep. COBB-HUNTER spoke against the Bill.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. COBB-HUNTER continued speaking.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. W. COX a leave of absence for the remainder of the day.

Rep. COBB-HUNTER continued speaking.

Rep. WEEKS moved to recommit the Bill to the Committee on Ways and Means.

Rep. HERBKERSMAN moved to table the motion.

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

Yeas 53; Nays 38

Those who voted in the affirmative are:

|               |            |               |
|---------------|------------|---------------|
| Bailey        | Ballentine | Bannister     |
| Bennett       | Bernstein  | Blackwell     |
| Brittain      | Bryant     | Burns         |
| Bustos        | Calhoon    | Carter        |
| Caskey        | Chumley    | Collins       |
| B. Cox        | Crawford   | Dabney        |
| Davis         | Elliott    | Erickson      |
| Finlay        | Forrest    | Fry           |
| Haddon        | Herbkerman | Hewitt        |
| Hiott         | Hixon      | Hosey         |
| Huggins       | Hyde       | J. E. Johnson |
| J. L. Johnson | Jordan     | Long          |

**THURSDAY, MARCH 10, 2022**

|           |            |             |
|-----------|------------|-------------|
| Lowe      | Lucas      | McGinnis    |
| T. Moore  | D. C. Moss | V. S. Moss  |
| W. Newton | Sandifer   | Stavrinakis |
| Taylor    | Trantham   | Wetmore     |
| White     | Whitmire   | R. Williams |
| Willis    | Wooten     |             |

**Total--53**

Those who voted in the negative are:

|           |             |                 |
|-----------|-------------|-----------------|
| Alexander | Allison     | Bamberg         |
| Clyburn   | Cobb-Hunter | Dillard         |
| Felder    | Garvin      | Gilliam         |
| Gilliard  | Govan       | Henderson-Myers |
| Henegan   | Howard      | K. O. Johnson   |
| King      | Kirby       | Ligon           |
| Magnuson  | Matthews    | May             |
| McCabe    | McCravy     | McGarry         |
| J. Moore  | Morgan      | Murray          |
| B. Newton | Nutt        | Ott             |
| Pope      | Rivers      | Robinson        |
| Rose      | Weeks       | West            |
| Wheeler   | Yow         |                 |

**Total--38**

So, the motion to recommit the Bill was tabled.

Rep. HERBKERSMAN spoke in favor of the Bill.

Rep. WEEKS spoke against the Bill.

Rep. WEEKS moved to adjourn debate on the Bill, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

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

**THURSDAY, MARCH 10, 2022**

**REPORT OF STANDING COMMITTEE**

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3775 -- Reps. Robinson, Dillard, Elliott, Erickson, Parks, Martin, Fry, Matthews, V. S. Moss, G. R. Smith, Brawley, Rose, Stavrinakis and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-144 SO AS TO PROVIDE DEFINITIONS AND THAT NO HEALTH BENEFIT PLAN MAY REQUIRE AN INSURED TO FAIL TO SUCCESSFULLY RESPOND TO A DRUG OR DRUGS FOR STAGE FOUR ADVANCED, METASTATIC CANCER PRIOR TO THE APPROVAL OF A DRUG PRESCRIBED BY HIS OR HER PHYSICIAN.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5104 -- Reps. Fry, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DAVID PELLEGRINO, UPON COMPLETION OF HIS SERVICE AS A MEMBER OF THE SURFSIDE BEACH TOWN COUNCIL, AND TO

**THURSDAY, MARCH 10, 2022**

WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5105 -- Reps. Fry, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DEBBIE SCOLES, UPON COMPLETION OF HER SERVICE AS A MEMBER OF THE SURFSIDE BEACH TOWN COUNCIL, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5108 -- Reps. Ligon, Bryant, Felder, King, D. C. Moss, V. S. Moss, B. Newton, Pope, Simrill, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Finlay,

**THURSDAY, MARCH 10, 2022**

Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kirby, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, Murphy, Murray, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Rivers, Robinson, Rose, Rutherford, Sandifer, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE ROCK HILL HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA CLASS AAAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5106 -- Reps. Sandifer, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, MARCH 30, 2022 AS

**THURSDAY, MARCH 10, 2022**

"NATIONAL GUARD DAY" IN SOUTH CAROLINA AND TO RECOGNIZE AND HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THE SOUTH CAROLINA NATIONAL GUARD MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5107 -- Rep. Sandifer: A CONCURRENT RESOLUTION TO COMMEND AND CONGRATULATE SOUTH CAROLINA GOVERNOR DAVID BEASLEY ON HIS DISTINGUISHED GLOBAL LEADERSHIP IN RECOGNITION OF THE NOBEL PEACE PRIZE AWARDED IN 2020 TO THE UNITED NATIONS WORLD FOOD PROGRAMME, AND THE INTERNATIONAL DISTINCTION BROUGHT TO THE STATE OF SOUTH CAROLINA AND THE NATION'S NUMBER ONE INTERNATIONAL BUSINESS PROGRAM AT THE UNIVERSITY OF SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5109 -- Reps. Gagnon, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray,

**THURSDAY, MARCH 10, 2022**

B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE DR. JOHN THOMAS "TOM" HELLEMS, VICE PRESIDENT FOR ACADEMIC ADMINISTRATION FOR ERSKINE COLLEGE, UPON THE OCCASION OF HIS RETIREMENT, TO HONOR HIM FOR HIS MANY YEARS OF DEDICATED SERVICE AS AN EDUCATOR AND EDUCATIONAL ADMINISTRATOR, AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5115 -- Reps. Hixon, Caskey, Crawford, Hewitt, Herbkersman, Yow, Ballentine, Wooten, Dabney, Long, McCabe, Bustos, Huggins, M. M. Smith, Trantham, Fry, Bryant, Blackwell, Pope, Willis, Forrest, May, Morgan, Oremus, B. Cox, Chumley, Clyburn, Taylor, Burns, McGinnis, Collins, McGarry, Gilliam, Calhoon, Nutt, Felder, Ligon, West, W. Newton, Haddon, W. Cox, B. Newton, Jones, Lowe, Gagnon, Pendarvis, Allison, T. Moore, Whitmire, Sandifer, Kirby, Hayes, Hardee, Bailey, McCravy, Hosey, Hyde, J. E. Johnson, Jordan, Davis, Brittain, Magnuson, Bannister, Carter, Elliott, Finlay, Garvin, Gatch, Henegan, Hill, Hiott, Lucas, D. C. Moss, V. S. Moss, Simrill, G. M. Smith, Thayer, Weeks and White: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS AND THE PRESIDENT TO IMMEDIATELY REAUTHORIZE CONSTRUCTION OF THE KEYSTONE XL PIPELINE PROJECT.

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

**THURSDAY, MARCH 10, 2022**

**INTRODUCTION OF BILLS**

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

H. 5110 -- Reps. Bustos and May: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-3-120 SO AS TO PROVIDE THAT A BANKING INSTITUTION OR INVESTMENT OR FINANCIAL FIRM THAT ADOPTS ANY ENVIRONMENTAL, SOCIAL, AND GOVERNANCE FACTORS FOR EVALUATING A BUSINESS MUST MEET CERTAIN CRITERIA.

Referred to Committee on Labor, Commerce and Industry

H. 5111 -- Reps. G. M. Smith and Govan: A BILL TO AMEND SECTION 59-152-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS; AND TO AMEND SECTION 59-152-70, RELATING TO REQUIREMENTS FOR LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE REQUIRED CORPORATE STATUS OF THE BOARDS.

Referred to Committee on Education and Public Works

H. 5112 -- Reps. Pendarvis, Bailey, Matthews, Henegan, Garvin, Hosey, Jones, Govan, Bustos, Long, B. Cox, R. Williams, Chumley, Gilliam, Haddon, King, Henderson-Myers, Howard, Burns, Elliott, Robinson, Hixon and Tedder: A JOINT RESOLUTION TO SUSPEND THE IMPOSITION OF THE USER FEE ON GASOLINE AND DIESEL FUEL AND THE IMPOSITION OF THE ROAD TAX UNTIL THE IMPOSITION, OR PART THEREOF, DOES NOT CAUSE THE AVERAGE RETAIL PRICE OF REGULAR GRADE GASOLINE IN SOUTH CAROLINA TO EXCEED \$3.25 PER GALLON.

Referred to Committee on Ways and Means

H. 5113 -- Rep. W. Cox: A BILL TO AMEND SECTION 62-5-101, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO ARTICLE 5, TITLE 62, SO AS TO REVISE THE DEFINITION OF "SUPPORTS AND ASSISTANCE"; TO AMEND SECTION 62-5-103, RELATING TO FACILITY OF PAYMENT OR DELIVERY, SO AS TO CLARIFY THE NATURE OF



**THURSDAY, MARCH 10, 2022**

THE FIFTEEN THOUSAND DOLLAR THRESHOLD; TO AMEND SECTION 62-5-106, RELATING TO THE DUTIES OF GUARDIANS AD LITEM, SO AS TO PROVIDE THAT THE GUARDIAN AD LITEM MUST SUBMIT HIS REPORT TO THE COURT AT LEAST SEVENTY-TWO HOURS PRIOR TO THE HEARING; TO AMEND SECTION 62-5-108, RELATING TO EMERGENCY AND TEMPORARY ORDERS AND HEARINGS, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; TO AMEND SECTIONS 62-5-303, 62-5-303A, 62-5-303B, 62-5-303C, AND 62-5-303D, ALL RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; TO AMEND SECTION 62-5-307, RELATING TO INFORMAL REQUESTS FOR RELIEF, SO AS TO CLARIFY THE WARD'S ABILITY TO SUBMIT CERTAIN REQUESTS TO THE COURT; TO AMEND SECTION 62-5-401, RELATING TO THE VENUE FOR CERTAIN PROCEEDINGS, SO AS TO CLARIFY, AMONG OTHER THINGS, THAT, IN THE CASE OF MINOR CONSERVATORSHIPS, PROPER VENUE IS THE COUNTY IN WHICH THE MINOR RESIDES OR OWNS PROPERTY; TO AMEND SECTION 62-5-403A, RELATING TO THE SERVICE OF SUMMONS AND PETITION, SO AS TO INCLUDE CERTAIN OTHER AFFIDAVITS AND REPORTS AMONG THOSE THAT MUST BE FILED WITH THE PETITION; TO AMEND SECTION 62-5-403B, RELATING TO THE APPOINTMENT OF COUNSEL AND GUARDIAN AD LITEM, SO AS TO ALLOW THE COURT ALSO TO APPOINT NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, NURSES, AND PSYCHOLOGISTS TO SERVE AS EXAMINERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62-5-403C, RELATING TO HEARINGS AND WAIVERS, SO AS TO REVISE, AMONG OTHER THINGS, CERTAIN PROCEDURES IF NO PARTY REQUESTS A HEARING OR IF THE ALLEGED INCAPACITATED INDIVIDUAL WAIVES HIS RIGHT TO A HEARING; TO AMEND SECTION 62-5-405, RELATING TO PROTECTIVE ARRANGEMENTS, SO AS TO REVISE CERTAIN ACTS THAT MAY BE PERFORMED BY CONSERVATORS AND SPECIAL CONSERVATORS; TO AMEND SECTION 62-5-422, RELATING TO THE POWERS OF CONSERVATORS IN ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES REGARDING THE PAYMENT OF CERTAIN FEES; TO AMEND SECTION 62-5-426, RELATING TO CLAIMS AGAINST PROTECTED PERSONS, SO AS TO REQUIRE, AMONG OTHER

**THURSDAY, MARCH 10, 2022**

THINGS, THAT THE CLAIMANT ALSO MUST FILE A WRITTEN STATEMENT OF THE CLAIM WITH THE PROBATE COURT IN WHICH THE CONSERVATORSHIP IS UNDER ADMINISTRATION; TO AMEND SECTION 62-5-428, RELATING TO ACTIONS FOR REQUESTS SUBSEQUENT TO APPOINTMENT, SO AS TO REVISE CERTAIN ACTIONS THAT THE COURT MAY TAKE AFTER THE TIME FOR RESPONSE TO THE PETITION HAS ELAPSED TO ALL PARTIES SERVED; TO AMEND SECTION 62-5-433, RELATING TO DEFINITIONS AND PROCEDURES FOR SETTLEMENT OF CLAIMS IN FAVOR OF OR AGAINST MINORS OR INCAPACITATED PERSONS, SO AS TO, AMONG OTHER THINGS, DEFINE "GUARDIAN AD LITEM"; TO AMEND SECTION 62-5-715, RELATING TO CONFIRMATIONS OF GUARDIANSHIPS OR CONSERVATORSHIPS TRANSFERRED FROM OTHER STATES, SO AS TO ALLOW THE COURT MORE DISCRETION AS TO THE TYPE OF DOCUMENTS IT MAY REQUIRE IN THE TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIPS FROM ANOTHER JURISDICTION; AND TO AMEND SECTION 62-5-716, RELATING TO THE REGISTRATION OF ORDERS FROM ANOTHER STATE, SO AS TO, AMONG OTHER THINGS, ACKNOWLEDGE THAT IN CERTAIN OTHER JURISDICTIONS, A GUARDIAN MAY ALSO HOLD THE SAME POWERS AS A CONSERVATOR.

Referred to Committee on Judiciary

H. 5114 -- Reps. Garvin, Cobb-Hunter, K. O. Johnson, Brawley, King, McDaniel, Henderson-Myers and Henegan: A BILL TO AMEND SECTION 40-7-255, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF HAIR BRAIDING PRACTITIONERS, SO AS TO ELIMINATE REQUIREMENTS CONCERNING TRAINING, REGISTRATION DURATION, AND RENEWAL OF REGISTRATION.

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

H. 5116 -- Reps. J. E. Johnson, Bailey, McGinnis, Brittain, Fry, Jordan, Hardee and Atkinson: A BILL TO AMEND SECTION 12-6-1170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX DEDUCTION FOR RETIREMENT

**THURSDAY, MARCH 10, 2022**

INCOME, SO AS TO ALLOW FOR THE DEDUCTION OF ALL RETIREMENT INCOME.

Referred to Committee on Ways and Means

H. 5117 -- Reps. Gilliard, Govan, Henegan, Murray, Bailey, Collins, Clyburn, Pendarvis, Kirby, R. Williams, Howard and Bamberg: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-260 SO AS TO DESIGNATE THE MONTH OF APRIL AS "WORKPLACE VIOLENCE PREVENTION MONTH".

Referred to Committee on Judiciary

H. 5118 -- Reps. J. Moore, B. Cox and Pendarvis: A BILL TO AMEND SECTION 59-111-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FREE COLLEGE TUITION FOR THE CHILDREN OF CERTAIN WARTIME VETERANS, SO AS TO EXPAND AVAILABILITY OF THE FREE TUITION PROGRAM BY REVISING ELIGIBILITY REQUIREMENTS.

Referred to Committee on Ways and Means

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

**ADJOURNMENT**

At 2:16 p.m. the House, in accordance with the motion of Rep. STAVRINAKIS, adjourned in memory of Melissa Ward Hunter, to meet at 10:00 a.m. tomorrow.

\*\*\*

**THURSDAY, MARCH 10, 2022**

|               |                |               |            |
|---------------|----------------|---------------|------------|
| H. 3271 ..... | 62, 64         | H. 5036 ..... | 42         |
| H. 3340 ..... | 4              | H. 5037 ..... | 6          |
| H. 3498 ..... | 4              | H. 5084 ..... | 6          |
| H. 3509 ..... | 7, 32, 40      | H. 5086 ..... | 82         |
| H. 3537 ..... | 4, 73, 76      | H. 5098 ..... | 6, 30, 32  |
| H. 3590 ..... | 80             | H. 5099 ..... | 76, 78     |
| H. 3600 ..... | 6              | H. 5102 ..... | 1          |
| H. 3686 ..... | 79             | H. 5103 ..... | 2          |
| H. 3775 ..... | 98             | H. 5104 ..... | 98         |
| H. 3859 ..... | 27, 30         | H. 5105 ..... | 99         |
| H. 3950 ..... | 5, 64, 66      | H. 5106 ..... | 100        |
| H. 3958 ..... | 86, 87, 90, 91 | H. 5107 ..... | 101        |
| H. 4161 ..... | 81             | H. 5108 ..... | 99         |
| H. 4220 ..... | 91             | H. 5109 ..... | 101        |
| H. 4321 ..... | 68, 71         | H. 5110 ..... | 103        |
| H. 4534 ..... | 44, 45, 62     | H. 5111 ..... | 103        |
| H. 4538 ..... | 15, 41, 73     | H. 5112 ..... | 103        |
| H. 4563 ..... | 5              | H. 5113 ..... | 103        |
| H. 4567 ..... | 5              | H. 5114 ..... | 105        |
| H. 4568 ..... | 5              | H. 5115 ..... | 102        |
| H. 4601 ..... | 5, 67, 68      | H. 5116 ..... | 105        |
| H. 4776 ..... | 72             | H. 5117 ..... | 106        |
| H. 4817 ..... | 5              | H. 5118 ..... | 106        |
| H. 4834 ..... | 76             | H. 5150 ..... | 15, 16     |
| H. 4837 ..... | 5, 20, 21, 27  | H. 5151 ..... | 16         |
| H. 4866 ..... | 7              |               |            |
| H. 4879 ..... | 85             | S. 628 .....  | 78         |
| H. 4889 ..... | 42             | S. 947 .....  | 82         |
| H. 4997 ..... | 91, 92         | S. 973 .....  | 43, 44     |
| H. 4998 ..... | 5, 66          | S. 1090 ..... | 16, 17, 20 |