

**Wednesday, April 6, 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 Psalm 20:9: "Give victory to the king, O Lord; answer us when we call."

Let us pray. Almighty God we give thanks to You for all the benefits of life provided to these Representatives and Staff. When we call upon You, send Your blessings to these people. Especially, we ask from You, O Lord, for Your care and the safety of Your people of Ukraine. Keep them in Your loving care. Bless our defenders of freedom as they protect us. Bless our World, Nation, President, State, Governor, Speaker, Staff, and all who serve in these Halls of Government. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

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

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

**MOTION ADOPTED**

Rep. HENEGAN moved that when the House adjourns, it adjourn in memory of George Allan Lomax, Jr., brother of Representative Parks, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for family and friends of those involved in the Tanglewood Middle School shooting.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4993

Agency: South Carolina Jobs-Economic Development Authority

Statutory Authority: 1976 Code Section 41-43-90

South Carolina Jobs-Economic Development Authority

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Received by Speaker of the House of Representatives January 12, 2021

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 12, 2021

Revised: April 10, 2022

Revised: April 25, 2022

**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     | 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         |
| 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        | McCrary       |
| 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        |

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|             |             |             |
|-------------|-------------|-------------|
| 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      |
| Yow         |             |             |

**Total Present--118**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIXON a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert L. Ridgeway III of Manning 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

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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. 3120  
Date: ADD:  
04/06/22 S. WILLIAMS and RIVERS

**CO-SPONSORS ADDED**

Bill Number: H. 3252  
Date: ADD:  
04/06/22 MCGARRY and B. NEWTON

**CO-SPONSORS ADDED**

Bill Number: H. 3669  
Date: ADD:  
04/06/22 RIVERS, MCDANIEL, KING and R. WILLIAMS

**CO-SPONSORS ADDED**

Bill Number: H. 3709  
Date: ADD:  
04/06/22 RIVERS, S. WILLIAMS, YOW and MCGARRY

**CO-SPONSOR ADDED**

Bill Number: H. 3840  
Date: ADD:  
04/06/22 RIVERS

**CO-SPONSOR ADDED**

Bill Number: H. 3938  
Date: ADD:  
04/06/22 RIVERS

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**CO-SPONSORS ADDED**

Bill Number: H. 4243  
Date: ADD:  
04/06/22 ERICKSON and BRADLEY

**CO-SPONSORS ADDED**

Bill Number: H. 4252  
Date: ADD:  
04/06/22 ERICKSON and BRADLEY

**CO-SPONSOR ADDED**

Bill Number: H. 4541  
Date: ADD:  
04/06/22 HENDERSON-MYERS

**CO-SPONSORS ADDED**

Bill Number: H. 4568  
Date: ADD:  
04/06/22 W. NEWTON, HERBKERSMAN and BRADLEY

**CO-SPONSOR ADDED**

Bill Number: H. 4614  
Date: ADD:  
04/06/22 FRY

**CO-SPONSORS ADDED**

Bill Number: H. 4775  
Date: ADD:  
04/06/22 ERICKSON and BRADLEY

**CO-SPONSOR ADDED**

Bill Number: H. 4817  
Date: ADD:  
04/06/22 BLACKWELL

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**CO-SPONSORS ADDED**

Bill Number: H. 4918  
Date: ADD:  
04/06/22 W. NEWTON, HERBKERSMAN, MCGARRY,  
B. NEWTON, FORREST, YOW, R. WILLIAMS and  
JEFFERSON

**CO-SPONSORS ADDED**

Bill Number: H. 4985  
Date: ADD:  
04/06/22 MURRAY and GILLIARD

**CO-SPONSORS ADDED**

Bill Number: H. 5144  
Date: ADD:  
04/06/22 YOW, R. WILLIAMS and JEFFERSON

**CO-SPONSORS ADDED**

Bill Number: H. 5198  
Date: ADD:  
04/06/22 COBB-HUNTER, R. WILLIAMS, JEFFERSON and  
YOW

**SPEAKER IN CHAIR**

**H. 4608--SENT TO THE SENATE**

The following Bill was taken up:

H. 4608 -- Reps. Trantham, Oremus, Burns, McCravy, G. R. Smith, M. M. Smith, B. Cox, Bennett, McGarry, Taylor, Jones, Gilliam, Yow, Hixon, Hill, Gagnon, Whitmire, Haddon, Bannister, Magnuson, May, Dabney, Long, Willis, McCabe, Morgan, Bryant, V. S. Moss, Nutt, T. Moore, Forrest, Bailey, West, Thayer, White, McKnight, Atkinson, Fry, Caskey, Blackwell, Ballentine, Wooten, Huggins, Chumley and Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SAVE WOMEN'S SPORTS ACT" BY ADDING SECTION 59-1-500 SO AS TO EXPRESS LEGISLATIVE INTENT AND MAKE CERTAIN FINDINGS; TO REQUIRE GENDER-BASED OR COEDUCATIONAL DESIGNATION OF CERTAIN PUBLIC SECONDARY AND POSTSECONDARY SCHOOL SPORTS TEAMS; TO PROVIDE

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SUCH SPORTS TEAMS DESIGNATED FOR MALES MAY BE OPEN TO FEMALE STUDENT PARTICIPANTS; TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR FEMALES MAY NOT BE OPEN TO MALE PARTICIPANTS; TO PROVIDE ASSUMPTIONS CONCERNING THE CORRECTNESS OF BIOLOGICAL GENDER STATEMENTS ON OFFICIAL BIRTH CERTIFICATES OF STUDENTS; AND TO PROVIDE REMEDIES TO STUDENTS AND SCHOOLS FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT.

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

Yeas 80; Nays 24

Those who voted in the affirmative are:

|               |             |             |
|---------------|-------------|-------------|
| Allison       | Atkinson    | Bailey      |
| Ballentine    | Bannister   | Bennett     |
| Blackwell     | Bradley     | Brittain    |
| Bryant        | Burns       | Bustos      |
| Calhoon       | Carter      | Caskey      |
| Chumley       | Cogswell    | Collins     |
| B. Cox        | W. Cox      | Dabney      |
| Daning        | Davis       | Elliott     |
| Erickson      | Felder      | Forrest     |
| Fry           | Gagnon      | Gatch       |
| Gilliam       | Gilliard    | Govan       |
| Haddon        | Hardee      | Hayes       |
| Henegan       | Herbkersman | Hewitt      |
| Hiott         | Huggins     | Hyde        |
| J. E. Johnson | Jones       | Jordan      |
| Ligon         | Long        | Lowe        |
| Lucas         | Magnuson    | May         |
| McCabe        | McCrary     | McGarry     |
| McGinnis      | McKnight    | T. Moore    |
| D. C. Moss    | V. S. Moss  | B. Newton   |
| W. Newton     | Nutt        | Oremus      |
| Ott           | Pope        | Sandifer    |
| Simrill       | G. M. Smith | G. R. Smith |
| M. M. Smith   | Taylor      | Thayer      |
| Trantham      | Weeks       | Wheeler     |

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|        |          |             |
|--------|----------|-------------|
| White  | Whitmire | R. Williams |
| Wooten | Yow      |             |

**Total--80**

Those who voted in the negative are:

|               |               |                 |
|---------------|---------------|-----------------|
| Bernstein     | Brawley       | Clyburn         |
| Cobb-Hunter   | Dillard       | Henderson-Myers |
| Hosey         | Howard        | Jefferson       |
| J. L. Johnson | K. O. Johnson | King            |
| Kirby         | Matthews      | McDaniel        |
| J. Moore      | Murray        | Pendarvis       |
| Rivers        | Robinson      | Rose            |
| Tedder        | Wetmore       | S. Williams     |

**Total--24**

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

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on H. 4608. If I had been present, I would have voted against the Bill.

Rep. Chris Hart

**SENT TO THE SENATE**

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

H. 5074 -- Reps. Haddon, Allison, Burns and Hiott: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.



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H. 5057 -- Reps. Simrill, Pope, Erickson and W. Newton: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2021 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 31, 2022

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,  
President

On motion of Rep. HIOTT the invitation was accepted.

**H. 3696--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., Tuesday, April 5, 2022

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3696:

H. 3696 -- Reps. Lucas, G. M. Smith, Murphy, Simrill, Rutherford, Bannister, Bradley, Erickson, Gatch, Herbkersman, Kimmons, W. Newton, Rivers, Stavrinakis, Weeks, S. Williams, McGarry, Carter,

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Hart, Jefferson, R. Williams, Govan and Thigpen: A BILL TO AMEND SECTION 14-5-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, SO AS TO INCREASE THE NUMBER OF CIRCUIT COURT JUDGES BY ONE IN THE NINTH, FOURTEENTH, AND FIFTEENTH CIRCUITS; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO INCREASE BY ONE THE NUMBER OF FAMILY COURT JUDGES IN THE FIRST AND SIXTEENTH CIRCUITS.

and asks for a Committee of Conference and has appointed Senators Rankin, Hutto and Talley to the Committee of Conference on the part of the Senate.

Very respectfully,  
President

Whereupon, the Chair appointed Reps. G. M. SMITH, RUTHERFORD and W. NEWTON to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

#### **HOUSE RESOLUTION**

The following was introduced:

H. 5217 -- Reps. Rutherford, Rose, 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, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer,

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Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON A TRULY EXTRAORDINARY SEASON AND TO HONOR THEM FOR WINNING THE 2022 NCAA WOMEN'S BASKETBALL NATIONAL CHAMPIONSHIP.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5218 -- Reprs. Rutherford, Rose, 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, 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 EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2022 NCAA WOMEN'S BASKETBALL NATIONAL CHAMPIONSHIP.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5219 -- Reps. Hewitt, Huggins, Ballentine, Alexander, Allison, Anderson, Atkinson, Bailey, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, 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, Hill, Hiott, Hixon, Hosey, Howard, 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 LIEUTENANT GENERAL HERMAN STACY CLARDY III, UNITED STATES MARINE CORPS, UPON THE OCCASION OF HIS RETIREMENT AFTER NEARLY FOUR DECADES OF OUTSTANDING SERVICE TO HIS COUNTRY, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS AS HE RETURNS TO SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5220 -- Reps. Davis, Allison, Huggins, Govan, Ballentine and Thigpen: A HOUSE RESOLUTION TO RECOGNIZE THE SCHOOL IMPROVEMENT COUNCILS OF SOUTH CAROLINA FOR FORTY-FIVE YEARS OF CIVIC ENGAGEMENT AT WORK IN PUBLIC EDUCATION.

The Resolution was adopted.

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**HOUSE RESOLUTION**

The following was introduced:

H. 5221 -- Reps. Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, 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, 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 CONGRATULATE THE WILSON HIGH SCHOOL BOYS BASKETBALL TEAM FOR CAPTURING THE 2022 CLASS AAAA STATE CHAMPIONSHIP TITLE AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5222 -- Reps. Kirby, Lowe, Alexander, Jordan, R. Williams, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, 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, King, Ligon, Long, Lucas, Magnuson, Matthews,

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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, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOSEPH W. KING, EXECUTIVE DIRECTOR FOR FLORENCE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP, UPON THE OCCASION OF HIS RETIREMENT AFTER A DISTINGUISHED TENURE OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

**INTRODUCTION OF BILLS**

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

H. 5223 -- Rep. Rutherford: A BILL TO AMEND SECTION 16-23-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL CARRYING OF HANDGUNS AND EXCEPTIONS, SO AS TO PROHIBIT CUSTODIAL ARREST OF A PERSON IN POSSESSION OF A LAWFUL HANDGUN AND PROHIBIT CONFISCATION OF A LAWFUL HANDGUN UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Judiciary

H. 5224 -- Rep. Tedder: A BILL TO AMEND SECTION 59-149-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIFE SCHOLARSHIPS, AND SECTION 59-150-370, RELATING TO HOPE SCHOLARSHIPS, BOTH SO AS TO INCREASE THE MAXIMUM AMOUNTS OF THESE SCHOLARSHIPS BY ONE THOUSAND DOLLARS.

Referred to Committee on Education and Public Works

S. 90 -- Senators Malloy, Campsen and Rankin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA,

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RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN".

Referred to Committee on Judiciary

S. 202 -- Senators Hembree and Bennett: A BILL TO AMEND SECTION 1-6-10(1) AND (5) OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE OFFICE OF THE STATE INSPECTOR GENERAL, TO DEFINE NECESSARY TERMS.

Referred to Committee on Judiciary

S. 906 -- Senator Shealy: A BILL TO AMEND SECTION 43-35-10(3) OF THE 1976 CODE, RELATING TO THE DEFINITION OF "EXPLOITATION" IN THE "OMNIBUS ADULT PROTECTION ACT", TO AMEND THE DEFINITION OF "EXPLOITATION" TO INCLUDE THE EXERCISE OF EXTREME UNDUE INFLUENCE OVER, COERCIVE PERSUASION OF, OR PSYCHOLOGICALLY DAMAGING MANIPULATION OF A VULNERABLE ADULT; AND TO FURTHER AMEND SECTION 43-35-10 BY ADDING A DEFINITION FOR "UNDUE INFLUENCE".

Referred to Committee on Judiciary

S. 923 -- Senators Turner, Hutto, Peeler, Martin, Climer, Bennett, Talley, Corbin, Senn, Shealy, Loftis, Alexander, Young and Kimbrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-465 SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE YOUTH PATRIOTIC SOCIETIES MAY ADDRESS PUBLIC SCHOOL STUDENTS DURING PATRIOTISM WEEK ABOUT HOW INVOLVEMENT IN THE YOUTH PATRIOTIC SOCIETY MAY FURTHER THE EDUCATIONAL INTEREST AND CIVIC INVOLVEMENT OF THE STUDENTS, AND TO PROVIDE RELATED PROCEDURES AND REQUIREMENTS; TO AMEND SECTION 53-3-150, RELATING TO PATRIOTISM WEEK, SO AS TO MAKE OBSERVATION OF PATRIOTISM WEEK IN PUBLIC SCHOOLS MANDATORY INSTEAD OF OPTIONAL, AND TO PROVIDE THIS OBSERVATION MUST INCLUDE TIME ALLOCATED FOR

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YOUTH PATRIOTIC SOCIETIES TO ADDRESS STUDENTS AS PROVIDED IN THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JULY 1, 2022.

Referred to Committee on Education and Public Works

S. 1031 -- Senators Campsen, Grooms, Senn, Loftis and Verdin: A BILL TO AMEND SECTION 30-5-10 OF THE 1976 CODE, RELATING TO THE OFFICE OF REGISTER OF DEEDS, SO AS TO PROVIDE QUALIFICATIONS TO BE ELIGIBLE TO HOLD THE OFFICE OF REGISTER OF DEEDS.

Referred to Committee on Judiciary

S. 1132 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ONSITE WASTEWATER SYSTEMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5103, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Rep. HUGGINS, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

S. 1178 -- Senator Climer: A BILL TO AMEND SECTION 39-20-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF-SERVICE STORAGE FACILITIES WRITTEN RENTAL AGREEMENTS, SO AS TO PROVIDE THAT A SELF-SERVICE STORAGE FACILITY OCCUPANT MAY CHOOSE WHERE TO PUBLISH AN ADVERTISEMENT OF SALE INCLUDING CERTAIN PUBLICLY ACCESSIBLE WEBSITES; AND TO AMEND SECTION 39-20-45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR REQUIREMENTS FOR PUBLISHING AN ADVERTISEMENT OF A PUBLIC SALE.

Referred to Committee on Labor, Commerce and Industry

**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



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

Rep. HIOTT moved to adjourn debate on the Bill until Tuesday, April 19, which was agreed to.

**H. 4568--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4568 -- Reps. Oremus, McCravy, Allison, Bailey, Bennett, Bryant, Burns, Chumley, B. Cox, Dabney, Erickson, Gagnon, Gilliam, Haddon, Hayes, Hiott, Hixon, Huggins, Hyde, J. E. Johnson, Jordan, Long, Lucas, Magnuson, Martin, May, McCabe, McGarry, T. Moore, Morgan, D. C. Moss, V. S. Moss, Nutt, G. R. Smith, M. M. Smith, Stringer, Thayer, Trantham, West, Willis, Wooten, Forrest, Taylor, Caskey, White, Whitmire, Crawford, Fry, W. Newton, Herbkersman and Bradley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-90 SO AS TO REQUIRE THE DISCLOSURE OF MEDICAL INFORMATION TO PERSONS WHO MAY RECEIVE A CHEMICALLY INDUCED ABORTION, WITH EXCEPTIONS.

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

**H. 5183--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 5183 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT" BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE CERTAIN CONCEPTS ARE PROHIBITED FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND TO AMEND SECTION 59-28-180, RELATING TO PARENTAL

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EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

Rep. MAGNUSON moved cloture on the entire matter.

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

Yeas 46; Nays 58

Those who voted in the affirmative are:

|            |           |               |
|------------|-----------|---------------|
| Allison    | Bailey    | Ballentine    |
| Bennett    | Blackwell | Brittain      |
| Bryant     | Burns     | Bustos        |
| Calhoon    | Chumley   | B. Cox        |
| W. Cox     | Crawford  | Dabney        |
| Elliott    | Forrest   | Fry           |
| Gagnon     | Gatch     | Gilliam       |
| Haddon     | Hardee    | Hill          |
| Hiott      | Huggins   | J. E. Johnson |
| Jones      | Long      | Lucas         |
| Magnuson   | May       | McCabe        |
| McCravy    | McGinnis  | T. Moore      |
| V. S. Moss | Nutt      | G. R. Smith   |
| Taylor     | Thayer    | Trantham      |
| White      | Whitmire  | Willis        |
| Wooten     |           |               |

**Total--46**

Those who voted in the negative are:

|             |          |          |
|-------------|----------|----------|
| Alexander   | Atkinson | Bamberg  |
| Bernstein   | Bradley  | Brawley  |
| Carter      | Caskey   | Clyburn  |
| Cobb-Hunter | Cogswell | Daning   |
| Davis       | Dillard  | Erickson |

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|                 |               |             |
|-----------------|---------------|-------------|
| Felder          | Garvin        | Gilliard    |
| Govan           | Hart          | Hayes       |
| Henderson-Myers | Henegan       | Hosey       |
| Howard          | Hyde          | Jefferson   |
| J. L. Johnson   | K. O. Johnson | King        |
| Kirby           | Ligon         | Lowe        |
| Matthews        | McDaniel      | McGarry     |
| McKnight        | J. Moore      | Murray      |
| B. Newton       | Ott           | Pendarvis   |
| Pope            | Rivers        | Robinson    |
| Rose            | Rutherford    | Sandifer    |
| Simrill         | G. M. Smith   | M. M. Smith |
| Stavrinakis     | Tedder        | Thigpen     |
| Weeks           | Wetmore       | R. Williams |
| S. Williams     |               |             |

**Total--58**

So, cloture was not ordered.

Reps. OTT, BAMBERG, MCKNIGHT, MAY, COBB-HUNTER, J. MOORE, MAGNUSON, GILLIARD, NUTT, KIRBY, GOVAN, J. L. JOHNSON, BRAWLEY, HENEGAN, MCDANIEL, R. WILLIAMS, JEFFERSON, MCCRAVY, ROSE, J. E. JOHNSON, GARVIN, BERNSTEIN, HOSEY, RIVERS, S. WILLIAMS, HART, FRY, CRAWFORD, WETMORE, WEEKS, HENDERSON-MYERS, ALLISON, DABNEY, V. S. MOSS, CALHOON, MATTHEWS, ROBINSON, DILLARD, POPE, CLYBURN, ALEXANDER, ERICKSON, COGSWELL, G. R. SMITH, T. MOORE, MCCABE and HIOTT requested debate on the Bill.

**H. 4999--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4999 -- Rep. Hiott: A BILL TO AMEND SECTION 44-56-200 CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HAZARDOUS WASTE CLEANUP, SO AS TO PROVIDE STANDARDS FOR CONDUCTING CERTAIN CLEANUP, REMOVAL, REMEDIATION, OR OTHER RESPONSES; TO PROVIDE SITE-SPECIFIC REMEDIATION STANDARDS; AND TO DEFINE NECESSARY TERMS.

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Rep. HIOTT proposed the following Amendment No. 1 to H. 4999 (COUNCIL\VR\4999C001.BH.VR22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-56-200(D) and (E) before the numbered items and inserting:

/ (D) When conducting cleanup, removal, remediation, or any other response pursuant to this section, the Pollution Control Act, or regulations thereof, a person who proposes or is required to respond to the release of a pollutant, contaminant, or hazardous substance at a contaminated facility site must comply with one of the following standards:

(1) the unrestricted use standards applicable to each affected medium;

(2) the background standard, if the background standard exceeds the unrestricted use standards;

(3) a site-specific remediation standard for any or all of the affected media that undergo review and approval by the department pursuant to subsection (E); or

(4) any combination of remediation standards for affected media described in this subsection.

(E) Site-specific remediation standards developed for each medium and authorized by this section shall include an evaluation of remediation standards based upon the present or currently planned future use of a site. Site-specific remediation standards shall be developed in accordance with the following and other relevant factors as determined by the department: /

Renumber sections to conform.

Amend title to conform.

Rep. CHUMLEY explained the amendment.

The amendment was then adopted.

Rep. HIOTT moved to reconsider the vote whereby the following amendment was adopted, which was agreed to:

Rep. HIOTT proposed the following Amendment No. 1 to H. 4999 (COUNCIL\VR\4999C001.BH.VR22), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-56-200(D) and (E) before the numbered items and inserting:

/ (D) When conducting cleanup, removal, remediation, or any other response pursuant to this section, the Pollution Control Act, or regulations thereof, a person who proposes or is required to respond to the release of a pollutant, contaminant, or hazardous substance at a

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contaminated facility site must comply with one of the following standards:

(1) the unrestricted use standards applicable to each affected medium;

(2) the background standard, if the background standard exceeds the unrestricted use standards;

(3) a site-specific remediation standard for any or all of the affected media that undergo review and approval by the department pursuant to subsection (E); or

(4) any combination of remediation standards for affected media described in this subsection.

(E) Site-specific remediation standards developed for each medium and authorized by this section shall include an evaluation of remediation standards based upon the present or currently planned future use of a site. Site-specific remediation standards shall be developed in accordance with the following and other relevant factors as determined by the department: /

Renumber sections to conform.

Amend title to conform.

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

Rep. HIOTT proposed the following Amendment No. 2 to H. 4999 (COUNCIL\VR\4999C002.BH.VR22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-56-200(D) and (E) before the numbered items and inserting:

/ (D) When conducting cleanup, removal, remediation, or any other response pursuant to this section, the Pollution Control Act, or regulations thereof, a person who proposes or is required to respond to the release of a pollutant, contaminant, or hazardous substance at a contaminated facility site must comply with one of the following standards:

(1) the unrestricted use standards applicable to each affected medium;

(2) the background standard, if the background standard exceeds the unrestricted use standards;

(3) a site-specific remediation standard for any or all of the affected media that undergo review and approval by the department pursuant to subsection (E); or

(4) any combination of remediation standards for affected media described in this subsection.

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(E) Site-specific remediation standards developed for each medium and authorized by this section shall include an evaluation of remediation standards based upon the present or currently planned future use of a site. Site-specific remediation standards shall be developed in accordance with the following: /

Renumber sections to conform.

Amend title to conform.

Rep. CHUMLEY explained the amendment.

The amendment was then adopted.

Rep. CHUMLEY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|               |                 |               |
|---------------|-----------------|---------------|
| Atkinson      | Bailey          | Bannister     |
| Bernstein     | Blackwell       | Bradley       |
| 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        | Forrest         | Fry           |
| Gagnon        | Garvin          | Gatch         |
| Gilliam       | Gilliard        | Govan         |
| Haddon        | Hardee          | Hart          |
| Hayes         | Henderson-Myers | Henegan       |
| Herbkersman   | Hewitt          | Hill          |
| Hiott         | Hosey           | Howard        |
| Huggins       | Hyde            | Jefferson     |
| J. E. Johnson | J. L. Johnson   | K. O. Johnson |
| Jones         | Kirby           | Ligon         |
| Long          | Lowe            | Lucas         |
| Magnuson      | Matthews        | May           |
| McCabe        | McCravy         | McGarry       |
| McGinnis      | J. Moore        | T. Moore      |
| Morgan        | D. C. Moss      | V. S. Moss    |

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|             |             |             |
|-------------|-------------|-------------|
| Murray      | B. Newton   | W. Newton   |
| Nutt        | Oremus      | Pendarvis   |
| Rivers      | Robinson    | Rose        |
| Rutherford  | Sandifer    | G. M. Smith |
| G. R. Smith | M. M. Smith | Stavrinakis |
| Taylor      | Thayer      | Trantham    |
| Weeks       | Wetmore     | Wheeler     |
| White       | Whitmire    | S. Williams |
| Willis      | Wooten      | Yow         |

**Total--99**

Those who voted in the negative are:

**Total--0**

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

***SPEAKER PRO TEMPORE IN CHAIR***

**S. 1010--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1010 -- Senators Gambrell, Alexander and Garrett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 49-3-60 SO AS TO PROVIDE THAT AN ENTITY THAT HAS CONTRACTED FOR THE RIGHT TO STORE WATER IN A RESERVOIR OWNED BY THE UNITED STATES ARMY CORPS OF ENGINEERS HAS EXCLUSIVE RIGHTS TO ANY RETURN FLOWS GENERATED TO THAT RESERVOIR.

Rep. W. COX explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

|           |           |           |
|-----------|-----------|-----------|
| Alexander | Allison   | Atkinson  |
| Bailey    | Bamberg   | Bannister |
| Bernstein | Blackwell | Bradley   |

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|               |             |                 |
|---------------|-------------|-----------------|
| 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      | Forrest         |
| Fry           | Gagnon      | Garvin          |
| Gatch         | Gilliam     | Gilliard        |
| Govan         | Haddon      | Hardee          |
| Hart          | Hayes       | Henderson-Myers |
| Henegan       | Herbkersman | Hewitt          |
| Hill          | Hiott       | Hosey           |
| Hyde          | Jefferson   | 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         | Pope            |
| Rivers        | Robinson    | Rose            |
| Rutherford    | Sandifer    | Simrill         |
| G. M. Smith   | G. R. Smith | M. M. Smith     |
| Stavrinakis   | Taylor      | Tedder          |
| Thayer        | Thigpen     | Trantham        |
| Weeks         | Wetmore     | Wheeler         |
| White         | Whitmire    | R. Williams     |
| S. Williams   | Willis      | Wooten          |
| Yow           |             |                 |

**Total--109**

Those who voted in the negative are:

**Total--0**



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

**S. 980--DEBATE ADJOURNED**

The following Bill was taken up:

S. 980 -- Senators Goldfinch and Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROHIBIT A PERSON TO TAKE OR HAVE IN POSSESSION MORE THAN TWO RED SNAPPER IN ANY ONE DAY; AND TO AMEND SECTION 50-5-1710(B) OF THE 1976 CODE, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROHIBIT TAKING, POSSESSING, LANDING, SELLING, PURCHASING, OR ATTEMPTING TO SELL OR PURCHASE RED SNAPPER OF LESS THAN TWENTY INCHES IN TOTAL LENGTH.

Rep. HIOTT moved to adjourn debate on the Bill until Tuesday, April 19, which was agreed to.

**H. 4775--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4775 -- Reps. Hiott, Bailey, Carter, Erickson and Bradley: A BILL TO AMEND CHAPTER 60, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANUFACTURER RESPONSIBILITY FOR THE RECOVERY AND RECYCLING OF CERTAIN ELECTRONIC WASTE, SO AS TO ADD AND CHANGE DEFINITIONAL TERMS; TO REQUIRE MANUFACTURERS OF COVERED DEVICES TO OFFER AN ELECTRONIC WASTE RECOVERY PROGRAM AND TO ESTABLISH MINIMUM REQUIREMENTS OF SUCH RECOVERY PROGRAMS; TO ESTABLISH TELEVISION AND COMPUTER MONITOR COLLECTION SITE CONVENIENCE STANDARDS BASED ON COUNTY POPULATION; TO REQUIRE TELEVISION AND COMPUTER MONITOR MANUFACTURERS TO SUBMIT AN ANNUAL MANUFACTURER RECOVERY PLAN TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR REVIEW AND APPROVAL AND TO ESTABLISH MINIMUM PLAN REQUIREMENTS; TO ALLOW MANUFACTURER CLEARINGHOUSES, ACTING ON BEHALF OF CERTAIN MANUFACTURERS, TO COMPLY WITH THE CHAPTER'S

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PROVISIONS AND TO ESTABLISH CERTAIN REQUIREMENTS APPLICABLE TO MANUFACTURER CLEARINGHOUSES; TO SET FORTH POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO CREATE AND CHANGE CERTAIN FEES AND PENALTIES; TO PROVIDE FOR PERIODIC REVIEW OF THE CHAPTER'S PROVISIONS BY A STAKEHOLDER GROUP; AND FOR OTHER PURPOSES; AND TO REPEAL SECTION 14 OF ACT 129 OF 2014, AS AMENDED, RELATING TO A SUNSET PROVISION.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4775 (COUNCIL\VR\4775C002.NBD.VR22), which was adopted:

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

/ SECTION 1. A. Chapter 60, Title 48 of the 1976 Code is amended to read:

**“CHAPTER 60**

**South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act**

Section 48-60-05. This chapter may be cited as the ‘South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act’.

Section 48-60-10. The General Assembly finds:

(1) Televisions, computing, and printing devices are critical to the development of this state’s economy and the promotion of the quality of life of the citizens of this State.

(2) Many of these televisions, computing, and printing devices can be refurbished and reused, or recycled.

(3) Developing and implementing a system for recovering televisions, computing, and printing devices promotes resource conservation, public health, public safety, and economic prosperity.

(4) In order to carry out these purposes, the State must establish a comprehensive and convenient recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers, and government, and that the program must ensure that end-of-life televisions, computing, and printing devices are disposed of in a manner that promote resource conservation through the development of an effective and efficient system for collection and recycling, and to

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encourage manufacturers to offer convenient collection and recycling service to consumers at no charge.

Section 48-60-20. As used in this chapter:

(1) 'Collect' or 'collection' means to facilitate the delivery of a covered device covered television device or covered computer monitor device to a collection site included in the manufacturer's program, and to transport the covered device covered television device or covered computer monitor device for recovery.

(2) 'Collector' means a person who collects a covered television device or covered computer monitor device at any program collection site or one-day collection event and prepares them for transport.

(3) 'Computer device', often referred to as a 'personal computer' or 'PC', means a desktop, notebook or tablet computer, or a printing device as further defined below and used only in a residence, but does not mean an automated typewriter, mobile telephone, portable hand-held calculator, portable digital assistant (PDA), MP3 player, or other similar device. 'Computer device' does not include computer peripherals, commonly known as cables, mouse, or keyboard. 'Computer device' is further defined as follows in this item:

(a) 'Desktop computer' means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a desktop computer is achieved through a stand-alone keyboard, stand-alone monitor, or other display unit, and a stand-alone mouse or other pointing device, and is designed for a single user. A desktop computer has a main unit that is intended to be persistently located in a single location, often on a desk or on the floor. A desktop computer is not designed for portability and generally utilizes an external monitor, keyboard, and mouse with an external or internal power supply for a power source. Desktop computer does not include an automated typewriter or typesetter.

(b) 'Notebook computer' means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a notebook

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computer is achieved through a keyboard, video display greater than four inches in size, and mouse or other pointing device, all of which are contained within the construction of the unit that comprises the notebook computer; supplemental stand-alone interface devices typically also can be attached to the notebook computer. Notebook computers can use external, internal, or batteries for a power source. Notebook computer does not include a portable hand-held calculator, or a portable digital assistant or similar specialized device. A notebook computer has an incorporated video display greater than four inches in size and can be carried as one unit by an individual. A notebook computer is sometimes referred to as a laptop computer.

(c) 'Tablet computer' means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a tablet computer is achieved through a touch screen and video display screen greater than six inches in size (all of which are contained within the unit that comprises the tablet computer). Tablet computers may use an external or internal power source. Tablet computer does not include a portable hand-held calculator, a portable digital assistant, or a similar specialized device.

(d) 'Printing device' means desktop printers, multifunction printer copiers, and printer/fax combinations taken out of service from a residence that are designed to reside on a work surface, and include various print technologies, including without limitation laser and LED (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and 'multifunction' or 'all-in-one' devices that perform different tasks including, without limitation, copying, scanning, faxing, and printing. Printers do not include floor-standing printers, printers with optional floor stand, point of sale (POS) receipt printers, household printers such as a calculator with printing capabilities or label makers, or non-stand-alone printers that are embedded into products that are not covered devices.

(4) 'Computer manufacturer' means a person who:

(a) manufactures a covered computer device under its own brand for sale or without affixing a brand;

(b) sells in this State a covered computer device produced by another supplier under its own brand or label;

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(c) imports covered computer devices; provided that if a company from which an importer purchases a covered computer device has a presence or assets in the United States, that company must be considered the manufacturer; or

(d) manufactures a covered computer device, supplies a covered computer device to a person within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale of a covered device through that distribution network.

~~(3)~~(5) 'Computer monitor manufacturer' means a person who:

(a) manufactures a covered computer monitor device under its own brand for sale or without affixing a brand;

(b) sells in this State a covered computer monitor device produced by another supplier under its own brand or label;

(c) imports covered computer monitor devices; provided that if a company from which an importer purchases a covered computer monitor device has a presence or assets in the United States, that company must be considered the manufacturer; or

(d) manufactures a covered computer monitor device, supplies a covered computer monitor device to a person within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale of a covered device through that distribution network.

~~(4)~~(6) 'Consumer' means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or home business use.

~~(5) 'Consumer electronic device stewardship program' means a recycling effort established by the representative organization or manufacturer of a covered television device or covered computer monitor device.~~

~~(6)~~(7) 'Covered computer device' means a desktop, laptop or notebook computer or a printing device marketed and intended for use by a consumer, but does not include a covered television device or covered computer monitor device.

~~(7)~~(8) 'Covered computer monitor device' means ~~a display device typically manufactured without an internal tuner that can display pictures and sound and is designed for use with a desktop computer~~ an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a computer and is used by a consumer.

~~(8)~~(9) 'Covered devices' means a covered computer device, covered computer monitor device, and a covered television device marketed and intended for use by a consumer. 'Covered device',

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‘covered computer device’, ‘covered computer monitor device’, and ‘covered television device’ do not include:

(a) a covered device that is a part of a motor vehicle or a component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(b) a covered device that is functionally or physically a part of, or connected to, or integrated within equipment or a system designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting including, but not limited to, diagnostic, monitoring, control or medical products as defined under the federal Food, Drug, and Cosmetic Act, or equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes or equipment designed and intended primarily for use by professional users;

(c) a covered device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, air purifier, water heater, or exercise equipment;

(d) telephones of any type including, but not limited to, mobile telephones, a personal digital assistant (PDA), a global positioning system (GPS), or a hand-held gaming device; or

(e) a plastic, wood, or composite case that once held a covered device or was a subassembly of a covered device but is void of any electronics, leaded glass, or metal electronic components.

~~(9)(10) ‘Covered television device’ means an electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable, or satellite including, but not limited to, a direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal display, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device cathode-ray tube or flat panel screen the size of which is greater than four inches when measured diagonally and is intended to receive video programming via broadcast, cable, satellite, Internet, or other mode of video transmission or to receive video from surveillance or other similar cameras marketed and intended for use by a consumer primarily for personal purposes.~~

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~~(10)~~(11) 'Department' means the South Carolina Department of Health and Environmental Control.

(12) 'Manufacturer clearinghouse' means an entity that prepares and submits a manufacturer electronic waste program plan to the department, and oversees the manufacturer electronic waste program, on behalf of a group of two or more manufacturers cooperating with one another to collectively establish and operate an electronic waste program for the purpose of complying with this chapter and that collectively represent at least fifty-one percent of the manufacturers' total obligations pursuant to this chapter for a program year.

(13) 'Manufacturer electronic waste program' means any program established, financed, and operated by a manufacturer, individually or collectively as part of a manufacturer clearinghouse, to transport and subsequently recycle, in accordance with the requirements of this act, covered televisions and computer monitor devices collected at program collection sites and one-day collection events.

~~(11)~~(14) 'Manufacture's brands' means a manufacturer's name, brand name either owned or licensed by the manufacturer, or brand logo for which the manufacturer otherwise has legal responsibility.

(15) 'One-day collection event' means a one-day event used as a substitute for a program collection site pursuant to Section 48-60-56.

~~(12)~~(16) 'Person' means an individual, business entity, partnership, limited liability company, corporation, not-for-profit corporation, association, government entity, public benefit corporation, or public authority.

~~(13) 'Program' means a consumer electronic device stewardship program.~~

(17) 'Program collection site' means a physical location that is included in a manufacturer electronic waste program and at which covered television devices or covered computer monitor devices are collected and prepared for transport by a collector during a program year in accordance with the requirements of this chapter. Except as otherwise provided in this chapter, 'program collection site' does not include a retail collection site.

~~(14)~~(18) 'Program year' means the calendar year.

~~(15) 'Representative organization' means an organization created to develop and oversee implementation of a statewide plan consisting of one or more consumer electronic device stewardship programs, both in the State and in other jurisdictions that authorize such a representative organization.~~

~~(16)~~(19) 'Recover' means to reuse or recycle.

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~~(17)~~(20) 'Recoverer' means a person that reuses or recycles a covered device.

(21) 'Retail collection site' means a private sector collection site operated by a retailer collecting on behalf of a manufacturer.

~~(18)~~(22) 'Retail sale' means the sale of a new product through a sales outlet, the Internet, mail order, or otherwise, whether or not the seller has a physical presence in this State. A retail sale includes the sale of new products.

~~(19)~~(23) 'Retailer' means a person engaged in retail sales.

~~(20)~~(24) 'Sale' or 'sell' means a transfer for consideration of title including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means, but does not mean leases.

~~(21)~~(25) 'Television' means an electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable, or satellite including, but not limited to, a direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal display, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device cathode-ray tube or flat panel screen the size of which is greater than four inches when measured diagonally and is intended to receive video programming via broadcast, cable, satellite, Internet, or other mode of video transmission or to receive video from surveillance or other similar cameras.

~~(22)~~(26) 'Television manufacturer' means a person who:

(a) manufactures covered television devices under a brand that it licenses or owns for sale in this State;

(b) manufactures covered television devices without affixing a brand for sale in this State;

(c) resells into this State a covered television device under a brand it owns or licenses produced by other suppliers, including retail establishments that sell covered television devices under a brand the retailer owns or licenses;

(d) imports covered television devices; provided that if a company from which an importer purchases a covered device has a presence or assets in the United States, that company must be considered the manufacturer;



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(e) manufactures covered television devices, supplies them to a person or persons within a distribution network that includes wholesalers or retailers in this State and benefits from the sale in this State of those covered television devices through the distribution network; or

(f) assumes the responsibilities and obligations of a television manufacturer ~~under~~ pursuant to this chapter. If the television manufacturer is one who manufactures, sells, or resells under a brand it licenses, the licensor or brand owner of the brand must not be included in the definition of television manufacturer ~~under~~ pursuant to items (a) or (c).

Section 48-60-30. A computer, computer monitor, or television manufacturer may not sell or offer to sell a covered device unless a label indicating the computer, computer monitor, or television manufacturer's brand is permanently affixed to the covered device in a readily visible location.

Section 48-60-40. (A) A computer manufacturer may not sell or offer to sell in this State a covered computer device unless the computer manufacturer provides a recovery program at no charge ~~or provides a financial incentive of equal or greater value, such as a coupon~~. A recovery program must:

(1) require a computer manufacturer to offer to collect from a consumer a covered computer device bearing a label as provided in Section 48-60-30; and

(2) make the collection service as convenient to a consumer as the purchase of a covered computer device from a computer manufacturer as follows:

(a) A computer manufacturer may utilize a mail-back system in which a consumer can return an end-of-life covered device by mail, including a system in which a consumer can go online, print a prepaid shipping label, package the product, and affix the prepaid label to the package for deposit with the United States Postal Service or other carrier selected by the computer manufacturer.

(b) If the computer manufacturer does not provide a mail-back system, the computer manufacturer must provide collection sites or collection events, or both, that are centrally located in a county, region, or other locations based on population. Computer manufacturers shall work in coordination with the department to determine an appropriate number of collection sites or collection events, or both.

(B) A recovery program may use existing collection and consolidation infrastructure for collecting covered devices, including retailers, recyclers, and reuse organizations.

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(C) Computer manufacturers may work collectively and cooperatively to offer collection services to consumers.

(D) A recovery program must be described on a computer manufacturer's Internet website if a manufacturer maintains an Internet website.

(E) Collection events under this section must accept any covered computer device.

Section 48-60-51. (A) For program year 2023 and each year thereafter, no television manufacturer or computer monitor manufacturer shall sell or offer for sale a covered television device or covered computer monitor device in this State unless the television manufacturer or computer monitor manufacturer offers a manufacturer electronic waste program to transport and recycle, consistent with the requirements of this chapter, covered television devices and covered computer monitor devices collected at, and prepared for transport from, the program collection sites, and one-day collection events included in the program during the program year.

(B) A manufacturer can satisfy the requirements of this section either individually or collectively as part of a manufacturer clearinghouse.

(C) Each manufacturer electronic waste program must ensure the following, at a minimum:

(1) satisfaction of the convenience standard described in Section 48-60-56;

(2) instructions for counties and solid authorities serving one or more counties to file notice to participate in the program;

(3) transportation and subsequent recycling of the covered television devices and covered computer monitor devices collected at, and prepared for transport from, the program collection sites and one-day collection events included in the program during the program year; and

(4) submission of a report to the department by March 1, 2024, and by March first each year thereafter, which reports:

(a) the total weight of all covered devices transported from program collection sites and one-day collection events statewide during the preceding program year by category of device;

(b) the total weight of all covered devices transported from program collection sites and one-day collection events in each county in the State during the preceding program year by category of device.

(D) Each manufacturer electronic waste program shall make the instructions required pursuant to subsection (C)(2) available on its website within thirty days of the effective date of the act or no later than

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July 1, 2022, and the program shall provide a hyperlink to the website to the department for posting on the department's website.

(E) Nothing in this chapter prevents a manufacturer from accepting, through its recovery program, covered television devices and covered computer monitor devices collected through a curbside or drop-off collection program that is operated pursuant to a residential collection agreement between a third party and a unit of local government located within a county or solid waste authority serving one or more counties that has elected to participate in a manufacturer electronic waste program.

(F) Manufacturers of covered television devices and covered computer monitor devices are not financially responsible for transporting and consolidating covered devices collected from a collection program's drop-off location. Any drop-off location operating in program year 2023 or in subsequent years must be identified by the county or solid waste authority serving one or more counties in the annual written notice of election to participate in a manufacturer electronic waste program in accordance with Section 48-60-57 to be eligible for the subsequent program year.

(G) As part of their annual registration, a television or computer monitor manufacturer shall provide to the department the total weight of the manufacturer's covered television devices or covered computer monitor devices sold at retail in the United States and the total weight of covered devices collected and recycled in the State during the previous program year. A manufacturer's weight sold data is proprietary information of the manufacturer and may be shared with a manufacture clearinghouse.

Section 48-60-55. (A) On January 1, 2015, and annually thereafter, a television manufacturer or computer monitor manufacturer shall either:

(1) join a representative organization created by manufacturers of covered electronic devices to establish fair and reasonable policies to be applied in the State and to provide a plan to the department in accordance with this section; or

(2) notify the department of its intent to fulfill its obligations under this chapter by implementing a program under subsection (K).

(B) A representative organization shall submit a plan for the operation of a statewide consumer electronic device stewardship program described in this section to the department for approval annually. The initial plan must be submitted to the department by September 3, 2014, and annually ninety days before the beginning of the

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program year in subsequent years. The plan must include details on how one or more eligible companies or covered electronic device stewardship programs operating within the plan will:

(1) provide for the recycling of all used covered television devices and used covered computer monitor devices collected by participating local governments specified in the plan based on the proportionate membership of the representative organization;

(2) work with a representative organization, the department, and local government recycling representatives to provide recycling services of covered television devices and covered computer monitor devices and to provide consumers with information and educational materials regarding the program to promote the recycling and reuse of used covered television devices and used covered computer monitor devices;

(3) achieve environmentally sound management for covered television devices and covered computer monitor devices that are collected for reuse and recycling; and

(4) incorporate economic arrangements that minimize costs to participating manufacturers, consistent with Section 48-60-170.

(C) The representative organization plan must:

(1) document how the collection component of the plan was developed with input from local government recycling representatives and other stakeholders interested in electronics recycling, especially recycling of used covered television devices and used covered computer monitor devices;

(2) identify each manufacturer and local government participating in the consumer electronic device stewardship programs included in the representative organization plan and the brands of consumer electronic devices sold in the State that are covered by the programs;

(3) provide a mechanism for making the most current list of participating manufacturers available to the department;

(4) include incentives to ensure convenient mechanisms to collect used consumer electronic devices throughout the State; and

(5) explain why a disruption of commercial activity that may arise from implementation of the plan is consistent with fulfilling the intent of this chapter and provide sufficient information to allow the department to confirm the consistency of the plan with this chapter by review of the plan's financial and operational elements.

(D) Representative organization's annual plans must include, but not be limited to, the following:

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(1) a list of collection programs and locations available to consumers in the State;

(2) a description of the methods used to collect, transport, and process used consumer electronic devices in the State;

(3) the results of a survey of county and municipal recycling representatives concerning the availability of opportunities for consumers to recycle covered electronic devices;

(4) samples of information awareness and educational materials provided to consumers of consumer electronic devices to promote reuse and recycling and collection opportunities for used devices that are available in the State;

(5) a list of participating companies for the most recent program year and the upcoming year;

(6) a list of contacts from all participating local governments who may be contacted by the department to confirm that their recycling needs are being met by manufacturers participating in the representative organization;

(7) a report of the organization's prior year's activities, including the amount of electronics collected for recycling in the State and the number and location of collection locations used during the prior year;

(8) a description of services provided to each of the local government participants including, but not limited to, collection event services and logistical support for electronics pick-up; and

(9) a list of manufacturers, as determined by the representative organization, failing to meet their individual recycling obligation as assigned by the representative organization and any shortfall penalties, pursuant to Section 48-60-160(E)(3). A manufacturer so reported to the department may elect to account for the shortfall in the next program year but only may elect this option once every three years. This does not preclude a representative organization from developing and implementing participation requirements that may otherwise exclude manufacturers from participating in the representative organization for failing to meet those participation requirements.

(E)(1) Not later than thirty calendar days after submission of the plan pursuant to subsection (B), the department shall determine whether or not to approve the plan. The department shall approve the plan for the establishment of a consumer electronic device stewardship program by the submitting representative organization if it meets the requirements of subsections (B) and (C). If the department finds activities included in the plan that do not fulfill those requirements, it shall specify in writing

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what the department believes to be the plan's deficiencies, promptly meet with the representative organization to discuss the department's concerns, and allow the representative organization at least thirty calendar days after the denial notice to submit a revised plan. If a revised plan is submitted, the department shall review and approve or disapprove the plan within thirty calendar days of submission.

(2) If the department disapproves a plan submitted pursuant to item (1), and the representative organization chooses not to submit a revised plan or the department disapproves the revised plan, the representative organization shall have the right to appeal pursuant to Section 44-1-60.

(3) If the plan is disapproved on appeal, the representative organization may resubmit a plan pursuant to item (1) which conforms with the guidance of the appellate opinion or member companies may comply with subsection (K).

(F) After the representative organization's plan is approved, the representative organization is responsible for maintaining continuous service to local governments specified in the plan provided by the participating consumer electronic device stewardship programs. The representative organization shall establish fair and reasonable policies for administration and operation.

(G) Manufacturers of covered television devices or covered computer monitor devices that are participating in a plan submitted pursuant to this section and subject to a recycling assessment may choose to fulfill their recycling assessment using a consumer electronic device stewardship program that meets the elements set forth in the approved representative organization plan.

(H) The department shall maintain a list of the names of manufacturers and eligible programs complying with the requirement of this chapter and the brands of consumer electronic devices that are covered by the consumer electronic device stewardship program and post this list on its website.

(I) A representative organization and the department shall confer with stakeholders at least quarterly to address compliance, efficiency, and best practices of the stewardship programs that implement the representative organization's plan.

(J)(1) Local governments that receive recycling services from stewardship programs participating in the representative organization's plan to recycle covered television devices and covered computer monitor devices must not charge the manufacturer or the representative operating the stewardship program for collection costs and shall offer the

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manufacturer or its representative other covered devices collected by a participating local government at no cost. Provided, this item does not obligate a local government to offer other covered devices collected by a participating local government at no cost once the representative organization's obligation within its plan to recycle covered television devices and covered computer monitor devices has been met during a program year.

(2) A representative organization shall provide the department and each local government recycling representative a point of contact for the organization, including email and phone number, to ensure communication and coordination among local governments, participating manufacturers, consumer electronic device stewardship programs and the representative organization.

(K)(1) If a television manufacturer or computer monitor manufacturer does not participate in a representative organization, the manufacturer annually shall recycle or arrange for the recycling of covered television devices and covered computer monitor devices in the amount of eighty percent of the weight of the covered television devices and covered computer monitor devices sold by the manufacturer in the State during the previous program year.

(2) The department shall notify each television manufacturer or computer monitor manufacturer of its recycling obligation by March fifteenth of each program year. A television manufacturer or computer monitor manufacturer shall provide the department information noted in item (3) to be used by the department to calculate each television and computer monitor manufacturer's recycling obligation under this subsection.

(3) A television or computer monitor manufacturer shall report to the department the total weight of the manufacturer's covered television devices or covered computer monitor devices sold at retail in the United States or in this State, if the information is available, and the total weight of covered devices collected and recycled in the State during the previous program year. A manufacturer's weight sold data is proprietary information of the manufacturer.

(L) A manufacturer may fulfill the requirements of this section either individually, in participation with other manufacturers, or through a representative organization. A recovery program may use existing collection and consolidation infrastructure for collecting covered devices, including local governments, retailers, recyclers, and reuse organizations.

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(M) A manufacturer shall provide the department with contact information for the manufacturer's designated agent or employee whom the department may contact concerning the manufacturer's compliance with the requirements of this section.

(N) Manufacturers not identified as participating in a representative organization plan pursuant to subsection (B) of this section shall comply with the requirements of subsection (K).

(O) As used in this section, 'representative organization' means an organization created to develop and oversee implementation of a statewide plan consisting of one or more consumer electronic device stewardship programs, both in the State and in other jurisdictions that authorize such a representative organization.

Section 48-60-56. (A) Beginning in program year 2023, each manufacturer electronic waste program must offer collection sites in accordance with the following convenience standards for each county or solid waste authority serving one or more counties that elects to participate in the manufacturer electronic waste program during a given program year:

(1) one collection site in each county that has a population of less than one hundred thousand inhabitants;

(2) two collection sites in each county that has a population of at least one hundred thousand inhabitants and less than two hundred thousand inhabitants;

(3) three collection sites in each county that has a population of at least two hundred thousand inhabitants.

(B) For purposes of this section, county population must be determined using the most recent federal decennial census.

(C) a designated representative of a county or a solid waste authority serving one or more counties pursuant to the provisions of Section 48-60-57, that elects to participate in a manufacturer electronic waste program may enter into a written agreement with the operator of a manufacturer electronic waste program in order to:

(1) reduce or increase the number of collection sites in the county for the program year; provided, however, the agreement must be included in the manufacturer electronic waste program as required pursuant to Section 48-60-57(A);

(2) substitute a collection site in the county for four one-day collection events or a different number of such events as provided for in the written agreement; provided, however, the agreement must be included in the manufacturer electronic waste program as required pursuant to Section 48-60-57(A);



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(3) substitute the location of a collection site in the county for the manufacturer electronic waste program with another location;

(4) substitute the location of a one-day collection event in the county with another location; or

(5) with the agreement of the applicable retailer, use a retail collection site as a program collection site.

(D) Retail collection sites are not considered a collection site for the purposes of the convenience standards established pursuant to this section unless otherwise agreed to in writing by the retailer, operators of the manufacturer electronic waste program, and the applicable county or solid waste authority serving one or more counties. If retailers agree to participate in a program collection site, then the retailer collection site does not have to collect all covered devices or register as a collector.

(E) Nothing in this chapter prohibits a retailer from collecting a fee for each covered device collected.

(F) Manufacturers may use retail collection sites for satisfying some or all of their obligations pursuant to Sections 48-60-51, 48-60-56, and 48-60-57.

Section 48-60-57. (A) Beginning in program year 2023, the designee of a county, including but not limited to a representative of a solid waste authority serving one of more counties, may elect to participate in a manufacturer electronic waste program by filing a written notice of election to participate in the program with the manufacturer electronic waste program and the department, by August 1, 2022, and by May first each year thereafter for the upcoming program year.

(B) A municipality with a population of over 17,000, as determined using the most recent federal decennial census, located within a county or solid waste authority serving one or more counties that elects not to participate in a manufacturer electronic waste program may coordinate with any participating county or solid waste authority serving one or more counties for inclusion in the participating county or solid waste authority's written notice of election to participate in a manufacturer electronic waste program and must utilize collection sites located in the participating county or solid waste authority.

(C) Any municipality included in a participating county or solid waste authority's written notice of election must utilize the proposed collections sites enumerated in the plan and those sites must be located within in the participating county or solid waste authority.

(D) The written notice must include a list of proposed collection locations to support the program and may include locations already providing similar collection services. The written notice also may

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include a list of registered recoverers that the county would prefer using for its collection sites or one-day events.

Section 48-60-58. (A) By November 1, 2022, for program year 2023, and by September first each year thereafter, each computer monitor and television manufacturer shall, individually or through a manufacturer clearinghouse, submit to the department a manufacturer electronic waste plan, which includes at a minimum, the following:

(1) contact information for the individual who will serve as the point of contact for the manufacturer electronic waste program;

(2) a list of each county that has elected to participate in the manufacturer electronic waste program during the program year;

(3) for each county, the location of each program collection site and one-day collection event included in the manufacturer electronic waste program for the program year;

(4) the recoverers that the program plans to use to transport and subsequently recycle covered television devices and covered computer monitor devices, with the updated list of recoverers to be provided to the department no later than December first preceding each program year;

(5) an explanation of any deviation from the applicable convenience standard as described in Section 48-60-56 for the program year, along with copies of all written agreements or confirmed electronic correspondence made pursuant to Section 48-60-56(C)(1) or (2); and

(6) if two or more manufacturers are participating in a manufacturer clearinghouse, certification that the methodology used for allocating responsibility for the transportation and recycling of covered television devices and covered computer monitor devices by manufacturers participating in the manufacturer clearinghouse for the program year will be in compliance with the allocation methodology established pursuant to Section 48-60-61.

(B)(1) Within sixty days of receiving a manufacturer electronic waste program plan, the department shall review and approve or disapprove the plan.

(2) If the department approves the plan, the manufacturer or manufacturer clearinghouse shall provide written notice of approval to the designated contact person for the program, and the program must be published on the department's website.

(3) If the department disapproves the plan, the manufacturer or manufacturer clearinghouse shall provide written notice to the designated contact person for the program listing the reasons for the disapproval. Within thirty days after the date of disapproval, the manufacturer or manufacturer clearinghouse shall submit a revised

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recovery plan to address the insufficiencies in the department's disapproval.

(C) Every manufacturer shall assume financial responsibility for carrying out its recovery program plan including, but not limited to, financial responsibility for providing the packaging materials necessary to prepare shipments of collected covered television devices and covered computer monitor devices in compliance with federal, state, and local requirements, as well as financial responsibility for bulk transportation and recycling of collected covered television devices and covered computer monitor devices.

(D) A county or solid waste authority serving one or more counties, that receives recycling services from a manufacturer electronic waste plan to recycle covered television devices and covered computer monitor devices must not charge the manufacturer, the clearinghouse, or the representative operating the program for collection costs and shall offer the manufacturer, the clearinghouse, or its representative other covered devices collected by a participating local government at no cost.

Section 48-60-59. (A) A manufacturer electronic waste program plan submitted by a manufacturer clearinghouse may take into account and incorporate individual plans or operations of one or more manufacturers that are participating in the manufacturer clearinghouse.

(B) If a manufacturer clearinghouse allocates responsibility to manufacturers for manufacturers' transportation and recycling of covered television devices and covered computer monitor devices during a program year as part of a manufacturer electronic waste program plan, the manufacturer clearinghouse shall identify the allocation methodology in the manufacturer recovery plan submitted to the department pursuant to Section 48-60-58. Any allocation of responsibility among manufacturers for the collection of covered devices must be in accordance with the allocation methodology established pursuant to Section 48-60-61.

(C) A manufacturer clearinghouse has no authority to enforce manufacturer compliance with the requirements of this chapter, including compliance with the allocation methodology set forth in a manufacturer electronic waste plan, but, upon prior notice to the manufacturer, shall refer any potential noncompliance to the department. A manufacturer clearinghouse may develop and implement policies and procedures that exclude from participation in the manufacturer clearinghouse any manufacturers found by the department or a court of competent jurisdiction to have failed to comply with this chapter.

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(D) A manufacturer may request the department review a manufacturer electronic waste program plan proposed by the clearinghouse. The department shall consider all factors submitted in the request for review in making its determination in accordance with Section 48-60-58(B).

Section 48-60-60. A computer, computer monitor, or television manufacturer is not liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer's ~~recovery programs of this chapter~~ electronic waste program.

Section 48-60-61. (A) As used in this section:

(1) 'Adjusted total proportional responsibility' means the percentage calculated for each participating manufacturer for a program year pursuant to subsection (F).

(2) 'Market share' means the percentage that results from dividing:

(a) the product of the total weight reported for a covered television device or covered computer monitor device by a manufacturer, for the calendar year two years before the applicable program year, pursuant to Section 48-60-51(G); by

(b) the product of the total weight reported for that covered television device or covered computer monitor device category by all manufacturers, for the calendar year 2 years before the applicable program year, pursuant to Section 48-60-51(G).

(3) 'Participating manufacturer' means a manufacturer that a manufacturer clearinghouse has listed, pursuant to subsection (C), as a participant in the manufacturer clearinghouse for a program year.

(4) 'Return share' means the percentage, by weight, of each covered television device or computer monitor device category that is returned to the program collection sites and one-day collection events operated by or on behalf of either a manufacturer clearinghouse or one or more of its participating manufacturers during the calendar year two years before the applicable program year, as reported to the department pursuant to Section 48-60-51; except that, for program years 2023 and 2024, 'return share' means the percentage, by weight, of each covered television device or computer monitor device category that is estimated by the manufacturer clearinghouse to be returned to those sites and events during the applicable program year, as reported to the department pursuant to subsection (B).

(5) 'Unadjusted total proportional responsibility' means the percentage calculated for each participating manufacturer pursuant to subsection.

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(B) A manufacturer clearinghouse shall provide the department with a statement of the return share for each plan pursuant to Section 48-60-58.

(C) If a manufacturer clearinghouse submits to the department a manufacturer electronic waste program plan pursuant to Section 48-60-58, the manufacturer clearinghouse shall include in the plan a list of manufacturers that have agreed to participate in the manufacturer clearinghouse for the upcoming program year.

(D) For each program year, the department in collaboration with the manufacturer clearinghouse shall calculate the unadjusted total proportional responsibility of each participating manufacturer as follows:

(1) Multiplying the participating manufacturer's market share for the covered television device or covered computer monitor device category by the return share for the covered television device or covered computer monitor device category, to arrive at the category-specific proportional responsibility of the participating manufacturer for the covered television device or covered computer monitor device category.

(2) Then, for each participating manufacturer, add the category-specific proportional responsibilities of the participating manufacturer calculated pursuant to item (1), to arrive at the participating manufacturer's unadjusted total proportional responsibility.

(E) If the sum of all unadjusted total proportional responsibilities of a manufacturer clearinghouse's participating manufacturers for a program year accounts for less than one hundred percent of the return share for that year, the department shall divide the unallocated return share among participating manufacturers in proportion to their unadjusted total proportional responsibilities, to arrive at the adjusted total proportional responsibility for each participating manufacturer.

(F) A manufacturer may use retail collection sites to satisfy some or all of the manufacturer's responsibilities including, but not limited to, the manufacturer's transportation and recycling of collected covered television devices and covered computer monitor devices pursuant to any allocation methodology established by this chapter. Nothing in this chapter prevents a manufacturer from using retail collection sites to satisfy any percentage of the manufacturer's total responsibilities including, but not limited to, the manufacturer's transportation and recycling of collected covered television devices and covered computer monitor devices pursuant to any allocation methodology established by this chapter or by administrative regulation.

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Section 48-60-62. Counties, solid waste authorities serving one or more counties, and municipalities that fully comply with the storage and packaging requirements of this chapter shall be exempt from liability upon the proper removal of covered devices from the solid waste facilities.

Section 48-60-70. (A) A retailer only may sell or offer to sell a covered device that:

(1) bears a manufacturer label as provided in Section 48-60-30; and

(2) is manufactured by a manufacturer that offers a recovery an electronic waste program as provided in Sections 48-60-40, ~~48-60-50,~~ and 48-60-55, and 48-60-51.

(B) The requirements of this section do not apply to a television sold by a retailer for less than one hundred dollars.

Section 48-60-80. A retailer may not be liable for damages arising from information stored on any covered device collected from a consumer under the manufacturer's ~~recovery~~ electronic waste program.

Section 48-60-90. (A) After July 1, 2011, a consumer must not knowingly place or discard a covered device or subassemblies of a covered device in a waste stream that is to be disposed of in a solid waste landfill.

(B) An owner or operator of a solid waste landfill must not, at the gate, knowingly accept, for disposal, loads containing more than an incidental amount of covered devices.

(C) The owner or operator of a solid waste landfill must post, in a conspicuous location at the landfill, a sign stating that covered devices or any components of covered devices are not accepted for disposal at the landfill.

(D) The owner or operator of a solid waste landfill must notify, in writing, all haulers delivering solid waste to the landfill that covered devices or any components of covered devices are not accepted for disposal at the landfill.

Section 48-60-100. The department shall provide information to the public on its Internet website regarding the provisions of the chapter and the prohibition on disposing of covered devices in a solid waste landfill. The department also shall provide information about ~~recovery~~ electronic waste programs available in the State on the department's Internet website. The website must include information about collection options available, the definition of covered devices, the proper methods for disposal of covered devices, the proper methods for disposal of

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noncovered devices, and links to relevant portions of computer or television manufacturer's Internet websites.

Section 48-60-110. The department may conduct audits and inspection of a computer or television manufacturer, retailer, or recoverer to determine compliance with this chapter's provisions, and may establish by regulation administrative fines for violations of this chapter.

Section 48-60-120. Financial and proprietary information submitted to the department pursuant to this ~~act~~ chapter is exempt from public disclosure.

Section 48-60-130. The department shall include in its annual solid waste report information provided by manufacturers on recovery programs offered pursuant to this chapter.

Section 48-60-140. (A) Covered devices must be recovered in a manner that complies with all applicable federal, state, and local requirements. Collection and storage of covered devices must be performed in accordance with best management practices.

(B) All recycling or reuse facilities used by recoverers of covered electronic devices must, at a minimum, achieve and maintain third-party accredited certification. Acceptable certification programs include the Responsible Recycling (R)(2) Practices and e-Stewards. Other certification programs recognized by the department or the United States Environmental Protection Agency also are acceptable. Manufacturers of covered electronic devices shall ensure that recycling or reuse facilities used as part of their recovery programs meet this requirement. Local governments and other consolidators of covered electronic devices shall ensure that the material they collect is transferred to a recycling or reuse facility that meets this requirement.

Section 48-60-141. (A) By November 1, 2022, and by November 1 of each year thereafter for that program year, a person acting as a collector under a manufacturer electronic waste program shall register with the department by completing and submitting to the department the registration form prescribed by the department. The registration form prescribed by the department must include, without limitation, the address of each location at which the collector accepts covered devices.

(B) The department may deny a registration under this section if the collector or any employee or officer of the collector has a history of:

(1) repeated violations of federal, state, or local laws, regulations, standards, or ordinances related to the collection, recovering, or other management of covered devices;

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(2) conviction in this State or another state of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this State or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) gross carelessness or incompetence in handling, storing, processing, transporting, disposing, or otherwise managing covered devices.

(C) The department shall post on the department's website a list of all registered collectors.

(D) Manufacturers and recoverers acting as collectors shall so indicate on their registration under Section 48-60-51 or Section 48-60-142 of this chapter.

(E) Each collector that operates a program collection site or one-day event shall ensure that the collected covered devices are sorted and loaded in compliance with local, State, and federal law. In addition, at a minimum, the collector shall also comply with the following requirements:

(1) Covered television devices and covered computer monitor devices must be accepted at program collection sites or one-day collection events unless otherwise provided in this chapter;

(2) Covered television devices and covered computer monitor devices must be kept separate from other material and must:

(a) be packaged in a manner to prevent breakage;

(b) be loaded onto pallets and secured with plastic wrap or in pallet-sized bulk containers prior to shipping; and

(c) weigh on average per collection site eighteen thousand pounds per shipment, and if not then the recoverer may charge the collector a prorated charge on the shortfall in weight, not to exceed six hundred dollars.

(3) Covered devices must be sorted into at least the following categories:

(a) covered computer monitor devices;

(b) covered television devices;

(c) all other covered devices that are part of the manufacturer program;

(d) any other covered device that is not part of the manufacturer program that the collector has arranged to have picked up with covered devices and for which a financial arrangement has been



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made to cover the recycling costs outside of the manufacturer program; and

(e) any other covered device that is not part of the manufacturer program that the collector has arranged to have picked up with covered devices and for which a financial arrangement has been made to cover the recycling costs outside of the manufacturer program.

(4) Containers holding the covered devices must be structurally sound for transportation.

(5) Each shipment of covered devices from a program collection site or one-day collection event must include a collector-prepared bill of lading or similar manifest, which describes the origin of the shipment and the number of pallets or bulk containers of covered devices in the shipment.

(F) Except as provided in subsection (G) of this Section, each collector that operates a program collection site or one-day collection event during a program year shall accept all covered television devices and computer monitor devices that are delivered to the program collection site or one-day collection event during the program year.

(G) No collector that operates a program collection site or one-day collection event shall:

(1) accept, at the program collection site or one-day collection event, more than seven covered devices from an individual at any one time;

(2) scrap, salvage, dismantle, or otherwise disassemble any covered devices collected at a program collection site or one-day collection event;

(3) deliver to a manufacturer electronic waste program, through its recoverer, any covered devices other than covered television devices and covered computer monitor devices, unless otherwise provided for in this chapter, collected at a program collection site or one-day collection event; or

(4) deliver to a person other than the manufacturer electronic waste program or its recoverer, covered television devices and covered computer monitor devices, unless otherwise provided for in this chapter, collected at a program collection site or one-day collection event.

(H) Beginning in program year 2023, registered collectors participating in a county or solid waste authority supervised collection programs may collect a fee for each desktop computer monitor or television accepted for recovering to cover costs for collection and preparation for bulk shipment or to cover costs associated with the requirements of subsection (E) of this section.

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(I) Nothing in this chapter shall prevent a person from acting as a collector independently of a manufacturer electronic waste program.

(J) Any collector or recoverer operating a one-day collection event shall not deliver any collected devices to any county or solid waste authority operating in one or more counties without prior coordination and agreement.

Section 48-60-142. (A) All recoverers that store, consolidate, or process covered devices in the State must register with the department the locations of all storage and processing activities by submitting a \$3,000 registration fee and completing and submitting a form as prescribed by the department by November 1, 2022, and by November first of each year thereafter for that program year.

(B) The department may deny a registration under this section if the recoverer or any employee or officer of the recoverer has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances related to the collection, recycling, or other management of covered devices;

(2) conviction in this State or another state of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this State or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) gross carelessness or incompetence in handling, storing, processing, transporting, disposing, or otherwise managing covered devices.

(C) The department shall post on the department's website a list of all registered recoverers.

(D) Beginning in program year 2023, no person may act as a recoverer of consumer covered devices for a manufacturer's electronic waste program unless the recoverer is registered with the department as required under this Section.

(E) Beginning in program year 2023, recoverers must, as a part of their annual registration, certify compliance with all of the following requirements:

(1) Recoverers must comply with federal, State, and local laws and regulations, including federal and State minimum wage laws, specifically relevant to the handling, processing, and recycling of consumer covered devices and must have proper authorization by all

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appropriate governing authorities to perform the handling, processing, and recycling.

(2) Recoverers must implement the appropriate measures to safeguard occupational and environmental health and safety, through the following:

(a) environmental health and safety training of personnel, including training with regard to material and equipment handling, worker exposure, controlling releases, and safety and emergency procedures;

(b) an up-to-date, written plan for the identification and management of hazardous materials; and

(c) an up-to-date, written plan for reporting and responding to exceptional pollutant releases, including emergencies such as accidents, spills, fires, and explosions.

(3) Recoverers must maintain:

(a) commercial general liability insurance or the equivalent corporate guarantee for accidents and other emergencies with limits of not less than \$1,000,000 per occurrence and \$1,000,000 aggregate, and

(b) pollution legal liability insurance with limits not less than \$1,000,000 per occurrence for companies engaged solely in the dismantling activities and \$5,000,000 per occurrence for companies engaged in recycling.

(4) Recoverers must maintain on file documentation that demonstrates the completion of an environmental health and safety audit completed and certified by a competent internal and external auditor annually. A competent auditor is an individual who, through professional training or work experience, is appropriately qualified to evaluate the environmental health and safety conditions, practices, and procedures of the facility. Documentation of auditors' qualifications must be available for inspection by department officials and third-party auditors.

(5) Recoverers must maintain on file proof of workers' compensation and employers' liability insurance.

(6) Recoverers must provide adequate assurance, such as bonds or corporate guarantees, to cover environmental and other costs of the closure of the recoverer's facility, including cleanup of stockpiled equipment and materials. A recoverer must provide, for each storage, consolidation, or processing location, adequate financial assurance to cover third party removal of all covered devices or waste material from the facility. The financial assurance must be issued in favor of the

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department and an approved financial assurance mechanism must be submitted prior to beginning storage or processing operations. The registrant must provide continuous coverage for closure until released from financial assurance requirements by the department.

(7) Recoverers must apply due diligence principles to the selection of facilities to which components and materials, such as plastics, metals, and circuit boards, from consumer covered devices are sent for reuse and recycling.

(8) Recoverers must establish a documented environmental management system that is appropriate in level of detail and documentation to the scale and function of the facility, including documented regular self-audits or inspections of the recoverer's environmental compliance at the facility.

(9) Recoverers must use the appropriate equipment for the proper processing of incoming materials as well as controlling environmental releases to the environment. The dismantling operations and storage of consumer covered devices components that contain hazardous substances must be conducted indoors and over impervious floors. Storage areas must be adequate to hold all processed and unprocessed inventory. When heat is used to soften solder and when covered devices components are shredded, operations must be designed to control indoor and outdoor hazardous air emissions.

(10) Recoverers must establish a system for identifying and properly managing components, such as circuit boards, batteries, cathode-ray tubes, and mercury phosphor lamps, that are removed from consumer covered devices during disassembly. Recoverers must properly manage all hazardous and other components requiring special handling from consumer covered devices consistent with federal, State, and local laws and regulations. Recoverers must provide visible tracking, such as hazardous waste manifests or bills of lading, of hazardous components and materials from the facility to the destination facilities and documentation, such as contracts, stating how the destination facility processes the materials received. No recoverer may send, either directly or through intermediaries, hazardous wastes to solid non-hazardous waste landfills or to non-hazardous waste incinerators for disposal or energy recovery. For the purpose of these guidelines, smelting of hazardous wastes to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(11) Recoverers must use a regularly implemented and documented monitoring and record-keeping program that tracks total

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inbound covered devices material weights and total subsequent outbound weights to each destination, injury and illness rates, and compliance with applicable permit parameters including monitoring of effluents and emissions. Recoverers must maintain contracts or other documents, such as sales receipts, suitable to demonstrate: (i) the reasonable expectation that there is a downstream market or uses for designated electronics, which may include recycling or reclamation processes such as smelting to recover metals for reuse; and (ii) that any residuals from recycling or reclamation processes, or both, are properly handled and managed to maximize reuse and recycling of materials to the extent practical.

(12) Recoverers must employ industry-accepted procedures for the destruction or sanitization of data on hard drives and other data storage devices. Acceptable guidelines for the destruction or sanitization of data are contained in the National Institute of Standards and Technology's Guidelines for Media Sanitation or those guidelines certified by the National Association for Information Destruction.

(F) Each recoverer shall, during each calendar year, transport from each site that the recoverer uses to manage consumer covered devices not less than 75% of the total weight of consumer covered devices present at the site during the preceding calendar year. Each recoverer shall maintain on-site records that demonstrate compliance with this requirement and shall make those records available to the department for inspection and copying.

(G) Nothing in this chapter shall prevent a person from acting as a recoverer independently of a manufacturer electronic waste program.

(H) Whenever the department determines that a person is in violation of a regulation promulgated pursuant to this section, the department may:

(1) issue an order requiring the person to comply with the regulation;

(2) bring a civil action for injunctive relief in the appropriate court; or

(3) request the Attorney General bring civil or criminal enforcement action pursuant to this section.

The department also may impose reasonable civil penalties not to exceed ten thousand dollars, for each day of violation. After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department or board to the court of common pleas, pursuant to the Administrative Procedures Act.

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(I) A person who wilfully violates a regulation promulgated pursuant to this section is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars for each day of violation or imprisoned for not more than one year, or both. If the conviction is for a second or subsequent offense, the punishment must be a fine not to exceed twenty-five thousand dollars for each day of violation or imprisonment not to exceed two years, or both. The provisions of the subsection do not apply to officials and employees of a local government owning or operating, or both, a municipal solid waste management facility or to officials and employees of a region, comprised of local governments, owning or operating, or both, a regional municipal solid waste management facility.

(J) Each day of noncompliance with an order issued pursuant to this section or noncompliance with a permit, regulation, standard, order, or requirement established pursuant to this section constitutes a separate offense.

~~Section 48-60-150. The department shall promulgate regulations needed to implement this chapter's provisions, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act.~~

(A) To carry out the purposes and provisions of this chapter, the department is authorized to:

(1) promulgate such regulations, procedures, or standards as are necessary to protect human health and safety or the environment from the adverse effects of improper, inadequate, or unsound management of covered devices;

(2) issue, deny, revoke, or modify permits, registrations, or orders under such conditions as the department may prescribe, pursuant to procedures consistent with the South Carolina Administrative Procedures Act, for the operation of facilities that recover covered devices;

(3) conduct inspections, conduct investigations, obtain samples, and conduct research regarding the operation and maintenance of any facility that recovers covered devices;

(4) enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as the department determines appropriate, with other state, federal, or interstate agencies, counties, municipalities, educational institutions, other local governments, and local health departments, consistent with the purposes and provisions of this chapter; and

(5) cooperate with private organizations and with business and industry in carrying out the provisions of this chapter.

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(B) Regulations promulgated to carry out the purposes and provisions of this chapter must be submitted to the General Assembly pursuant to the Administrative Procedures Act.

(C) The requirements of this chapter supersede all regulations, rules, standards, orders, or other actions of the department that are not consistent with this chapter.

Section 48-60-160. (A) A manufacturer subject to the requirements of this chapter shall pay the department an annual registration fee in the amount of three thousand five hundred dollars.

~~(B) A representative organization shall pay the department an annual registration fee in the amount of twenty thousand dollars for the department to pay the full costs of administering and enforcing the provisions of this chapter relating to representative organizations.~~

~~(C) Manufacturers participating in a representative organization are exempt from paying an annual registration fee.~~

~~(D)~~(B) A manufacturer that produces computer monitors, computers, or televisions is only required to pay one annual registration fee, if a fee is required.

~~(E)~~(1)(C) A manufacturer of a covered device that fails to comply with a requirement of this chapter, ~~excluding recycling obligation shortfalls as provided for in this section,~~ is subject to a fine not to exceed ~~one~~ seven thousand dollars per violation.

~~(2) A manufacturer of a covered television device or covered computer monitor device participating in a plan pursuant to Section 48-60-50 or Section 48-60-55(K) that fails to meet its individual recycling obligation for the previous program year as outlined in this chapter may elect to:~~

~~(a) pay a shortfall fee as determined by the department; or~~

~~(b) account for the amount of the shortfall in the following year. A manufacturer electing to account for the amount of a shortfall in the following year only may elect this option once every three years.~~

~~(3) The shortfall fee provided for in this section must be calculated as follows:~~

~~(a) If the manufacturer of a covered television or computer monitor device recycles at least ninety percent, but less than one hundred percent of its individual recycling obligation, the shortfall fee is thirty cents multiplied by the number of additional pounds that should have been recycled in order for the manufacturer to have met its individual recycling obligation.~~

~~(b) If the manufacturer of a covered television or computer monitor device recycles at least fifty percent, but less than ninety percent~~

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~~of its individual recycling obligation, the shortfall fee is forty cents multiplied by the number of additional pounds that should have been recycled in order for the manufacturer to have met its individual recycling obligation.~~

~~(e) If the manufacturer of a covered television or computer monitor device recycles less than fifty percent of its individual recycling obligation, the shortfall fee is fifty cents multiplied by the number of additional pounds that should have been recycled in order for the manufacturer to have met its individual recycling obligation.~~

~~(F)(D) A manufacturer of a covered device that sells five one hundred or fewer such devices in the State per year is exempt from registration, or penalty, or shortfall fees proposed in this chapter.~~

~~(G) A television manufacturer participating in a representative organization with an approved consumer electronic device stewardship program that falls below seventy five percent of its allocation, as determined by a representative organization at the end of the program year, is ineligible to participate in the consumer electronic device stewardship program the following year and must participate in the plan enumerated in Section 48-60-55(K).~~

~~(H)(E) All fees and penalties collected by the department to administer and enforce this chapter must be deposited in a dedicated account and may be expended by the department to cover the department's costs to implement this chapter. Shortfall fees must be used to assist local governments in recycling covered devices as required by this chapter.~~

Section 48-60-170. (A) The intent of this chapter is to implement programs and services that ensure the availability of adequate end-of-life electronic product handling for the benefit of citizens of the State, which fairly, effectively, and efficiently share the burdens of doing so among television manufacturers, computer manufacturers, and computer monitor manufacturers, regardless of the effect on competition of doing so, and which require the State to direct and supervise implementation of a statewide plan of one or more consumer electronic device stewardship programs. Representative organizations Manufacturer clearinghouses and persons participating in representative organizations manufacturer clearinghouses may not be held liable or prosecuted under federal or state antitrust law, unfair trade, and competition laws and regulations.

~~(B) A manufacturer or manufacturer clearinghouse acting in accordance with pursuant to the provisions of this chapter may negotiate, enter into, or conduct business with a representative organization, and~~



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~~the each other and with any other entity developing, implementing, operating, participating in, or performing any other activities directly related to a manufacturer electronic waste program. No manufacturer, representative organization manufacturer clearinghouse, and eligible program are not shall be subject to damages, liability, enforcement actions, or scrutiny under federal or state antitrust law, unfair trade, and competition laws and regulations, regardless of the effects of their actions on competition. It further is the intent and belief of the State that the supervisory activities described in this chapter are sufficient to confirm that activities of the manufacturer clearinghouse, manufacturers, eligible programs, and recyclers recoverers developing or participating in a plan that is approved pursuant to Section 48-60-55 48-60-51 or 48-60-56 are authorized and actively supervised by the State.~~

Section 48-60-180. The department shall initiate a stakeholder group on June 1, 2026, and provide a report on its findings to the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee and the Chairman of the Senate Agriculture and Natural Resources Committee by January 15, 2027. The stakeholder process shall explore opportunities to advance market-based solutions for the recycling of electronics, operational and financial impacts on local governments and manufacturers, alternatives to Section 48-60-90, and other concerns or recommendations identified by stakeholders and the department.”

B. Section 14 of Act 129 of 2014, as amended by Act 82 of 2021, is repealed. Section 48-60-55 of the 1976 Code is repealed December 31, 2022. The remaining provisions of this chapter, except Section 48-60-90, are repealed December 31, 2029.

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

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Rep. HIOTT 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 112; Nays 0

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bamberg         | Bannister     | Bernstein     |
| Blackwell       | Bradley       | Brawley       |
| Brittain        | Bryant        | Burns         |
| Bustos          | Calhoon       | Carter        |
| Caskey          | 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         |
| Hosey           | Howard        | Hyde          |
| Jefferson       | J. L. Johnson | K. O. Johnson |
| Jones           | Jordan        | King          |
| Kirby           | Ligon         | Long          |
| Lowe            | Lucas         | Magnuson      |
| Matthews        | May           | McCabe        |
| McCrary         | 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     | G. R. Smith   | M. M. Smith   |

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|             |          |             |
|-------------|----------|-------------|
| Stavrinakis | Taylor   | Tedder      |
| Thayer      | Thigpen  | Trantham    |
| Weeks       | Wetmore  | Wheeler     |
| White       | Whitmire | R. Williams |
| S. Williams | Willis   | Wooten      |
| Yow         |          |             |

**Total--112**

Those who voted in the negative are:

**Total--0**

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

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on H. 4775. If I had been present, I would have voted in favor of the Bill.

Rep. Craig Gagnon

**H. 3340--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3340 -- Reps. Bailey, Hardee, Atkinson, Hayes, Brittain and Weeks: A BILL TO AMEND SECTION 12-20-105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATE LICENSE TAX CREDITS ALLOWED CERTAIN TAXPAYERS FOR CONTRIBUTIONS TO QUALIFYING INFRASTRUCTURE AND ECONOMIC DEVELOPMENT PROJECTS, SO AS TO INCREASE THE MAXIMUM ANNUAL CREDIT AMOUNT FROM FOUR HUNDRED THOUSAND TO SIX HUNDRED THOUSAND DOLLARS, TO PROVIDE ADDITIONAL ANNUAL CREDIT AMOUNTS OF FIFTY THOUSAND DOLLARS, ONE HUNDRED THOUSAND DOLLARS, AND ONE HUNDRED FIFTY THOUSAND DOLLARS, RESPECTIVELY, FOR QUALIFYING PROJECTS LOCATED IN COUNTIES CLASSIFIED FOR THE TARGETED JOBS TAX CREDIT AS TIER II, III, AND IV COUNTIES, TO PROVIDE ADDITIONAL ELIGIBILITY REQUIREMENTS FOR THESE INCREASED CREDIT AMOUNTS,

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AND TO ALLOW UNUSED CREDITS TO BE CARRIED FORWARD TO THE THREE SUCCEEDING TAX YEARS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3340 (COUNCIL\DG\3340C003.NBD.DG22), which was adopted:

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

/ SECTION 1. Section 12-20-105 of the 1976 Code is amended to read:

“Section 12-20-105. (A) Any company subject to a license tax under Section 12-20-100 may claim a credit against its license tax liability for amounts paid in cash to provide infrastructure for an eligible project. A company may enter into a multi-year commitment to provide cash to provide infrastructure after the infrastructure has been completed. Where a company has entered into an agreement to pay cash to provide infrastructure for an eligible project, and the eligible project is not constructed by the end of the tax year, the company may provide cash in that or a future year to another eligible project and retain the credit.

(B)(1) To be considered an eligible project for purposes of this section, the project must qualify for income tax credits under Chapter 6, Title 12, withholding tax credit under Chapter 10, Title 12, income tax credits under Chapter 14, Title 12, or fees in lieu of property taxes under either Chapter 12, Title 4, Chapter 29, Title 4, or Chapter 44, Title 12.

(2) If a project is located in an office, business, commercial, or industrial park, or combination of these, and is used exclusively for economic development and is owned or constructed by a county, political subdivision, or agency of this State when the qualifying improvements are paid for, the project does not have to meet the qualifications of item (1) to be considered an eligible project. As provided in subsection (C)(4), the county or political subdivision may sell all or a portion of the business or industrial park.

(3) In a county in which at least five million dollars in state accommodations tax imposed pursuant to Section 12-36-920 has been collected in at least one fiscal year, a county or municipality-owned multiuse sports and recreational complex is considered an ‘eligible project’ promoting economic development for all purposes of the credit allowed pursuant to this section.

(C) For the purpose of this section, ‘infrastructure’ means improvements for water, wastewater, hydrogen fuel, sewer, gas, steam,

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electric energy, and communication services made to a building or land that are considered necessary, suitable, or useful to an eligible project. These improvements include, but are not limited to:

(1) improvements to both public or private water and sewer systems;

(2) improvements to both public or private electric, natural gas, and telecommunications systems including, but not limited to, ones owned or leased by an electric cooperative, electric utility, or electric supplier, as defined in Chapter 27, Title 58;

(3) fixed transportation facilities including highway, road, rail, water, and air;

(4) for a qualifying project under subsection (B)(2), infrastructure improvements include shell buildings, incubator buildings whose ownership is retained by the county, political subdivision, or agency of the State and the purchase of land for an office, business, commercial, or industrial park, or combination of these, used exclusively for economic development which is owned or constructed by a county, political subdivision, or agency of this State. The county, political subdivision, or agency may sell the shell building or all or a portion of the park at any time after the company has paid in cash to provide the infrastructure for an eligible project;

(5) for a qualifying project pursuant to subsection (B)(2), infrastructure improvements also include due diligence expenditures relating to environmental conditions made by a county or political subdivision after it has acquired contractual rights to an industrial park. Due diligence expenditures include such items as Phase I and II studies and environmental or archeological studies required by state or federal statutes or guidelines or similar lender requirements. Contractual rights include options to purchase real property or other similar contractual rights acquired before the county or political subdivision files a deed to the property with the Register of Mesne Conveyances; and

(6) for a qualifying project pursuant to subsection (B)(2), site preparation costs include, but are not limited to:

(a) clearing, grubbing, grading, and stormwater retention; and

(b) refurbishment of buildings that are owned or controlled by a county or municipality and are used exclusively for economic development purposes;

(7) for a qualifying project pursuant to subsection (B)(2), eligible expenditures include cash paid to a county, political subdivision,

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or agency of this state for purposes of defraying public debt incurred to pay for infrastructure on the project.

(D) A company is not allowed the credit provided by this section for actual expenses it incurs in the construction and operation of any building or infrastructure it owns, leases, manages, or operates.

(E)(1) The maximum aggregate credit that may be claimed in any tax year by a single company is ~~four~~ six hundred thousand dollars.

(2) Notwithstanding the annual credit limit provided pursuant to item (1), for a contribution for a qualifying project located in a county classified as a Tier II, III, or IV county pursuant to Section 12-6-3360(B), the maximum aggregate credit that may be claimed in a tax year by a taxpayer is increased by:

| <u>County Tier</u>     | <u>Credit Amount Increase</u>              |
|------------------------|--|
| <u>Tier II County</u>  | <u>Fifty thousand dollars</u>              |
| <u>Tier III County</u> | <u>One hundred thousand dollars</u>        |
| <u>Tier IV County</u>  | <u>One hundred fifty thousand dollars.</u> |

(3) To be eligible for the increased credit amount provided in item (2), the total of the taxpayer's credit claim for the taxable year must be for a qualifying project located in a single Tier II, III, or IV county. If the single qualifying project extends across a county boundary, then for purposes of determining eligibility and the amount of the applicable increased credit, the qualifying project is considered to be located in the county with the lowest credit amount unless at least eighty percent of the total costs associated with the project are attributable to that portion of the project located in the county with the higher allowable credit amount.

(F) The credits allowed by this section may not reduce the license tax liability of the company below zero. If the applicable credit originally earned during a taxable year exceeds the liability and is otherwise allowable under subsection (D), the amount of the excess may be carried forward to the next taxable year.

(G) For South Carolina income tax and license purposes, a company that claims the credit allowed by this section is ineligible to claim the credit allowed by Section 12-6-3420.

(H) By March first of each year, the Department of Revenue shall issue a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Secretary of the Department of Commerce outlining the history of the credit allowed pursuant to this section. The report shall include the amount of credit allowed pursuant to this section and the types of infrastructure provided to eligible projects.

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(I) For the purposes of this section, for a qualifying project pursuant to subsection (B)(3), infrastructure includes all applicable provisions of subsection (C) applying to the development and construction of the sports and recreational complex and further includes costs of land acquisition and preparation, construction of facilities and venues in the complex, improvements and upgrades to existing facilities and venues, and any other capital costs incurred in the acquisition, construction, and operation of the complex, including debt payments on any loans or bonds issued to pay for such infrastructure.”

SECTION 2. Upon approval of the Governor, this act applies for credits first claimed for taxable years beginning after 2021. /

Re-number 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 104; Nays 6

Those who voted in the affirmative are:

|                 |           |               |
|-----------------|-----------|---------------|
| Alexander       | Allison   | Anderson      |
| Atkinson        | Bailey    | Ballentine    |
| Bannister       | Bernstein | Blackwell     |
| Bradley         | Brawley   | Brittain      |
| Bryant          | Burns     | Bustos        |
| Calhoon         | Carter    | Caskey        |
| Chumley         | Clyburn   | Cogswell      |
| Collins         | B. Cox    | W. Cox        |
| Daning          | Davis     | Dillard       |
| Elliott         | Erickson  | Felder        |
| Finlay          | Forrest   | Fry           |
| Gagnon          | Garvin    | Gatch         |
| Gilliam         | Gilliard  | Govan         |
| Hardee          | Hart      | Hayes         |
| Henderson-Myers | Henegan   | Herbkersman   |
| Hewitt          | Hill      | Hiott         |
| Hosey           | Howard    | Huggins       |
| Hyde            | Jefferson | J. L. Johnson |

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|               |             |             |
|---------------|-------------|-------------|
| K. O. Johnson | Jones       | Jordan      |
| King          | Kirby       | Ligon       |
| Long          | Lowe        | Lucas       |
| Matthews      | McCravy     | McDaniel    |
| McGarry       | McGinnis    | J. Moore    |
| T. Moore      | D. C. Moss  | Murray      |
| B. Newton     | W. Newton   | Nutt        |
| 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       | Wetmore     |
| Wheeler       | White       | Whitmire    |
| R. Williams   | S. Williams | Willis      |
| Wooten        | Yow         |             |

**Total--104**

Those who voted in the negative are:

|        |        |          |
|--------|--------|----------|
| Dabney | Haddon | Magnuson |
| May    | McCabe | Morgan   |

**Total--6**

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

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

**RECURRENCE TO THE MORNING HOUR**

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

**H. 4568--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4568 -- Reps. Oremus, McCravy, Allison, Bailey, Bennett, Bryant, Burns, Chumley, B. Cox, Dabney, Erickson, Gagnon, Gilliam, Haddon,



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Hayes, Hiott, Hixon, Huggins, Hyde, J. E. Johnson, Jordan, Long, Lucas, Magnuson, Martin, May, McCabe, McGarry, T. Moore, Morgan, D. C. Moss, V. S. Moss, Nutt, G. R. Smith, M. M. Smith, Stringer, Thayer, Trantham, West, Willis, Wooten, Forrest, Taylor, Caskey, White, Whitmire, Crawford, Fry, W. Newton, Herbkersman and Bradley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-90 SO AS TO REQUIRE THE DISCLOSURE OF MEDICAL INFORMATION TO PERSONS WHO MAY RECEIVE A CHEMICALLY INDUCED ABORTION, WITH EXCEPTIONS.

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

**H. 4805--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4805 -- Rep. Elliott: A BILL TO AMEND SECTION 12-20-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF LICENSE TAXES ON CORPORATIONS, SO AS TO PROVIDE THAT THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

Rep. RUTHERFORD explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 6

Those who voted in the affirmative are:

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

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|               |               |                 |
|---------------|---------------|-----------------|
| Finlay        | Forrest       | Fry             |
| Gagnon        | Garvin        | Gilliam         |
| Gilliard      | Govan         | Hardee          |
| Hart          | Hayes         | Henderson-Myers |
| Henegan       | Herbkersman   | Hewitt          |
| Hill          | Hiott         | Hosey           |
| Howard        | Huggins       | Hyde            |
| Jefferson     | J. E. Johnson | J. L. Johnson   |
| K. O. Johnson | Jones         | Jordan          |
| King          | Kirby         | Ligon           |
| Long          | Lowe          | Lucas           |
| Magnuson      | Matthews      | McCrary         |
| 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     |
| G. R. Smith   | M. M. Smith   | Stavrinakis     |
| Taylor        | Tedder        | Thayer          |
| Thigpen       | Trantham      | Weeks           |
| Wetmore       | Wheeler       | White           |
| Whitmire      | R. Williams   | S. Williams     |
| Willis        | Wooten        | Yow             |

**Total--108**

Those who voted in the negative are:

|         |        |        |
|---------|--------|--------|
| Brawley | Dabney | Felder |
| Haddon  | May    | McCabe |

**Total--6**

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

**SPEAKER IN CHAIR**

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**H. 4243--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4243 -- Reps. Crawford, McGinnis, Hardee, J. E. Johnson, Brittain, Weeks, Erickson and Bradley: A BILL TO AMEND SECTION 12-39-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADJUSTMENTS IN VALUATION AND ASSESSMENT FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO REQUIRE AN ADJUSTMENT FOR DAMAGES CAUSED BY FLOODING OR A HURRICANE.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4243 (COUNCIL\DG\4243C001.NBD.DG22), which was adopted:

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

/ SECTION 1. Section 12-39-250(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, the county tax assessor or the County Board of Assessment Appeals, upon application of the taxpayer, must order the County Auditor to make appropriate adjustments in the valuation and assessment of any real property and improvements which have sustained damage as a result of fire, flooding, hurricane, or wind event provided that the application for correction of the assessment is made prior to payment of the tax.”

SECTION 2. This act takes effect upon approval by the Governor and first applies to property tax years beginning after 2021. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH 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 110; Nays 0

Those who voted in the affirmative are:

|           |         |            |
|-----------|---------|------------|
| Alexander | Allison | Anderson   |
| Atkinson  | Bailey  | Ballentine |

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|               |                 |             |
|---------------|-----------------|-------------|
| Bamberg       | Bannister       | Bernstein   |
| Blackwell     | Bradley         | Brawley     |
| Brittain      | Bryant          | Burns       |
| Carter        | Caskey          | Chumley     |
| Clyburn       | Cogswell        | Collins     |
| B. Cox        | W. Cox          | Crawford    |
| Dabney        | Daning          | Davis       |
| Dillard       | Elliott         | Erickson    |
| Felder        | Finlay          | Forrest     |
| Fry           | Gagnon          | Garvin      |
| Gatch         | Gilliam         | Gilliard    |
| Haddon        | Hardee          | Hart        |
| Hayes         | Henderson-Myers | Henegan     |
| Herbkersman   | Hewitt          | Hill        |
| Hiott         | Hosey           | Howard      |
| Huggins       | Hyde            | Jefferson   |
| J. L. Johnson | K. O. Johnson   | Jones       |
| Jordan        | King            | Kirby       |
| Ligon         | Long            | Lowe        |
| Lucas         | Matthews        | May         |
| McCabe        | McCrary         | 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   | G. R. Smith     | M. M. Smith |
| Stavrinakis   | Taylor          | Tedder      |
| Thayer        | Thigpen         | Trantham    |
| Weeks         | West            | Wetmore     |
| Wheeler       | White           | Whitmire    |
| R. Williams   | S. Williams     | Willis      |
| Wooten        | Yow             |             |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

Rep. COLLINS moved that the House recede until 1:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 1:30 p.m. the House resumed, the SPEAKER *PRO TEMPORE* in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

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

**H. 4918--REQUESTS FOR DEBATE WITHDRAWN**

Reps. OTT, KIRBY, JEFFERSON, THIGPEN, HENEGAN, GILLIARD, HENDERSON-MYERS, BAMBERG and MCDANIEL withdrew their requests for debate on the following Bill:

H. 4918 -- Reps. Thayer, Pope, White, Erickson, Gilliam, Long, Wooten, Atkinson, Magnuson, Haddon, T. Moore, Hyde, Allison, R. Williams, Jefferson, Yow, Forrest, B. Newton, W. Newton, Herbkersman and McGarry: A BILL TO AMEND SECTION 9-11-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EARNINGS LIMITATION UPON RETURN TO COVERED EMPLOYMENT IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO INCREASE THE AMOUNT THAT MAY BE EARNED WITHOUT AFFECTING THE MONTHLY RETIREMENT ALLOWANCE FROM TEN THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS FOR CERTAIN RETIRED MEMBERS.

**H. 3252--REQUESTS FOR DEBATE WITHDRAWN**

Reps. OTT, CLYBURN, BAMBERG, HENEGAN, HENDERSON-MYERS and KING withdrew their requests for debate on the following Bill:

**WEDNESDAY, APRIL 6, 2022**

H. 3252 -- Reps. White, Blackwell, Whitmire, W. Cox, McGarry and B. Newton: A BILL TO AMEND SECTION 23-9-25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE V-SAFE PROGRAM, SO AS TO SIMPLIFY THE DEFINITION OF FIRE DEPARTMENTS AND THE PROJECTS ON WHICH GRANT FUNDS MAY BE EXPENDED, TO INCREASE GRANT AMOUNTS, AND TO SPECIFY PROJECTS FOR WHICH GRANTS MAY BE AWARDED; TO AMEND SECTION 38-7-20, AS AMENDED, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO DIRECT ADDITIONAL FUNDS TO THE V-SAFE PROGRAM; TO AMEND SECTION 12-37-935, RELATING TO THE ADDITIONAL DEPRECIATION REIMBURSEMENT, SO AS TO DIRECT A PERCENTAGE OF SUCH FUNDS TO THE V-SAFE PROGRAM; AND TO AMEND SECTION 11-11-150, RELATING TO DEDUCTIONS FROM THE ESTIMATE OF REVENUES, SO AS TO MAKE A CONFORMING CHANGE.

**H. 4986--REQUESTS FOR DEBATE WITHDRAWN**

Reps. GOVAN, BAMBERG, CLYBURN, B. COX, HIOTT, MCDANIEL, HENDERSON-MYERS, J. L. JOHNSON, S. WILLIAMS, G. M. SMITH and ALEXANDER withdrew their requests for debate on the following Bill:

H. 4986 -- Rep. Ott: A BILL TO AMEND SECTION 50-5-555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAP PLACEMENT, SO AS TO PROHIBIT TRAPS IN THE WATERS OF THE GENERAL TRAWL ZONE WHEN THESE WATERS ARE OPEN TO TRAWLING FOR SHRIMP.

**H. 4614--REQUESTS FOR DEBATE WITHDRAWN**

Reps. BAMBERG, HOSEY, GOVAN, WETMORE, KING, S. WILLIAMS and HENDERSON-MYERS withdrew their requests for debate on the following Bill:

H. 4614 -- Reps. B. Cox, White, Wooten, Caskey, Elliott, T. Moore, G. R. Smith, M. M. Smith, Bennett, Ballentine, Jones, Morgan, McCabe, Blackwell, Oremus, Atkinson, Davis, Kirby, B. Newton, Willis, Taylor, Hill, W. Cox, Garvin and Fry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-2250 SO AS TO PERMIT A PERSON

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AUTHORIZED TO HUNT ON A WILDLIFE MANAGEMENT AREA  
TO HUNT ON A SUNDAY.

**H. 4994--REQUESTS FOR DEBATE WITHDRAWN**

Reps. BAMBERG, OTT, COBB-HUNTER, GOVAN,  
HENDERSON-MYERS, LONG, THIGPEN and BRAWLEY withdrew  
their requests for debate on the following Bill:

H. 4994 -- Reps. Ligon, B. Newton, Hiott, Haddon, Nutt, Ott, Kirby,  
Chumley, Burns, Bryant and V. S. Moss: A BILL TO AMEND  
SECTION 27-50-40, CODE OF LAWS OF SOUTH CAROLINA,  
1976, RELATING TO DISCLOSURE STATEMENTS REQUIRED  
FOR REAL PROPERTY TRANSACTIONS, SO AS TO REQUIRE  
THE DISCLOSURE OF ADJACENT PROPERTY UTILIZED FOR  
AGRICULTURAL PURPOSES.

**RECURRENCE TO THE MORNING HOUR**

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

**H. 4568--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4568 -- Reps. Oremus, McCravy, Allison, Bailey, Bennett, Bryant,  
Burns, Chumley, B. Cox, Dabney, Erickson, Gagnon, Gilliam, Haddon,  
Hayes, Hiott, Hixon, Huggins, Hyde, J. E. Johnson, Jordan, Long,  
Lucas, Magnuson, Martin, May, McCabe, McGarry, T. Moore, Morgan,  
D. C. Moss, V. S. Moss, Nutt, G. R. Smith, M. M. Smith, Stringer,  
Thayer, Trantham, West, Willis, Wooten, Forrest, Taylor, Caskey,  
White, Whitmire, Crawford, Fry, W. Newton, Herbkersman and  
Bradley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH  
CAROLINA, 1976, BY ADDING SECTION 44-41-90 SO AS TO  
REQUIRE THE DISCLOSURE OF MEDICAL INFORMATION TO  
PERSONS WHO MAY RECEIVE A CHEMICALLY INDUCED  
ABORTION, WITH EXCEPTIONS.

Rep. MCCRAVY moved to adjourn debate on the Bill until Tuesday,  
April 19, which was agreed to.

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**H. 3669--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3669 -- Reps. Hart, Gilliard, Weeks, Caskey, Wooten, B. Cox, Gilliam, Hosey, Clyburn, Bailey, J. E. Johnson, W. Cox, White, R. Williams, McDaniel, King and Rivers: A BILL TO AMEND SECTION 12-37-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS LIABLE FOR TAXES AND ASSESSMENTS ON REAL PROPERTY, SO AS TO PROVIDE THAT CERTAIN DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES ARE EXEMPT FROM PROPERTY TAXES IN THE YEAR IN WHICH THE DISABILITY OCCURS.

Rep. G. R. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

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



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|             |             |             |
|-------------|-------------|-------------|
| Long        | 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        | Rivers      |
| Robinson    | Rose        | Rutherford  |
| Sandifer    | Simrill     | G. M. Smith |
| G. R. Smith | M. M. Smith | Tedder      |
| Thayer      | Thigpen     | Trantham    |
| Weeks       | West        | Wetmore     |
| Wheeler     | White       | Whitmire    |
| R. Williams | S. Williams | Willis      |
| Wooten      |             |             |

**Total--109**

Those who voted in the negative are:

**Total--0**

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. 3669. If I had been present, I would have voted in favor of the Bill.

Rep. Cezar McKnight

**STATEMENT FOR JOURNAL**

April 6, 2022

Charles Reid

Clerk of the House of Representatives

Dear Mr. Reid,

I am notifying you that I will not participate in the debate or vote on H. 3669, which is a bill regarding to taxes and assessments on real property, so as to provide that certain disabled veterans of the U.S. Armed Forces are exempt from property taxes in the year in which the

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disability occurs. In accordance with Section 8-13-700(B) of the SC Code, I recuse myself from voting on the bill because of a potential conflict of interest due to an economic interest of myself may be affected. Please note this in the House Journal.

Sincerely,  
Rep. Richie Yow

**H. 3709--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3709 -- Reps. J. L. Johnson, M. M. Smith, Brawley, Govan, Pendarvis, Tedder, Matthews, Henegan, McDaniel, Henderson-Myers, Yow, McGarry, Rivers and S. Williams: A BILL TO AMEND SECTION 12-36-2630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEVEN PERCENT SALES TAX ON ACCOMMODATIONS, SO AS TO CHANGE THE AGE THAT A CERTAIN ONE PERCENT SALES TAX DOES NOT APPLY FROM INDIVIDUALS OVER THE AGE OF EIGHTY-FIVE TO INDIVIDUALS OVER THE AGE OF SEVENTY.

Reps. MAY, MAGNUSON, MORGAN, FORREST, MCCABE and M. M. SMITH requested debate on the Bill.

**H. 3120--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3120 -- Reps. Hyde, V. S. Moss, Cobb-Hunter, Long, Cogswell, W. Cox, Gagnon, T. Moore, W. Newton, Finlay, Huggins, Ballentine, Caskey, Wooten, Crawford, Henderson-Myers, Erickson, Bradley, Herbkersman, J. E. Johnson, Carter, S. Williams and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO A PROPERTY OWNER WHO ENCUMBERS HIS PROPERTY WITH A PERPETUAL RECREATIONAL TRAIL EASEMENT.

Reps. MORGAN, MAY, DABNEY, MCCABE, BENNETT, TRANTHAM, MAGNUSON, MCCRAVY and OREMUS requested debate on the Bill.

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**H. 5144--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 5144 -- Reps. G. M. Smith, Wheeler, Lowe, Kirby, Weeks, R. Williams, Jefferson and Yow: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO FURTHER SPECIFY THE APPLICATION OF THE EXEMPTION OF PROPERTY OF TELEPHONE COMPANIES AND RURAL TELEPHONE COOPERATIVES.

Reps. DABNEY, GATCH, MAY, MCCRAVY, BENNETT, WOOTEN and JONES requested debate on the Bill.

**H. 4817--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4817 -- Reps. Ligon, Simrill, McGarry, B. Newton, Atkinson, R. Williams, Wheeler, Hardee, Gagnon, Hill, Huggins, Taylor and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SHORT LINE RAILROAD MODERNIZATION ACT" BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT EQUAL TO FIFTY PERCENT OF AN ELIGIBLE TAXPAYER'S QUALIFIED RAILROAD RECONSTRUCTION OR REPLACEMENT EXPENDITURES, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX CREDIT.

Reps. CASKEY, DABNEY, MCCABE, JONES, BENNETT, MAY and MAGNUSON requested debate on the Bill.

**H. 4252--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4252 -- Reps. Bannister, West, Anderson, B. Cox, Elliott, Willis, W. Cox, B. Newton, Pendarvis, Ballentine, Crawford, Daning, Gagnon, Herbkersman, W. Newton, Erickson and Bradley: A BILL TO AMEND SECTION 12-10-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGISLATIVE INTENT OF THE ENTERPRISE ZONE ACT OF 1995, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-10-30,

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RELATING TO DEFINITIONS, SO AS TO ADD A DEFINITION OF "RELATED PERSON"; TO AMEND SECTION 12-10-50, RELATING TO QUALIFICATIONS FOR BENEFITS, SO AS TO PROVIDE THAT TO QUALIFY FOR BENEFITS A BUSINESS MUST ENTER INTO A RETAINING AGREEMENT WITH A CERTAIN TECHNICAL COLLEGE; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS, SO AS TO PROVIDE FOR CERTAIN DESIGNATIONS OF QUALIFYING BUSINESSES AND TO INCREASE THE AMOUNT OF CERTAIN GROSS WAGES AN EMPLOYEE MUST EARN; TO AMEND SECTION 12-10-81, RELATING TO THE JOB DEVELOPMENT TAX CREDITS, SO AS TO INCREASE THE AMOUNT OF CERTAIN GROSS WAGES AN EMPLOYEE MUST EARN; AND TO AMEND SECTION 12-10-100, RELATING TO THE CRITERIA FOR DETERMINATION AND SELECTION OF A QUALIFYING BUSINESS, SO AS TO MAKE A CONFORMING CHANGE.

Rep. BALLENTINE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 2

Those who voted in the affirmative are:

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

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

**Total--103**

Those who voted in the negative are:

|     |        |
|-----|--------|
| May | McCabe |
|-----|--------|

**Total--2**

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

**H. 5075--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5075 -- Reps. G. M. Smith and West: A BILL TO AMEND SECTION 12-6-3795, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HOUSING TAX CREDIT, SO AS TO DEFINE TERMS AND LIMIT THE CREDIT; TO AMEND ARTICLE 3 OF CHAPTER 11, TITLE 1, RELATING TO THE ALLOCATION OF STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO DEVELOP A STATE CEILING ALLOCATION PLAN ANNUALLY, TO SPECIFY REQUIREMENTS OF THE PLAN, AND TO PROVIDE A PROCESS

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FOR PERIODIC ALLOCATIONS OF THE STATE CEILING; AND TO REPEAL SECTION 1-11-370 RELATING TO INDEBTEDNESS INCLUDED WITHIN ANY LIMITS ON PRIVATE ACTIVITY BONDS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 5075 (COUNCIL\DG\5075C001.NBD.DG22), which was adopted:

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

/ SECTION 1. A. Section 12-6-3795 of the 1976 Code, as added by Act 137 of 2020, is amended to read:

“Section 12-6-3795. (A) As used in this section:

(1) ‘Eligibility statement’ means a statement authorized and issued by the South Carolina State Housing and Finance Development Authority certifying that a given project qualifies for the South Carolina housing tax credit, including any preliminary determination thereof.

(2) ‘Federal housing tax credit’ means the federal tax credit as provided in Section 42 of the Internal Revenue Code of 1986, as amended.

(3) ‘Median income’ means those incomes that are determined by the federal Department of Housing and Urban Development guidelines and adjusted for family size.

(4) ‘Project’ means a housing project that has restricted rents that do not exceed thirty percent of income for at least forty percent of its units occupied by persons or families having incomes of sixty percent or less of the median income, or at least twenty percent of the units occupied by persons or families having incomes of fifty percent or less of the median income.

(5) ‘Qualified project’ means a qualified low-income building as that term is defined in Section 42 of the Internal Revenue Code of 1986, as amended, that is located in South Carolina and receives approval for tax credits from the South Carolina Housing and Finance Development Authority provided pursuant to this section.

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

(7) ‘Federal 9 percent tax credit’ means the federal housing tax credit described in Section 42(b)(1)(B)(i) of the Internal Revenue Code.

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(8) 'Federal 4 percent tax credit' means the federal housing tax credit described in Section 42(b)(1)(B)(ii) of the Internal Revenue Code.

(9) 'Credit period' has the meaning defined in Section 42(f)(1) of the Internal Revenue Code.

(10) 'State housing authority' means the South Carolina State Housing Finance and Development Authority.

(11) 'Department of Revenue' means the South Carolina Department of Revenue.

(B)(1) A state tax credit pursuant to this section may be claimed against income taxes imposed by Section 12-6-510 or 12-6-530, bank taxes imposed pursuant to Chapter 11, Title 12, corporate license fees imposed pursuant to Chapter 20, Title 12, and insurance premium and retaliatory taxes imposed pursuant to Chapter 7, Title 38, to be termed the South Carolina housing tax credit, and is allowed with respect to each qualified project placed in service after January 1, 2020, and before December 31, 2030, in an amount ~~equal~~ not to exceed the federal housing tax credit allowed with respect to such qualified project, subject to the limitations of item (5). In computing a tax payable by a taxpayer pursuant to Section 38-7-90, the credit allowed pursuant to this section must be treated as a premium tax paid pursuant to Section 38-7-20.

(2)(a) If under Section 42 of the Internal Revenue Code of 1986, as amended, a portion of any federal housing tax credit taken on a project is required to be recaptured, the taxpayer claiming any ~~state~~ South Carolina housing tax credit with respect to such project also is required to recapture a portion of any ~~state~~ South Carolina housing tax credit authorized by this section. The state recapture amount is equal to the proportion of the ~~state~~ South Carolina housing tax credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal housing tax credit amount subject to recapture.

(b) In the event that recapture of any South Carolina housing tax credit is required, any ~~amended~~ return submitted to the Department of Revenue, as provided in this section, shall include the proportion of the ~~state~~ South Carolina housing tax credit required to be recaptured, the identity of each taxpayer subject to the recapture, and the amount of South Carolina housing tax credit previously allocated to such taxpayer. Any recapture of the South Carolina housing tax credit is reported in the same manner as any recapture of the federal housing tax credit.

(3) The total amount of the South Carolina housing tax credit allowed by this section for a taxable year may not exceed the taxpayer's income tax liability. Any unused South Carolina housing tax credit may be carried forward to apply to the taxpayer's next five succeeding years'

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tax liability. The taxpayer may not apply the credit against any prior tax years' tax liability.

(4) ~~The South Carolina housing tax credit allowed by this section,~~ and any recaptured tax credit, must be allocated among some or all of the partners, members, or shareholders of the entity owning the project in any manner agreed to by such persons, regardless of whether such persons are allocated or allowed any portion of the federal housing tax credit with respect to the project.

(5)(a) The South Carolina housing tax credit allowed for any project must supplement but not supplant the federal housing tax credit and must be limited to an amount necessary only to achieve financial feasibility of the project.

(b) The total amount of all South Carolina housing tax credits that may be allocated in any calendar year must not exceed fifteen million dollars, plus the total of all unallocated tax credits, if any, for any preceding years, and the total amount of any previously allocated tax credits that have been recaptured, revoked, canceled, or otherwise recovered but not otherwise reallocated.

(c) Of the dollar limitation prescribed in subitem (b), the total amount of South Carolina housing tax credits allocated to qualified projects utilizing the federal 9 percent tax credit must not exceed forty percent of the dollar limitation prescribed in subitem (b). Of the South Carolina housing tax credits allocated to qualified projects utilizing the federal 9 percent tax credit, not less than fifty percent of the South Carolina housing tax credits must be allocated to qualified projects located in an eligible rural area as designated by the United States Department of Agriculture, with the remainder allocated to (i) qualified projects serving older persons or persons with special needs, irrespective of rural eligibility criteria; (ii) qualified projects supporting workforce development as certified by the South Carolina Department of Commerce, irrespective of rural eligibility criteria; and (iii) other qualified projects, irrespective of rural eligibility criteria.

(d) Compliance with the dollar limitations of subitems (b) and (c) must be determined by the total amount of South Carolina housing tax credits allocated for one full-year of the credit period applicable to each qualified project, and not the total amount of South Carolina housing tax credits allocated for the entire credit period applicable to each qualified project. Compliance with the dollar limitations of subitems (b) and (c) must be determined within each calendar year at the time the state housing authority makes a preliminary



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determination of any qualified project's eligibility for the South Carolina housing tax credit.

(e) In addition to the dollar limitation of subitem (b), allocation of any South Carolina housing tax credit to any qualified project utilizing the federal 4 percent tax credit is conditioned on among other things availability and allocation to the extent necessary for the qualified project of any state ceiling made pursuant to Article 3, Chapter 11, Title 1.

(C)(1) The state housing authority shall promulgate rules establishing criteria upon which the eligibility statements are issued which must include consideration of evidence of local support for the project. The eligibility statement must specify the amount of the South Carolina housing tax credit allowed, and must include: (i) the annual amount of South Carolina housing tax credit allocated to the qualified project for each year of credit period; and (ii) the total amount of South Carolina housing tax credit allocated to the qualified project for the entire credit period.

(2) The state housing authority may not issue an eligibility statement until the taxpayer provides a report to the state housing authority detailing how the state South Carolina housing tax credit ~~authorized by this section~~ will benefit the tenants of the project, once placed in service, ~~including, but not limited to,~~ including without limitation reduced rent, ~~or and~~ why the state South Carolina housing tax credit ~~authorized by this section~~ is ~~necessary to undertake~~ essential to the financial feasibility of the project.

(3) The state housing authority must establish uniform criteria for allocating the South Carolina housing tax credit to eligible projects pursuant to a competitive process that promotes highest value and greatest public benefit. The state housing authority must establish the criteria required by this section as part of any qualified allocation plan adopted to administer the federal housing tax credit, which must include without limitation an opportunity for public comment at a public hearing conducted by the state housing authority. The criteria established pursuant to this section, and any qualified allocation plan are subject to the prior review and comment of the Joint Bond Review Committee.

(4) The state housing authority must furnish no later than January thirty-first of each year an annual report of South Carolina housing tax credits allocated pursuant to this section, which must include for the preceding calendar year the total amount of South Carolina housing tax credits allocated, and for each project, the project name and location, the amount of the South Carolina housing tax credits allocated

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to the project, project ownership, total number of units assisted, and the public benefit achieved by the project. The annual report must be furnished to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Joint Bond Review Committee, and the State Fiscal Accountability Authority.

(D) The Department of Revenue, in consultation with the South Carolina State Housing Finance and Development Authority state housing authority, may adopt rules and policies necessary to implement and administer the provisions of this section; provided, however, that the state housing authority has the responsibility for: (i) allocation and administration of the South Carolina housing tax credit; and (ii) ensuring that the limits prescribed by subsection (B)(5)(b) and (B)(5)(c) are not exceeded.

(E) Notwithstanding any other provision of law, the provisions of this section and administration thereof are subject to the oversight, and review and comment as appropriate, of the Joint Bond Review Committee.”

B. 1. Notwithstanding the limitations prescribed by Section 12-6-3795(B)(5)(b), (c), and (d) in SECTION 1. A., the General Assembly hereby provides a one-time authorization of South Carolina housing tax credits in an amount necessary but not exceeding one hundred million dollars for qualified projects approved before December 31, 2021, by the State Fiscal Accountability Authority or the South Carolina State Housing and Finance Development Authority, as applicable. Any allocations of South Carolina housing tax credits made pursuant to this provision are subject to the review and comment of the Joint Bond Review Committee. Not later than thirty days following enactment hereof, the South Carolina State Housing and Finance Development Authority must identify and report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Joint Bond Review Committee, and the State Fiscal Accountability Authority all qualified projects to which this one-time authorization of South Carolina housing tax credits is proposed to apply. The report must be made in such form and substance as may be directed by the Joint Bond Review Committee. Nothing in this provision grants any rights to, or in the processes used in the determination of, allocation of this one-time authorization of South

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Carolina housing tax credits. Decisions made pursuant to this provision are final and are not subject to judicial or administrative review.

2. This subsection B takes effect upon approval by the Governor.

C. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2021. /

Amend the bill further, SECTION 2, by striking Sections 1-11-520 and 1-11-530 and inserting:

/ Section 1-11-520. (A) ~~The private activity bond limit for all state government issuing authorities now or hereafter authorized to issue private activity bonds as defined in the act, to be known as the "state government pool", is forty percent of the state ceiling less any amount shifted to the local pool as described in subsection (B) of this section or plus any amount shifted from that pool~~ No later than September thirtieth of the year preceding the calendar year to which the state ceiling applies, and subject to review and comment by the Joint Bond Review Committee, the state authority must publish a State Ceiling Allocation Plan that assigns percentages of the state ceiling to categories of any of the permitted purposes prescribed by the Internal Revenue Code. Without limitation, categories of permitted purposes may include industrial and economic development bonds; single family housing bonds; multifamily housing bonds; student loan bonds; and any other bonds eligible for tax exemption as a private activity bond pursuant to the Internal Revenue Code. No initial assignment to any single category may exceed forty percent of the state ceiling, and no minimum assignment is required for any category.

(B) ~~The private activity bond limit for all issuing authorities other than state government agencies, to be known as the "local pool", is sixty percent of the state ceiling plus any amount shifted from the state government pool or less any amount shifted to that pool~~ Further, the allocation plan must provide for a process of periodic allocations of the state ceiling within each category, which for any period generally may not exceed an amount of the state ceiling allocated to that category equally divided among the number of periods in the year during which allocations are to be made; provided, however, that the state authority may, upon findings of exceptional and compelling circumstances, amend the annual allocation plan following review and comment by the committee.

(C) ~~The board, with review and comment by the Joint Bond Review Committee, may shift unallocated amounts from one pool to the other at any time~~ Notwithstanding the assigned percentages set forth in the allocation plan, the state authority may but need not reassign any

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state ceiling unused in prior periods as a supplement to and means to address demand for ceiling allocation in a subsequent period. Such re-assignment may be made for any allocation category, notwithstanding its original assignment.

(D) Unless otherwise approved in writing by the state authority following justification and substantial findings of significance, no authorized request may receive an allocation of state ceiling applicable to that calendar year exceeding ten percent of the total state ceiling in the case of an industrial or economic development project, or five percent of the total state ceiling for any other allocation category.

(E) The allocation plan must establish competitive criteria for allocation of state ceiling to authorized requests. Competitive criteria may be unique to each category but must be uniform within each category and established to achieve highest value and greatest public benefit. Discussions of matters related to the periodic evaluation of authorized requests may be conducted in executive session. The state authority may utilize the services of the South Carolina Department of Commerce, the South Carolina State Housing Finance and Development Authority, any other state agency, and any other public or private resources to inform and provide services for the development of the allocation plan, including the evaluation and competitive criteria; and the periodic evaluation of authorized requests. The Department of Commerce and the State Housing Finance and Development Authority are directed to provide to the state authority such assistance as may be requested or required to accomplish the purposes of this article.

(F) Allocations of state ceiling to authorized requests must be made in accordance with the provisions of the allocation plan and policies and procedures adopted by the state authority.

(G) The state authority must determine the disposition of any remaining, unused state ceiling during the final period of the calendar year pursuant to a petition submitted in accordance with Section 1-11-530(D).

Section 1-11-530. (A) For private activity bonds proposed for issue by other than state government issuing authorities, an authorized request is a request included in a petition to the ~~board~~ state authority that a specific amount of the state ceiling be allocated to the bonds for which the petition is filed. The petition must be accompanied by: (i) a copy of the Inducement Contract, Inducement Resolution, or other comparable preliminary approval entered into or adopted by the issuing authority, if any, relating to the bonds. ~~The board shall forward promptly to the~~

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~~committee a copy of each petition received, and (ii) such other supporting documentation as the state authority may by policy prescribe.~~

(B) For private activity bonds proposed for issue by any state government issuing authority, an authorized request is a request included in a petition to the ~~board~~ state authority that a specific amount of the state ceiling be allocated to the bonds for which the petition is filed. The petition must be accompanied by: (i) a bond resolution or comparable action by the issuing authority authorizing the issuance of the bonds.~~The board shall forward promptly to the committee a copy of each petition received, and (ii) such other supporting documentation as the state authority may by policy prescribe.~~

(C) Each authorized request must demonstrate that the allocation amount requested constitutes all of the private activity bond financing contemplated at the time for the project and any other facilities located at or used as a part of an integrated operation with the project.

(D) An issuing authority seeking an allocation of any remaining unused state ceiling for carry-forward designation must submit to the state authority a petition identifying the types of tax-exempt bonds to which the carryforward designation will apply. The petition must be accompanied by such other supporting documentation as the state authority may by policy prescribe. Such allocations are not subjected to the provisions of Section 1-11-520(D), (E), and (F).

(E) Notwithstanding any other provision of this article, the state authority may disapprove, reduce, or defer any authorized request or petition for carry-forward.

(F) The state authority must periodically furnish to the Joint Bond Review Committee a report of petitions received, along with their dispositions. /

Renumber sections to conform.

Amend title to conform.

Rep. BALLENTINE explained the amendment.

The amendment was then adopted.

Reps. G. M. SMITH and BANNISTER proposed the following Amendment No. 2 to H. 5075 (COUNCIL\DG\5075C002.NBD.DG22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3795(B)(5)(b) and inserting:

/ (b) The total amount of all South Carolina housing tax credits that may be allocated in any calendar year must not exceed twenty-five

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million dollars, plus the total of all unallocated tax credits, if any, for any preceding years, and the total amount of any previously allocated tax credits that have been recaptured, revoked, canceled, or otherwise recovered but not otherwise reallocated. /

Re-number sections to conform.

Amend title to conform.

Rep. BALLENTINE 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 99; Nays 5

Those who voted in the affirmative are:

|             |                 |               |
|-------------|-----------------|---------------|
| Allison     | Anderson        | Atkinson      |
| Bailey      | Ballentine      | Bamberg       |
| Bannister   | Blackwell       | Bradley       |
| Brawley     | Brittain        | Bryant        |
| Burns       | Bustos          | Calhoon       |
| Carter      | Caskey          | Chumley       |
| Clyburn     | Cobb-Hunter     | Cogswell      |
| Collins     | B. Cox          | Crawford      |
| Daning      | Davis           | Dillard       |
| Elliott     | Erickson        | Felder        |
| Finlay      | Forrest         | Fry           |
| Gagnon      | Garvin          | Gatch         |
| Gilliam     | Gilliard        | Govan         |
| Haddon      | Hardee          | Hart          |
| Hayes       | Henderson-Myers | Henegan       |
| Herbkersman | Hewitt          | Hiott         |
| Hosey       | Huggins         | Hyde          |
| Jefferson   | J. E. Johnson   | K. O. Johnson |
| King        | Kirby           | Ligon         |
| Long        | Lucas           | Magnuson      |
| Matthews    | McCravy         | McDaniel      |
| McGinnis    | McKnight        | J. Moore      |
| T. Moore    | D. C. Moss      | V. S. Moss    |
| Murray      | B. Newton       | W. Newton     |
| Nutt        | Oremus          | Ott           |

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|             |             |             |
|-------------|-------------|-------------|
| Pendarvis   | Pope        | Rivers      |
| Robinson    | Rose        | Rutherford  |
| Sandifer    | Simrill     | G. M. Smith |
| G. R. Smith | Taylor      | Tedder      |
| Thayer      | Trantham    | Weeks       |
| West        | Wetmore     | Wheeler     |
| White       | R. Williams | S. Williams |
| Willis      | Wooten      | Yow         |

**Total--99**

Those who voted in the negative are:

|        |        |      |
|--------|--------|------|
| Dabney | Jordan | Lowe |
| May    | McCabe |      |

**Total--5**

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

**STATEMENT FOR JOURNAL**

April 6, 2022  
Charles Reid  
Clerk of the House of Representatives

Dear Mr. Reid,

I am notifying you that I will not participate in the debate or vote on H. 5075, which is a bill regarding SC Housing Tax Credits. In accordance with Section 8-13-700(B) of the SC Code, I recuse myself from voting on the Bill because of a potential conflict of interest due to an economic interest of myself, or the business with which I am associated may be affected. Please note this in the House Journal.

Sincerely,  
Rep. West Cox

**H. 4048--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4048 -- Rep. G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-11-

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445 SO AS PROVIDE THAT THE STATE OF SOUTH CAROLINA MUST PROVIDE A LEGAL DEFENSE FOR AND INDEMNIFICATION TO A STATE AGENCY, DEPARTMENT, OR INSTRUMENTALITY AGAINST A CLAIM OR SUIT THAT ARISES OUT OF OR BY VIRTUE OF THE PERFORMANCE OF OFFICIAL DUTIES ON BEHALF OF A STATE AGENCY, DEPARTMENT, OR INSTRUMENTALITY, AND TO PROVIDE A SIMILAR DEFENSE AND INDEMNIFICATION TO BOARD MEMBERS AND EMPLOYEES, AND OFFICERS OF THE ENTITY; TO REPEAL SECTION 1-11-440 RELATING TO LEGAL DEFENSES AND INDEMNIFICATIONS PROVIDED TO MEMBERS OF THE FISCAL ACCOUNTABILITY AUTHORITY AND ITS DIRECTOR; AND TO REPEAL SECTION 12-4-325 RELATING TO LEGAL DEFENSES AND INDEMNIFICATION PROVIDED TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF REVENUE.

The Ways and Means Committee proposed the following Amendment No. 1 to H. 4048 (COUNCIL\SA\4048C001.JN.SA22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 1-11-445(A) and inserting:

/ “Section 1-11-445. (A) The State of South Carolina, by and through the Insurance Reserve Fund, must defend a state agency, department, or instrumentality, and the members of a governing board of a state agency, department, or instrumentality, as applicable, against a claim or suit that arises out of or by virtue of the performance of official duties on behalf of the state agency, department, or instrumentality and must indemnify them for a loss or judgment incurred by them as a result of the claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The State also must defend officers and management employees of the entity, and legislative employees performing duties for the entity against a claim or suit that arises out of or by virtue of the performance of official duties unless the officer, management employee, or legislative employee was acting in bad faith and must indemnify these officers, management employees, and legislative employees for a loss or judgment incurred by them as a result of such claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. This commitment to defend and indemnify extends to members of the entity, the entity’s officers and management employees, the



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entity's director and officers and management employees, and legislative employees after they have left their employment with the entity, the General Assembly, or the entity, as applicable, if the claim or suit arises out of or by virtue of their performance of official duties on behalf of their employer." /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

The amendment was then adopted.

Rep. G.M. SMITH proposed the following Amendment No. 2 to H. 4048 (COUNCIL\SA\4048C002.JN.SA22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 1-11-445(A) and inserting:

/ "Section 1-11-445 (A) The State of South Carolina, by and through its agencies, departments, and instrumentalities, must defend the state agency, department, or instrumentality, and the members of a governing board of the state agency, department, or instrumentality, as applicable, against an uninsured claim or suit that arises out of or by virtue of the performance of official duties on behalf of the state agency, department, or instrumentality and must indemnify them for an uninsured loss or judgment incurred by them as a result of the claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The State also must defend officers and management employees of the entity, and legislative employees performing duties for the entity, against an uninsured claim or suit that arises out of or by virtue of the performance of official duties unless the officer, management employee, or legislative employee was acting in bad faith including, but not limited to, acting outside the scope of their official duties or that the actions constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude. The State shall indemnify these officers, management employees, and legislative employees for a loss or judgment incurred by them as a result of such uninsured claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. This commitment to defend and indemnify extends to members of the entity, the entity's officers and management employees, the entity's director and officers and management employees, and legislative employees after they have left their employment with the entity, the General Assembly, or the entity, as applicable, if the uninsured claim or

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suit arises out of or by virtue of their performance of official duties on behalf of their employer.” /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER 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 2

Those who voted in the affirmative are:

|               |               |                 |
|---------------|---------------|-----------------|
| Alexander     | Allison       | Anderson        |
| Atkinson      | Bailey        | Ballentine      |
| 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        |
| Forrest       | Fry           | Gagnon          |
| Garvin        | Gilliam       | Gilliard        |
| Govan         | Haddon        | Hardee          |
| Hart          | Hayes         | Henderson-Myers |
| Henegan       | Herbkersman   | Hewitt          |
| Hiott         | Hosey         | Howard          |
| Huggins       | Hyde          | Jefferson       |
| J. E. Johnson | J. L. Johnson | K. O. Johnson   |
| Jones         | Jordan        | Kirby           |
| Ligon         | Long          | Lowe            |
| Lucas         | Matthews      | McCrary         |
| McDaniel      | McGarry       | McGinnis        |
| McKnight      | J. Moore      | T. Moore        |
| D. C. Moss    | V. S. Moss    | Murray          |
| B. Newton     | W. Newton     | Nutt            |
| Oremus        | Ott           | Pendarvis       |

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|             |             |             |
|-------------|-------------|-------------|
| Pope        | Rivers      | Robinson    |
| Rose        | Rutherford  | Sandifer    |
| Simrill     | G. M. Smith | G. R. Smith |
| M. M. Smith | Stavrinakis | Taylor      |
| Tedder      | Thayer      | Trantham    |
| Weeks       | West        | Wetmore     |
| Wheeler     | White       | Whitmire    |
| R. Williams | S. Williams | Willis      |
| Wooten      | Yow         |             |

**Total--107**

Those who voted in the negative are:

|     |        |
|-----|--------|
| May | McCabe |
|-----|--------|

**Total--2**

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

**STATEMENT FOR THE JOURNAL**

I support passage of H. 4048 as it implements a recommendation from the House Legislative Oversight Committee's 2020 study of the Department of Corrections.

Rep. Wm. Weston Newton

**H. 5198--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5198 -- Reps. Lucas, G. M. Smith, Rutherford, Simrill, Finlay, Yow, R. Williams, Jefferson and Cobb-Hunter: A BILL TO AMEND SECTION 59-117-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD; TO AMEND SECTION 59-117-20, RELATING TO TERMS OF ELECTED MEMBERS OF THE BOARD, SO AS TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2023; TO AMEND SECTION 59-117-40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THE CHAIRMAN

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SERVES A TWO-YEAR TERM, TO PROVIDE A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN, AND TO REVISE CERTAIN POWERS; AND TO AMEND SECTION 59-117-50, RELATING TO MEETINGS OF THE BOARD, SO AS TO PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

Rep. G. M. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 1

Those who voted in the affirmative are:

|               |               |                 |
|---------------|---------------|-----------------|
| 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          |
| 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          |
| Hiott         | Hosey         | Howard          |
| Huggins       | Hyde          | Jefferson       |
| J. E. Johnson | J. L. Johnson | K. O. Johnson   |
| Jones         | King          | Kirby           |
| Ligon         | Long          | Lowe            |
| Lucas         | Magnuson      | Matthews        |
| May           | McCabe        | McCrary         |
| McDaniel      | McGarry       | McGinnis        |
| McKnight      | J. Moore      | T. Moore        |
| Morgan        | D. C. Moss    | V. S. Moss      |
| Murray        | B. Newton     | Nutt            |

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

**Total--113**

Those who voted in the negative are:  
Hill

**Total--1**

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

**STATEMENT FOR JOURNAL**

While there is no ethical conflict of interest, I abstained from the vote on H. 5198 to avoid even an appearance of impropriety. This is a Bill regarding revising the composition of the University of South Carolina Board of Trustees. My wife is a current trustee on the Board and my daughter, who was recently elected President of the USC Student Body Association, serves *ex officio* on the Board.

Rep. Wm. Weston Newton

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

**RECURRENCE TO THE MORNING HOUR**

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

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**H. 3840--RULE 5.10 WAIVED PURSUANT TO RULE 5.15,  
REQUESTS FOR DEBATE, AMENDED AND ORDERED TO  
THIRD READING**

The following Bill was taken up:

H. 3840 -- Reps. Erickson, Herbkersman, Bradley, W. Newton, Wooten, Caskey, B. Cox, Blackwell, Dabney, King, Jefferson, Brawley, Howard, S. Williams, G. R. Smith, Huggins, Murray and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 67, TITLE 40 SO AS TO ESTABLISH THE "AUDIOLOGY AND SPEECH-LANGUAGE INTERSTATE COMPACT ACT", TO STATE THE PURPOSE OF THE ACT, TO PROVIDE DEFINITIONS, TO OUTLINE STATE PARTICIPATION, TO OUTLINE PRIVILEGES FOR AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS RESULTING FROM THE COMPACT, TO ALLOW FOR THE PRACTICE OF TELEHEALTH, TO PROVIDE ACCOMMODATIONS FOR ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES, TO PROVIDE A MECHANISM FOR TAKING ADVERSE ACTIONS AGAINST LICENSEES, TO ESTABLISH THE "AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION", TO ESTABLISH A DATA SYSTEM, TO OUTLINE THE RULEMAKING PROCESS, TO ADDRESS OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT DUTIES AND RESPONSIBILITIES, TO ESTABLISH THE DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY, RULES, WITHDRAWAL, AND AMENDMENT, TO ADDRESS STATUTORY CONSTRUCTION, SEVERABILITY, AND BINDING EFFECT OF THE COMPACT; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 67, TITLE 40 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

**POINT OF ORDER**

Rep. HILL 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 *PRO TEMPORE* sustained the Point of Order.

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**RULE 5.10 WAIVED PURSUANT TO RULE 5.15**

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

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

Yeas 110; Nays 3

Those who voted in the affirmative are:

|               |               |                 |
|---------------|---------------|-----------------|
| 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          |
| Hiott         | Hosey         | Howard          |
| Huggins       | Hyde          | Jefferson       |
| J. E. Johnson | J. L. Johnson | K. O. Johnson   |
| Jones         | Kirby         | Ligon           |
| Long          | Lowe          | Lucas           |
| Magnuson      | Matthews      | McCrary         |
| 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. R. Smith   | M. M. Smith     |
| Stavrinakis   | Taylor        | Tedder          |

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

**Total--110**

Those who voted in the negative are:

|      |     |        |
|------|-----|--------|
| Hill | May | McCabe |
|------|-----|--------|

**Total--3**

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

Reps. HILL and MAY requested debate on the Bill.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3840 (COUNCIL\PH\3840C001.JN.PH22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 40-67-530(B) and inserting:

/ (B) In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for an initial compact privilege, the department shall require a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of this criminal records check must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of this criminal records check must not be shared outside the department. /

Amend the bill further, as and if amended, SECTION 1, by striking Section 40-67-530(F)(2) and inserting:

/ (2) complete a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission; /



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Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

The amendment was then adopted.

Reps. TEDDER and ERICKSON proposed the following Amendment No. 2 to H. 3840 (COUNCIL/HB\3840C002.NBD.HB22), which was ruled out of order:

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

/ SECTION \_\_\_\_ . Article 1, Chapter 75, Title 40 of the 1976 Code is amended by adding:

“Section 40-75-222. (A) In addition to the requirements of Section 40-75-220 and any other requirements of this chapter, an individual must meet the following criteria for licensure as an assistant behavior analyst:

(1) Educational requirements:

(a) obtain a bachelor’s degree;

(b) complete undergraduate coursework from an Association of Behavior Analysis International-accredited undergraduate program or verified course sequence;

(c) complete one thousand three hundred hours of supervised fieldwork or one thousand hours of concentrated supervised fieldwork as defined by the Behavior Analyst Certification Board; and

(d) pass a nationally recognized certification exam issued by a nonprofit certifying body that manages certification programs accredited by the National Commission for Certifying Agencies.

(2) Continuing education requirements:

(a) obtain twenty continuing education units (CEUs) in each two-year cycle, including four CEUs in ethics and, for supervisors, three CEUs in supervision; and

(b) abide by the Ethics Code for Behavior Analysts published by the Behavior Analyst Certification Board.

(B) In addition to the requirements of Section 40-75-220 and any other requirements of this chapter, an individual must meet the following criteria for licensure as a behavior analyst:

(1) Educational requirements:

(a) obtain a graduate degree;

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(b) complete graduate coursework from an Association of Behavior Analysis International-accredited graduate program or verified course sequence;

(c) complete two thousand hours of supervised fieldwork or one thousand five hundred hours of concentrated supervised fieldwork as defined by the Behavior Analyst Certification Board; and

(d) pass a nationally recognized certification exam issued by a nonprofit certifying body that manages certification programs accredited by the National Commission for Certifying Agencies.

(2) Continuing education requirements:

(a) obtain thirty two CEUs in each two-year cycle, including four CEUs in ethics and, for supervisors, three CEUs in supervision; and

(b) abide by the Ethics Code for Behavior Analysts published by the Behavior Analyst Certification Board.”

SECTION \_\_. A. Section 40-75-5 of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“Section 40-75-5. Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to licensed professional counselors, licensed behavior analysts, licensed assistant behavior analysts, marriage and family therapists, addiction counselors, and psycho-educational specialists regulated by the Department of Labor, Licensing and Regulation. If there is a conflict between this chapter and Article 1, Chapter 1, Title 40, the provisions of this chapter control.”

B. Section 40-75-10 of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“Section 40-75-10. (A) There is created the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, Behavior Analysts, and Psycho-Educational Specialists composed of ~~eleven~~ thirteen members appointed by the Governor. Of the ~~eleven~~ thirteen members, ~~nine~~ eleven must be professional members, with representation from each congressional district in the State. Of the professional members, three must be licensed professional counselors, two must be licensed behavior analysts, two must be licensed addiction counselors, three must be marriage and family therapists, and one must be a psycho-educational specialist. The remaining two members must be at large from the general public and must not be associated with, or financially interested in, the practice of professional counseling, marriage and family therapy, addiction counseling, behavior analysis, or psycho-educational services.

(B) The membership must be representative of race, ethnicity, and gender. The ~~eight~~ eleven professional members must have been actively

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engaged in the practice of their respective professions or in the education and training of professional counselors, marriage and family therapists, addiction counselors, behavior analysts, or psycho-educational specialists for at least five years prior to appointment. Members may be licensed as a licensed professional counselor, marriage and family therapist, addiction counselor, behavior analyst, or psycho-educational specialist. Members are eligible for reappointment. Vacancies must be filled in the same manner as the original appointment for the unexpired portion of the term. Each member shall receive per diem, subsistence, and mileage as allowed by law for members of state boards, commissions, and committees for each day actually engaged in the duties of the office, including a reasonable number of days, as determined by board regulation, for preparation and reviewing of applications and examinations in addition to time actually spent in conducting examinations.”

C. Section 40-75-20 of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“Section 40-75-20. As used in this article:

(1) ‘Addiction counselor’ means a professional who practices individual, family, and group addiction counseling.

(2) ‘Alcohol and drug counseling services’ means those services offered for a fee as part of the treatment and rehabilitation of persons with a substance abuse disorder, at risk of developing a substance abuse disorder, or is negatively affected by someone with a substance abuse disorder. The purpose of alcohol and drug counseling services is to help individuals, families, and groups to address and resolve problems caused by substance abuse.

(3) ‘Approved supervisor’ means a licensee who has met the requirements for approval as a professional counselor supervisor, marriage and family therapy supervisor, or addiction counselor supervisor as provided in regulation.

(4) ‘Assessment’ in the practice of counseling and therapy means selecting, administering, scoring, and interpreting evaluative or standardized instruments; assessing, diagnosing, and treating, using standard diagnostic nomenclature, a client’s attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral problems that are typical of the developmental life cycle; and the use of methods and techniques for understanding human behavior in relation to, coping with, adapting to, or changing life situations. A counselor may assess more serious problems as categorized in standard diagnostic nomenclature but only if

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the counselor has been specifically trained to assess and treat that particular problem. If a client presents with a problem which is beyond the counselor's training and competence, the counselor must refer that problem to a licensed professional who has been specifically trained to diagnose and treat the presenting problem. In all cases, ethical guidelines as established by the board must be followed.

(5) 'Associate' means an individual who has met the requirements for licensure as a professional counselor associate, marriage and family therapy associate, or addiction counselor associate under the provisions of this article and has been issued a license by the board.

(6) 'Behavior technician' means a paraprofessional who practices under the close, ongoing supervision of a licensed behavior analyst or licensed assistant behavior analyst following the completion of a criminal background check. A behavior technician does not design assessment or intervention plans or procedures but delivers services as assigned by the supervisor responsible for his work.

(7) 'Board' means the South Carolina Board of Licensed Professional Counselors, Marriage and Family Therapists, Addictions Counselors, Behavior Analysts, and Psycho-Educational Specialists.

~~(7)~~(8) 'Certifying entity' means the Behavior Analyst Certification Board or its successor.

(9) 'Client' means a person or patient, whether an individual or a member of a group, a group, an agency or an organization, who receives ~~in an office setting~~ any treatment or service that falls within the scope of practice of a licensed professional counselor, marriage and family therapist, addiction counselor, behavior analyst, or psycho-educational specialist.

~~(8)~~(10) 'Consulting' means the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client may have in relation to a third party, individuals, groups, and organizations.

~~(9)~~(11) 'Director' means the Director of the Department of Labor, Licensing and Regulation.

~~(10)~~(12) 'Federally assisted program' means a program directly funded by the federal government, operated by the federal government, certified for Medicaid reimbursement, receiving federal block grant funds through a state or local government, licensed by the federal government, or exempt from paying taxes under a provision of the federal Internal Revenue Code.

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~~(11)~~(13) 'License' means an authorization to practice counseling, marriage and family therapy, or behavior analysis, issued by the board pursuant to this article and includes an authorization to practice as a professional counselor associate, marriage and family therapy associate, behavior analyst, behavior analyst assistant, or addiction counselor associate.

~~(12)~~(14) 'Licensee' means an individual who has met the requirements for licensure under this article and has been issued a license to practice as a professional counselor or professional counselor associate, marriage and family therapist or marriage and family therapy associate, behavior analyst, behavior analyst assistant, or addiction counselor associate.

(15) 'Licensed assistant behavior analyst' means an individual who is certified by the certifying entity as a board-certified assistant behavior analyst and is licensed in this State to practice behavior analysis under the extended authority and supervision of a licensed behavior analyst who is approved as a supervisor by the certifying entity.

(16) 'Licensed behavior analyst' means an individual who is certified by the certifying entity as a board-certified behavior analyst or board-certified behavior analyst-doctoral and is licensed in this State to practice behavior analysis independently.

~~(13)~~(17) 'Licensed professional counselor' means an individual who practices professional counseling.

~~(14)~~(18) 'Marriage and family therapy' means the assessment and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems. Marriage and family therapy involves the application of psycho-therapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating diagnosed emotional, mental, behavioral, or addictive disorders.

~~(15)~~(19) 'Person' means an individual, organization, or corporation, except that only individuals can be licensed under this article.

(20) 'Practice of behavior analysis' means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. Applied behavior analysis interventions are based on scientific research

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and direct and indirect observation and measurement of behavior and environment. Behavior analysts uses contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions. The practice of behavior analysis does not include diagnosis of disorders, psychological testing, psychotherapy, cognitive therapy, psychoanalysis, or counseling.

~~(16)~~(21) 'Practice of marriage and family therapy' means the rendering of marriage and family therapy services to individuals, couples, and families, singly or in groups, whether these services are offered directly to the general public or through organizations, either public or private.

~~(17)~~(22) 'Practice of professional counseling' means functioning as a psycho-therapist and may include, but is not limited to, providing individual therapy, family counseling, group therapy, marital counseling, play therapy, couples counseling, substance abuse counseling, vocational counseling, school counseling, rehabilitation counseling, intervention, human growth and development counseling, behavioral modification counseling, and hypnotherapy. The practice of professional counseling may include assessment, crisis intervention, guidance and counseling to facilitate normal growth and development, including educational and career development; utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability or handicapping condition; and consultation and research. The use of specific methods, techniques, or modalities within the practice of licensed professional counseling is restricted to professional counselors appropriately trained in the use of these methods, techniques, or modalities.

~~(18)~~(23) 'Practice of addiction counseling' means providing professional services that are delivered by a licensed addiction professional, designed to change substance use or addictive behavior, and involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice and professional readiness. The term includes:

- (a) gathering information through structured interview screens using routine protocols;
- (b) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;

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(c) referring for further assessment, diagnosis, evaluation and mental health therapy;

(d) providing client and family education related to addictions;

(e) providing information on social networks and community systems for referrals and discharge planning;

(f) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;

(g) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance use disorders in a variety of settings; and

(h) maintaining the highest level of professionalism and ethical responsibility.

~~(19)~~(24) 'Referral' means evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of this determination, and communicating as requested or considered appropriate with these referral sources.

~~(20)~~(25) 'Supervision' means the supervision of clinical services in accordance with standards established by the board under the supervision of an approved supervisor."

C. Section 40-75-30 of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

"Section 40-75-30. (A) It is unlawful for a person to practice as a professional counselor, a marriage and family therapist, a behavior analyst, assistant behavior analyst, or an addiction counselor in this State without being licensed in accordance with this article unless exempt pursuant to Section 40-75-285. A professional counselor associate may practice only under the direct supervision of a licensed professional counselor supervisor. A marriage and family therapy associate may practice only under the direct supervision of a licensed marriage and family therapist supervisor, as approved by the board. A licensed assistant behavior analyst only may work under the direct supervision of a licensed behavior analyst who is approved as a supervisor by the certifying entity. An addiction counselor associate only may work under a licensed addiction counselor supervisor or other approved board-licensed clinician as provided in regulation.

(B) A person is guilty of practicing without a license if the person represents himself or herself to be a marriage and family therapist by the use of any title or description of services which incorporates the words 'licensed marital and family therapist', 'licensed marriage and family therapist', 'marital and family therapist', 'marriage and family therapist', or 'marriage and family counselor' to describe a function or

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service performed without being licensed by the board. However, members of other professions licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their profession are not considered to be practicing without a license if they do not represent themselves as being licensed pursuant to this article.

(C) A person is guilty of practicing without a license if the person represents himself or herself to be a professional counselor by the use of any title or description of services which incorporates the words 'licensed professional counselor', 'professional counselor', or 'licensed counselor' without being licensed by the board. However, members of other professions licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their professions are not considered to be practicing without a license if they do not represent themselves as being licensed pursuant to this article.

(D) A person is guilty of practicing without a license if the person represents himself to be an addiction counselor by the use of any title or description of services which incorporates the words 'licensed addiction counselor' or 'addiction counselor' without being licensed by the board. However, members of other professions licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their professions are not considered to be practicing without a license if they do not represent themselves as being licensed pursuant to this article.

(E) A person is guilty of practicing without a license if he represents himself to be a behavior analyst by the use of any title or description of services that incorporates the words 'licensed behavior analyst' or 'licensed assistant behavior analyst' without being licensed by the board. However, members of other professions licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their professions are not considered to be practicing without a license if they do not represent themselves as being licensed pursuant to this article.

(F) A licensed professional counselor, a licensed marital and family therapist, a licensed behavior analyst, a licensed assistant



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behavior analyst, or a licensed addiction counselor may not use the title of ‘psycho-therapist’.”

D. Section 40-75-110(A) of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“(A) The board may revoke, suspend, publicly or privately reprimand, or restrict a licensee or otherwise discipline a licensee when it is established to the satisfaction of the board that a licensee has:

(1) uttered a false or fraudulent statement or forged a statement or document or committed or practiced a fraudulent, deceitful, or dishonest act in connection with license requirements;

(2) been convicted of a felony or other crime involving moral turpitude. Forfeiture of a bond or a plea of nolo contendere is the equivalent of a conviction;

(3) violated a regulation, directive, or order of the board;

(4) knowingly performed an act which substantially assists a person to practice counseling, marriage and family therapy, behavior analysis, or addiction counseling illegally;

(5) caused to be published or circulated directly or indirectly fraudulent, false, or misleading statements as to the skills or methods or practice of a license holder when malice is shown;

(6) failed to provide and maintain reasonable sanitary facilities;

(7) sustained physical or mental impairment or disability which renders practice dangerous to the public;

(8) violated the code of ethics adopted by the board in regulations;

(9) obtained fees or assisted in obtaining fees under deceptive, false, or fraudulent circumstances;

(10) used an intentionally false or fraudulent statement in a document connected with the practice of professional counseling, marriage and family therapy, behavior analysis, or addiction counseling;

(11) been found by the board to lack the professional competence to practice;

(12) practiced during the time his license has lapsed or been suspended or revoked;

(13) practiced the profession or occupation while under the influence of alcohol or drugs or uses alcohol or drugs to such a degree as to render him unfit to practice his profession or occupation.”

E. Section 40-75-190(B) of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“(B) All communications between clients and their licensed professional counselor, marriage and family therapist, licensed behavior

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analyst, licensed assistant behavior analyst, or addiction counselor are considered privileged as provided in Section 19-11-95, protecting confidences between patients of mental illness or emotional condition and licensees under this chapter, and as provided in Section 19-11-100, providing limited protection for persons engaged in the gathering of information for journalistic or literary purposes. Additionally, a licensed professional counselor, a licensed marital and family therapist, a licensed behavior analyst, a licensed assistant behavior analyst, or addiction counselor must maintain privileged communications and patient confidentiality as required of psycho-therapists. All records of treatments maintained by a licensed professional counselor, marriage and family therapist, a licensed behavior analyst, a licensed assistant behavior analyst, or an addiction counselor are confidential and must not be disclosed except under the circumstances provided for in this subsection.”

F. Section 40-75-200(A) of the 1976 Code is amended to read:

“(A) A person who practices or offers to practice as a counselor, behavior analyst, assistant behavior analyst, or marriage and family therapist in this State in violation of this chapter or a regulation promulgated under this chapter or who knowingly submits false information to the board for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months, or both.”

G. Section 40-75-220 of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“Section 40-75-220. To be licensed by the board as a professional counselor, marriage and family therapist, behavior analyst, assistant behavior analyst, or addiction counselor, an individual must:

(1) pay the appropriate fees and pass an examination approved by the board;

(2) complete forms prescribed by the board; and

(3) complete the following educational requirements:

(a) for licensed professional counselor or marriage and family therapist, successfully complete a minimum of a master’s degree or higher degree program and have been awarded a graduate degree as provided in regulation, provided all course work, including any additional core coursework, must be taken at a college or university accredited by a national educational accrediting body, or one that follows similar educational standards and by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the

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United States and Canada, or a post-degree program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or a regionally accredited institution of higher learning subsequent to receiving the graduate degree; ~~or~~

(b) for licensed addiction counselor, successfully complete a minimum of a master's degree or higher degree program and have been awarded a graduate degree as provided in regulation, provided all course work, including any additional core coursework, must be taken at a college or university accredited by a national educational accrediting body, or one that follows similar standards and the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, the National Addiction Studies Accreditation Commission, other board-approved educational institution, or a regionally accredited institution of higher learning; or

(c) for licensed behavior analyst or licensed assistant behavior analyst, have current certification at the appropriate level verified with the certifying entity by the board and complete a criminal background check pursuant to regulation of the board. The cost of the criminal background check must be paid by the applicant. An applicant shall submit to the board two complete sets of fingerprints and a form, sworn to by the applicant, containing his name, date of birth, and Social Security number for completion of the criminal background check. The board shall submit the fingerprints and form to the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The board shall keep information received pursuant to this section confidential, except that any information received and relied upon in denying the issuance of a license in this State may be disclosed if necessary to support the denial. Behavior technicians also must complete a criminal background check consistent with this subsection."

H. Section 40-75-250(A) of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“(A) If an applicant satisfies all licensure requirements as provided for in this article, the board may issue a license to the applicant. A license is a personal right and not transferable, and the issuance of a license is evidence that the person is entitled to all rights and privileges of a licensed professional counselor, a marriage and family therapist, a

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licensed behavior analyst, licensed assistant behavior analyst, an addiction counselor, or of an associate, while the license remains current and unrestricted. However, the license is the property of the State and upon suspension or revocation immediately must be returned to the board.”

I. Section 40-75-260 of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

“Section 40-75-260. (A) The board may enter into a reciprocal agreement with a state that credentials professional counselors, marriage and family therapists, behavior analysts, assistant behavior analysts, or addiction counselors if the board finds that the state has substantially the same or higher licensure requirements.

(B)(1) The board may license an individual who is currently credentialed or meets the requirements of a licensed professional counselor, licensed marriage and family therapist, licensed behavior analysts, licensed assistant behavior analyst, or addiction counselor in another jurisdiction of the United States if the individual has met the standards defined in regulation.

(2) The board shall delineate in regulation procedures for verifying an applicant’s credentials from another jurisdiction.

(3) The board may not license an applicant who is under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter until the investigation is complete. When deciding a case, the board shall determine what, if any, rules or discipline apply.

(C) The board may grant a license to practice professional counseling, marriage and family therapy, behavior analysis, or addiction counseling to an applicant who has completed an educational program in a college or university in a foreign country if the applicant:

(1) meets all requirements of this article; ~~and~~

(2) complete a criminal background check pursuant to Section 40-75-220(4); and

(3) demonstrates to the satisfaction of the board that the applicant’s experience, command of the English language, and completed academic program meet the standards of a relevant academic program of an accredited educational institution within the United States. If the requirements of this item are met, the applicant must be considered to have received the education from an accredited educational institution as required by this article.”

J. Section 40-75-285 of the 1976 Code, as last amended by Act 249 of 2018, is further amended to read:

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“Section 40-75-285. (A) This article is for the regulation of the practice of licensed professional counselors, marriage and family therapists, licensed behavior analysts, licensed assistant behavior analyst, and addiction counselors only and does not prevent human resource professionals, business consultants, and other persons from providing advice and counseling in their organizations or affiliated groups or to their companies and employees of their companies or from engaging in activities performed in the course of their employment.

(B) The following are exempt from licensure as behavior analysts or assistant behavior analysts:

(1) Behavior technicians who deliver applied behavior analysis services under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst who is responsible for seeing that each technician they supervise completes a criminal background check. Behavior technicians must not represent themselves as professional behavior analysts, and must use titles that indicate their nonprofessional status, such as ‘ABA technician’, ‘behavior technician’, or ‘tutor’.

(2) Caregivers of recipients of applied behavior analysis services who deliver those services to the recipients under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst. Such individuals may not represent themselves as professional behavior analysts.

(3) Behavior analysts who practice with nonhumans, including applied animal behaviorists and animal trainers. Such individuals may use the title ‘behavior analyst’ but may not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless licensed under this chapter.

(4) Professionals who provide general applied behavior analysis services to organizations, so long as those services are for the benefit of the organizations and do not involve direct services to individual clients. Such professionals may use the title ‘behavior analyst’ but may not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless licensed under this chapter.

(5) Matriculated college or university students or postdoctoral fellows whose applied behavior analysis activities are part of a defined program of study, course, practicum, internship, or fellowship and are directly supervised by a licensed behavior analyst in this jurisdiction or a qualified faculty member. Such individuals must not represent themselves as professional behavior analysts and must use titles that

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clearly indicate their trainee status, such as ‘student,’ ‘intern,’ or ‘trainee.’

(6) Unlicensed individuals pursuing experience in applied behavior analysis consistent with the experience requirements of the certifying entity, provided such experience be supervised in accordance with the requirements of the certifying entity.

(7) Individuals who teach behavior analysis or conduct behavior-analytic research, if such activities do not involve the direct delivery of applied behavior analysis services beyond the typical parameters of applied research. Such individuals may use the title ‘behavior analyst’ but may not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless licensed under this chapter.

(8) Individuals employed by a school board performing the duties of their positions. Such individuals may not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless licensed under this chapter, and may not offer applied behavior analysis services to any persons or entities other than their school employer or accept remuneration for providing applied behavior analysis services other than the remuneration they receive from their school employer.

(9) Unlicensed individuals who were approved as behavior support providers or as qualified providers of behavior analysis services by the Department of Health and Human Services (DHHS) prior to December 31, 2021, and only until December 31, 2026. Such individuals must not design, oversee, or provide applied behavior analysis services outside of their contracts with DHHS and must not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless licensed under this chapter. All such individuals must obtain a license under the terms of this chapter by December 31, 2026. This exemption includes any future derivative iterations of DHHS titles used for behavior support services or intensive behavioral interventions. The provisions of this item expire six years after the effective date of this act.”

K. 1. Chapter 75, Title 40 of the 1976 Code is redesignated “Professional Counselors, Marriage and Family Therapists, Behavior Analysts, and Licensed Psycho-educational Specialists”.

2. Article 1, Chapter 75, Title 40 of the 1976 Code is redesignated “Professional Counselors, Marriage and Family Therapists, and Behavior Analysts and Licensed Psycho-Educational Specialists”.

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L.This SECTION takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

**POINT OF ORDER**

Rep. G. R SMITH raised the Point of Order under Rule 9.3 that Amendment No. 2 to H. 3840 was not germane to the Bill.

SPEAKER *PRO TEMPORE* POPE stated that he had to look at the substantial effect and impact of both the Bill and the Amendment to determine whether the amendment was germane. He stated that Amendment No. 2 went beyond the scope of the Bill's subject matter, and he sustained the Point of Order.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 3

Those who voted in the affirmative are:

|             |             |                 |
|-------------|-------------|-----------------|
| Alexander   | Allison     | Anderson        |
| Atkinson    | Bailey      | Ballentine      |
| Bamberg     | Bannister   | Bennett         |
| Bernstein   | Blackwell   | Bradley         |
| Brawley     | Brittain    | Bryant          |
| Burns       | Bustos      | Calhoon         |
| Carter      | Caskey      | 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          |
| Hiott       | Hosey       | Howard          |
| Huggins     | Hyde        | Jefferson       |

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|               |               |               |
|---------------|---------------|---------------|
| J. E. Johnson | J. L. Johnson | K. O. Johnson |
| Jones         | Jordan        | King          |
| Kirby         | Ligon         | Long          |
| Lowe          | Lucas         | Magnuson      |
| Matthews      | 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   | G. R. Smith   |
| M. M. Smith   | Stavrinakis   | Tedder        |
| Thayer        | Trantham      | Weeks         |
| West          | Wetmore       | Wheeler       |
| White         | Whitmire      | R. Williams   |
| S. Williams   | Willis        | Wooten        |
| Yow           |               |               |

**Total--112**

Those who voted in the negative are:

|      |     |        |
|------|-----|--------|
| Hill | May | McCabe |
|------|-----|--------|

**Total--3**

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

**H. 4519--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4519 -- Reps. Huggins, Dabney, Forrest, Bustos, Wooten and McGarry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-13-40 SO AS TO PROVIDE THAT A REGISTERED BARBER MAY PRACTICE BARBERING IN A BEAUTY SALON; AND TO AMEND SECTION 40-13-20, RELATING TO THE DEFINITION OF "BEAUTY SALON", SO AS INCLUDE BARBERING WITHIN THE SCOPE OF



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PROFESSIONAL SERVICES THAT MAY BE PERFORMED IN A BEAUTY SALON IN ADDITION TO COSMETOLOGY.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 4519 (COUNCIL\WAB\4519C001.JN.WAB22), which was adopted:

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

/ SECTION 1. Chapter 13, Title 40 of the 1976 Code is amended by adding:

“Section 40-13-40. (A) A person registered as a barber or master hair care specialist pursuant to the requirements of Chapter 7 of this title may practice within the scope authorized by the person’s license in a salon registered in accordance with this chapter.

(B) The provisions of this section apply notwithstanding the provisions of Section 40-13-20(1) or another provision of law.

(C) The department shall promulgate regulations to carry out the provisions of this section.” /

Renumber sections to conform.  
Amend title to conform.

Rep. HART 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 112; Nays 0

Those who voted in the affirmative are:

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

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|                 |               |               |
|-----------------|---------------|---------------|
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Howard          | Huggins       | Hyde          |
| Jefferson       | J. E. Johnson | J. L. Johnson |
| K. O. Johnson   | Jones         | Jordan        |
| King            | Kirby         | Ligon         |
| Long            | Lowe          | Lucas         |
| Magnuson        | Matthews      | May           |
| McCrary         | 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     | G. R. Smith   | M. M. Smith   |
| Stavrinakis     | Taylor        | Tedder        |
| Thayer          | Trantham      | Weeks         |
| West            | Wetmore       | Wheeler       |
| White           | Whitmire      | R. Williams   |
| S. Williams     | Willis        | Wooten        |
| Yow             |               |               |

**Total--112**

Those who voted in the negative are:

**Total--0**

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

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**H. 4541--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4541 -- Reps. Haddon, Erickson, Cobb-Hunter, Bennett, Bustos, Jones, Matthews, McCravy and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-37 SO AS TO PROVIDE FOR THE TREATMENT OF PREGNANT AND POSTPARTUM INMATES.

Rep. MATTHEWS explained 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    |
| Bannister       | Bennett       | Bernstein     |
| Blackwell       | Bradley       | Brawley       |
| Brittain        | Bryant        | Burns         |
| Calhoon         | Carter        | Caskey        |
| Chumley         | Clyburn       | Cobb-Hunter   |
| Cogswell        | Collins       | B. Cox        |
| W. Cox          | Crawford      | Daning        |
| Davis           | Dillard       | Elliott       |
| Erickson        | Felder        | Finlay        |
| Forrest         | Fry           | Gagnon        |
| Garvin          | Gatch         | Gilliam       |
| Gilliard        | Govan         | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hiott         | Hosey         |
| Howard          | 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        | J. Moore      | T. Moore      |
| Morgan          | D. C. Moss    | V. S. Moss    |

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

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**STATEMENT FOR JOURNAL**

I was out of the Chamber during the vote on H. 4541. Had I been present, I would have voted in favor of this Bill.

Rep. Chip Huggins

**H. 4948--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4948 -- Rep. Rutherford: A BILL TO AMEND SECTION 17-5-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS AUTHORIZED TO VIEW PHOTOGRAPHS AND VIDEOS OF AN AUTOPSY, SO AS TO RESTRUCTURE THE CIRCUMSTANCES UNDER WHICH PHOTOGRAPHS AND VIDEOS OF AN AUTOPSY MAY BE DISSEMINATED.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 4948 (COUNCIL\AHB\4948C001.BH.AHB22), which was adopted:

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

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/ SECTION 1. Section 17-5-535 of the 1976 Code is amended to read:

“Section 17-5-535. (A) Photographs, videos, or other visual images and audio recordings of or related to the performance of an autopsy shall only be viewed by or disseminated to:

(1) the coroner or the medical examiner, or both, and their staff;  
(2) members of law enforcement agencies, for official use only;  
(3) ~~parents of the deceased, surviving spouse, children, guardian, personal representative next of kin, and any other person given permission or authorization to view or possess the visual images by the personal representative of the deceased's estate;~~

~~(4)~~ those involved in a judicial or administrative proceeding related to the death of the subject of the photograph, video, other visual image or audio recordings including, but not limited to:

(a) parties to a civil suit arising from, related to, or relevant to the death or autopsy of the subject of the photograph, video, other visual image or audio recordings, and the attorneys for the parties and the staff of the attorneys;

(b) a person charged with a crime arising from, related to or relevant to the death or autopsy of the subject of the photograph, video, other visual image or audio recordings, and the person's attorney and the staff of the attorney;

(c) staff of the prosecutor's office considering or prosecuting criminal charges arising from, related to or relevant to the death or autopsy of the subject of the photograph, video, other visual image or audio recordings;

(d) lay and expert witnesses conferred with, consulted or retained by a party or an attorney considering or involved in a legal or administrative proceeding arising from, related to or relevant to the death or autopsy of the subject of the photograph, video, other visual image or audio recordings;

(e) judges and administrative hearing officers, as well as their staff, involved in a judicial or administrative proceeding arising from, related to or relevant to the death or autopsy of the subject of the photograph, video, other visual image or audio recordings; and

(f) members of any jury, including grand juries, petit juries and coroner's juries, empanelled to hear or decide any issue arising from, related to or relevant to the death or autopsy of the subject of the photograph, video, other visual image or audio recordings;

~~(5)~~(4) physicians and other persons consulted by or supervising the physicians or persons who were involved in the performance of the

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autopsy of the subject of the photograph, video, other visual images, or audio recordings; and

~~(6)~~(5) a person who receives such photographs, videos, or other visual images pursuant to a validly issued court order, after notice and opportunity to object are provided to the personal representative of the deceased's estate.

These photographs and videos must be released and disseminated only as authorized by this section.

(B) Photographs, videos, or other visual images and audio recordings of or related to the performance of an autopsy are allowed to be viewed by and may be disseminated, at the discretion of the coroner, to parents of the deceased, surviving spouse, children, guardian, personal representative, next of kin, and any other person given permission or authorization to view or possess the visual images by the personal representative of the deceased's estate.

(C) Notwithstanding the provisions contained in subsection (A), a photograph, video, other visual image of an autopsy, or an audio recording of an autopsy, or a combination of each of these items, after all information immediately identifying the decedent has been redacted and after making facial recognition anonymous to the extent reasonably possible if lawfully obtained or possessed may be used for:

- (1) legitimate medical scientific teaching or training purposes;
- (2) legitimate teaching or training of law enforcement personnel;
- (3) teaching or training of attorneys or other individuals with a professional need to use or understand forensic science or public health;
- (4) conferring with medical or scientific experts in the field of forensic science or public health; or
- (5) publication in a scientific or medical or legal journal or textbook.

~~(C)~~(D) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five thousand dollars nor more than fifty thousand dollars. Each violation under this section must be considered a separate offense.

(E) Nothing contained in this section may be construed to limit any victims' rights pursuant to the Constitution of this State or Article 15, Chapter 3, Title 16." /

Renumber sections to conform.

Amend title to conform.

Rep. MATTHEWS explained the amendment.

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Rep. RUTHERFORD spoke in favor of 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 2

Those who voted in the affirmative are:

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

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

**Total--107**

Those who voted in the negative are:

|        |        |
|--------|--------|
| Bryant | McCabe |
|--------|--------|

**Total--2**

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

**H. 4982--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4982 -- Rep. Rose: A BILL TO AMEND SECTION 8-11-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SICK LEAVE OF STATE OFFICERS AND EMPLOYEES, SO AS TO PROVIDE AN ADDITIONAL SIXTY DAYS OF LEAVE FOR AN EMPLOYEE WHO HAS BEEN APPROVED FOR CERTAIN FAMILY MEDICAL LEAVE ACT LEAVE.

Rep. ROSE moved to adjourn debate on the Bill until Thursday, April 7, which was agreed to.

**H. 5215--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5215 -- Reps. Rutherford and Rose: A BILL TO AMEND ARTICLE 142, CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF "UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO ALSO PROVIDE FOR THE ISSUANCE OF "UNIVERSITY OF SOUTH CAROLINA 2022 WOMEN'S BASKETBALL NATIONAL



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CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT.

Rep. RUTHERFORD explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 1

Those who voted in the affirmative are:

|                 |               |               |
|-----------------|---------------|---------------|
| Alexander       | Allison       | Anderson      |
| Atkinson        | Bailey        | Ballentine    |
| Bannister       | Bernstein     | Blackwell     |
| Bradley         | Brawley       | Brittain      |
| Bryant          | Burns         | Bustos        |
| Calhoon         | Carter        | Caskey        |
| Clyburn         | Cobb-Hunter   | Cogswell      |
| Collins         | B. Cox        | W. Cox        |
| Crawford        | Daning        | Davis         |
| Dillard         | Elliott       | Erickson      |
| Felder          | Forrest       | Fry           |
| Gagnon          | Garvin        | Gatch         |
| Gilliam         | Gilliard      | Haddon        |
| Hardee          | Hart          | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hill          | Hiott         |
| Hosey           | Huggins       | Hyde          |
| Jefferson       | J. E. Johnson | J. L. Johnson |
| K. O. Johnson   | Jordan        | King          |
| Kirby           | Ligon         | Long          |
| Lowe            | Lucas         | Magnuson      |
| Matthews        | May           | McCrary       |
| 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   |
| G. R. Smith     | M. M. Smith   | Stavrinnakis  |
| Tedder          | Thayer        | Trantham      |

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|             |             |          |
|-------------|-------------|----------|
| Weeks       | West        | Wetmore  |
| Wheeler     | White       | Whitmire |
| R. Williams | S. Williams | Wooten   |

**Total--105**

Those who voted in the negative are:

Dabney

**Total--1**

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. 5215. If I had been present, I would have voted in favor of the Bill.

Rep. Jerry N. Govan

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

**RECURRENCE TO THE MORNING HOUR**

Rep. COBB-HUNTER moved that the House recur to the morning hour, which was agreed to.

**H. 4918--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4918 -- Reps. Thayer, Pope, White, Erickson, Gilliam, Long, Wooten, Atkinson, Magnuson, Haddon, T. Moore, Hyde, Allison, R. Williams, Jefferson, Yow, Forrest, B. Newton, W. Newton, Herbkersman and McGarry: A BILL TO AMEND SECTION 9-11-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EARNINGS LIMITATION UPON RETURN TO COVERED EMPLOYMENT IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO INCREASE THE AMOUNT THAT MAY BE EARNED WITHOUT AFFECTING THE MONTHLY RETIREMENT ALLOWANCE FROM TEN THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS FOR CERTAIN RETIRED MEMBERS.

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The Ways and Means Committee proposed the following Amendment No. 1 to H. 4918 (COUNCIL\SA\4918C001.DF.SA22), which was adopted:

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

/ SECTION 1. Section 9-11-90(4)(a)(ii) of the 1976 Code is amended to read:

“(ii) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(A) the member retired before January 2, 2013;

(B) the member has attained the age of fifty-seven years at retirement; ~~or~~

(C) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction;

(D) the member has not been engaged to perform services for a participating employer in the system or any other system provided in this title for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this subitem does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this subitem, the member is responsible for reimbursing the system for any benefits wrongly paid to the member; or

(E) compensation received by the retired member from the covered employer is for employment in a critical needs law enforcement position as determined by the Law Enforcement Training Council. For the provisions of this subitem to apply, the Law Enforcement Training Council must review and approve, from the documentation provided by the covered employer, that no qualified, nonretired member is available for employment in the position, and that the member selected for employment meets the requirements of this subitem. No later than January 1, 2023, and each January first thereafter, the Law Enforcement Training Council must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the positions requested for inclusion in the earnings

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limitation exception under this subitem for the following fiscal year. Effective July 1, 2023, and each July first thereafter, the earnings limitation exception provided in this subitem only applies to those positions approved by action of the General Assembly for the fiscal year in response to the report submitted by the Law Enforcement Training Council. The Law Enforcement Training Council shall develop guidelines and curriculum for these officers to be recertified and may not require recertification through basic training for those that have been inactive for a year or more.”

SECTION 2. Section 9-1-1790(A)(2) of the 1976 Code is amended to read:

“(2) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(a) the member retired before January 2, 2013;

(b) the member has attained the age of sixty-two years at retirement; ~~or~~

(c) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction; ~~or~~

(d) the member has not been engaged to perform services for a participating employer in the system or any other system provided in this title for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this subitem does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this subitem, the member is responsible for reimbursing the system for any benefits wrongly paid to the member.”

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

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

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The yeas and nays were taken resulting as follows:

Yeas 109; 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          |
| Caskey        | Chumley       | Clyburn         |
| Cobb-Hunter   | Collins       | B. Cox          |
| W. Cox        | Crawford      | Dabney          |
| Davis         | Dillard       | Elliott         |
| Erickson      | Felder        | Finlay          |
| Forrest       | Fry           | Gagnon          |
| Garvin        | Gilliam       | Gilliard        |
| Govan         | Haddon        | Hardee          |
| Hart          | Hayes         | Henderson-Myers |
| Henegan       | Herbkersman   | Hewitt          |
| Hill          | Hiott         | Hosey           |
| 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    | Murray        | B. Newton       |
| Nutt          | Oremus        | Ott             |
| Pendarvis     | Pope          | Rivers          |
| Robinson      | Rose          | Rutherford      |
| Sandifer      | G. M. Smith   | G. R. Smith     |
| M. M. Smith   | Stavrinakis   | Taylor          |
| Tedder        | Thayer        | Trantham        |
| Weeks         | West          | Wheeler         |
| White         | Whitmire      | R. Williams     |

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S. Williams  
Yow

Willis

Wooten

**Total--109**

Those who voted in the negative are:

**Total--0**

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

**STATEMENT FOR JOURNAL**

As a co-sponsor, I support passage of H. 4918 and note it implements a recommendation from the House Legislative Oversight Committee's 2020 study of the Department of Corrections.

Rep. Wm. Weston Newton

**H. 3252--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3252 -- Reps. White, Blackwell, Whitmire, W. Cox, McGarry and B. Newton: A BILL TO AMEND SECTION 23-9-25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE V-SAFE PROGRAM, SO AS TO SIMPLIFY THE DEFINITION OF FIRE DEPARTMENTS AND THE PROJECTS ON WHICH GRANT FUNDS MAY BE EXPENDED, TO INCREASE GRANT AMOUNTS, AND TO SPECIFY PROJECTS FOR WHICH GRANTS MAY BE AWARDED; TO AMEND SECTION 38-7-20, AS AMENDED, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO DIRECT ADDITIONAL FUNDS TO THE V-SAFE PROGRAM; TO AMEND SECTION 12-37-935, RELATING TO THE ADDITIONAL DEPRECIATION REIMBURSEMENT, SO AS TO DIRECT A PERCENTAGE OF SUCH FUNDS TO THE V-SAFE PROGRAM; AND TO AMEND SECTION 11-11-150, RELATING TO DEDUCTIONS FROM THE ESTIMATE OF REVENUES, SO AS TO MAKE A CONFORMING CHANGE.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 3252 (COUNCIL\DG\3252C004.NBD.DG22), which was adopted:

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

/ SECTION 1. Section 23-9-25 of the 1976 Code is amended to read:

“Section 23-9-25. (A) It is the purpose of this section to create the ‘Volunteer Strategic Assistance and Fire Equipment Program’ (V-SAFE) within the Division of State Fire Marshal.

(B) This section is contingent upon the General Assembly appropriating funds for the offering of grants ~~of not more than thirty thousand dollars~~ to eligible volunteer and combination fire departments for the purpose of protecting local communities and regional response areas from incidents of fire, hazardous materials, terrorism, and to provide for the safety of volunteer firefighters.

(C)(1) As contained in this section:

(a) ~~‘chartered~~ Fire department’ means a public or governmental sponsored organization providing fire suppression activities with a minimum of a Class 9 rating from the Insurance Services Office;

(b) ~~‘chartered~~ Volunteer fire department’ means a fire department whose personnel serve for no compensation or are paid on a per-call basis; and

(c) ~~‘chartered~~ Combination fire department’ means a fire department with both members who are paid and members who serve as volunteer firefighters.

(2) ~~Chartered~~ Volunteer fire departments and ~~chartered~~ combination fire departments with a staffing level that is at least fifty percent volunteer are eligible to receive grants pursuant to this section. A ~~chartered~~ fire department that receives a grant must comply with the firefighter registration provisions of Act 60 of 2001 and sign the statewide mutual aid agreement with the South Carolina Emergency Management Division.

(D) ~~The amount of the grants awarded shall not exceed thirty thousand dollars per year for each eligible chartered fire department, with no matching or in-kind money required. A chartered~~ An eligible fire department may be awarded only one grant ~~in a three-year period annually.~~

(E) The grant money received by a ~~chartered~~ fire department must be used for the following purposes:

- (1) fire suppression equipment;
- (2) self-contained breathing apparatus;
- (3) portable air refilling systems;

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- (4) hazardous materials spill leak detection, repair, and recovery equipment;
- (5) protective clothing and equipment;
- (6) new and used fire apparatus;
- (7) incident command vehicles;
- (8) special operations vehicles;
- (9) training;
- (10) rescue equipment;
- (11) medical equipment;
- (12) decontamination equipment; ~~and~~
- (13) safety equipment;
- (14) real properties or improvements thereto including upgrades and rehabilitations; and
- (15) communications equipment.

(F)(1) The State Fire Marshal shall administer the grants in conjunction with a peer-review panel.

(2) The peer-review panel shall consist of nine voting members who shall serve without compensation. Seven members must be fire chiefs from each of the seven regions of the State as defined by the State Fire Marshal. The Chairman of the House Ways and Means Committee shall appoint fire chiefs from Regions 1, 2, and 7. The Chairman of the Senate Finance Committee shall appoint fire chiefs from Regions 3, 4, and 6. The Governor shall appoint one fire chief from Region 5 and one fire chief from the State at large. The State Fire Marshal also shall serve as a member. The President of the South Carolina State Firefighters' Association shall serve as a nonvoting member and chairman of the committee. The peer-review panel shall act as an oversight panel and act to ensure compliance, relevance, and adherence to the prescribed intent of the grants as set forth in this section.

(3) An applicant for grant money must submit justification for their project that provides details regarding the project and the project's budget, ~~the benefits to be derived from the project, the applicant's financial need, and how the project would affect the applicant's daily operations in protecting lives and property within their community.~~ Each application must be judged on its own merit. The panelists must consider all expenses budgeted, including administrative or indirect costs, as part of the cost-benefit review. ~~An applicant may demonstrate cost-benefit by describing, as applicable, how the grant award will:~~

~~(a) enhance a regional approach that is consistent with current capabilities and requests of neighboring organizations or otherwise benefits other organizations in the region;~~



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~~(b) implement interoperable communications capabilities with other local, state, and federal first responders and other organizations;~~

~~(c) allow first responder organizations to respond to all hazards, including incidents involving seismic, atmospheric, or technological events, or chemical, biological, radiological, nuclear, or explosive incidents, as well as fire prevention and suppression.~~

~~Applications that best address the grant funding priorities shall score higher than applications that are inconsistent with the priorities. During the panel review process, panelists shall provide a subjective but qualitative judgment on the merit of each request.~~

~~Panelists shall evaluate and score the proposed project's clarity, including the project's budget detail, the organization's financial need, the benefits that would result from an award relative to the cost, and the extent to which the grant would enhance daily operations or how the grant will positively impact an organization's ability to protect life and property. Each element shall be equally important for purposes of the panelists' scores. Panelists must review each application in its entirety and rate the application according to the evaluation criteria.~~

~~Applications shall be evaluated by the panelists relative to the critical infrastructure within the applicant's area of first due response. Critical infrastructure includes any system or asset that, if attacked or impacted by a hazardous event, would result in catastrophic loss of life or catastrophic economic loss. Critical infrastructure includes public water or power systems, major business centers, chemical facilities, nuclear power plants, major rail and highway bridges, petroleum and natural gas transmission pipelines or storage facilities, telecommunications facilities, or facilities that support large public gatherings such as sporting events or concerts. Panelists shall assess the infrastructure and the hazards confronting the community to determine the benefits to be realized from a grant to the applicant.~~

~~Applicants that falsify their application, or misrepresent their organization in any material manner, shall have their applications deemed ineligible and referred to the Attorney General for further action, as the Attorney General deems appropriate.~~

~~(4) The project period for any award grant shall be twelve months from the date of the award. Any equipment purchased with the grant must meet all mandatory regulatory requirements, as well as, all state, national, and Department of Homeland Security adopted standards.~~

~~Award recipients must agree to:~~

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(a) perform, within the designated period of performance, all approved tasks as outlined in the application;

(b) retain grant files and supporting documentation for three years after the conclusion and close out of the grant or any audit subsequent to close out;

(c) ensure all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition. In doing so, the recipient must follow its established procurement law when purchasing vehicles, equipment, and services with the grant. If possible, the recipient must obtain at least two quotes or bids for the items being procured and document the process used in the grant files. Sole-source purchasing is not an acceptable procurement method except in circumstances allowed by law;

(d) submit a performance report to the peer-review panel six months after the grant is awarded. If a grant's period of performance is extended for any reason, the recipient must submit performance reports every six months until the grant is closed out. At grant closeout, the recipient must report how the grant funding was used and the benefits realized from the award in a detailed final report. An accounting of the funds also must be included; and

(e) Any fire department that fails to submit the required progress and close-out reports shall be deemed ineligible for future grants until the required reports are submitted and for a period of not less than one grant cycle. Any fire department that is found to have fraudulently expended funds or misrepresented how the funds were utilized will be referred to the Attorney General for further action.

(f) make grant files, books, and records available, if requested by any person, for inspection to ensure compliance with any requirement of the grant program.

(5) A recipient that completes the approved scope of work prior to the end of the performance period, and still has grant funds available, may:

(a) use the greater of one percent of their award amount or three hundred dollars to continue or expand, the activities for which they received the award without submitting an application to amend the grant request;

(b) use excess funds to create or expand, a fire or injury prevention program. Excess funds above the amounts discussed in subitem (a) must be used for fire or injury prevention activities or returned to the program. In order to use excess funds for fire or injury prevention activities, a recipient must submit an amendment to its grant.

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The amendment request must explain fire or injury prevention efforts currently underway within the organization, where the use of excess funds would fit within the existing efforts, the target audience for the fire or injury prevention project and how this audience was identified, and how the effectiveness of the requested fire or injury prevention project will be evaluated;

(c) use a combination of subitems (a) and (b); ~~or~~

(d) submit an application to the peer-review panel to amend the grant request to redirect funds to another eligible project; or

(e) return excess funds to the program. To return the excess funds, a recipient must close out its award and state in the final performance report that the remaining funds are not necessary for the fulfillment of grant obligations. The recipient also must indicate that it understands that the funds will be unavailable for future expenses.

(6) The State Fire Marshal shall:

(a) develop a grant application package utilizing the established guidelines;

(b) establish and market a written and electronic version of the grant application package;

(c) provide an annual report of all grant awards and corresponding chartered fire department purchases to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor;

(d) provide all administrative support to the peer-review panel; ~~and~~

(e) provide a grants web page for electronic applications; and

(f) determine the annual maximum amount of grant funding an eligible fire department may receive based on the total amount of grant funding received divided by the total number of eligible fire departments.

(G) Two percent of these funds may be awarded to the South Carolina State Firefighters' Association annually for the express purpose of establishing and maintaining a recruitment and retention program for volunteer firefighters. The association must apply for the grant to the peer-review panel.

(H) Up to three percent of these funds must be retained by the State Fire Marshal for the express purpose of funding costs associated with the administration of the program.

(I) The State Fire Marshal has the authority to receive and distribute to eligible fire departments all grant funds according to this section.

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(J) Grant funds that are not distributed may be carried forward to the next fiscal year to be used for the same purposes.”

SECTION 2. Section 38-7-20(B)(2) of the 1976 Code, as last amended by Act 149 of 2020, is further amended to read:

“(2) ~~one~~ four percent must be transferred to the V-SAFE program pursuant to Section 23-9-25;”

SECTION 3. A. Section 12-37-935(B) of the 1976 Code is amended to read:

“(B) Annually as provided in Section 11-11-150, there is credited to the Trust Fund for Tax Relief an amount sufficient to reimburse all local taxing entities the amount of revenue not collected as a result of the additional depreciation more than eighty percent allowed for manufacturer’s machinery and equipment pursuant to this section; however, one percent of such funds must be credited to the V-SAFE program, established pursuant to Section 23-9-25. No reimbursement is allowed for any depreciation allowed in connection with custom molds and dies used in the conduct of manufacturing electronic interconnection component assembly devices for computers and computer peripherals and equipment used in the manufacture of tires by manufacturers who employ more than five thousand employees in this State and have over one billion dollars in capital investment in this State. Reimbursements must be paid from the fund in the manner provided in Section 12-37-270, mutatis mutandis.”

B. Section 11-11-150(A)(3) of the 1976 Code is amended to read:

“(3) Section 12-37-935(B) for manufacturer’s additional depreciation, including such amounts credited to the V-SAFE program;”

SECTION 4. This act takes effect July 1, 2022. /

Renumber sections to conform.

Amend title to conform.

Rep. COGSWELL spoke in favor of 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 113; Nays 0

Those who voted in the affirmative are:

|           |         |            |
|-----------|---------|------------|
| Alexander | Allison | Anderson   |
| Atkinson  | Bailey  | Ballentine |

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

**Total--113**

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Those who voted in the negative are:

**Total--0**

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

**H. 4986--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4986 -- Rep. Ott: A BILL TO AMEND SECTION 50-5-555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAP PLACEMENT, SO AS TO PROHIBIT TRAPS IN THE WATERS OF THE GENERAL TRAWL ZONE WHEN THESE WATERS ARE OPEN TO TRAWLING FOR SHRIMP.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4986 (COUNCIL/PH4986C001.NBD.PH22), which was adopted:

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

/ SECTION 1. Section 50-5-555 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) No trap may be placed in the waters of the General Trawl Zone as established by Section 50-5-705 when these waters are open to trawling for shrimp. Traps placed in the waters of the General Trawl Zone prior to the opening of trawling must be removed within ten days after the opening of trawling in the General Trawl Zone.”

SECTION 2. This act takes effect sixty days after signature by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT 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 110; Nays 1

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Those who voted in the affirmative are:

|               |                 |               |
|---------------|-----------------|---------------|
| Alexander     | Allison         | Anderson      |
| Atkinson      | Bailey          | Ballentine    |
| Bamberg       | Bannister       | Bennett       |
| Bernstein     | Blackwell       | Bradley       |
| Brawley       | Brittain        | Bryant        |
| Burns         | Bustos          | Calhoon       |
| Carter        | Caskey          | 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         | Huggins         | Hyde          |
| Jefferson     | J. E. Johnson   | J. L. Johnson |
| K. O. Johnson | Jones           | Jordan        |
| King          | Kirby           | Ligon         |
| 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          |
| Robinson      | Rose            | Rutherford    |
| Sandifer      | G. M. Smith     | G. R. Smith   |
| M. M. Smith   | Stavrinakis     | Taylor        |
| Tedder        | Thayer          | Trantham      |
| Weeks         | West            | Wetmore       |
| Wheeler       | White           | Whitmire      |
| R. Williams   | S. Williams     | Willis        |
| Wooten        | Yow             |               |

**Total--110**

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Those who voted in the negative are:  
Rivers

**Total--1**

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

**RECORD FOR VOTING**

I inadvertently voted against H. 4986. I intended to vote in favor of the Bill.

Rep. Michael Rivers

**H. 4614--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4614 -- Reps. B. Cox, White, Wooten, Caskey, Elliott, T. Moore, G. R. Smith, M. M. Smith, Bennett, Ballentine, Jones, Morgan, McCabe, Blackwell, Oremus, Atkinson, Davis, Kirby, B. Newton, Willis, Taylor, Hill, W. Cox, Garvin and Fry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-2250 SO AS TO PERMIT A PERSON AUTHORIZED TO HUNT ON A WILDLIFE MANAGEMENT AREA TO HUNT ON A SUNDAY.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4614 (COUNCIL\PH\4614C001.JN.PH22), which was adopted:

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

/ SECTION 1. Pursuant to the Administrative Procedures Act, the Department of Natural Resources shall:

(1) propose the repeal of S.C. Regulation 123-40 General Regulation 2.5; and

(2) allow Sunday hunting on wildlife management area lands owned by the department or leased from the USDA Forest Service, subject to regulations promulgated by the department.

SECTION 2. Final regulations required in Section 1 must be filed for General Assembly review no later than December 31, 2022.

SECTION 3.(A) A regulation submission by the Department of Natural Resources dealing with Sunday Hunting shall be referred to the



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House Agriculture, Natural Resources and Environmental Affairs Committee.

(B) Only after receiving a majority vote approving the regulation by the House Agriculture, Natural Resources and Environmental Affairs Committee may the regulation be sent to the Regulations and Administrative Procedures Committee.

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

Rep. NUTT explained the amendment.

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

Yeas 57; Nays 13

Those who voted in the affirmative are:

|               |            |               |
|---------------|------------|---------------|
| Allison       | Anderson   | Atkinson      |
| Bailey        | Ballentine | Bamberg       |
| Bernstein     | Blackwell  | Carter        |
| Caskey        | Clyburn    | Cobb-Hunter   |
| Collins       | B. Cox     | W. Cox        |
| Dabney        | Davis      | Dillard       |
| Elliott       | Forrest    | Fry           |
| Garvin        | Gatch      | Hart          |
| Hewitt        | Hill       | Huggins       |
| Hyde          | Jefferson  | J. L. Johnson |
| K. O. Johnson | King       | Kirby         |
| Ligon         | Matthews   | May           |
| McCabe        | McGarry    | McGinnis      |
| McKnight      | T. Moore   | B. Newton     |
| W. Newton     | Nutt       | Oremus        |
| Rose          | Rutherford | G. R. Smith   |
| M. M. Smith   | Taylor     | Tedder        |
| Thayer        | Trantham   | Weeks         |
| Wheeler       | Willis     | Wooten        |

**Total--57**

Those who voted in the negative are:

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|                 |         |               |
|-----------------|---------|---------------|
| Brawley         | Burns   | Chumley       |
| Gilliam         | Haddon  | Hardee        |
| Henderson-Myers | Hiott   | J. E. Johnson |
| Magnuson        | McCravy | D. C. Moss    |
| Pendarvis       |         |               |

**Total--13**

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 58; Nays 26

Those who voted in the affirmative are:

|               |             |             |
|---------------|-------------|-------------|
| Alexander     | Allison     | Atkinson    |
| Ballentine    | Bamberg     | Bannister   |
| Bennett       | Calhoon     | Carter      |
| Caskey        | Cobb-Hunter | Cogswell    |
| Collins       | B. Cox      | W. Cox      |
| Crawford      | Dabney      | Davis       |
| Dillard       | Elliott     | Erickson    |
| Felder        | Finlay      | Forrest     |
| Fry           | Hart        | Hewitt      |
| Hill          | Huggins     | Hyde        |
| J. L. Johnson | King        | Ligon       |
| Matthews      | May         | McCabe      |
| McGinnis      | McKnight    | J. Moore    |
| T. Moore      | V. S. Moss  | Murray      |
| B. Newton     | W. Newton   | Nutt        |
| Oremus        | Ott         | Pendarvis   |
| Rivers        | Rose        | G. R. Smith |
| Taylor        | Thayer      | Trantham    |
| Wetmore       | White       | Willis      |
| Wooten        |             |             |

**Total--58**

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Those who voted in the negative are:

|               |            |                 |
|---------------|------------|-----------------|
| Bailey        | Brawley    | Burns           |
| Chumley       | Clyburn    | Daning          |
| Gagnon        | Gatch      | Gilliam         |
| Haddon        | Hardee     | Henderson-Myers |
| Henegan       | Hosey      | J. E. Johnson   |
| K. O. Johnson | Jones      | Jordan          |
| Long          | Lowe       | Magnuson        |
| McDaniel      | D. C. Moss | G. M. Smith     |
| Weeks         | Yow        |                 |

**Total--26**

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

**H. 4614--RECONSIDERED AND DEBATE ADJOURNED**

Rep. FORREST moved to reconsider the vote whereby the following Bill was read second time:

H. 4614 -- Reps. B. Cox, White, Wooten, Caskey, Elliott, T. Moore, G. R. Smith, M. M. Smith, Bennett, Ballentine, Jones, Morgan, McCabe, Blackwell, Oremus, Atkinson, Davis, Kirby, B. Newton, Willis, Taylor, Hill, W. Cox, Garvin and Fry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-2250 SO AS TO PERMIT A PERSON AUTHORIZED TO HUNT ON A WILDLIFE MANAGEMENT AREA TO HUNT ON A SUNDAY.

Rep. KING moved to table the motion.

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

Yeas 53; Nays 57

Those who voted in the affirmative are:

|         |             |            |
|---------|-------------|------------|
| Allison | Atkinson    | Ballentine |
| Bamberg | Blackwell   | Caskey     |
| Clyburn | Cobb-Hunter | Collins    |
| B. Cox  | W. Cox      | Crawford   |
| Davis   | Dillard     | Elliott    |

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|               |               |             |
|---------------|---------------|-------------|
| Fry           | Garvin        | Gilliard    |
| Hayes         | Henegan       | Hill        |
| Hosey         | Hyde          | Jefferson   |
| J. L. Johnson | K. O. Johnson | Jones       |
| King          | Matthews      | May         |
| McCabe        | McKnight      | T. Moore    |
| V. S. Moss    | Murray        | B. Newton   |
| Nutt          | Oremus        | Ott         |
| Rivers        | Rose          | Rutherford  |
| G. R. Smith   | Taylor        | Trantham    |
| Weeks         | Wetmore       | Wheeler     |
| White         | R. Williams   | S. Williams |
| Willis        | Wooten        |             |

**Total--53**

Those who voted in the negative are:

|               |             |                 |
|---------------|-------------|-----------------|
| Alexander     | Bailey      | Bannister       |
| Bennett       | Bernstein   | Brawley         |
| Brittain      | Bryant      | Burns           |
| Bustos        | Calhoon     | Carter          |
| Chumley       | Dabney      | Daning          |
| Erickson      | Felder      | Finlay          |
| Forrest       | Gagnon      | Gatch           |
| Gilliam       | Govan       | Haddon          |
| Hardee        | Hart        | Henderson-Myers |
| Hewitt        | Hiott       | Huggins         |
| J. E. Johnson | Jordan      | Kirby           |
| Ligon         | Long        | Lowe            |
| Lucas         | Magnuson    | McCrary         |
| McDaniel      | McGarry     | McGinnis        |
| J. Moore      | Morgan      | D. C. Moss      |
| W. Newton     | Pendarvis   | Pope            |
| Sandifer      | G. M. Smith | M. M. Smith     |
| Stavrinakis   | Tedder      | Thayer          |
| West          | Whitmire    | Yow             |

**Total--57**

So, the motion to table the motion to reconsider was rejected.

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The question then recurred to the motion to reconsider, which was agreed to.

Rep. YOW moved to adjourn debate on the Bill, which was agreed to by a division vote of 67 to 33.

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

**H. 5144--REQUESTS FOR DEBATE WITHDRAWN**

Reps. MCCRAVY, JONES, DABNEY, MAY, WOOTEN, GATCH and BENNETT withdrew their requests for debate on the following Bill:

H. 5144 -- Reps. G. M. Smith, Wheeler, Lowe, Kirby, Weeks, R. Williams, Jefferson and Yow: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO FURTHER SPECIFY THE APPLICATION OF THE EXEMPTION OF PROPERTY OF TELEPHONE COMPANIES AND RURAL TELEPHONE COOPERATIVES.

**H. 3709--REQUESTS FOR DEBATE WITHDRAWN**

Reps. FORREST, MORGAN, MAGNUSON, MAY, MCCABE and M. M. SMITH withdrew their requests for debate on the following Bill:

H. 3709 -- Reps. J. L. Johnson, M. M. Smith, Brawley, Govan, Pendarvis, Tedder, Matthews, Henegan, McDaniel, Henderson-Myers, Yow, McGarry, Rivers and S. Williams: A BILL TO AMEND SECTION 12-36-2630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEVEN PERCENT SALES TAX ON ACCOMMODATIONS, SO AS TO CHANGE THE AGE THAT A CERTAIN ONE PERCENT SALES TAX DOES NOT APPLY FROM INDIVIDUALS OVER THE AGE OF EIGHTY-FIVE TO INDIVIDUALS OVER THE AGE OF SEVENTY.

**H. 3120--REQUESTS FOR DEBATE WITHDRAWN**

Reps. MORGAN, MAY, MCCABE, MCCRAVY, OREMUS, MAGNUSON, DABNEY and BENNETT withdrew their requests for debate on the following Bill:

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H. 3120 -- Reps. Hyde, V. S. Moss, Cobb-Hunter, Long, Cogswell, W. Cox, Gagnon, T. Moore, W. Newton, Finlay, Huggins, Ballentine, Caskey, Wooten, Crawford, Henderson-Myers, Erickson, Bradley, Herbkersman, J. E. Johnson, Carter, S. Williams and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO A PROPERTY OWNER WHO ENCUMBERS HIS PROPERTY WITH A PERPETUAL RECREATIONAL TRAIL EASEMENT.

**H. 4817--REQUESTS FOR DEBATE WITHDRAWN**

Reps. MAGNUSON, MAY, MCCABE, DABNEY, CASKEY, BENNETT and JONES withdrew their requests for debate on the following Bill:

H. 4817 -- Reps. Ligon, Simrill, McGarry, B. Newton, Atkinson, R. Williams, Wheeler, Hardee, Gagnon, Hill, Huggins, Taylor and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SHORT LINE RAILROAD MODERNIZATION ACT" BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT EQUAL TO FIFTY PERCENT OF AN ELIGIBLE TAXPAYER'S QUALIFIED RAILROAD RECONSTRUCTION OR REPLACEMENT EXPENDITURES, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX CREDIT.

**H. 4985--REQUESTS FOR DEBATE WITHDRAWN**

Reps. BURNS, MAY, BLACKWELL, G. R. SMITH, ERICKSON, DABNEY, CARTER, HIOTT, CHUMLEY, MAGNUSON, BENNETT, BRADLEY, HUGGINS, OREMUS, M. M. SMITH, TAYLOR and V. S. MOSS withdrew their requests for debate on the following Bill:

H. 4985 -- Reps. Hosey, Henegan, Clyburn, Rivers, Tedder, R. Williams, K. O. Johnson, Thigpen, Bamberg, Kirby, Govan, Cobb-Hunter, S. Williams, J. L. Johnson, Alexander, McKnight, Weeks, Murray and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

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**RECURRENCE TO THE MORNING HOUR**

Rep. G. M. SMITH moved that the House recur to the morning hour, which was agreed to.

**H. 4614--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4614 -- Reps. B. Cox, White, Wooten, Caskey, Elliott, T. Moore, G. R. Smith, M. M. Smith, Bennett, Ballentine, Jones, Morgan, McCabe, Blackwell, Oremus, Atkinson, Davis, Kirby, B. Newton, Willis, Taylor, Hill, W. Cox, Garvin and Fry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-2250 SO AS TO PERMIT A PERSON AUTHORIZED TO HUNT ON A WILDLIFE MANAGEMENT AREA TO HUNT ON A SUNDAY.

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

**H. 4994--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4994 -- Reps. Ligon, B. Newton, Hiott, Haddon, Nutt, Ott, Kirby, Chumley, Burns, Bryant and V. S. Moss: A BILL TO AMEND SECTION 27-50-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCLOSURE STATEMENTS REQUIRED FOR REAL PROPERTY TRANSACTIONS, SO AS TO REQUIRE THE DISCLOSURE OF ADJACENT PROPERTY UTILIZED FOR AGRICULTURAL PURPOSES.

Rep. G. M. SMITH moved to adjourn debate on the Bill, which was agreed to.

**H. 5144--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5144 -- Reps. G. M. Smith, Wheeler, Lowe, Kirby, Weeks, R. Williams, Jefferson and Yow: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO FURTHER SPECIFY THE APPLICATION OF THE EXEMPTION OF

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**PROPERTY OF TELEPHONE COMPANIES AND RURAL  
TELEPHONE COOPERATIVES.**

Rep. BALLENTINE 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    |
| Bannister       | Bennett       | Bernstein     |
| Blackwell       | Bradley       | Brawley       |
| Brittain        | Bryant        | Burns         |
| Bustos          | Calhoon       | Carter        |
| Caskey          | Chumley       | Clyburn       |
| Cobb-Hunter     | Collins       | B. Cox        |
| W. Cox          | Crawford      | Dabney        |
| Daning          | Davis         | Dillard       |
| Elliott         | Erickson      | Felder        |
| Finlay          | Forrest       | Fry           |
| Gagnon          | Garvin        | Gatch         |
| Gilliam         | Gilliard      | Govan         |
| Haddon          | Hardee        | Hayes         |
| Henderson-Myers | Henegan       | Herbkersman   |
| Hewitt          | Hiott         | Hosey         |
| Huggins         | Hyde          | Jefferson     |
| J. E. Johnson   | J. L. Johnson | K. O. Johnson |
| Jones           | King          | Kirby         |
| Ligon           | Long          | Lowe          |
| Lucas           | Matthews      | May           |
| 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      | Simrill       | G. M. Smith   |
| G. R. Smith     | M. M. Smith   | Stavrinakis   |
| Taylor          | Tedder        | Thayer        |



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|          |             |             |
|----------|-------------|-------------|
| Trantham | Weeks       | West        |
| Wetmore  | Wheeler     | White       |
| Whitmire | R. Williams | S. 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.

**H. 3709--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3709 -- Reps. J. L. Johnson, M. M. Smith, Brawley, Govan, Pendarvis, Tedder, Matthews, Henegan, McDaniel, Henderson-Myers, Yow, McGarry, Rivers and S. Williams: A BILL TO AMEND SECTION 12-36-2630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEVEN PERCENT SALES TAX ON ACCOMMODATIONS, SO AS TO CHANGE THE AGE THAT A CERTAIN ONE PERCENT SALES TAX DOES NOT APPLY FROM INDIVIDUALS OVER THE AGE OF EIGHTY-FIVE TO INDIVIDUALS OVER THE AGE OF SEVENTY.

The Ways and Means Committee proposed the following Amendment No. 1 to H. 3709 (COUNCIL\SA\3709C001.DF.SA22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-36-2630(2) and inserting:

/ “(2) a one percent tax, which must be credited as provided in Section 59-21-1010(B). The one percent tax specified in this item (2) does not apply to sales to an individual ~~eighty-five~~ seventy-eight years of age or older purchasing tangible personal property for his own personal use, if at the time of sale, the individual requests the one percent exclusion from tax and provides the retailer with proof of age; and” /

Re-number sections to conform.

Amend title to conform.

Rep. J. L. JOHNSON explained the amendment.

**WEDNESDAY, APRIL 6, 2022**

The amendment was then adopted.

Reps. HEWITT and ERICKSON proposed the following Amendment No. 2 to H. 3709 (COUNCIL\DG\3709C001.NBD.DG22), which was adopted:

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

/ SECTION \_\_\_\_ . Article 9, Chapter 36, Title 12 of the 1976 Code is amended by adding:

“Section 12-36-922. For each accommodations tax return filed with multiple locations, the filer also must provide electronically the location information by address and the amount of net taxable sales for each location.” /

Renumber sections to conform.

Amend title to conform.

Rep. HEWITT 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 | Anderson    | Atkinson        |
| Bailey    | Ballentine  | Bannister       |
| Bennett   | Bernstein   | Blackwell       |
| Bradley   | Brawley     | Brittain        |
| Bryant    | Burns       | Bustos          |
| Calhoon   | Carter      | Caskey          |
| Chumley   | Clyburn     | Cobb-Hunter     |
| Collins   | B. Cox      | W. Cox          |
| Crawford  | Dabney      | Daning          |
| Davis     | Dillard     | Elliott         |
| Erickson  | Felder      | Finlay          |
| Fry       | Gagnon      | Garvin          |
| Gatch     | Gilliam     | Gilliard        |
| Govan     | Haddon      | Hardee          |
| Hart      | Hayes       | Henderson-Myers |
| Henegan   | Herbkersman | Hewitt          |
| Hill      | Hiott       | Hosey           |

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|               |               |               |
|---------------|---------------|---------------|
| Huggins       | Hyde          | Jefferson     |
| J. E. Johnson | J. L. Johnson | K. O. Johnson |
| Jones         | King          | Kirby         |
| Ligon         | Long          | Lowe          |
| Lucas         | 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          |
| Rivers        | Robinson      | Rose          |
| Rutherford    | Sandifer      | G. M. Smith   |
| M. M. Smith   | Stavrinakis   | Taylor        |
| Tedder        | Thayer        | 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.

**H. 3120--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3120 -- Reps. Hyde, V. S. Moss, Cobb-Hunter, Long, Cogswell, W. Cox, Gagnon, T. Moore, W. Newton, Finlay, Huggins, Ballentine, Caskey, Wooten, Crawford, Henderson-Myers, Erickson, Bradley, Herbkersman, J. E. Johnson, Carter, S. Williams and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO A PROPERTY OWNER WHO ENCUMBERS HIS PROPERTY WITH A PERPETUAL RECREATIONAL TRAIL EASEMENT.

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The Ways and Means Committee proposed the following Amendment No. 1 to H. 3120 (COUNCIL\SA\3120C002.JN.SA22), which was adopted:

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

/ SECTION 1. Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3810. (A) A taxpayer who encumbers his property with a perpetual recreational trail easement and right of way is allowed a one-time income tax credit equal to ten cents for each square foot of the property that is encumbered by the recreational trail easement.

(B) The easement and right of way must be held by a municipality or county within the State or by a Land Trust Alliance accredited land trust and must be recorded with the appropriate Register of Deeds. The easement must include an agreement with the municipality, county, or land trust to grant access to the general public and address improvements to the trail, which could include pavement or soft-surface trails and maintenance.

(C) To qualify for this tax credit, the trail must provide a connection between a trail within a municipality’s or county’s regional trail system plan in this State and a local or regional attraction or point of interest. User groups may include equestrians, pedestrians, bicyclists, and other non-motorized users. Local or regional points of interest include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations.

(D) If the credit exceeds the taxpayer’s tax liability for the taxable year, the excess amount may be carried forward for credit against income taxes in the next five succeeding taxable years.

(E) To receive the credit the taxpayer shall claim the credit on his income tax or withholding return in a manner prescribed by the department. The department may require any information that it determines is necessary for the calculation of the credit provided by this section.

(F) The maximum amount of tax credits allowed to all qualifying taxpayers pursuant to this section may not exceed one million dollars for each calendar year.”

SECTION 2. This act takes effect upon approval by the Governor and applies to income tax years beginning after 2020. This act is repealed on January 1, 2026 and is no longer effective for any income tax year after 2025. /

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Renumber sections to conform.  
Amend title to conform.

Rep. HYDE 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 4

Those who voted in the affirmative are:

|                 |               |             |
|-----------------|---------------|-------------|
| Alexander       | Allison       | Anderson    |
| Atkinson        | Bailey        | Ballentine  |
| Bannister       | Bennett       | Bernstein   |
| Blackwell       | Bradley       | Brawley     |
| Brittain        | Bryant        | Burns       |
| Bustos          | Calhoon       | Carter      |
| Caskey          | Chumley       | Clyburn     |
| Cobb-Hunter     | Collins       | B. Cox      |
| W. Cox          | Crawford      | Dabney      |
| Daning          | Davis         | Dillard     |
| Elliott         | Erickson      | Felder      |
| Finlay          | Forrest       | Fry         |
| Gagnon          | Garvin        | Gilliam     |
| Gilliard        | Govan         | Haddon      |
| Hardee          | Hart          | Hayes       |
| Henderson-Myers | Henegan       | Herbkersman |
| Hewitt          | Hiott         | Hosey       |
| Huggins         | Hyde          | Jefferson   |
| J. E. Johnson   | K. O. Johnson | Jones       |
| Jordan          | King          | Kirby       |
| Ligon           | Long          | Lucas       |
| Matthews        | McCabe        | McCrary     |
| McDaniel        | McGarry       | McGinnis    |
| McKnight        | J. Moore      | T. Moore    |
| D. C. Moss      | V. S. Moss    | Murray      |
| B. Newton       | W. Newton     | Nutt        |
| Oremus          | Pendarvis     | Pope        |
| Rivers          | Robinson      | Rose        |
| Rutherford      | Sandifer      | G. M. Smith |

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

**Total--104**

Those who voted in the negative are:

|       |     |     |
|-------|-----|-----|
| Hill  | May | Ott |
| White |     |     |

**Total--4**

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

**H. 4817--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4817 -- Reps. Ligon, Simrill, McGarry, B. Newton, Atkinson, R. Williams, Wheeler, Hardee, Gagnon, Hill, Huggins, Taylor and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SHORT LINE RAILROAD MODERNIZATION ACT" BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT EQUAL TO FIFTY PERCENT OF AN ELIGIBLE TAXPAYER'S QUALIFIED RAILROAD RECONSTRUCTION OR REPLACEMENT EXPENDITURES, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX CREDIT.

The Ways and Means Committee proposed the following Amendment No. 1 to H. 4817 (COUNCIL/DG\4817C001.NBD.DG22), which was adopted:

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

/ SECTION 2. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3810. (A) As used in this section:

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(1) 'Department' means the South Carolina Department of Commerce.

(2) 'Eligible taxpayer' means any railroad owner located in this State that is classified by the United States Surface Transportation Board as a Class II or Class III railroad.

(3) 'Qualified railroad reconstruction or replacement expenditures' means gross expenditures for maintenance, reconstruction or replacement of railroad infrastructure, including track, roadbed, bridges, industrial leads and sidings, and track-related structures owned or leased by a Class II or Class III railroad located in this State.

(4) 'Eligible transferee' means any taxpayer subject to tax under Sections 12-6-510, 12-6-530, 12-11-20, or 38-7-20.

(B)(1) There is allowed a credit against the tax imposed pursuant to Sections 12-6-510, 12-6-530, 12-11-20, or 38-7-20 equal to fifty percent of an eligible taxpayer's qualified railroad reconstruction or replacement expenditures.

(2) For qualified railroad reconstruction or replacement expenditures the amount of the credit may not exceed five thousand dollars multiplied by the number of miles of railroad track owned or leased within this State by the eligible taxpayer as of the close of the taxable year.

(C)(1) Following the completion of qualified railroad reconstruction or replacement expenditures, the eligible taxpayer shall submit to the Department of Commerce a verification of qualified expenditures on a form provided for that purpose by the Department of Commerce. The verification must include a statement certifying:

(a) the status of the owner or lessee of the railroad as an eligible taxpayer;

(b) certification of the miles of railroad track owned or leased in this State;

(c) the qualified railroad reconstruction or replacement work completed; and

(d) a description of the amount of qualified railroad reconstruction or replacement expenditures paid or incurred.

Within thirty days after receipt and approval of the foregoing documentation from the eligible taxpayer, the department shall issue a tax credit certificate in an amount equivalent to the amount of the qualified railroad reconstruction or replacement expenditures incurred by the eligible taxpayer, not to exceed the amount of the tax credits reserved for the project.

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(2) At the end of each year, the department shall furnish to the Department of Revenue a list of all eligible taxpayers who have qualified for the credit along with the amount of the credit authorized.

(3) Section 12-54-240 may not apply to any information exchanged between the Department of Commerce and the Department of Revenue relating to the credit allowed pursuant to this section.

(D) The department may adopt rules to implement and administer this section and to enable the certification of the income tax credit amount earned by each eligible taxpayer.

(E) In order to obtain a credit against any state income tax due, an eligible taxpayer shall file the tax credit certificate with the taxpayer's South Carolina state income tax return.

(F) Any tax credit generated pursuant to the provisions of this section, to the extent not used, may be carried forward for each of the five years following the year of qualification.

(G)(1) An eligible taxpayer may transfer any unused credit to any eligible transferee by written agreement, at any time during the five years following the tax year the qualified railroad reconstruction or replacement expenditures are incurred. Any eligible transferee is entitled to claim the credit only for any period remaining for the tax credit.

(2) The eligible taxpayer and the eligible transferee must file jointly a copy of the written transfer agreement with the Department of Revenue, within thirty days of the transfer. The written agreement must contain the name, address, and taxpayer identification number of the eligible taxpayer and the eligible transferee, the tax year the eligible taxpayer incurred the qualified railroad reconstruction or replacement expenditures, the amount of credit being transferred, and the tax year or years for which the credit may be claimed.

(H) The department shall report to the Senate Finance Committee and the House Ways and Means Committee by July 1, 2025, and annually thereafter for the duration of the existence of this program, on the use of the credit, including the number of tax credits applied for and the number of tax credits granted from the qualified railroad reconstruction or replacement expenditures for which tax credits have been allowed.” /

Renumber sections to conform.

Amend title to conform.

Rep. BALLENTINE explained the amendment.

The amendment was then adopted.



**WEDNESDAY, APRIL 6, 2022**

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 3

Those who voted in the affirmative are:

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

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S. Williams                      Willis                              Wooten  
Yow

**Total--106**

Those who voted in the negative are:

Dabney                              May                                      McCabe

**Total--3**

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

#### **STATEMENT FOR THE JOURNAL**

I abstained from voting on H. 4817 due to a potential conflict of interest and wish to have my recusal noted for the record in the House Journal.

Rep. Jay West

#### **LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. G. M. SMITH a leave of absence for the remainder of the day.

#### **H. 4985--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4985 -- Reps. Hosey, Henegan, Clyburn, Rivers, Tedder, R. Williams, K. O. Johnson, Thigpen, Bamberg, Kirby, Govan, Cobb-Hunter, S. Williams, J. L. Johnson, Alexander, McKnight, Weeks, Murray and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

The Ways and Means Committee proposed the following Amendment No. 1 to H. 4985 (COUNCIL\SA\4985C001.JN.SA22), which was adopted:

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

/ SECTION 1. Title 11 of the 1976 Code is amended by adding:

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**“CHAPTER 54**

**I-95 Corridor Authority Act**

Section 11-54-5. This chapter may be cited as the ‘I-95 Corridor Authority Act’.

Section 11-54-10. There is established the I-95 Corridor Authority. The authority must:

(1) carry out economic development, health, and educational improvement activities which, in the opinion of the authority, will improve the economic conditions in its member counties and are located in a member county or an adjacent census tract.

(2) report to the General Assembly, at least annually, on the progress made related to its charge, any modification of the laws of this State needed to allow the authority to better fulfill its charge, programs, and operations.

Section 11-54-15. The authority is a public body, politic and corporate, and an agency of the State and may:

(1) adopt bylaws, procedures, and regulations for the directors, officers, and employees and for implementation and operation of the programs authorized by this act;

(2) sue and be sued in its own name;

(3) enter into contracts, agreements, and instruments and make offers to contract with persons, partnerships, firms, corporations, agencies, or entities, whether public or private, considered desirable in the furtherance of its purpose;

(4) acquire by purchase, donation, exchange, or otherwise, hold, improve, mortgage, pledge, or otherwise, encumber, manage, lease, convey, transfer, or dispose of any real or personal property, whether tangible or intangible, together with rights and privileges as may be incidental and appurtenant thereto. To the extent that administrative funds are involved, the authority must comply with the provisions of the South Carolina Consolidated Procurement Code. To the extent that the liability of the authority is limited to program funds, any acquisition or disposition may be pursuant to public or private sale upon terms and conditions as the authority may approve in accordance with prudent business practices;

(5) appoint officers, agents, employees, and consultants, prescribe their duties, and fix their compensation; and

(6) participate in and cooperate with any agency or instrumentality of the United States and with any agency or political subdivision of this State in the administration of any of the programs authorized by this act.

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Section 11-54-20. The member counties of the authority consist of Allendale, Bamberg, Barnwell, Clarendon, Colleton, Darlington, Dillon, Hampton, Lee, Marion, Marlboro, Orangeburg, Sumter, and Williamsburg.

Section 11-54-25. (A) The authority is governed by a board of directors that is composed of thirteen members. The members must be appointed as follows:

(1) four members appointed by the senators whose districts include the member counties;

(2) four members appointed by the representatives whose districts include the member counties; and

(3) five members appointed by the Governor, one of whom is designated as chairperson.

No member may be a legislator or a member of a legislator's family. No two members designated in items (1) through (3) may reside in the same county. All members designated in items (1) through (3) must have sufficient experience in the fields of education, economic development, healthcare, or business management to deem them qualified as determined by the appointing senators, representatives, or chairman.

(B) Except as provided in subsection (C), members must serve a three-year term and must be limited to two terms. Any vacancy on the authority must be filled in the same manner as the original appointment. Members of the authority shall serve without mileage, per diem, and subsistence.

(C) Initial appointments to the authority pursuant to subsection (A)(3) must be made within sixty days of the enactment of this section. Appointments pursuant to subsections (A)(1) and (2) must be made from sixty to one hundred twenty days of the enactment of this section.

Four appointees shall serve for a one-year term and four appointees shall serve for a two-year term, all determined by lot at the first called meeting except for the chairman who shall serve a three-year term.

(D) The initial meeting of the authority shall be convened by the chairman as soon as practical after the initial appointments are made. Business of the authority only may be conducted when a quorum is present. A quorum consists of a majority of the members appointed pursuant to subsection (A)(1)-(3).

Section 11-54-30. (A) The authority shall receive state funds as appropriated by the General Assembly.

(B) In addition to funding sources listed in subsection (A), the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds. All funds received by the authority,

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regardless of their source, are to be held and accounted for by the State Treasurer in a separate investment account to be known as the 'I-95 Corridor Authority Fund'. This fund is separate and distinct from all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. Disbursements from the authority fund only must be made upon the signature of the chairmen of the board of directors, or a designee of the board, upon written warrants of the Comptroller General drawn on the State Treasurer to the payee designated in the requisition.

(C) The authority must distribute funds as loans or grants, in a manner which fulfills the charge in Section 11-54-10. The authority must create guidelines to govern the selection of recipients of grants or loans and the distribution of these funds.

(D) The authority must be audited annually by the State Auditor or by an independent certified public accounting firm approved by the State Auditor.”

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

Rep. COBB-HUNTER explained the amendment.  
The amendment was then adopted.

Rep. HERBKERSMAN proposed the following Amendment No. 2 to H. 4985 (COUNCIL\SA\4985C002.JN.SA22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 11-54-20 and inserting:

/ Section 11-54-20. The member counties of the authority consist of Allendale, Bamberg, Barnwell, Clarendon, Colleton, Darlington, Dillon, Hampton, Jasper, Lee, Marion, Marlboro, Orangeburg, Sumter, and Williamsburg. /

Renumber sections to conform.  
Amend title to conform.

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

Rep. G.M. SMITH proposed the following Amendment No. 4 to H. 4985 (COUNCIL\SA\4985C004.JN.SA22), which was adopted:

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Amend the bill, as and if amended, SECTION 1, by striking Section 11-54-25(A) and inserting:

/ Section 11-54-25. (A) The authority is governed by a board of directors that is composed of fifteen members. The members must be appointed as follows:

(1) five members appointed by the senators whose districts include the member counties;

(2) five members appointed by the representatives whose districts include the member counties; and

(3) five members appointed by the Governor, one of whom is designated as chairperson.

No member may be a legislator or a member of a legislator's family. No two members designated in items (1) through (3) may reside in the same county. All members designated in items (1) through (3) must have sufficient experience in the fields of education, economic development, healthcare, or business management to deem them qualified as determined by the appointing senators, representatives, or chairman. /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER 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 77; Nays 27

Those who voted in the affirmative are:

|             |                 |           |
|-------------|-----------------|-----------|
| Alexander   | Anderson        | Atkinson  |
| Bailey      | Ballentine      | Bamberg   |
| Bannister   | Bernstein       | Blackwell |
| Bradley     | Brawley         | Brittain  |
| Bryant      | Bustos          | Carter    |
| Clyburn     | Cobb-Hunter     | Collins   |
| Davis       | Dillard         | Erickson  |
| Felder      | Finlay          | Forrest   |
| Garvin      | Gilliam         | Gilliard  |
| Govan       | Hardee          | Hart      |
| Hayes       | Henderson-Myers | Henegan   |
| Herbkersman | Hewitt          | Hosey     |

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|               |               |               |
|---------------|---------------|---------------|
| Hyde          | Jefferson     | J. E. Johnson |
| J. L. Johnson | K. O. Johnson | King          |
| Kirby         | Ligon         | Lucas         |
| Matthews      | McDaniel      | McGinnis      |
| McKnight      | J. Moore      | T. Moore      |
| V. S. Moss    | Murray        | B. Newton     |
| W. Newton     | Oremus        | Ott           |
| Pendarvis     | Pope          | Rivers        |
| Robinson      | Rose          | Rutherford    |
| Sandifer      | G. R. Smith   | M. M. Smith   |
| Stavrinakis   | Taylor        | Tedder        |
| Thayer        | Thigpen       | Weeks         |
| Wetmore       | Wheeler       | R. Williams   |
| S. Williams   | Yow           |               |

**Total--77**

Those who voted in the negative are:

|            |         |         |
|------------|---------|---------|
| Allison    | Burns   | Calhoon |
| Caskey     | Chumley | B. Cox  |
| Dabney     | Daning  | Elliott |
| Fry        | Gagnon  | Haddon  |
| Hill       | Jones   | Long    |
| Magnuson   | May     | McCabe  |
| McCravy    | McGarry | Morgan  |
| D. C. Moss | Nutt    | White   |
| Whitmire   | Willis  | Wooten  |

**Total--27**

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

**RECURRENCE TO THE MORNING HOUR**

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

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**H. 4614--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4614 -- Reps. B. Cox, White, Wooten, Caskey, Elliott, T. Moore, G. R. Smith, M. M. Smith, Bennett, Ballentine, Jones, Morgan, McCabe, Blackwell, Oremus, Atkinson, Davis, Kirby, B. Newton, Willis, Taylor, Hill, W. Cox, Garvin and Fry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-2250 SO AS TO PERMIT A PERSON AUTHORIZED TO HUNT ON A WILDLIFE MANAGEMENT AREA TO HUNT ON A SUNDAY.

Rep. B. COX explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 65; Nays 38

Those who voted in the affirmative are:

|             |             |             |
|-------------|-------------|-------------|
| Alexander   | Allison     | Anderson    |
| Atkinson    | Bailey      | Ballentine  |
| Bannister   | Bennett     | Bernstein   |
| Blackwell   | Bradley     | Bustos      |
| Calhoon     | Caskey      | Collins     |
| B. Cox      | W. Cox      | Crawford    |
| Dabney      | Davis       | Elliott     |
| Erickson    | Finlay      | Forrest     |
| Fry         | Garvin      | Hart        |
| Hayes       | Herbkersman | Hewitt      |
| Hill        | Hyde        | Jordan      |
| Kirby       | Ligon       | Lowe        |
| Lucas       | Matthews    | May         |
| McCabe      | McGinnis    | McKnight    |
| T. Moore    | V. S. Moss  | B. Newton   |
| W. Newton   | Nutt        | Oremus      |
| Ott         | Pope        | Rose        |
| Rutherford  | G. R. Smith | M. M. Smith |
| Stavrinakis | Taylor      | Tedder      |
| Thayer      | Thigpen     | West        |
| Wetmore     | Wheeler     | White       |
| Willis      | Wooten      |             |



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**Total--65**

Those who voted in the negative are:

|             |               |                 |
|-------------|---------------|-----------------|
| Brawley     | Bryant        | Burns           |
| Carter      | Chumley       | Clyburn         |
| Cobb-Hunter | Daning        | Felder          |
| Gagnon      | Gilliam       | Gilliard        |
| Haddon      | Hardee        | Henderson-Myers |
| Henegan     | Hiott         | Hosey           |
| Jefferson   | J. E. Johnson | K. O. Johnson   |
| King        | Long          | Magnuson        |
| McDaniel    | McGarry       | J. Moore        |
| Morgan      | D. C. Moss    | Murray          |
| Rivers      | Robinson      | Simrill         |
| Weeks       | Whitmire      | R. Williams     |
| S. Williams | Yow           |                 |

**Total--38**

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

**H. 4994--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4994 -- Reps. Ligon, B. Newton, Hiott, Haddon, Nutt, Ott, Kirby, Chumley, Burns, Bryant and V. S. Moss: A BILL TO AMEND SECTION 27-50-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCLOSURE STATEMENTS REQUIRED FOR REAL PROPERTY TRANSACTIONS, SO AS TO REQUIRE THE DISCLOSURE OF ADJACENT PROPERTY UTILIZED FOR AGRICULTURAL PURPOSES.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to H. 4994 (COUNCIL\PH\4994C003.JN.PH22), which was adopted:

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

/ SECTION 1. Section 27-50-80 of the 1976 Code is amended to read:

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“Section 27-50-80. This article does not limit the obligation of the purchaser to inspect the physical condition of the property and improvements that are the subject of a contract covered by this article. Purchaser is solely responsible for investigating off site conditions of the property including but not limited to adjacent properties being used for agricultural purposes. The real estate licensee, whether acting as listing agent or selling agent, has no duty to inspect the onsite or offsite conditions of the property and any improvements.”

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

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|               |               |               |
|---------------|---------------|---------------|
| Alexander     | Allison       | Anderson      |
| Atkinson      | Bailey        | Ballentine    |
| Bamberg       | Bennett       | Bernstein     |
| Blackwell     | Bradley       | Brawley       |
| Brittain      | Bryant        | Burns         |
| Bustos        | Calhoon       | Carter        |
| Caskey        | Chumley       | Clyburn       |
| Cobb-Hunter   | 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         | Henegan       | Herbkersman   |
| Hewitt        | Hill          | Hiott         |
| Hosey         | Huggins       | Hyde          |
| Jefferson     | J. E. Johnson | J. L. Johnson |
| K. O. Johnson | Jones         | Jordan        |

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

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 3106--REQUESTS FOR DEBATE WITHDRAWN,  
AMENDED AND ORDERED TO THIRD READING**

Upon the withdrawal of requests for debate by Reps. BAMBERG, ALEXANDER, BRAWLEY, KING, HOSEY, THIGPEN, J. L. JOHNSON and K. O. JOHNSON, the following Bill was taken up:

H. 3106 -- Reps. Bannister, G. R. Smith, Dillard, Elliott, Hosey and Willis: A BILL TO AMEND SECTIONS 9-1-1085 AND 9-11-225, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO EMPLOYER AND EMPLOYEE CONTRIBUTION RATES UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM AND THE POLICE OFFICERS RETIREMENT SYSTEM RESPECTIVELY, SO AS TO PROVIDE THAT AN EMPLOYER, UP TO CERTAIN LIMITS, MAY ELECT TO PAY ALL OR A PORTION OF REQUIRED EMPLOYEE CONTRIBUTIONS DURING A FISCAL YEAR.

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The Ways and Means Committee proposed the following Amendment No. 1 to H. 3106 (COUNCIL\SA\3106C002.NBD.SA21), which was adopted:

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

/ SECTION 1. A. Section 9-1-1085 of the 1976 Code is amended by adding a new subsection (E) at the end to read:

“(E) In lieu of the deductions from compensation required by Sections 9-1-1020 and 9-1-1160, an employer may elect, no later than July first, to pick up all or a portion of the employee contributions required by this section for the following fiscal year without a reduction or offset from its employees’ compensation. Employee contributions picked up without such reduction or offset from the employee’s compensation must be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code, but must be credited as employee contributions for the purposes of the system. An employer making the election provided by this subsection is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employee, however, may not be given any option of choosing to receive the contributed amount of the pick ups directly instead of having them paid by the employer to the retirement system. An employer’s election to pick up contributions without a reduction or offset from its employees’ compensation pursuant to this subsection may not be changed during the fiscal year, but may be changed for future fiscal years.”

B. Section 9-11-225 of the 1976 Code is amended by adding a new subsection (E) at the end to read:

“(E) In lieu of the deductions from compensation required by Section 9-11-210, an employer may elect, no later than July first, to pick up all or a portion of the employee contributions required by this section for the following fiscal year without a reduction or offset from its employees’ compensation. Employee contributions picked up without such reduction or offset from the employee’s compensation must be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code, but must be credited as employee contributions for the purposes of the

system. An employer making the election provided by this subsection is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employee, however, may not be given any option of choosing to receive the contributed amount of the pick ups directly instead of having them paid by the employer to the retirement system. An employer's election to pick up contributions without a reduction or offset from its employees' compensation pursuant to this subsection may not be changed during the fiscal year, but may be changed for future fiscal years."

SECTION 2. A. Section 9-1-10(8) of the 1976 Code is amended by adding an appropriately lettered subitem at the end to read:

"( ) Employee contributions picked up by an employer pursuant to Section 9-1-1085(E) without a reduction or offset from the member's compensation are not earnable compensation for the purposes of the system."

B. Section 9-11-10(12) of the 1976 Code is amended to read:

"(12) 'Compensation' means the total remuneration paid to a police officer for service rendered to an employer for his full normal working time; when compensation includes maintenance, fees and other things of value, the board shall fix the value of that part of the compensation not paid in money directly by the employer. Employee contributions picked up by an employer pursuant to Section 9-11-225(E) without a reduction or offset from the member's compensation are not compensation for the purposes of the system."

SECTION 3. A. Section 9-1-10(1) of the 1976 Code is amended to read:

"(1) 'Accumulated contribution' means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-1-1085(E) and credited to the ~~members~~ member's individual account in the employee annuity savings fund, together with regular interest on the account, as provided in Article 9 of this chapter."

B. Section 9-11-10(2) and (6) of the 1976 Code is amended to read:

"(2) 'Accumulated contributions' means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-11-225(E), and credited to the member's individual account in the

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employee annuity savings fund, together with regular interest on the account, as provided in this chapter.

(6) ‘Aggregate contributions’ means the sum of all the amounts either deducted from the compensation of a member or paid by the employer in lieu of employee contributions pursuant to Section 9-11-225(E), and credited to the member’s individual account in the system, including any amounts transferred from another fund to the system as provided in Section 9-11-210(6).”

C. Section 9-11-260(2) of the 1976 Code is amended to read:

“(2) The members’ account shall be the account in which shall be held the contributions deducted from the compensation of members and amounts paid by the employer in lieu of employee contributions pursuant to Section 9-11-225(E), together with the interest credited thereon. Upon the retirement of a member, or upon the death of a member if an allowance is payable to his beneficiary pursuant to Section 9-11-130, the amount of his accumulated contributions shall be transferred to the accumulation account.”

SECTION 4. A. The fourth undesignated paragraph of Section 9-1-1020 is amended to read:

“Each ~~department and political subdivision~~ employer shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code. For this purpose, ~~each department and political subdivision~~ employer is deemed to have taken formal action on or before January 1, 2009, to provide that the contributions on behalf of its employees, although designated as ~~employer~~ employee contributions, shall be paid by the employer in lieu of employee contributions. The ~~department and political subdivision~~ employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~ employer may pick up these contributions by a reduction in the ~~cash salary of the employee compensation or, if the employer makes an election authorized pursuant to Section 9-1-1085(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee’s compensation.~~”

B. Section 9-1-1160(B) of the 1976 Code is amended to read:

“(B) Each ~~department and political subdivision~~ employer shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions picked

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up must be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code. ~~Each department and political subdivision shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule, pursuant to Section 414(h) of the United States Internal Revenue Code, that these contributions are not included as gross income of the employee until such time as they are distributed or made available. For this purpose, each employer is considered to have taken formal action to provide that the contributions on behalf of its employees, although designated as employee contributions, must be paid by the employer in lieu of employee contributions.~~ The ~~department and political subdivision~~ employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~ employer may pick up these contributions by a reduction in the ~~cash salary~~ compensation of the employee or, if the employer makes an election authorized pursuant to Section 9-1-1085(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation. Employee contributions picked up must be ~~treated administered~~ for all purposes of this section in the same manner and to the extent as employee contributions made before the date picked up.”

C. Section 9-11-210(11) of the 1976 Code is amended to read:

“(11) Each ~~department and political subdivision~~ employer shall pick up the employee contributions required by this section for all compensation paid on or after July 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under Section 414(h)(2) of the United States Internal Revenue Code. For this purpose, each ~~department and political subdivision~~ employer is deemed to have taken formal action on or before January 1, 2009, to provide that the contributions on behalf of its employees, although designated as employer contributions, shall be paid by the employer in lieu of employee contributions. The ~~department and political subdivision~~ employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The ~~department and political subdivision~~ employer may pick up these contributions by a reduction in the ~~cash salary~~ compensation of the employee or, if the employer makes an election authorized pursuant to Section 9-11-225(E), it may pay the amount designated as an employee contribution without a reduction or offset from the employee's compensation. The employee, however, must not be given ~~the~~ any option

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of choosing to receive the contributed amount of the pickups directly instead of having them paid by the employer to the retirement system. Employee contributions picked up shall be ~~treated~~ administered for all purposes of this section in the same manner and to the extent as employee contributions made prior to the date picked up.”

SECTION 5. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Rep. BANNISTER 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 111; 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        |
| Caskey        | Chumley         | Clyburn       |
| Cobb-Hunter   | 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         | Hosey           | Huggins       |
| Hyde          | Jefferson       | J. E. Johnson |
| J. L. Johnson | K. O. Johnson   | Jones         |
| Jordan        | King            | Kirby         |
| Ligon         | Long            | Lowe          |
| Lucas         | Magnuson        | Matthews      |



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|             |             |             |
|-------------|-------------|-------------|
| May         | McCabe      | McCrary     |
| 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        | Sandifer    |
| G. R. Smith | M. M. Smith | Stavrinakis |
| Taylor      | Tedder      | Thayer      |
| Thigpen     | Trantham    | Weeks       |
| Wetmore     | Wheeler     | White       |
| Whitmire    | R. Williams | S. Williams |
| Willis      | Wooten      | Yow         |

**Total--111**

Those who voted in the negative are:

**Total--0**

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

**OBJECTION TO RECALL**

Rep. TEDDER asked unanimous consent to recall H. 3731 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. HILL objected.

**H. 5097--RECALLED FROM COMMITTEE ON WAYS AND MEANS**

On motion of Rep. KIRBY, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 5097 -- Reps. Kirby, Jordan and Lowe: A BILL TO AMEND SECTION 4-11-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISSOLUTION OF SPECIAL PURPOSE DISTRICTS, SO AS TO ALLOW A HOSPITAL DISTRICT THAT IS UNDERGOING DISSOLUTION TO TRANSFER ITS ASSETS TO AN AFFILIATED ORGANIZATION THAT IS EXEMPT FROM TAX

**WEDNESDAY, APRIL 6, 2022**

UNDER SECTION 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE OF 1986.

**OBJECTION TO RECALL**

Rep. GOVAN asked unanimous consent to recall H. 3993 from the Committee on Judiciary.

Rep. G. R. SMITH objected.

**OBJECTION TO RECALL**

Rep. MCKNIGHT asked unanimous consent to recall H. 4949 from the Committee on Judiciary.

Rep. HILL objected.

**S. 1090--DEBATE ADJOURNED**

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

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 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.

Rep. SANDIFER moved to adjourn debate upon the Senate Amendments until Tuesday, April 19, which was agreed to.

**H. 3730--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3730 -- Reps. R. Williams, Jefferson, Gilliard and Murray: A BILL TO AMEND SECTION 56-5-2710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE OBEYING A SIGNAL THAT INDICATES AN APPROACHING TRAIN, SO AS TO PROVIDE ADDITIONAL

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**CIRCUMSTANCES THAT REQUIRE A DRIVER TO STOP A  
VEHICLE APPROACHING A RAILROAD GRADE CROSSING.**

Rep. MORGAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

|               |                 |               |
|---------------|-----------------|---------------|
| Alexander     | Allison         | Anderson      |
| Atkinson      | Bailey          | Ballentine    |
| Bamberg       | Bannister       | Bennett       |
| Bernstein     | Blackwell       | Bradley       |
| Brawley       | Brittain        | Bryant        |
| Burns         | Calhoon         | Carter        |
| Caskey        | Chumley         | Clyburn       |
| Cobb-Hunter   | 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         | 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    | Murray          | B. Newton     |
| W. Newton     | Nutt            | Oremus        |
| Ott           | Pendarvis       | Pope          |
| Rivers        | Robinson        | Rose          |
| Rutherford    | Sandifer        | G. R. Smith   |

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

**Total--113**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**MOTION PERIOD**

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

**H. 3938--CONTINUED**

The following Bill was taken up:

H. 3938 -- Reps. Tedder, Pendarvis, J. L. Johnson, Garvin, Cogswell, M. M. Smith, Stavrinakis, Thigpen, Clyburn, Hosey, Jefferson, King, Brawley, Henegan, Govan, Henderson-Myers, Murray, Gilliard, K. O. Johnson, Dillard, McDaniel, R. Williams and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 7, TITLE 6, ENTITLED THE "SOUTH CAROLINA INCLUSIONARY HOUSING ACT" SO AS TO PROVIDE THAT COUNTIES AND MUNICIPALITIES ARE AUTHORIZED TO ADOPT AND USE VOLUNTARY INCLUSIONARY HOUSING STRATEGIES TO INCREASE THE AVAILABILITY OF AFFORDABLE HOUSING.

Rep. TEDDER explained the Bill.

Rep. SANDIFER moved to continue the Bill, which was agreed to, by a division vote of 61 to 41.

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**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, Calhoun, Daning and W. Newton: 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. WEEKS moved to adjourn debate on the Joint Resolution, which was agreed to.

**H. 4997--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 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 moved to adjourn debate on the Bill until Wednesday, May 4, which was agreed to.

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**H. 5183--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 5183 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT" BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE CERTAIN CONCEPTS ARE PROHIBITED FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND TO AMEND SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

Rep. CASKEY moved cloture on the entire matter.

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

Yeas 72; Nays 41

Those who voted in the affirmative are:

|           |          |            |
|-----------|----------|------------|
| Allison   | Bailey   | Ballentine |
| Bannister | Bennett  | Blackwell  |
| Bradley   | Brittain | Bryant     |
| Burns     | Bustos   | Calhoon    |
| Carter    | Caskey   | Chumley    |
| Collins   | B. Cox   | W. Cox     |
| Crawford  | Dabney   | Daning     |
| Davis     | Elliott  | Erickson   |
| Felder    | Finlay   | Forrest    |

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|               |            |             |
|---------------|------------|-------------|
| Fry           | Gagnon     | Gatch       |
| Gilliam       | Haddon     | Hardee      |
| Herbkersman   | Hewitt     | Hill        |
| Hiott         | Huggins    | Hyde        |
| J. E. Johnson | Jones      | Jordan      |
| Ligon         | Long       | Lowe        |
| Lucas         | Magnuson   | May         |
| McCabe        | McCrary    | McGarry     |
| McGinnis      | T. Moore   | Morgan      |
| D. C. Moss    | V. S. Moss | B. Newton   |
| W. Newton     | Nutt       | Oremus      |
| Pope          | Sandifer   | G. R. Smith |
| M. M. Smith   | Taylor     | Thayer      |
| Trantham      | West       | White       |
| Whitmire      | Willis     | Wooten      |

**Total--72**

Those who voted in the negative are:

|             |               |                 |
|-------------|---------------|-----------------|
| Alexander   | Anderson      | Atkinson        |
| Bamberg     | Bernstein     | Brawley         |
| Clyburn     | Cobb-Hunter   | Dillard         |
| Garvin      | Gilliard      | Govan           |
| Hart        | Hayes         | Henderson-Myers |
| Henegan     | Hosey         | Howard          |
| Jefferson   | J. L. Johnson | K. O. Johnson   |
| King        | Kirby         | McDaniel        |
| McKnight    | J. Moore      | Murray          |
| Ott         | Pendarvis     | Rivers          |
| Robinson    | Rose          | Rutherford      |
| Stavrinakis | Tedder        | Thigpen         |
| Weeks       | Wetmore       | Wheeler         |
| R. Williams | S. Williams   |                 |

**Total--41**

So, cloture was ordered.

Rep. JORDAN moved that the House do now adjourn, which was agreed to by a division vote of 75 to 36.

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Further proceedings were interrupted by the House adjourning, the pending question being consideration of H. 5183, cloture having been ordered.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4955 -- Reprs. Alexander and Kirby: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 327 AND SOUTH CAROLINA HIGHWAY 51 IN FLORENCE COUNTY "REVEREND BENNIE LEE GREENE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION CONTAINING THESE WORDS.

H. 5206 -- Reprs. R. Williams, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, 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, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. LARRY WATSON FOR HIS DEDICATION TO IDENTIFYING AND PRESERVING THE CONTRIBUTIONS OF THE STATE'S AFRICAN AMERICANS THROUGH HIS SERVICE AS A MEMBER OF THE SOUTH CAROLINA AFRICAN AMERICAN HERITAGE COMMISSION AND TO CONGRATULATE HIM FOR RECEIVING THE JANNIE HARRIOT FOUNDERS AWARD FOR HIS UNWAVERING COMMITMENT TO THE GROWTH AND



**WEDNESDAY, APRIL 6, 2022**

SUSTAINABILITY OF THE SOUTH CAROLINA AFRICAN  
AMERICAN HERITAGE COMMISSION.

**ADJOURNMENT**

At 5:24 p.m. the House, in accordance with the motion of Rep. HENEGAN, adjourned in memory of George Allan Lomax, Jr., brother of Representative Parks, to meet at 10:00 a.m. tomorrow.

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