

NO. 55

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

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WEDNESDAY, MAY 4, 2022  
(STATEWIDE SESSION)

**WEDNESDAY, MAY 4, 2022**

~~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 17:6: "I call upon you, for you will answer me, O God; incline your ear to me, hear my words."

Let us pray. Gracious God, You have loved us and provided all things good for our life. Continue Your blessings on these women and men who give of their time and talent for the good of the people of South Carolina. Bless our World, Nation, President, State, Governor, Speaker, Staff, and all who contribute to our way of life. Bless and protect our men and women 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 *PRO TEMPORE*.

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

#### **RESIGNATION**

The following was received:

May 4, 2022

The Honorable Charles F. Reid  
Clerk of the House of Representatives  
Room 213, Blatt Building  
Columbia, SC 29211

Dear Charles,

Please consider this my letter of resignation as the Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee effective as of 5:00 p.m. on Thursday, May 12, 2022.

I am truly humbled for the opportunity that I have had for the last six years as Chairman. The Agriculture Committee has, and always will be, my favorite committee in the House.

[HJ]

**WEDNESDAY, MAY 4, 2022**

I submit this resignation with great appreciation for the work the committee has been able to accomplish.

Sincerely,  
David R. Hiott

Received as information.

**S. 506--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., Tuesday, May 3, 2022

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurrs in the amendments proposed by the House to S. 506:

S. 506 -- Senators Kimbrell, Rice, Garrett, Talley, M. Johnson, Fanning, Corbin, Alexander and Gustafson: A BILL TO AMEND SECTION 44-1-143 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR HOME-BASED FOOD PRODUCTION OPERATIONS, TO EXPAND THE TYPES OF NONPOTENTIALLY HAZARDOUS FOODS THAT MAY BE SOLD TO INCLUDE ALL NONPOTENTIALLY HAZARDOUS FOODS, TO ALLOW FOR DIRECT SALES TO RETAIL STORES, TO ALLOW FOR ONLINE AND MAIL ORDER DIRECT-TO-CONSUMER SALES, TO ALLOW HOME-BASED FOOD PRODUCTION OPERATORS TO PROVIDE ON THEIR LABELS AN IDENTIFICATION NUMBER PROVIDED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AT THE OPERATOR'S REQUEST, IN LIEU OF THEIR ADDRESSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Very respectfully,  
President

On motion of Rep. HOWARD, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. MATTHEWS, JONES and MCGARRY to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

[HJ]

**WEDNESDAY, MAY 4, 2022**

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., Tuesday, May 3, 2022

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1060:

S. 1060 -- Senators Young and Massey: A BILL TO AMEND SECTION 7-7-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO ADD CREEK NO. 85 AND COMMUNITY NO. 86 VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THE AIKEN COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., Tuesday, May 3, 2022

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 227:

S. 227 -- Senators Shealy, McElveen and Matthews: A BILL TO ENACT THE "MESSAGE THERAPY PRACTICE ACT"; TO AMEND CHAPTER 30, TITLE 40 OF THE 1976 CODE, RELATING TO MESSAGE THERAPY PRACTICE, TO PROVIDE THAT IT IS IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE TO REGULATE THE PRACTICE OF MESSAGE THERAPY, TO PROVIDE FOR THE COMPOSITION AND DUTIES OF THE BOARD OF MESSAGE THERAPY, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION

[HJ]

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SHALL PUBLISH A ROSTER OF LICENSED MESSAGE THERAPISTS AND ESTABLISHMENTS, TO PROVIDE FOR LICENSURE FEES, TO REMOVE THE REQUIREMENT FOR AN ANNUAL REPORT ON THE ADMINISTRATION OF THE MESSAGE THERAPY PRACTICE ACT BY THE DEPARTMENT, TO PROVIDE FOR EXEMPTIONS TO THE MESSAGE THERAPY PRACTICE ACT, TO PROVIDE CERTAIN REQUIREMENTS FOR THE TEMPORARY PRACTICE OF MESSAGE THERAPY, TO PROVIDE THAT NO PERSON MAY PRACTICE OR OFFER TO PRACTICE MESSAGE THERAPY WITHOUT A LICENSE, TO PROVIDE THAT NO PERSON OR ENTITY MAY OPEN, OPERATE, MAINTAIN, USE, OR ADVERTISE AS A MESSAGE THERAPY ESTABLISHMENT OR A SOLE PRACTITIONER ESTABLISHMENT WITHOUT OBTAINING A LICENSE, TO PROVIDE PENALTIES, TO CLARIFY LICENSURE REQUIREMENTS FOR A MESSAGE THERAPIST LICENSE, TO PROVIDE LICENSURE REQUIREMENTS FOR A MESSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT, TO PROVIDE THAT THE BOARD MAY GRANT A LICENSE BY ENDORSEMENT TO A MESSAGE THERAPIST WHO HOLDS AN ACTIVE MESSAGE THERAPIST LICENSE AND IS IN GOOD STANDING IN ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR ANY OTHER UNITED STATES TERRITORY, TO CLARIFY REQUIREMENTS RELATED TO APPLYING FOR AND OBTAINING A LICENSE, TO PROVIDE FOR PERIODIC INSPECTIONS OF MESSAGE THERAPY ESTABLISHMENTS AND SOLE PRACTITIONER ESTABLISHMENTS, TO PROVIDE THAT CERTAIN REQUIREMENTS RELATING TO LICENSES SHALL BE COMPLETED BIENNIALLY, TO PROVIDE THAT RENEWAL OF LICENSES SHALL BE COMPLETED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT CONTINUING EDUCATION REPORTS ARE SUBJECT TO AUDITS, TO CLARIFY CERTAIN REQUIREMENTS RELATED TO LAPSED LICENSES, TO PROVIDE THAT A LICENSEE MAY PROVIDE A WRITTEN REQUEST TO THE BOARD TO PLACE A LICENSE IN INACTIVE STATUS, TO PROVIDE THAT A LICENSEE MUST BIENNIALLY RENEW ITS LICENSE TO REMAIN IN INACTIVE STATUS, TO PROVIDE THAT A LICENSE MAY BE REACTIVATED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT INACTIVE STATUS DOES NOT STAY ANY DISCIPLINARY

[HJ]

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ACTIONS FOR VIOLATIONS THAT OCCURRED DURING THE COURSE OF AN ACTIVE LICENSE, TO CLARIFY REGULATIONS THAT SHALL BE PROMULGATED BY THE BOARD, TO PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS AND VIOLATIONS, TO PROVIDE THAT THE PRESIDING OFFICER OF THE BOARD MAY ADMINISTER OATHS, TO PROVIDE FOR APPEALS OF THE BOARD'S DECISIONS, TO PROVIDE THAT SERVICE OF A NOTICE OF AN APPEAL DOES NOT STAY THE BOARD'S OR THE DEPARTMENT'S DECISION PENDING COMPLETION OF THE APPELLATE PROCESS, TO CLARIFY GROUNDS FOR DENYING A LICENSE, TO CLARIFY THE INVESTIGATION PROCESS AND CERTAIN DISCIPLINARY ACTIONS, TO PROVIDE THAT AN INDIVIDUAL OR ESTABLISHMENT THAT VOLUNTARILY SURRENDERS A LICENSE MAY NOT PRACTICE AS A MASSAGE THERAPIST OR OPERATE AS A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT UNTIL THE BOARD REINSTATES THE LICENSE, TO PROVIDE THAT SERVICE OF NOTICE MAY BE MADE BY LEAVING A COPY OF THE NOTICE WITH THE DIRECTOR OF THE DEPARTMENT OR HIS DESIGNEE IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT COSTS AND FINES IMPOSED ARE DUE AND PAYABLE AS REQUIRED BY THE BOARD, TO PROVIDE THAT A LICENSEE FOUND IN VIOLATION OF THE MASSAGE THERAPY PRACTICE ACT OR RELATED REGULATIONS MAY BE REQUIRED TO PAY COSTS ASSOCIATED WITH THE INVESTIGATION OF HIS CASE, TO MAKE CONFORMING CHANGES, AND TO DEFINE NECESSARY TERMS.

and has ordered the Bill enrolled for ratification.

Very respectfully,  
President  
Received as information.

[HJ]

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**REPORTS OF STANDING COMMITTEES**

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

S. 1237 -- Senators McLeod, Matthews, Shealy, Senn, Gustafson and Malloy: 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 CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 1077 -- Senators Alexander, Rankin, Massey, K. Johnson, Sabb, Garrett, Gambrell, McElveen, Kimbrell, Stephens, McLeod, M. Johnson, Kimpson, Hutto, Grooms, Climer, Davis, Gustafson, Williams, Loftis, Fanning, Adams and Scott: A BILL TO AMEND CHAPTER 27, TITLE 58 OF THE 1976 CODE BY ADDING ARTICLE 8, TO ALLOW THE PUBLIC SERVICE COMMISSION TO AUTHORIZE THE ISSUANCE OF BONDS FOR THE PURPOSES OF OFFSETTING AND REDUCING PRUDENTLY INCURRED COSTS FOR STORM RECOVERY ACTIVITY AND TO ESTABLISH THE REQUIREMENTS AND PROCESSES FOR THE AUTHORIZATION OF THESE BONDS; AND TO AMEND SECTION 36-9-109 TO MAKE FURTHER CONFORMING CHANGES.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 1045 -- Senators Alexander and M. Johnson: A BILL TO AMEND SECTION 58-23-20 OF THE 1976 CODE, RELATING TO REGULATIONS FOR TRANSPORTATION BY MOTOR VEHICLE, TO PROVIDE REGULATIONS FOR THE OPERATION OF

[HJ]

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TRANSPORTATION VEHICLES; TO AMEND SECTION 58-23-25 OF THE 1976 CODE, RELATING TO THE PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY, TO PROVIDE FOR THE STATUTORY CONSTRUCTION OF THE CHAPTER RELATED TO THE LIMITATION OF CERTAIN AUTHORITY VESTED WITH PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY; TO AMEND SECTION 58-23-30 OF THE 1976 CODE, RELATING TO THE DEFINITION OF COMPENSATION, TO DEFINE TRANSPORTATION VEHICLES ACCORDINGLY; TO AMEND SECTION 58-23-60(5) OF THE 1976 CODE, RELATING TO AREAS IN WHICH THIS CHAPTER IS NOT APPLICABLE TO BUSINESSES, TO INCLUDE VEHICLES OPERATED BY A MUNICIPALITY; TO AMEND SECTION 58-23-210 OF THE 1976 CODE, RELATING TO CLASSES OF CERTIFICATES, TO PROVIDE A TIMELINE FOR THE APPLICATION OF A COMMISSION'S DIRECTIVES; TO AMEND SECTION 58-23-220 OF THE 1976 CODE, RELATING TO CLASS A CERTIFICATES, TO PROVIDE THAT THE COMMISSION SHALL ISSUE DIRECTIVES TO ISSUE CLASS A CERTIFICATES; TO AMEND SECTION 58-23-230 OF THE 1976 CODE, RELATING TO CLASS B CERTIFICATES, TO REGULATE THE POWERS OF THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-23-240 THROUGH SECTION 58-23-290 OF THE 1976 CODE, RELATING TO CERTIFICATES, TO ALTER LANGUAGE; TO AMEND SECTION 58-23-330 OF THE 1976 CODE, RELATING TO GROUNDS FOR ISSUANCE OR DENIAL OF CERTIFICATE, TO PROVIDE REGULATIONS FOR ISSUING OR DENYING A CERTIFICATE UPON RECEIPT OF AN APPLICATION; TO AMEND SECTION 58-23-560 OF THE 1976 CODE, RELATING TO LICENSE FEES FOR CERTIFICATE HOLDERS, TO PROVIDE ELIGIBILITY REGULATIONS FOR CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-590 OF THE 1976 CODE, RELATING TO CARRIERS OF HOUSEHOLD GOODS AND HAZARDOUS WASTE FOR DISPOSAL, TO PROVIDE THE POWERS OF THE COMMISSION; TO AMEND SECTION 58-23-600 OF THE 1976 CODE, RELATING TO TIME FOR PAYMENT OF FEES, TO PROVIDE REGULATIONS FOR FEES REQUIRED OF CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-910 AND SECTION 58-23-930 OF THE 1976 CODE, RELATING TO INSURANCE OR BOND, TO PROVIDE INSURANCE, BOND, OR

[HJ]



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CERTIFICATE OF SELF-INSURANCE REQUIREMENTS FOR CERTIFICATE HOLDERS; TO AMEND SECTIONS 58-23-1010, 58-23-1020, 58-23-1080, AND 58-23-1090 OF THE 1976 CODE, RELATING TO RIGHTS AND DUTIES GENERALLY, TO PROVIDE REGULATIONS FOR FEES, LICENSES, AND OTHER MARKERS; TO AMEND SECTION 58-4-60(B)(1) OF THE 1976 CODE, RELATING TO EXPENSES BORNE BY REGULATED UTILITIES, TO REFERENCE THE PROVISIONS IN THE CODE GENERATING FEES THAT ARE TO BE USED TO PAY FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT OF THE OFFICE OF REGULATORY STAFF; AND TO AMEND CHAPTER 23, TITLE 58 OF THE 1976, RELATING TO MOTOR VEHICLE CARRIERS, TO REPEAL SECTIONS 58-23-300, 58-23-530, 58-23-540, 58-23-550, AND 58-23-1060.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5341 -- Reps. McCravy, 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, 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 THE CAMBRIDGE ACADEMY GOLF TEAM FOR WINNING THE 2022 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) CLASS 1A STATE CHAMPIONSHIP TITLE.

[HJ]

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The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5342 -- Reps. Tedder, Govan, 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, 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, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO SALUTE THE SOUTH CAROLINA STATE UNIVERSITY WOMEN'S TENNIS TEAM FOR NETTING THE 2022 MID-EASTERN ATHLETIC CONFERENCE (MEAC) WOMEN'S TENNIS CHAMPIONSHIP TITLE AND TO HONOR THE PLAYERS AND COACH JUDGE ON A FABULOUS SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5343 -- Reps. Brittain, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, 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,

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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 PRIVATE FIRST CLASS ZACHARY REFFEY OF THE MYRTLE BEACH POLICE DEPARTMENT, TO CONGRATULATE HIM UPON BEING NAMED THE 2022 MYRTLE BEACH PFC JOE MCGARRY POLICE OFFICER OF THE YEAR, AND TO EXTEND GRATEFUL THANKS FOR HIS DEDICATED SERVICE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5344 -- Rep. White: A CONCURRENT RESOLUTION TO REQUEST CLEMSON UNIVERSITY PRESIDENT DR. JAMES P. CLEMENTS AND THE MEMBERS OF THE CLEMSON UNIVERSITY BOARD OF TRUSTEES NAME THE CATTLE FACILITY LOCATED AT THE T. ED GARRISON ARENA "DR. POAG REID CATTLE FACILITY".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 918 -- Senators Goldfinch, Rankin, Hembree, Sabb and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAY 501 AND BROADWAY STREET IN HORRY COUNTY "PATROL OFFICER HENRY SCARBOROUGH INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

[HJ]

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 919 -- Senators Goldfinch, Rankin, Hembree, Sabb and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE OVERPASS OF HARRELSON BOULEVARD IN HORRY COUNTY "PATROLMAN JACOB HANCHER OVERPASS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1038 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF CHALK STREET AND POULTRY LANE IN RICHLAND COUNTY "DEACON DAVID SHIVER MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1121 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG WATEREE ROAD IN FAIRFIELD COUNTY WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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

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**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1243 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HAYNIE STREET IN THE CITY OF GREENVILLE IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 20 "REVEREND JESSE L. JACKSON, SR. STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS STREET CONTAINING THESE WORDS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1257 -- Senator McElveen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF GEORGE ROGERS BOULEVARD AND ANDREWS ROAD IN RICHLAND COUNTY "JOSEPH LEE JACKSON MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1304 -- Senator Rice: A CONCURRENT RESOLUTION TO CONGRATULATE THE PICKENS COUNTY BOARD OF DISABILITIES AND SPECIAL NEEDS UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE PICKENS COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

The Concurrent Resolution was ordered referred to the Committee on Pickens Delegation.

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**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1306 -- Senators Hutto, Shealy and Stephens: A CONCURRENT RESOLUTION TO RECOGNIZE OLIVER "BUDDY" POUGH, HEAD FOOTBALL COACH OF SOUTH CAROLINA STATE UNIVERSITY, FOR HIS OUTSTANDING COACHING CAREER AND TO CONGRATULATE HIM FOR BEING NAMED AS A SOUTH CAROLINA STATE EMPLOYEE ASSOCIATION HONOREE.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1310 -- Senator Garrett: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE STUDENTS IN HOLLYWOOD ELEMENTARY SCHOOL CLASS 3A AND THEIR TEACHER, MRS. ANGELIA JACKSON, AND TO CONGRATULATE THEM FOR THEIR OUTSTANDING PERFORMANCE IN THE IMAGINE MATH 2022 NATIONAL MARCH MATH MADNESS CHALLENGE.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILL**

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

S. 1299 -- Senators Martin, Peeler and Cromer: A BILL TO AMEND ACT 164 OF 2003, AS AMENDED, RELATING TO THE NINE DEFINED SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE UNION COUNTY BOARD OF SCHOOL TRUSTEES ARE ELECTED, SO AS TO REAPPORTION THESE SINGLE-MEMBER ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

Referred to Union Delegation

[HJ]

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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	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	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

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Whitmire  
Willis

R. Williams  
Wooten

S. Williams  
Yow

**Total Present--117**

**STATEMENT OF ATTENDANCE**

Rep. CRAWFORD signed a statement with the Clerk that she came in after the roll call of the House and was present for the Session on Tuesday, May 3.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. B. COX a leave of absence for the day due a military duty.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. PARKS a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. SIMRILL a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. MURPHY a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. HENDERSON-MYERS a temporary leave of absence due to a prior commitment.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Mike Finch of Columbia was the Doctor of the Day for the General Assembly.

**S. 449--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. TAYLOR moved to adjourn debate on the motion to reconsider the vote whereby the following Bill was given second reading, which was agreed to:



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S. 449 -- Senator Young: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR TECHNICAL EDUCATION, TO ADD TWO NONVOTING MEMBERS.

**H. 5339--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5339 -- Reps. Lowe, R. Williams, Jordan, Kirby and Alexander: A BILL TO PROVIDE, AMONG OTHER THINGS, THAT PURSUANT TO THE STATE SUPERINTENDENT OF EDUCATION'S EMERGENCY DECLARATION AND MANDATORY CONSOLIDATION OF FLORENCE COUNTY SCHOOL DISTRICT ONE AND FLORENCE COUNTY SCHOOL DISTRICT FOUR, THE RESULTING CONSOLIDATED SCHOOL DISTRICT MUST BE KNOWN AS FLORENCE COUNTY SCHOOL DISTRICT ONE; TO PROVIDE THAT BEGINNING JULY 1, 2022, FLORENCE COUNTY SCHOOL DISTRICT ONE MUST BE GOVERNED INITIALLY BY A NINE-MEMBER BOARD OF TRUSTEES TO BE APPOINTED BY A MAJORITY OF THE FLORENCE COUNTY LEGISLATIVE DELEGATION; TO ESTABLISH AND REAPPORTION NINE SINGLE-MEMBER ELECTION DISTRICTS FROM THE COMBINED GEOGRAPHIC AREA OF FLORENCE COUNTY SCHOOL DISTRICT ONE AND FLORENCE COUNTY SCHOOL DISTRICT FOUR FROM WHICH, BEGINNING WITH THE 2022 SCHOOL DISTRICT ELECTIONS, THE GOVERNING BODY OF FLORENCE COUNTY SCHOOL DISTRICT ONE MUST BE ELECTED; TO PROVIDE THAT THE MEMBERS OF THE FLORENCE COUNTY SCHOOL DISTRICT ONE BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION AND EVERY TWO OR FOUR YEARS THEREAFTER AS NECESSARY TO STAGGER THE MEMBERS' TERMS; TO PROVIDE FOR A FLORENCE COUNTY SCHOOL DISTRICT ONE MAP THAT DELINEATES THE NINE SINGLE-MEMBER ELECTION DISTRICTS; AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THESE NINE SINGLE-MEMBER ELECTION DISTRICTS.

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

[HJ]

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**S. 1292--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1292 -- Senator Fanning: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF FAIRFIELD COUNTY, SO AS TO REVISE THE BOUNDARIES OF THE SEVEN SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF FAIRFIELD COUNTY ARE ELECTED.

Rep. MCDANIEL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Bryant	Burns	Bustos
Calhoon	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	W. Cox	Crawford
Dabney	Daning	Davis
Elliott	Erickson	Forrest
Fry	Gagnon	Garvin
Gatch	Gilliard	Haddon
Hardee	Hayes	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jones	Jordan	King
Kirby	Long	Lowe
Lucas	Magnuson	McCabe
McCrary	McDaniel	McGarry
McGinnis	McKnight	J. Moore
T. Moore	Morgan	D. C. Moss
V. S. Moss	Murray	B. Newton
W. Newton	Nutt	Oremus

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Ott	Pendarvis	Pope
Robinson	Rose	Sandifer
G. M. Smith	G. R. Smith	M. M. Smith
Taylor	Tedder	Thayer
Trantham	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	Willis
Wooten		

**Total--94**

Those who voted in the negative are:

**Total--0**

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

**RECURRENCE TO THE MORNING HOUR**

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

**S. 449--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. TAYLOR moved to adjourn debate on the motion to reconsider whereby the following Bill was given second reading, which was agreed to:

S. 449 -- Senator Young: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR TECHNICAL EDUCATION, TO ADD TWO NONVOTING MEMBERS.

**H. 5339--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5339 -- Reps. Lowe, R. Williams, Jordan, Kirby and Alexander: A BILL TO PROVIDE, AMONG OTHER THINGS, THAT PURSUANT TO THE STATE SUPERINTENDENT OF EDUCATION'S EMERGENCY DECLARATION AND MANDATORY CONSOLIDATION OF FLORENCE COUNTY SCHOOL DISTRICT

[HJ]

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ONE AND FLORENCE COUNTY SCHOOL DISTRICT FOUR, THE RESULTING CONSOLIDATED SCHOOL DISTRICT MUST BE KNOWN AS FLORENCE COUNTY SCHOOL DISTRICT ONE; TO PROVIDE THAT BEGINNING JULY 1, 2022, FLORENCE COUNTY SCHOOL DISTRICT ONE MUST BE GOVERNED INITIALLY BY A NINE-MEMBER BOARD OF TRUSTEES TO BE APPOINTED BY A MAJORITY OF THE FLORENCE COUNTY LEGISLATIVE DELEGATION; TO ESTABLISH AND REAPPORTION NINE SINGLE-MEMBER ELECTION DISTRICTS FROM THE COMBINED GEOGRAPHIC AREA OF FLORENCE COUNTY SCHOOL DISTRICT ONE AND FLORENCE COUNTY SCHOOL DISTRICT FOUR FROM WHICH, BEGINNING WITH THE 2022 SCHOOL DISTRICT ELECTIONS, THE GOVERNING BODY OF FLORENCE COUNTY SCHOOL DISTRICT ONE MUST BE ELECTED; TO PROVIDE THAT THE MEMBERS OF THE FLORENCE COUNTY SCHOOL DISTRICT ONE BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION AND EVERY TWO OR FOUR YEARS THEREAFTER AS NECESSARY TO STAGGER THE MEMBERS' TERMS; TO PROVIDE FOR A FLORENCE COUNTY SCHOOL DISTRICT ONE MAP THAT DELINEATES THE NINE SINGLE-MEMBER ELECTION DISTRICTS; AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THESE NINE SINGLE-MEMBER ELECTION DISTRICTS.

Rep. LOWE proposed the following Amendment No. 1 to H. 5339 (COUNCIL\ZW\5339C001.AR.ZW22), which was adopted:

Amend the bill, as and if amended, SECTION 1, Page 3, by striking line 39 and inserting:

/ plurality method pursuant to Section 5-15-61. /

Re-number sections to conform.

Amend title to conform.

Rep. LOWE 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 102; Nays 1

[HJ]

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Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Clyburn	Cobb-Hunter
Cogswell	Collins	W. Cox
Crawford	Dabney	Daning
Davis	Elliott	Erickson
Felder	Finlay	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Haddon
Hardee	Hayes	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jones	Jordan	Kirby
Ligon	Long	Lowe
Lucas	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	Whitmire	R. Williams
Willis	Wooten	Yow

**Total--102**

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Those who voted in the negative are:  
Hill

**Total--1**

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

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 108 -- Senators Campsen and Senn: A BILL TO AMEND SECTION 48-22-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO REQUIRE THE UNIT TO CONDUCT TOPOGRAPHIC MAPPING USING LIGHT DETECTION AND RANGING (LiDAR) DATA COLLECTIONS AND ESTABLISH REQUIREMENTS FOR THE INFORMATION COLLECTED DURING THE TOPOGRAPHIC MAPPING.

S. 1117 -- Senator Climer: A BILL TO AMEND ARTICLE 2, CHAPTER 41, TITLE 46 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA GRAIN PRODUCERS GUARANTY FUND, TO EXPAND THE FUND TO INCLUDE COTTON PRODUCERS, TO ADD AN ASSESSMENT ON COTTON, TO INCREASE THE AMOUNT THE FUND MUST ACCUMULATE IN ORDER TO SUSPEND ASSESSMENTS, TO ESTABLISH THE SOUTH CAROLINA AGRICULTURAL COMMODITIES COMMISSION AS A SUCCESSOR TO THE STATE AGRICULTURAL COMMISSION AND TO PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE NEW COMMISSION, AND TO DEFINE NECESSARY TERMS; TO AMEND SECTION 46-41-60 OF THE 1976 CODE, RELATED TO SURETY BONDS FOR LICENSEES, TO PROVIDE THAT THE SURETY BOND VALUE IS BASED UPON A TIERED SYSTEM; AND TO AMEND SECTION 46-41-170 OF THE 1976 CODE, RELATED TO PENALTIES, TO MAKE CONFORMING CHANGES.

S. 613 -- Senator Davis: A BILL TO AMEND SECTION 40-33-42(C) OF THE 1976 CODE, RELATING TO RESTRICTIONS ON THE

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DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL UNDER THE NURSE PRACTICE ACT, TO PROVIDE AN EXCEPTION FOR CERTIFIED MEDICAL ASSISTANTS; TO AMEND ARTICLE 1, CHAPTER 47, TITLE 40 OF THE 1976 CODE, RELATING TO PHYSICIANS AND MISCELLANEOUS HEALTH CARE PROFESSIONALS, BY ADDING SECTION 40-47-196, TO SPECIFY TASKS THAT CAN BE DELEGATED TO A CERTIFIED MEDICAL ASSISTANT; TO DELETE SECTION 40-47-30(A)(5) AND SECTION 40-47-935(C) OF THE 1976 CODE, RELATING TO THE RELEVANCE OF THE SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT TO PROHIBITING A LICENSED PHYSICIAN FROM DELEGATING TASKS TO UNLICENSED PERSONNEL AND TO A PA DELEGATING CERTAIN TASKS TO UNLICENSED ASSISTIVE PERSONNEL; AND TO DEFINE NECESSARY TERMS.

S. 968 -- Senators Alexander, Climer and Kimbrell: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 25 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF VETERANS' AFFAIRS, BY ADDING SECTION 25-11-85 TO ESTABLISH THE "VETERANS SERVICE ORGANIZATION BURIAL HONOR GUARD SUPPORT FUND" TO HELP OFFSET THE COSTS INCURRED BY SOUTH CAROLINA CHAPTERS OF CONGRESSIONALLY CHARTERED VETERANS SERVICE ORGANIZATIONS IN PROVIDING HONOR GUARD BURIAL DETAILS AT THE FUNERALS OF QUALIFYING SOUTH CAROLINA MILITARY VETERANS, AND TO DEFINE RELEVANT TERMS.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time, passed and, 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:

S. 1179 -- Senator Shealy: A BILL TO AMEND SECTION 40-63-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SOCIAL WORKERS, SO AS TO DEFINE THE TERM "TELEHEALTH"; TO AMEND SECTION 40-63-290, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS SOCIAL WORKERS, SO AS TO SIMILARLY EXEMPT CERTAIN

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INDEPENDENT SOCIAL WORKERS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE; TO AMEND SECTION 40-75-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO DEFINE THE TERM "TELEHEALTH"; AND TO AMEND SECTION 40-75-290, AS AMENDED, RELATING TO CERTAIN CATEGORIES OF PERSONS EXEMPT FROM REGULATION AS PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO SIMILARLY EXEMPT SUCH PROFESSIONALS LICENSED IN THIS STATE OR ANOTHER STATE WHEN PROVIDING SERVICES USING TELEHEALTH TO PATIENTS LOCATED IN THIS STATE.

**S. 236--DEBATE ADJOURNED**

The following Bill was taken up:

S. 236 -- Senator Young: A BILL TO AMEND SECTION 7-7-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POOLING PRECINCTS IN MUNICIPAL ELECTIONS, SO AS TO PROVIDE THAT ANY PRECINCT CONTAINING THREE THOUSAND OR MORE VOTERS, AN INCREASE FROM FIVE HUNDRED OR MORE VOTERS, HAVE ITS OWN POLLING PLACE; THAT THE TOTAL NUMBER OF REGISTERED VOTERS IN THE MUNICIPAL POOLED PRECINCTS CANNOT EXCEED THREE THOUSAND, AN INCREASE FROM ONE THOUSAND FIVE HUNDRED; AND THAT POOLED MUNICIPAL POLLING PLACES CANNOT BE MORE THAN FIVE MILES, AN INCREASE FROM THREE MILES, FROM THE NEAREST PART OF ANY POOLED PRECINCT.

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



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**S. 1103--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1103 -- Senators Shealy, Jackson, Talley, Davis, Gustafson, M. Johnson, Young, Kimbrell, McElveen, Williams, Cromer, Grooms, Alexander, Gambrell, Setzler and Malloy: A BILL TO AMEND CHAPTER 3, TITLE 59 OF THE 1976 CODE, RELATING TO THE STATE SUPERINTENDENT OF EDUCATION, BY ADDING SECTION 59-3-35 TO PROVIDE FOR THE DISTRIBUTION OF CHILD IDENTIFICATION KITS.

Rep. ALLISON proposed the following Amendment No. 1 to S. 1103 (COUNCIL\WAB\1103C001.RT.WAB22), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-3-35, by adding an appropriately lettered subsection to read:

/ ( ) Unless expressly appropriated by the General Assembly in order to meet the provisions of this act, the department shall not expend funds to procure kits. /

Renumber sections to conform.

Amend title to conform.

Rep. ALLISON explained the amendment.

The amendment was then adopted.

Rep. FELDER explained the Bill.

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	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	Crawford	Dabney

[HJ]

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Daning	Davis	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Haddon	Hardee	Hart
Hayes	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	T. Moore	Morgan
D. C. Moss	V. S. Moss	B. Newton
Nutt	Oremus	Ott
Pendarvis	Pope	Rivers
Rose	Rutherford	Sandifer
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Tedder	Thayer
Thigpen	Weeks	West
Wetmore	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.

**S. 946--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 946 -- Senator Goldfinch: A BILL TO AMEND SECTION 59-5-63, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

[HJ]

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DUTY-FREE LUNCH PERIODS FOR PUBLIC ELEMENTARY SCHOOL TEACHERS, SO AS TO INSTEAD PROVIDE UNENCUMBERED TIME FOR ELEMENTARY SCHOOL TEACHERS AND TEACHERS WHO INSTRUCT CERTAIN STUDENTS REMOVED FROM THE GENERAL EDUCATION SETTING, AND TO PROVIDE RELATED REQUIREMENTS OF STATE BOARD OF EDUCATION POLICIES AND LOCAL SCHOOL BOARDS; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE COMPLETELY IMPLEMENTED BEFORE JULY 1, 2023.

Rep. ALLISON proposed the following Amendment No. 1 to S. 946 (COUNCIL\WAB\946C001.RT.WAB22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-5-63(A)(1) and inserting:

“(A)(1) The State Board of Education shall promulgate regulations directing adopt and periodically revise as necessary a statewide policy that each local school board shall use to develop and implement a plan that directs the principal of each elementary school to provide at least thirty minutes of unencumbered time on each regular school day to all full-time teachers teaching in a grade between having grades one kindergarten through six to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984-85 school year fifth grade. The policy also shall direct a principal of any elementary, middle, or high school to provide at least thirty minutes of unencumbered time on each regular school day to any teacher who is responsible for instructing a special education class for more than twenty percent of the school day with students who are removed from the general education setting./”

Renumber sections to conform.

Amend title to conform.

Rep. ALLISON explained the amendment.

The amendment was then adopted.

Rep. ALLISON proposed the following Amendment No. 2 to S. 946 (COUNCIL\WAB\946C002.RT.WAB22), which was adopted:

[HJ]

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Amend the bill, as and if amended, SECTION 1, by striking Section 59-5-63(A)(2) and inserting:

/ “(2) The statewide policy also must provide:

(a) the process that a local school board shall follow in developing an unencumbered time policy including, but not limited to, policy application, manner of application, and times of application;

(b) unencumbered time is defined as at least thirty minutes without any assigned duties or responsibilities;

(c) that unencumbered time may not be withheld or reduced unless it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff;

(d) that additional compensation may not be offered in place of unencumbered time, except as provided by Section 59-5-63(A)(2)(b) and as prescribed in the policy;

(e) penalties if a principal fails to comply with the local unencumbered time policy; and

(f) penalties if a local school board fails to comply with this section. /

Renumber sections to conform.

Amend title to conform.

Rep. ALLISON 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 113; 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
W. Cox	Crawford	Dabney
Daning	Davis	Dillard
Elliott	Erickson	Felder

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Finlay	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Govan
Haddon	Hardee	Hart
Hayes	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	Murray	B. Newton
Nutt	Oremus	Ott
Pendarvis	Pope	Rivers
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--113**

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. 5252--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5252 -- Reps. Sandifer and G. M. Smith: A JOINT RESOLUTION TO ENCOURAGE ECONOMIC GROWTH IN SOUTH CAROLINA THROUGH THE ESTABLISHMENT OF COMPETITIVE ELECTRIC RATES, TERMS, AND CONDITIONS FOR CERTAIN QUALIFYING COMMERCIAL AND INDUSTRIAL CUSTOMERS SEEKING TO LOCATE IN SOUTH CAROLINA; TO ENABLE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA TO CONSIDER QUANTIFIABLE NET BENEFITS TO UTILITY CUSTOMERS DUE TO ECONOMIC DEVELOPMENT WHEN SETTING JUST AND REASONABLE RATES; AND TO PROVIDE AN EXPEDITIOUS PROCESS FOR AN ELECTRICAL UTILITY TO OFFER PRICING TO THE SOUTH CAROLINA DEPARTMENT OF COMMERCE FOR POTENTIAL ECONOMIC DEVELOPMENT PROSPECTS.

Rep. WEST proposed the following Amendment No. 1 to H. 5252 (COUNCIL\PH\5252C001.JN.PH22), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 8 and inserting:

/ SECTION 8. This joint resolution takes effect upon approval by the Governor and expires on July 1, 2026. /

Re-number sections to conform.

Amend title to conform.

Rep. WEST explained the amendment.

The amendment was then adopted.

Rep. WEST explained the Joint Resolution.

The question recurred to the passage of the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 9

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bernstein	Blackwell

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Bradley	Brawley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Clyburn	Cobb-Hunter
Cogswell	Collins	W. Cox
Crawford	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin
Gatch	Gilliam	Govan
Haddon	Hardee	Hart
Hayes	Henegan	Herbkersman
Hewitt	Hiott	Hixon
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	Nutt
Oremus	Pendarvis	Pope
Rivers	Rose	Sandifer
G. M. Smith	M. M. Smith	Stavrinnakis
Taylor	Tedder	Thayer
Thigpen	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

**Total--99**

Those who voted in the negative are:

Dabney	Hill	Jones
Magnuson	May	McCabe
Morgan	G. R. Smith	Trantham

**Total--9**

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

**S. 908--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 908 -- Senators Rankin and Grooms: A BILL TO AMEND SECTION 56-5-4445 OF THE 1976 CODE, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE, TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER.

Rep. HARDEE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

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

[HJ]



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Magnuson	Matthews	May
McCabe	McCrary	McDaniel
McGarry	McGinnis	McKnight
J. Moore	T. Moore	Morgan
D. C. Moss	V. S. Moss	Murray
B. Newton	Nutt	Oremus
Ott	Pendarvis	Pope
Rivers	Rose	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--107**

Those who voted in the negative are:

**Total--0**

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

**S. 158--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 158 -- Senator Scott: A BILL TO AMEND SECTION 40-57-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS, SO AS TO PROVIDE AN EXEMPTION TO THE BIENNIAL CONTINUING EDUCATION REQUIREMENT FOR BROKERS AND SALESPERSONS WHO HAVE TWENTY-FIVE YEARS OF LICENSURE AND ARE SIXTY-FIVE YEARS OF AGE OR OLDER.

Rep. ANDERSON proposed the following Amendment No. 1S. 158 (COUNCIL\PH\158C002.JN.PH22), which was adopted:

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

[HJ]

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/ SECTION 1. Section 40-57-340(B) of the 1976 Code is amended to read:

“(B)(1) Exempt from the biennial continuing education required by subsection (A) are a:

(1)(a) salesperson who successfully completes a post-licensing course or takes a broker course is exempt for the renewal period during which the course was taken;

(2)(b) licensee while on inactive status;

(3)(c) nonresident broker or salesperson who has successfully satisfied the continuing education requirements in their jurisdiction of residence may be exempt with approval of the commission;

(4)(d) broker or salesperson with twenty-five years or more of licensure in South Carolina who is sixty-five years of age or more may apply for an age- and experience-based full continuing education waiver, and upon granting of the waiver, is exempt from the continuing education requirements of this chapter; or

(e) broker or salesperson with a minimum of twenty-five years of licensure in South Carolina may apply to be granted an experience-based partial continuing education waiver, and upon granting of the waiver, is required to complete only the mandatory four hour core course biennially to maintain active licensure.

(2) A broker-in-charge who has been granted a partial continuing education waiver is required to take the four hour core course and the mandated four hour broker-in-charge course biennially.

(3) A licensee who previously has been granted a full continuing education waiver by the commission is exempt from the continuing education requirements of this chapter.”

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

Amend title to conform.

Rep. ANDERSON explained the amendment.

The amendment was then adopted.

Rep. BRADLEY proposed the following Amendment No. 2 to S. 158 (COUNCIL\WAB\158C001.RT.WAB22), which was adopted:

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

/ SECTION \_\_. Section 35-1-411(h) of the 1976 Code is amended to read:

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“(h) A rule adopted or order issued under this chapter may require an individual registered under Section 35-1-402 or 35-1-404 to participate in a continuing education program approved by the Securities and Exchange Commission and administered by a self-regulatory organization or, in the absence of such a program, a rule adopted or order issued under this chapter may require continuing education for an individual registered under Section 35-1-404 except for such registered individuals with twenty-five years or more of experience in South Carolina who are sixty-five years of age or more.” /

Amend the bill further by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 38-43-106 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) A licensee with twenty-five years or more of experience in South Carolina who is sixty-five years of age or more is exempt from the continuing education requirements of this chapter.” /

Renumber sections to conform.

Amend title to conform.

Rep. BRADLEY 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 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bernstein	Blackwell
Brawley	Brittain	Bryant
Burns	Carter	Caskey
Chumley	Clyburn	Cogswell
Collins	W. Cox	Crawford
Dabney	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin
Gatch	Gilliard	Haddon
Hart	Hayes	Henegan

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Herbkersman	Hewitt	Hill
Hiott	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jones	Jordan	Ligon
Long	Lowe	Lucas
Magnuson	May	McCabe
McCravy	McDaniel	McGarry
McGinnis	J. Moore	T. Moore
Morgan	D. C. Moss	V. S. Moss
Murray	B. Newton	Nutt
Oremus	Ott	Pendarvis
Pope	Rivers	Robinson
Rose	Sandifer	G. M. Smith
G. R. Smith	M. M. Smith	Taylor
Tedder	Thayer	Thigpen
Trantham	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	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.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on S. 158. If I had been present, I would have voted in favor of the Bill.

Rep. Jerry N. Govan

**S. 460--DEBATE ADJOURNED**

The following Bill was taken up:

S. 460 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE

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OFFICE OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES, AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS OR PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND ARTICLE 1, CHAPTER 9, TITLE 23 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL, BY ADDING SECTION 23-9-125, TO PROVIDE THAT THESE PROVISIONS MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE STATE BOARD OF PYROTECHNIC SAFETY OR THE REGULATION OF FIREWORKS; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FIRE ACADEMY, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY, MAY ALSO ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-

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30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

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

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

**S. 628--REQUESTS FOR DEBATE WITHDRAWN**

Reps. TEDDER, BERNSTEIN, GILLIARD, RIVERS, K. O. JOHNSON, HART, JEFFERSON, HENEGAN, HOSEY and WHEELER withdrew their requests for debate on S. 628; however, other requests for debate remained on the Bill.

S. 628 -- Senator Davis: A BILL TO ENACT THE "PHARMACY ACCESS ACT"; TO AMEND CHAPTER 43, TITLE 40 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA PHARMACY PRACTICE ACT, BY ADDING SECTIONS 40-43-210 THROUGH 40-43-280, TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT DOES NOT CREATE A DUTY OF CARE FOR A PERSON WHO PRESCRIBES OR DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT CERTAIN PHARMACISTS MAY DISPENSE A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTER AN INJECTABLE HORMONAL CONTRACEPTIVE PURSUANT TO A STANDING PRESCRIPTION DRUG ORDER, TO PROVIDE A JOINT PROTOCOL FOR DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE WITHOUT A PATIENT-SPECIFIC WRITTEN ORDER, TO REQUIRE CONTINUING EDUCATION FOR A PHARMACIST DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL

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CONTRACEPTIVE, TO IMPOSE REQUIREMENTS ON A PHARMACIST WHO DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT A PRESCRIBER WHO ISSUES A STANDING PRESCRIPTION DRUG ORDER FOR A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR INJECTABLE HORMONAL CONTRACEPTIVE IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS RESULTING FROM THE DISPENSING OR ADMINISTERING OF THE CONTRACEPTIVE, AND TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT SHALL NOT BE CONSTRUED TO REQUIRE A PHARMACIST TO DISPENSE, ADMINISTER, INJECT, OR OTHERWISE PROVIDE HORMONAL CONTRACEPTIVES; AND TO AMEND ARTICLE 1, CHAPTER 6, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, BY ADDING SECTION 44-6-115, TO PROVIDE FOR PHARMACIST SERVICES COVERED UNDER MEDICAID; AND TO DEFINE NECESSARY TERMS.

**H. 5278--RECALLED FROM COMMITTEE ON WAYS AND MEANS**

On motion of Rep. HERBKERSMAN, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Ways and Means:

H. 5278 -- Rep. G. M. Smith: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2022-2023 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

**S. 1032--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. JORDAN, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 1032 -- Senators Martin, Verdin, Kimbrell, Garrett, Senn and Climer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-80 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT

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DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; AND TO REPEAL SECTION 23-6-60 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF SAFETY.

**H. 5288--RECALLED FROM SUMTER DELEGATION**

On motion of Rep. WEEKS, with unanimous consent, the following Bill was ordered recalled from the Sumter Delegation:

H. 5288 -- Reps. Weeks and G. M. Smith: A BILL TO AMEND ACT 321 OF 2010, AS AMENDED, RELATING TO THE CONSOLIDATION OF THE SUMTER SCHOOL DISTRICT, SO AS TO, AMONG OTHER THINGS, ESTABLISH AND REAPPORTION THE NINE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE GOVERNING BODY OF THE SUMTER SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH THE 2022 SCHOOL DISTRICT ELECTIONS; TO PROVIDE THAT THE NINE MEMBERS OF THE SUMTER SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED FOR FOUR-YEAR TERMS IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY TWO OR FOUR YEARS THEREAFTER, EXCEPT AS NECESSARY TO STAGGER THE MEMBERS' TERMS; AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE SINGLE-MEMBER ELECTION DISTRICTS.

**S. 628--REQUESTS FOR DEBATE WITHDRAWN**

Reps. J. L. JOHNSON and RUTHERFORD, with unanimous consent, withdrew their requests for debate on S. 628; however, other requests for debate remained on the Bill.

**OBJECTION TO RECALL**

Rep. GAGNON asked unanimous consent to recall S. 379 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. WHEELER objected.



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**H. 3346--DEBATE ADJOURNED**

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

H. 3346 -- Reps. W. Cox, White, Fry, Haddon, Long, Forrest, G. M. Smith, Caskey, Gagnon, Hyde, West, Thayer, Ligon, Daning, Erickson, Bradley, Weeks, B. Newton, McGarry, Carter, Calhoun and Hixon: A BILL TO AMEND SECTION 11-11-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY GENERAL RESERVE FUND, SO AS TO PROVIDE THAT THE GENERAL RESERVE FUND OF FIVE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR MUST BE INCREASED EACH YEAR BY ONE-HALF OF ONE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR UNTIL IT EQUALS SEVEN PERCENT OF SUCH REVENUES; TO AMEND SECTION 11-11-320, RELATING TO THE STATUTORY CAPITAL RESERVE FUND OF TWO PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, SO AS TO INCREASE IT TO THREE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR; AND TO PROVIDE THAT THE ABOVE PROVISIONS TAKE EFFECT UPON RATIFICATION OF AMENDMENTS TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE PROVIDING FOR THE ABOVE.

Rep. W. COX moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 4408--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 4408 -- Rep. G. M. Smith: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Rep. BANNISTER proposed the following Amendment No. 1A to H. 4408 (COUNCIL\DG\4408C002.NBD.DG22), which was adopted:

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

/ Part I

Authorization to Expend Federal Funds

SECTION 1. (A) The source of revenue authorized for expenditure in this section is (i) the State Fiscal Recovery Funds and (ii) the Capital Projects Fund disbursed to the State pursuant to the federal “American Rescue Plan Act of 2021”, Public Law No. 117-2, (hereinafter referred to as “ARPA”). The expenditure authorizations contained in this section are for the maximum amounts that may be disbursed or expended by the receiving government entity. All disbursements and expenditures must be made in compliance with the provisions contained in this act. The receiving entities are:

(1) Department of Transportation.....\$453,499,758

Of the amount authorized for expenditure by the Department of Transportation \$297,462,293 is reimbursement for general fund and Education Improvement Act revenue not collected and \$156,037,465 is reimbursement for motor fuel user fee revenue not collected due to the COVID-19 pandemic as calculated by the Executive Budget Office.

(2) Rural Infrastructure Authority.....\$900,000,000

(3) Office of Regulatory Staff.....\$400,000,000

Of the amount authorized for expenditure by the Office of Regulatory Staff \$185,765,655 is from the Capital Projects Fund and the remaining \$214, 234,345 is from the State Fiscal Recovery Funds disbursed to the State pursuant to ARPA.

(4) Department of Health and Environmental Control..... \$104,400,000

(5) Office of Resilience.....\$100,000,000

(6) Department of Administration.....\$8,000,000

(B) If any disbursement to any recipient, or subrecipient, resulting from an authorization contained herein is disallowed by federal law, regulation, or order, then the recipient or subrecipient shall promptly return the disbursed funds to the disbursing entity.

Part II

Directives to State Agencies Concerning the Authorization to  
Expend Federal Funds  
Department of Transportation

SECTION 2. There is established in the State Treasury an account to be known as the Transportation Infrastructure Acceleration Account. The account is separate from the general fund of the State and all other funds and accounts. The account shall consist of the federal funds

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authorized pursuant to SECTION 1(A)(1) of this act. The funds in the Transportation Infrastructure Acceleration Account shall be used by the Department of Transportation to accelerate completion of projects included in the Statewide Transportation Improvement Program. These funds are not intended to satisfy state matching requirements for any other federal grants to the extent that such use is disallowed by ARPA.

SECTION 3. Funds in the Transportation Infrastructure Acceleration Account may be released to the Department of Transportation upon the direction of the Executive Budget Office. The Executive Budget Office may not direct the release of funds until the Department of Transportation has submitted its plans for the funds to the Joint Bond Review Committee for its review and comment.

**Rural Infrastructure Authority**

SECTION 4. There is established in the State Treasury an account to be known as the ARPA Water and Sewer Infrastructure Account. The account is separate from the general fund of the State and all other funds and accounts. The account shall consist of federal funds authorized pursuant to SECTION 1(A)(2) of this act. The funds in the ARPA Water and Sewer Infrastructure Account shall be used by the Rural Infrastructure Authority to administer and operate three grant programs designed to provide for improvements in water, wastewater, and storm water infrastructure throughout the State. In each of the three grant programs, units of local government, special purpose districts, commissions of public works, and joint municipal organizations may apply for grants. A unit of local government may apply for a grant on behalf of non-profit water and sewer systems. Grants may be awarded for the completion of water, wastewater, and storm water projects as defined in ARPA.

SECTION 5. (A) The Rural Infrastructure Authority shall utilize \$800,000,000 of the funds in the ARPA Water and Sewer Infrastructure Account to operate, in cooperation with the Department of Health and Environmental Control, a competitive infrastructure grant program. Of the funds in the account for the competitive infrastructure grant program, the Rural Infrastructure Authority may allocate up to \$6,000,000 of the funds for its administrative costs and shall transfer up to \$6,000,000 to the Department of Health and Environmental Control for related permitting activities. One hundred million dollars shall be available for projects designated by the Secretary of Commerce as being significant to economic development and may be funded at up to fifty million dollars per project with no local match requirement. The Rural Infrastructure Authority shall transfer five hundred thousand dollars to

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each of the ten South Carolina Councils of Government for planning assistance, development of grant application proposals, and compliance assistance related to improvements in water, wastewater, and stormwater infrastructure for smaller systems.

(B) Grants pursuant to this program must be issued equitably based upon established priorities and parameters. Applicants may request up to ten million dollars per project or application. Awards shall be made from the funds authorized for the competitive infrastructure grant program, less any amounts allocated for purposes designated in subsection (A). Large utilities, defined as those serving a population equal to or greater than thirty thousand people, shall be eligible for sixty percent of the funds, and small and medium utilities, defined as those serving a population of less than thirty thousand people or are located in a Tier III or Tier IV county at the time of the grant pursuant to Section 12-6-3360 of the 1976 Code, shall be eligible for forty percent of the funds.

(C) Local financial support is required for each grant award and must be committed in writing and available prior to project bidding. Design, engineering, and other nonconstruction costs are considered part of the local financial support. For large utilities, the local financial support must be equal to or greater than twenty-five percent of the project cost. For small and medium utilities, the local financial support must be equal to or greater than fifteen percent of the project cost.

(D) Priority consideration must be given to applications for projects based upon a comparative analysis in the following relative order of need:

- (1) regional solutions - projects that implement solutions that impact multiple systems;
- (2) water quality - projects that address consent orders, violations, or other public health or environmental impacts;
- (3) resilience and storm protection - projects that help utilities prepare for emergencies;
- (4) other aging infrastructure - projects that upgrade or replace infrastructure that has exceeded its useful life; and
- (5) capacity - projects that improve service for existing residents while preparing for future opportunities.

(E) To provide for equitable distribution of funds from the account, the following factors must be considered when awarding grants:

- (1) documented priority needs;
- (2) the transformational impact of the project on the relevant community;

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- (3) the extent to which additional funds may be leveraged by the grant;
- (4) the readiness of the applicant to proceed with the project and meet program deadlines;
- (5) the project's feasibility; and
- (6) geographic diversity.

SECTION 6. (A) The Rural Infrastructure Authority shall utilize \$20,000,000 of the funds in the ARPA Water and Sewer Infrastructure Account to operate a planning grant program for very small water systems. This program will assist very small systems that are unable to provide the required local investment for the competitive infrastructure grant program or that cannot identify a competitive project for assistance. Applicants for grants from this program must identify the assistance needed. Grants from this program may be awarded in an amount up to one million dollars per system. For purposes of this section, a very small water system is defined as a water system serving a population equal to or less than three thousand three hundred people.

(B) Grant recipients may utilize grant funding pursuant to this program for approved purposes including, but not limited to, capital improvement planning, rate studies and other financial assessments, asset management, smoke testing, mapping, televising of lines and other necessary analyses, as well as preliminary planning and design for capital improvement projects. As a condition for receiving a grant pursuant to this program, recipients must demonstrate the intent to implement the recommendations arising from approved planning assistance.

SECTION 7. (A) The Rural Infrastructure Authority shall utilize \$80,000,000 of the funds in the ARPA Water and Sewer Infrastructure Account to operate a regional solutions grant program. Applicants may request up to ten million dollars per project or application. The maximum grant request may be waived by the Rural Infrastructure Authority if the proposed project provides a regional solution that will result in consolidation of or for projects located in Tier III or Tier IV counties.

(B) Local financial support equal to or greater than fifteen percent of the cost of the project is required for each grant award and must be committed in writing and available prior to project bidding. Design, engineering, and other non-construction costs will be considered part of the local financial support. The local financial support requirement may be waived by the Rural Infrastructure Authority if the proposed project

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provides a regional solution that will result in consolidation or for projects located in Tier III or Tier IV counties.

(C) Priority consideration will be given to applications for projects based upon a comparative analysis in the following relative order of need:

(1) the project results in a consolidation or operating agreement with at least one small system with viability concerns;

(2) the project results in an expanded partnership agreement with at least one small system with viability concerns; and

(3) the project results in a consolidation or operating agreement with other systems.

(D) To provide for equitable distribution of funds from the account, the following factors must be considered when awarding grants:

(1) documented priority needs;

(2) the transformational impact of the project on the relevant community;

(3) the extent to which additional funds may be leveraged by the grant;

(4) the readiness of the applicant to proceed with the project and meet program deadlines;

(5) the project's feasibility; and

(6) geographic diversity.

SECTION 8. The Rural Infrastructure Authority shall be permitted to modify or waive the program parameters contained in SECTIONS 4, 5, 6, and 7 to ensure the timely and equitable distribution of funds in compliance with federal guidelines for these funds. Modifications to funding amounts authorized for specific use by each program must first be submitted with justification to the Joint Bond Review Committee for review and comment. The Rural Infrastructure Authority shall submit a report of all other modifications to the Joint Bond Review Committee.

Office of Regulatory Staff

SECTION 9. There is established in the State Treasury an account to be known as the ARPA Broadband Account. This account is separate and distinct from the general fund of the State and all other funds and accounts. The account shall consist of federal funds authorized pursuant to SECTION 1(A)(3) of this act. The funds in the ARPA Broadband Account shall be used to expand broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband services. Unserved areas are defined as households that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps

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upload. Priority must be given to unserved areas with no current Internet Service Provider, Difficult Development Areas as identified by US Housing and Urban Development, and census blocks that have a high concentration of unserved public K-12 student households as documented by the South Carolina Department of Education.

SECTION 10. (A) The Office of Broadband Coordinator, an office within the Office of Regulatory Staff, is authorized to expend funds from the ARPA Broadband Account to:

(1) administer a grant program to expand broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband services;

(2) provide technical assistance and coordination;

(3) host and participate in stakeholder discussions and advisory groups;

(4) support continued mapping efforts including, but not limited to, costs associated with storage, security, and data collection;

(5) engage in and undertake such other activities related to or necessary to fulfilling the requirements of expanding broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband services;

(6) expend funds for alternative and enabling technologies including, but not limited to, wireless broadband service, low earth orbit satellite, middle-mile fiber, enhanced cellular service, and carrier neutral broadband infrastructure; and

(7) reimburse any state funds as may be allowed by ARPA, or related guidance issued by the United States Department of the Treasury, for reasonable costs associated with administering the grant program and fulfilling the Office of Broadband Coordinator's obligations established by this act.

(B) The grant program may include an opportunity to reimburse a portion of construction costs, incurred on or after March 15, 2021, related to the expansion of broadband during the pandemic.

(C) All expenditures, reimbursements, and grants awarded by the Office of Broadband Coordinator must be in compliance with ARPA and the methods and guidance issued by the United States Department of Treasury for the allocation and oversight of ARPA funding.

SECTION 11. (A) The Office of Broadband Coordinator may award grants from the ARPA Broadband Account to broadband service providers and other entities for authorized projects that achieve the purpose of expanding broadband infrastructure to households, businesses, and communities in the State that are unserved or

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underserved by broadband services. The speed at which an applicant can complete the proposed project shall be considered among significant criteria for awarding grants.

(B) Electric Cooperatives that own broadband facilities pursuant to the provisions of S.C. Code Sections 58-9-3000, et seq., the Broadband Accessibility Act of 2020 are eligible to receive grants from the ARPA Broadband Account.

(C) Grants may be disbursed to recipients in tranches. The number and amount of funding in each tranche shall be determined by the Office of Broadband Coordinator.

SECTION 12. (A) Grant recipients and other entities receiving funds pursuant to SECTION 11 shall report to the Office of Broadband Coordinator concerning the progress of the recipient's project. The reports shall provide the most accurate and granular representation of then-currently available broadband infrastructure installed by the recipient, the type of technology installed, the sustainable download and upload speeds available at each serviceable location, and such other information that the Office of Broadband Coordinator requires.

(B) The Office of Broadband Coordinator shall maintain as confidential all individual company-designated proprietary information. All such individual proprietary information is exempt from the provisions contained in S.C. Code Sections 30-4-10, et seq., the South Carolina Freedom of Information Act.

(C) The Office of Regulatory Staff is authorized to contract with broadband service providers and to procure professional grant management, vendor, consulting, or other services for oversight and compliance of funds designated, granted, and disbursed pursuant to this act and for such other purposes as the Office of Regulatory Staff may deem necessary to implement the purposes of this act.

(D) It is vital to the state's interest that grant funds be awarded for the deployment of broadband infrastructure in rural communities in the most expeditious manner possible. Accordingly, contracting with broadband service providers and the procurement of professional grant management, vendor, consulting, or other services and pursuant to this act should be done pursuant to the provisions of S.C. Code Section 11-35-1570 of the 1976 Code. The Executive Director of the Office of Regulatory Staff shall coordinate the process used to contract with broadband service providers and to procure grant management, vendor, or consulting services and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer for the



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procurement process and is responsible for administrative duties related to the process and the contract awarded. The State Fiscal Accountability Authority shall assign such personnel as necessary to assist the Office of Regulatory Staff in carrying out its duties under this act.

SECTION 13. The Office of Broadband Coordinator is directed to take all necessary action to secure any broadband funding made available to this State pursuant to Section 604 of the Social Security Act, as added by Section 9901 of ARPA and to make appropriate grants from those funds in compliance with the provisions contained in Sections 9 through 12 of this act.

Office of Resilience

SECTION 14. (A) There is established in the State Treasury an account to be known as the ARPA Office of Resilience Account. This account is separate and distinct from the general fund of the State and all other funds and accounts. The account shall consist of federal funds authorized pursuant to subsection (A)(5) of SECTION 1 of this act. The funds in the ARPA Resilience Account must be used to complete stormwater infrastructure projects and acquisitions of property in the floodplain throughout the State to lessen the impacts of future flood events.

(B) All expenditures, reimbursements, and grants awarded by the Office of Resilience must be in compliance with ARPA and the methods and guidance issued by the United States Department of Treasury for the allocation and oversight of ARPA funding.

Department of Health and Environmental Control

SECTION 15. The amount authorized for expenditure by the Department of Health and Environmental Control in SECTION (1)(A)(4) shall be utilized by the department for the construction of a public health laboratory. The department shall make quarterly reports to the Joint Bond Review Committee for review and comment.

Department of Administration

SECTION 16. The Department of Administration shall utilize up to the amount authorized in SECTION(1)(A)(6) for contracting for professional grant management services of ARPA funds and other federal COVID-19 relief funds. The department shall use the contract awarded pursuant to the procurement process established by Section 2(A) of Act 135 of 2020, for professional grant management services.

Part III

Miscellaneous Provisions

SECTION 17. The expenditure authorizations contained in this act are supplemental to the expenditure authorizations for receiving entities

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as contained in Act 94 of 2021, the General Appropriations Act for Fiscal Year 2021-22, and future expenditure authorizations enacted by the General Assembly through December 31, 2026.

SECTION 18. Earnings and interest on accounts created pursuant to this act must be credited to the account and any balance at the end of the fiscal year carries forward to the account in the succeeding fiscal year for the same purpose.

SECTION 19. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of authorizing the disbursal and expenditure of federal funds received by the State pursuant to ARPA as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 20. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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 21. This joint resolution shall become law upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 8

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
W. Cox	Crawford	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Haddon
Hart	Hayes	Henegan
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jordan
King	Kirby	Ligon
Long	Lowe	Lucas
McCravy	McDaniel	McGarry
McGinnis	McKnight	J. Moore
T. Moore	D. C. Moss	V. S. Moss
Murray	B. Newton	W. Newton
Nutt	Oremus	Ott
Pendarvis	Pope	Rivers
Robinson	Rose	Rutherford
Sandifer	G. M. Smith	G. R. Smith
M. M. Smith	Stavrinakis	Taylor
Tedder	Thayer	Weeks
West	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

**Total--102**

Those who voted in the negative are:

Dabney	Hill	Jones
Magnuson	May	McCabe
Morgan	Trantham	

**Total--8**

[HJ]

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The amendment was then adopted.

The Senate Amendments were amended, and the Joint Resolution was ordered returned to the Senate.

**H. 5075--SENATE AMENDMENTS AMENDED AND  
RETURNED TO THE SENATE**

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

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 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.

Rep. G. M. SMITH proposed the following Amendment No. 1A to H. 5075 (COUNCIL\DG\5075C005.NBD.DG22), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 5, by striking Section 12-6-3795(C)(3) and inserting:

/ (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: (i) written notice by the state housing authority to the county and city within which any project is proposed to be located; (ii) following such notice, an opportunity for public comment on the proposed project at a public hearing conducted by the state housing authority not less than ten business days following notice of such public hearing, notification of which must be made by publication

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in a newspaper of general circulation in the county and city within which the proposed project is to be located; and (iii) an opportunity for the county and the city within which the project is proposed to be located to provide comment within not less than ten business days following such public hearing. 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. /

Re-number sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

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

The 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
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Cogswell	Collins
Dabney	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin
Gatch	Gilliam	Gilliard
Govan	Haddon	Hardee
Hayes	Henegan	Herbkersman
Hiott	Hixon	Hosey
Howard	Huggins	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
K. O. Johnson	Jones	King
Kirby	Ligon	Long
Lowe	Lucas	Magnuson
Matthews	May	McCrary
McDaniel	McGarry	McKnight

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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	R. Williams
S. Williams	Willis	Wooten
Yow		

**Total--106**

Those who voted in the negative are:

Hill	Jordan	McCabe
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**Total--3**

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**H. 5150--DEBATE ADJOURNED**

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

H. 5150 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. G. M. SMITH moved to adjourn debate on the Senate Amendments, which was agreed to.

[HJ]

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**H. 4568--SENT TO THE SENATE**

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, Jones, 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, Yow, Forrest, Taylor, Caskey, White, Whitmire, Crawford, Fry, W. Newton, Herbkersman, Bradley, Blackwell, Pope and Davis: 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. YOW demanded the yeas and nays which were taken, resulting as follows:

Yeas 76; Nays 34

Those who voted in the affirmative are:

Allison	Atkinson	Bailey
Ballentine	Bannister	Bennett
Blackwell	Bradley	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Cogswell	Collins	W. Cox
Crawford	Dabney	Daning
Davis	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Gatch
Gilliam	Haddon	Hardee
Hayes	Herbkersman	Hewitt
Hiott	Hixon	Huggins
Hyde	J. E. Johnson	Jones
Jordan	Ligon	Long
Lowe	Lucas	Magnuson
May	McCabe	McCravy
McGarry	McGinnis	T. Moore
Morgan	D. C. Moss	V. S. Moss
B. Newton	W. Newton	Nutt

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Oremus	Pope	Sandifer
G. M. Smith	G. R. Smith	M. M. Smith
Taylor	Thayer	Trantham
Weeks	West	White
Whitmire	Willis	Wooten
Yow		

**Total--76**

Those who voted in the negative are:

Alexander	Anderson	Bernstein
Brawley	Clyburn	Cobb-Hunter
Dillard	Garvin	Gilliard
Govan	Henegan	Hosey
Jefferson	J. L. Johnson	K. O. Johnson
King	Kirby	Matthews
McDaniel	McKnight	J. Moore
Murray	Ott	Pendarvis
Rivers	Robinson	Rose
Rutherford	Stavrinakis	Tedder
Wetmore	Wheeler	R. Williams
S. Williams		

**Total--34**

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

**STATEMENT FOR JOURNAL**

Please let the House Journal reflect that I mistakenly voted in the affirmative in the third reading of H. 4568.

Rep. William Cogswell

**S. 486--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 486 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME HIGHWAY 17-A AT ITS CROSSING OF THE CSX MAIN LINE IN MONCK'S CORNER "STEVE C. DAVIS VIADUCT" AND



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ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Concurrent Resolution was adopted and returned to the Senate with concurrence.

**S. 655--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 655 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GRANT ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH EAST SEVEN MILE ROAD TO ITS INTERSECTION WITH BASSWOOD ROAD "JUDGE TAFT GUILÉ, JR. ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and returned to the Senate with concurrence.

**S. 1055--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 1055 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF GIBSON ROAD WHERE HIGHWAY 378 SPLITS TOWARD LAKE MURRAY IN LEXINGTON COUNTY "H.E. 'BUCKY' PHILLIPS, JR. INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Concurrent Resolution was adopted and returned to the Senate with concurrence.

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**S. 1069--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 1069 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME US 1 BETWEEN I-20 AND THE TOWN OF LEXINGTON IN LEXINGTON COUNTY "SCHP TROOPER FIRST CLASS ROBERT P. PERRY, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Concurrent Resolution was adopted and returned to the Senate with concurrence.

**S. 1245--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 1245 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION INSTALL APPROPRIATE SIGNS AND MARKERS TO COMMEMORATE THE LADY GAMECOCKS BASKETBALL TEAM WINNING THE 2022 NCAA CHAMPIONSHIP.

The Concurrent Resolution was adopted and returned to the Senate with concurrence.

**H. 5088--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5088 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

The Concurrent Resolution was adopted and sent to the Senate.

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**H. 5211--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5211 -- Rep. Forrest: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE SALUDA RIVER ALONG HOLLYWOOD SCHOOL ROAD IN SALUDA COUNTY "HARMON BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 5243--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5243 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 15 AND BROWNTOWN ROAD IN LEE COUNTY "W.A. BERRY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 5236--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5236 -- Reps. Robinson, G. R. Smith, Bannister, Trantham, Elliott, B. Cox, Willis and Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 291 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 385 TO ITS INTERSECTION WITH MAULDIN ROAD "CIVIL RIGHTS MOVEMENT WAY" IN HONOR OF DR. BILL AND LOTTIE GIBSON AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "CIVIL RIGHTS MOVEMENT WAY".

The Concurrent Resolution was adopted and sent to the Senate.

[HJ]

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**H. 5285--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5285 -- Reps. Dabney, J. L. Johnson and Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 1056 EHRENCLOU DRIVE IN THE CITY OF CAMDEN IN KERSHAW COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT SERGEANT MAJOR AND MRS. THOMAS PATRICK PAYNE.

The Concurrent Resolution was adopted and sent to the Senate.

**S. 787--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 787 -- Senator Stephens: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME ST. MARK BOWMAN ROAD IN DORCHESTER COUNTY "CAPTAIN JEROME JONES ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was adopted and returned to the Senate with concurrence.

**S. 1280--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 1280 -- Senators Martin and Talley: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NORTH TYGER RIVER BRIDGE ON HWY 296, ALSO KNOWN AS REIDVILLE ROAD, BETWEEN SHENANDOAH DRIVE AND NICHOLS DRIVE IN SPARTANBURG COUNTY "KEEGAN ISAIAH JOHNSON BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

[HJ]

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**S. 1230--ADOPTED AND RETURNED TO SENATE WITH CONCURRENCE**

The following Concurrent Resolution was taken up:

S. 1230 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTER COUNTY FROM ITS INTERSECTION WITH PILGRIM ROAD TO THE CHESTER/UNION COUNTY LINE "MAJOR GENERAL GARY T. MCCOY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Concurrent Resolution was adopted and returned to the Senate with concurrence.

**MOTION PERIOD**

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

**H. 4879--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4879 -- Reps. G. M. Smith, Lucas, Simrill, Erickson, Elliott, W. Cox, White, B. Newton, McGarry, Bradley, Taylor, Calhoon, 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. ERICKSON moved to adjourn debate on the Bill, 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

[HJ]

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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 Monday, May 9, which was agreed to.

**S. 150--INTERRUPTED DEBATE**

The following Bill was taken up:

S. 150 -- Senators Davis, Hutto, Malloy, Rankin, Goldfinch, Harpootlian, Fanning, Matthews, Kimpson, Jackson, Leatherman, Grooms, Stephens, Shealy and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; TO AMEND CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; TO AMEND SECTION 12-36-2120(69) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA SALES AND USE TAX, TO PROVIDE THAT CANNABIS SOLD BY A DISPENSARY TO A CARDHOLDER IS EXEMPT FROM A CERTAIN SALES TAX; TO REPEAL ARTICLE 4, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

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**POINT OF ORDER**

Rep. MCCRAVY raised the Point of Order under House Rule 5.3E and Article III, Section 15, of the South Carolina Constitution, that S. 150 was out of order. He stated that Rule 5.3E required a bill, upon second reading, that raises revenue must conform to the provisions of Article III, Section 15. He stated that Article III, Section 15, stated that bills “raising revenue shall originate in the House of Representatives.” He stated further that S. 150 was a Senate bill that creates a 6% sales tax upon the sale of marijuana products and that this tax was a new tax in addition to current state sales taxes. He stated further that the revenue from this new tax would fund DHEC’s responsibilities in licensing, tracking, regulating, and monitoring the sale of medical cannabis. He stated that any excess revenue from the new tax would be distributed with 75% going to the general fund and the remainder going to various sundry state agencies. He referenced a 2015 Attorney General Opinion and various Supreme Court decisions that he claimed supported his Point of Order that S. 105 violated Article III, Section 15.

Rep. HERBKERSMAN argued against the Point of Order and cited the 1925 South Carolina Supreme Court case of State v. Stanley in support of his argument.

Rep. RUTHERFORD also argued against the Point of Order.

The *SPEAKER PRO TEMPORE* took the Point of Order under advisement and stated that he intended to rule upon it before the House adjourned for the day.

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

Further proceedings were interrupted by the House receding.

**THE HOUSE RESUMES**

At 1:30 p.m. the House resumed, the ACTING SPEAKER HIOTT in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

[HJ]

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**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEES**

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

S. 945 -- Senators Hembree and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2023.

Ordered for consideration tomorrow.

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

S. 969 -- Senators Garrett, Kimbrell, Rice, Adams, Talley, Cash, M. Johnson, Gustafson, Hembree, Loftis, Shealy, Peeler, Climer, Gambrell, Turner and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-325 TO AUTHORIZE THE STATE BOARD OF EDUCATION TO MAKE RULES AND REGULATIONS REQUIRING THE DISPLAY OF THE OFFICIAL MOTTOS OF THE UNITED STATES OF AMERICA AND SOUTH CAROLINA.

Ordered for consideration tomorrow.

Rep. S. WILLIAMS, from the Hampton Delegation, submitted a favorable report on:

S. 1264 -- Senator Hutto: A BILL TO AMEND ACT 184 OF 2020, AS AMENDED, RELATING TO THE CONSOLIDATION OF

[HJ]



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HAMPTON COUNTY SCHOOL DISTRICT NO. 1 AND HAMPTON COUNTY SCHOOL DISTRICT NO. 2 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE HAMPTON COUNTY SCHOOL DISTRICT, SO AS TO ESTABLISH AND REAPPORTION THE SEVEN SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE HAMPTON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 SCHOOL DISTRICT ELECTIONS, TO DESIGNATE A MAP NUMBER ON WHICH THESE ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THESE ELECTION DISTRICTS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5345 -- Rep. Gilliard: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DARLENE ANN JENKINS, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY YEARS OF FAITHFUL SERVICE AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5346 -- Reps. McKnight, 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, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope,

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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 MORRIS BROWN COLLEGE ON REGAINING ITS FULL ACCREDITATION STATUS AND TO WISH THE COLLEGE MUCH SUCCESS IN THE YEARS TO COME.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5347 -- Reprs. K. O. Johnson, 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, 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 DONNIE LEE FEAGIN, A MEMBER OF CLARENDON COUNTY FIRE RESCUE, UPON THE OCCASION OF HIS RETIREMENT AFTER ALMOST NINETEEN YEARS OF EXEMPLARY SERVICE, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

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**CONCURRENT RESOLUTION**

The following was introduced:

H. 5348 -- Reps. Govan, Tedder, Cobb-Hunter, Hosey and Ott: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS IN ORANGEBURG COUNTY ALONG UNITED STATES HIGHWAY 301 AT ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 AND ALONG UNITED STATES HIGHWAY 601 AT ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 CONTAINING THE WORDS "SOUTH CAROLINA STATE UNIVERSITY BULLDOGS 2021 HISTORICALLY BLACK COLLEGES AND UNIVERSITIES NATIONAL FOOTBALL CHAMPIONS".

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

**S. 449--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. TAYLOR moved to adjourn debate on the motion to reconsider the vote whereby the following Bill was given second reading, which was agreed to:

S. 449 -- Senator Young: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR TECHNICAL EDUCATION, TO ADD TWO NONVOTING MEMBERS.

**S. 236--DEBATE ADJOURNED**

The following Bill was taken up:

S. 236 -- Senator Young: A BILL TO AMEND SECTION 7-7-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POOLING PRECINCTS IN MUNICIPAL ELECTIONS, SO AS TO PROVIDE THAT ANY PRECINCT CONTAINING THREE THOUSAND OR MORE VOTERS, AN INCREASE FROM FIVE HUNDRED OR MORE VOTERS, HAVE ITS OWN POLLING PLACE; THAT THE TOTAL NUMBER OF REGISTERED VOTERS IN THE MUNICIPAL POOLED PRECINCTS CANNOT EXCEED THREE THOUSAND, AN INCREASE FROM ONE THOUSAND FIVE HUNDRED; AND THAT POOLED MUNICIPAL POLLING

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PLACES CANNOT BE MORE THAN FIVE MILES, AN INCREASE FROM THREE MILES, FROM THE NEAREST PART OF ANY POOLED PRECINCT.

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

**S. 460--DEBATE ADJOURNED**

The following Bill was taken up:

S. 460 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE OFFICE OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES, AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS OR PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND ARTICLE 1, CHAPTER 9, TITLE 23 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL, BY ADDING

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SECTION 23-9-125, TO PROVIDE THAT THESE PROVISIONS MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE STATE BOARD OF PYROTECHNIC SAFETY OR THE REGULATION OF FIREWORKS; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FIRE ACADEMY, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY, MAY ALSO ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

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

**S. 533--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 533 -- Senators Shealy, Gambrell, Allen, Williams, Jackson, Gustafson, Stephens, Malloy and McElveen: A JOINT RESOLUTION TO PROHIBIT THE USE OF SECTION 14(c) OF THE FAIR LABOR STANDARDS ACT OF 1938 TO PAY SUBMINIMUM WAGES TO INDIVIDUALS WITH DISABILITIES.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 533 (COUNCIL\WAB\533C001.RT.WAB22), which was adopted:

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

/ SECTION 1. Employers, community rehabilitation programs, and hospital patient care workers at regional centers shall not use Section 14(c) of the Fair Labor Standards Act of 1938 to pay disabled employees

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a subminimum wage. No individual with a disability may be paid less than the federal minimum wage.

SECTION 2. Beginning on January 1, 2023, and annually thereafter, the Department of Disabilities and Special Needs shall submit a report to the General Assembly concerning the payment of a subminimum wage in South Carolina. The report shall:

- (1) identify all providers in this State that maintain a Section 14(c) certificate;
- (2) identify which of those providers pay a subminimum wage;
- (3) identify which of those providers used to pay a subminimum wage but have stopped that practice;
- (4) identify which of those providers that stopped paying a subminimum wage did so due to an increase in the federal minimum wage; and
- (5) provide data regarding the success in obtaining minimum wage employment of individuals with severe intellectual disabilities as compared to individuals with mild or moderate intellectual disabilities.

SECTION 3. (A) For the purposes of this SECTION:

(1) "Competitive employment" means employment in a competitive labor market that is performed on a full- or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage but not less than the customary wage and level of benefits paid by the employer for comparable work performed by an individual without a disability.

(2) "Disability" means a physical or mental impairment that substantially limits one or more of an individual's major life activities, or a record of a physical or mental impairment, of being regarded as impaired, or of any condition that would be considered a disability under the Americans with Disabilities Act.

(3) "Integrated setting" means an employment setting in which individuals with disabilities interact with individuals without disabilities, with the exception of those who are providing services to employees with disabilities, to the same extent that individuals without disabilities in comparable positions interact with other persons.

(4) "Task force" means the South Carolina Task Force on Eliminating the Subminimum Wage.

(B) The South Carolina Task Force on Eliminating the Subminimum Wage shall be comprised of the following:

- (1) one member from Disability Rights South Carolina;
- (2) one member from the South Carolina Developmental Disabilities Council;

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- (3) one member from Able SC;
- (4) one member from the South Carolina University Center for Excellence in Developmental Disabilities;
- (5) two members who are currently authorized to pay a subminimum wage appointed by the Director of the South Carolina Department of Disabilities and Special Needs;
- (6) two members who are current or former employees with a disability who are or were paid a subminimum wage appointed by the Director of the South Carolina Department of Disabilities and Special Needs;
- (7) the Director of the South Carolina Department of Employment and Workforce, or his designee;
- (8) the Director of the South Carolina Department of Health and Human Services, or his designee;
- (9) the Director of the South Carolina Department of Disabilities and Special Needs, or his designee;
- (10) the Director of the South Carolina Vocational Rehabilitation Department, or his designee; and
- (11) the Director of the South Carolina Commission for the Blind, or his designee.

(C) The task force shall be responsible for the following duties:

- (1) developing a plan to phase out the use of the subminimum wage by August 1, 2024;
- (2) identifying and developing protections for disabled subminimum wage employees to maintain competitive employment while phasing out the use of the subminimum wage;
- (3) identifying and collaborating with employees, employers, organizations, agencies, and stakeholders impacted by the phase out of the subminimum wage on how to implement the plan and create sustainable, competitive work opportunities for employees with disabilities;
- (4) proposing a plan to establish and evaluate benchmarks for measuring progress for each year of the phase out;
- (5) proposing a plan to monitor and track the outcomes of employees with disabilities;
- (6) identifying initiatives, investment, training, and services designed to improve wages, reduce unemployment rates, and provide support and sustainable work opportunities for persons with disabilities;
- (7) identifying and making recommendations for sustainable support, funding, and resources for eliminating the subminimum wage, including the cost of implementing and providing ongoing employment

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services, training, and support for employees with disabilities and the cost of paying a minimum wage or more to employees with disabilities in integrated settings;

(8) ensuring that the plan protects the rights of persons with disabilities and follows Americans with Disabilities Act protections for employees and prospective employees with disabilities; and

(9) reporting on or before August first of each year the to the Governor and the General Assembly on the benchmarks and results of the outcomes described in the above duties until the subminimum wage has been phased out, at which time the task force is dissolved.

(D) The task force may utilize the staff of the South Carolina Senate and House of Representatives for clerical or related assistance, as approved and designated by the President of the Senate and the Speaker of the House of Representatives, as appropriate. The task force members may not receive compensation and are not entitled to receive mileage, subsistence, or per diem as provided by law for members of boards and commissions

SECTION 4. This joint resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COGSWELL explained the amendment.

The amendment was then adopted.

Rep. COLLINS proposed the following Amendment No. 2 to S. 533 (COUNCIL\SA\533C001.JN.SA22), which was adopted:

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

/ SECTION \_\_.A. Title 41 of the 1976 Code is amended by adding:

“CHAPTER 5

Employment First Initiative Act

Section 41-5-110. This chapter must be known and may be cited as the ‘Employment First Initiative Act’.

Section 41-5-120. As used in this chapter:

(1) ‘Competitive integrated employment’ means work in the competitive labor market that is:

(a) performed on a full-time or part-time basis in an integrated setting; and



(b) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

(2) 'Integrated setting' means, with respect to an employment outcome, a setting typically found in the community in which employed individuals with disabilities interact with individuals without disabilities, other than individuals who are providing services to employees with disabilities, to the same extent that individuals without disabilities in comparable positions interact with other people.

Section 41-5-130. All state agencies and political subdivisions of this State are encouraged to consider adopting a policy that encourages competitive integrated employment for individuals with disabilities.

Section 41-5-140. All state agencies are encouraged to:

(1) coordinate efforts and collaborate within and among themselves to ensure that state programs, policies, procedures, and funding support the competitive and integrated employment of individuals with disabilities;

(2) share data and information across systems in order to track progress toward full implementation of this chapter, whenever feasible, and in accordance with all applicable state and federal confidentiality laws; and

(3) adopt rules and promulgate regulations to implement the provisions of this chapter.

Section 41-5-150. (A) There is hereby established the 'South Carolina Employment First Oversight Commission' consisting of seventeen members. The commission consists of the following members who serve for a three-year term with a limit of two consecutive terms:

(1) one must be appointed by the Governor from Protection and Advocacy for People with Disabilities;

(2) one must be appointed by the Governor from the South Carolina Developmental Disabilities Council;

(3) one must be appointed by the Governor from Able South Carolina;

(4) one must be appointed by the Governor from the South Carolina University Center for Excellence in Developmental Disabilities;

(5) one must be appointed by the Governor from a cross-disability, consumer-run, private entity;

(6) two members representing the business community appointed by the Governor;

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(7) the State Superintendent of Education or his designee, serving ex officio;

(8) the Director of the South Carolina Department of Employment and Workforce or his designee, serving ex officio;

(9) the Director of the South Carolina Department of Disabilities and Special Needs or his designee, serving ex officio;

(10) the Director of the South Carolina Department of Mental Health or his designee, serving ex officio;

(11) the Director of the South Carolina Vocational Rehabilitation Department or his designee, serving ex officio;

(12) the Director of the South Carolina Commission for the Blind or his designee, serving ex officio; and

(13) four members, each of whom has a disability or substantial knowledge of disability issues and who is employed by a governmental or private entity which provides an employment service to individuals with disabilities, provided at least two of these members must have a disability. Of the members appointed pursuant to the item:

(a) one must be appointed by the Speaker of the House of Representatives;

(b) one must be appointed by the Minority Leader of the House of Representatives;

(c) one must be appointed by the President of the Senate; and

(d) one must be appointed by the Minority Leader of the Senate.

(B) The Governor shall designate one member to convene and organize the first meeting of the commission. During this meeting, the commission shall elect a chairperson and a vice chairperson from among its members.

(C) All actions of the commission must be taken by a majority of the members of the commission present and voting.

(D) Members of the commission may not receive compensation, mileage, subsistence, or per diem for their service to the commission.

Section 41-5-160. Within six months after the first meeting required in Section 41-5-150(B), the commission shall establish evidence-based measurable goals and objectives to encourage implementation of this chapter. The commission shall track the measurable progress of state agencies in implementing this chapter. All state agencies are encouraged to assist the commission in carrying out its duties by fully cooperating with each other and the commission, and by providing data and information in accordance with all applicable state and federal confidentiality laws.

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Section 41-5-170. The commission annually shall, before January first, issue a report to the Governor and members of the General Assembly which details progress toward the goals and objectives of the commission and progress toward the full implementation of this chapter. The report also shall identify barriers to achieving the outcomes and effective strategies and policies that can help realize the employment first initiative. All state agencies are encouraged to cooperate with the commission on the creation and dissemination of the annual report.

Section 41-5-180. The commission may seek the guidance and expertise of all stakeholders, including individuals with disabilities, organizations that advocate on behalf of individuals with disabilities, providers of services to individuals with disabilities, local government, and business associations.”

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

Rep. COLLINS explained the amendment.

**POINT OF ORDER**

Rep. HILL raised the Point of Order that House Rule 10.3.1C defined a Joint Resolution as a temporary measure. He stated that the Joint Resolution had been amended to include permanent provisions of law and was now in violation of the Rule.

The SPEAKER stated that Rep. HILL was correct in his citation of a definition of a Joint Resolution in Rule 10.3.1C; however, although the Joint Resolution now included permanent provisions of law it did not violate any requirement of the House Rules or the constitution. He overruled the Point of Order.

The amendment was then adopted.

The question recurred to the passage of the Joint Resolution.

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
Bamberg	Bannister	Bennett

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Bernstein	Blackwell	Bradley
Brawley	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Cogswell	Collins
W. Cox	Crawford	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gilliam	Gilliard
Govan	Haddon	Hardee
Hart	Hayes	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jordan
Kirby	Ligon	Long
Lowe	Lucas	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	Rivers
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--104**

Those who voted in the negative are:

Dabney	Hill	May
McCabe		

**Total--4**

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So, the Joint Resolution, 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 S. 533. If I had been present, I would have voted in favor of the Bill.

Rep. Patricia Henegan

**S. 812--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 812 -- Senator Alexander: A BILL TO AMEND CHAPTER 2, TITLE 40 OF THE 1976 CODE, RELATING TO ACCOUNTANTS, TO PROVIDE FOR THE PRACTICE OF CERTIFIED PUBLIC ACCOUNTANTS.

Rep. COGSWELL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 10

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bernstein	Blackwell
Bradley	Brawley	Bryant
Burns	Bustos	Calhoon
Carter	Chumley	Clyburn
Cobb-Hunter	Cogswell	Collins
W. Cox	Crawford	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gilliam	Gilliard
Govan	Hardee	Hart
Hayes	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Howard	Huggins	Hyde
Jefferson	J. L. Johnson	K. O. Johnson
Jordan	Kirby	Ligon

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Long	Lowe	Lucas
Matthews	McCravy	McDaniel
McGarry	McGinnis	McKnight
J. Moore	T. Moore	D. C. Moss
V. S. Moss	Murray	B. Newton
W. Newton	Nutt	Ott
Pendarvis	Rivers	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--96**

Those who voted in the negative are:

Bennett	Dabney	Haddon
Hill	Jones	Magnuson
May	McCabe	Morgan
Oremus		

**Total--10**

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 S. 812. If I had been present, I would have voted in favor of the Bill.

Rep. Patricia Henegan

**S. 637--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 637 -- Senator Cromer: A BILL TO AMEND SECTION 37-22-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO THE MORTGAGE LENDING LAWS OF THIS STATE SO AS TO ESTABLISH CERTAIN CRITERIA A RETAILER OF MANUFACTURED OR MODULAR

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HOMES MUST MEET TO QUALIFY AS AN "EXEMPT PERSON"; AND TO AMEND SECTION 40-58-20, RELATING TO DEFINITIONS APPLICABLE TO THE LICENSING OF MORTGAGE BROKERS ACT, SO AS TO ESTABLISH CERTAIN CRITERIA A RETAILER OF MANUFACTURED OR MODULAR HOMES MUST MEET TO QUALIFY AS AN "EXEMPT PERSON".

Rep. COGSWELL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bennett	Bernstein
Blackwell	Bradley	Brawley
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Clyburn	Cobb-Hunter
Cogswell	Collins	W. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gilliam	Gilliard
Govan	Haddon	Hardee
Hart	Hayes	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. L. Johnson	K. O. Johnson	Jones
Jordan	Kirby	Ligon
Long	Lowe	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	Rivers	Rose

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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--105**

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 S. 637. If I had been present, I would have voted in favor of the Bill.

Rep. Patricia Henegan

**S. 1178--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Reps. LUCAS, G.M. SMITH, POPE, SIMRILL, MURPHY, JORDAN, W. NEWTON, ALLISON, THAYER, HIOTT, HUGGINS, SANDIFER, G.R. SMITH, WILLIS, D.C. MOSS, WEST, B. NEWTON, HIXON, ERICKSON, BAILEY, BALLENTINE, BRITAIN, BENNETT, BLACKWELL, BURNS, BUSTOS, B. COX,

[HJ]



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CRAWFORD, DANING, ELLIOTT, FELDER, FORREST, GAGNON, GATCH, HARDEE, HEWITT, J.E. JOHNSON, LIGON, LONG, MAGNUSON, MCCRAVY, MCGARRY, V.S. MOSS, NUTT, M.M. SMITH, WHITE, WILLIS, YOW, TAYLOR, WHITMIRE, W. COX, HYDE, DABNEY, MAY, JONES and WOOTEN proposed the following Amendment No. 1 to S. 1178 (COUNCIL\HB\1178C001.BH.HB22), which was adopted:

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

/ SECTION \_\_\_\_ . A. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7-13-25. (A) Monday through Saturday for a two-week period preceding a general election conducted pursuant to Section 7-13-10, a primary, special elections, and all municipal elections, all qualified electors of this State must be allowed to cast an early in-person ballot. To the extent time permits, and for a period of time as may be determined by the Executive Director of the State Election Commission, all qualified electors must be allowed to cast an early in-person ballot prior to a primary runoff.

(B) The period of early voting begins at 8:30 a.m. and ends at 6:00 p.m. on each day of the early voting period, excluding Sunday, until the conclusion of the early voting period at 6:00 p.m. on the Saturday immediately prior to the election.

(C) For a general election conducted pursuant to Section 7-13-10, each county board of voter registration and elections must establish early in-person voting locations in an amount based on the following formulas, whichever is higher, but not to exceed seven locations:

- (1) The number of registered voters in the county:
  - (a) 1 - 39,999 voters: one location
  - (b) 40,000 - 79,999 voters: two locations
  - (c) 80,000 - 119,999 voters: three locations
  - (d) 120,000 - 159,999 voters: four locations
  - (e) 160,000 - 199,999 voters: five locations
  - (f) 200,000 - 239,999 voters: six locations
  - (g) 240,000 voters and up: seven locations
- (2) The size of the county in square miles:
  - (a) 0-199 square miles: one location
  - (b) 200-399 square miles: two locations
  - (c) 400-599 square miles: three locations
  - (d) 600-799 square miles: four locations
  - (e) 800-999 square miles: five locations

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(f) 1000-1199 square miles: six locations

(g) 1200 square miles and up: seven locations

(D) If the main office of each county board of voter registration and elections is used for an early in-person voting location, it constitutes one of the early in-person voting locations as delineated in this section.

(E)(1) County boards of voter registration and elections must determine locations for early voting centers. In selecting locations, boards must consider geography, population, and ADA compliant accessibility. Boards must distribute the locations throughout the county to maximize accessibility for all voters in the county to the greatest extent possible. The Executive Director of the State Election Commission may, at his discretion, direct the move of early voting centers to ensure proper distribution through each county.

(2) When the early in-person location formulas in subsection (C)(1) and (C)(2) produce results that differ by four or more locations, the Executive Director may authorize a county board to use two fewer than the higher number determined in subsection (C). The Executive Director also may authorize the loss of an early in-person location due to an emergency such as fire or flood.

(F) The county election board must set and publish the location of each early in-person voting center at least fourteen days before the early voting period begins. Publication of the schedule must be made, at a minimum, to a website or webpage managed by, or on behalf of, each respective county election board.

(G) Upon the daily closure of each early in-person voting location during the period established in subsection (B), all ballots must be transported to the county board of voter registration and elections and stored in a secure location.

(H) County boards of voter registration and elections, in their discretion, may establish any number of early in-person voting locations for use in primary, primary runoff, special elections, and all municipal elections, and the formulas provided in this section do not apply.

(I) Each early voting center must have available every ballot style in use in the particular county for that election.”

B. Section 7-11-10 of the 1976 Code is amended to read:

“Section 7-11-10. (A) Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition; however, a person who was defeated as a candidate for nomination to an office in a party primary or party convention ~~shall~~ may not have his name placed on the ballot for the ensuing general or special election, except that this section

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does not prevent a defeated candidate from later becoming his party's nominee for that office in that election if the candidate first selected as the party's nominee dies, resigns, is disqualified, or otherwise ceases to become the party's nominee for that office before the election is held.

(B) A candidate may not file more than one statement of intention of candidacy for a single office for the same election.

(C) A candidate may not be nominated by more than one political party for a single office for the same election."

C. Section 7-13-320(D) of the 1976 Code is amended to read:

"(D) The names of candidates offering for ~~any other~~ another office shall ~~must~~ be placed in the proper place on the appropriate ballot, stating whether it is a state, congressional, legislative, county, or other office. A candidate's name may not appear on the ballot more than once for any single office for the same election."

D. Section 7-15-220(A) of the 1976 Code is amended to read:

"(A) The oath, a copy of which is required by Section 7-15-200(2) to be sent each absentee ballot applicant and which is required by Section 7-15-230 to be returned with the absentee ballot applicant's ballot, shall be signed by the absentee ballot applicant and witnessed. The oath shall be in the following form:

'I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.'

\_\_\_\_\_  
Signature of Voter

Dated on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Printed Name of Witness

\_\_\_\_\_  
Address of Witness"

E. Section 7-15-380(A) of the 1976 Code is amended to read:

"(A) The oath, which is required by Section 7-15-370 to be imprinted on the return-addressed envelope, furnished each absentee ballot applicant, must be signed by the absentee ballot applicant and witnessed. The address and printed name of the witness shall appear on the oath. In the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark

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witnessed by someone designated by the voter. The oath must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_  
Signature of Voter  
Dated on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
Signature of Witness      Printed Name of Witness

\_\_\_\_\_  
Address of Witness”

F. Section 7-15-320 of the 1976 Code is amended to read:

“Section 7-15-320. (A) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections when they are absent from their county of residence on election day during the hours the polls are open, to an extent that it prevents them from voting in person:

- (1) students, their spouses, and dependents residing with them;
- (2) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;
- (3) governmental employees, their spouses, and dependents residing with them; or
- (4) ~~persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or~~
- (5) overseas citizens.

(B) Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not they are absent from their county of residence on election day:

- (1) physically disabled persons;
- (2) persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county board of voter registration and elections;

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(3) certified poll watchers, poll managers, county board of voter registration and elections members and staff, county and state election commission members and staff working on election day;

(4) persons attending sick or physically disabled persons;

(5) persons admitted to hospitals as emergency patients on the day of an election or within a four-day period before the election;

(6) persons with a death or funeral in the family within a three-day period before the election;

(7) persons who will be serving as jurors in a state or federal court on election day;

(8) persons sixty-five years of age or older;

(9) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

(10) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.

(C) Qualified electors must be permitted to vote by absentee ballot in all elections when they are going to be absent from their county of residence for the duration of the early voting period and on election day.

G. Section 7-15-340 of the 1976 Code is amended to read:

“Section 7-15-340. (A) The application required in Section 7-15-330 to be submitted to these election officials must be in a form prescribed and distributed by the State Election Commission; except that persons listed in Section 7-15-320(2), (3), (6), and (10) may use Standard Form 76, or any subsequent form replacing it, provided by the federal government as a simultaneous request for registration and an absentee ballot or a request for an absentee ballot if already registered.

(B)(1) The application must contain the following information: name, registration certificate number, address, absentee address, election of ballot request, election date, runoff preference, party preference, reason for request, oath of voter, and voter’s signature.

(2) The application also must contain the last four digits of the voter’s social security number.

(C) The oath must be as follows: ‘I do swear or affirm that I am a qualified elector, that I am entitled to vote in this election, and that I will not vote again during this election. The information above is true in all respects, and I hereby apply for an absentee ballot for the reason indicated above.’ Any person who fraudulently applies for an absentee ballot in violation of this section, upon conviction, must be punished in accordance with Section 7-25-20.”

H. Section 7-15-385 of the 1976 Code is amended to read:

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“Section 7-15-385. (A) Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’ which in turn must be placed in the return-addressed envelope. The applicant must then return the return-addressed envelope to the board of voter registration and elections by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election Commission and must be turned in to the board of voter registration and elections at the time the envelope is returned. The voter must sign the form, or in the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The authorization form prescribed by the State Election Commission must include a designated space in which the appropriate elections official or employee shall record the specific form of government-issued photo identification presented by the authorized returnee. The authorization must be preserved as part of the record of the election, and the board of voter registration and elections must note the authorization, and the name of the authorized returnee, and the authorized returnee’s form of government-issued photo identification in the record book required by Section 7-15-330. A candidate or a member of a candidate’s paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter’s immediate family as defined in Section 7-15-310. The oath set forth in Section 7-15-380 must be signed and witnessed on each returned envelope. The board of voter registration and elections must record in the record book required by Section 7-15-330 the date the return-addressed envelope with witnessed oath and enclosed ballot or ballots is received by the board. The board must securely store the envelopes in a locked box within the office of the board of voter registration and elections.

(B)(1) When an authorized returnee presents himself to the board of voter registration and elections to deliver a return-addressed envelope in person pursuant to subsection (A), he shall produce a valid and current:

- (a) South Carolina driver’s license;
- (b) another form of identification containing a photograph issued by the Department of Motor Vehicles;
- (c) passport;

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(d) military identification containing a photograph issued by the federal government; or

(e) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7-5-675.

(2) The appropriate elections official or employee who receives a return-addressed envelope from an authorized returnee shall:

(a) compare the photograph contained on the required identification with the person presenting himself as an authorized returnee; and

(b) verify that the photograph is that of the person personally delivering the return-addressed envelope.”

I. Section 7-15-420 of the 1976 Code, as last amended by Act 133 of 2020, is further amended to read:

“Section 7-15-420. (A) The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is responsible for the tabulation and reporting of absentee ballots. At ~~9:00 a.m.~~ 6:01 p.m. on the Saturday immediately preceding election day, the managers appointed pursuant to Section 7-5-10, ~~and in the presence of any watchers who have been appointed pursuant to Section 7-13-860,~~ may begin the process of examining the return-addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed and witnessed and includes the printed name and address of the witness. All return-addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7-15-370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return-addressed envelope must be opened by the managers, and the enclosed envelope marked ‘Ballot Herein’ removed, ~~and~~ placed in a locked box or boxes, and kept secure. After all return-addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked ‘Ballot Herein’, placing each one in the ballot box provided for the applicable contest. Beginning at ~~9:00~~ 7:00 a.m. on the calendar day immediately preceding election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before

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the polls are closed. If any ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. The processes of examining the return-addressed envelopes, opening the sealed return-addressed envelopes to remove the ‘Ballot Herein’ envelopes, and removing the ballots from the ‘Ballot Herein’ envelopes for tabulation must be conducted in the presence of any candidate who elects to be present, and of any watchers who have been appointed pursuant to Section 7-13-860. Provided, any candidates or watchers present must be located a reasonable distance in order to maintain both the right to observe and the secrecy of the ballots.

(B) Results of the absentee ballot tabulation must not be publicly reported until after the polls are closed. An election official, election worker, candidate, or watcher who intentionally violates the prohibition contained in this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years.”

J. Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7-15-325. Any voter who goes to a polling location to vote in person on election day and who has been designated as having previously voted absentee is entitled to cast a provisional ballot. The voter’s provisional ballot must be counted only if the county board of voter registration and elections has a record that the voter’s absentee ballot was not received.”

K. Section 7-15-470 of the 1976 Code is repealed.

L. Section 7-3-20(C) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) establish rules and regulations for voter registrations performed by private entities.”

M. Section 7-5-170 of the 1976 Code is amended to read:

“Section 7-5-170. (1) Written application required.—A person may not be registered to vote except upon written application or electronic application pursuant to Section 7-5-185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(2) Form of application. — The application must be on a form prescribed and provided by the executive director and shall contain the



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following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must take the following oath: ‘I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence, ~~and~~ that I claim no other place as my legal residence, and that, to my knowledge, I am neither registered nor intend to register to vote in another state or county.’ Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.

(3) Date stamp voter registration applications. — The county board of voter registration and elections shall date stamp all voter registration applications delivered in person, electronically, or by mail as of the date received.

~~(3)~~(4) Administration of oaths. — Any member of the county board of voter registration and elections, deputy registrar, or any registration clerk must be qualified to administer oaths in connection with the application.

~~(4)~~(5) Decisions on applications. — Any member of the county board of voter registration and elections, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.”

N. Section 7-15-330 of the 1976 Code, as last amended by Act 133 of 2020, is further amended to read:

“Section 7-15-330. To vote by absentee ballot, a qualified elector or a member of his immediate family must request an application to vote by absentee ballot in person, by telephone, or by mail from the county board of voter registration and elections, or at an extension office of the board of voter registration and elections as established by the county governing body, for the county of the voter’s residence. A person

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requesting an application for a qualified elector as the qualified elector's authorized representative must request an application to vote by absentee ballot in person or by mail only and must himself be a registered voter and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of voter registration and elections until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later. A candidate or a member of a candidate's paid campaign staff, including campaign volunteers ~~reimbursed for time expended on campaign activity~~, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family. A person may not request absentee applications for more than ten qualified electors in addition to himself. A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county board of voter registration and elections in person or by mail before 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of voter registration and elections until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7-15-320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four-day period before the election may obtain an application from the board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of voter registration and elections. The board of voter registration and elections shall serially number each absentee ballot application form and keep a record book in which must be recorded the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; the date upon which the form is issued; and the date and method upon which the absentee ballot is returned. This information becomes a public record at 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election. A person who violates the

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provisions of this section is subject to the penalties provided in Section 7-25-170.”

O. Section 7-5-186 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) Security protocols for voter registration information maintained and developed by the State Election Commission shall be generally consistent with current industry security standards, and in promulgating this requirement, the State Election Commission shall consider those security standards issued by the National Institute of Standards and Technology, the Cybersecurity and Infrastructure Security Agency, and the federal Election Assistance Commission. The State Election Commission shall certify, at least annually, that the State of South Carolina has substantially complied with the requirements of this section.”

P. Section 7-5-430 of the 1976 Code is amended to read:

“Section 7-5-430. Immediately preceding each general election or any special election, the county board of voter registration and elections must furnish one registration book for each polling precinct in the county containing the names of all electors entitled to vote at each precinct. Security protocols for electronic poll books shall be generally consistent with current industry security standards, and in promulgating this requirement, the State Election Commission shall consider those security standards issued by the National Institute of Standards and Technology, the Cybersecurity and Infrastructure Security Agency, and the federal Election Assistance Commission. The State Election Commission shall certify, at least annually, that the State of South Carolina has substantially complied with the requirements of this section.”

Q. Section 7-13-320(A) of the 1976 Code is amended to read:

“(A) Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall incorporate features which can be used to authenticate the ballot as an official ballot but which does not make the ballot identifiable to a particular elector. The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall be of such size and color as directed by the State Election Commission. If more than one ballot is to be used in any election, each such ballot shall be printed upon different colored paper;”

R. Section 7-13-610(C) of the 1976 Code is amended to read:

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“(C) Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall incorporate features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector. The ballot must be printed on paper of a thickness so that the printing cannot be distinguished from the back and must be of a size and color as directed by the State Election Commission. If more than one ballot is to be used in a primary, each ballot must be printed on different colored paper. The ballot must contain a voting square opposite the name of each candidate, and the voter shall vote by putting a mark in the voting square opposite the name of the candidate of his choice. The State Election Commission may establish, under Chapter 23 of Title 1, such rules and regulations as are necessary for the proper administration of this section.”

S. Section 7-13-1330 of the 1976 Code is amended to read:

“Section 7-13-1330. (A) Before any decision is made to procure or use any kind of voting system, input shall be sought from a wide variety of sources including the public, the academic community, public interest organizations, local election officials, and policy makers. Both written and oral testimony shall be accepted from all who wish to participate. This input shall be considered in procurement of a new voting system.

(B) Before any kind of optical scan voting system is used at any election, it must be approved by the State Election Commission, which shall examine the optical scan voting system and make and file in the commission’s office a report, attested by the signature of the commission’s executive director, stating whether, in the commission’s opinion, the kind of optical scan voting system examined may be accurately and efficiently used by electors at elections, as provided by law. An optical scan voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of the latest federal voting system standards and guidelines. Notwithstanding any other provision of law to the contrary, if these voting system standards have been amended less than thirty-six months prior to an election, the State Election Commission may approve and certify a voting system that meets the prior standards after determining:

(1) the effect that such approval would have on the integrity and security of elections; and

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(2) the procedure and cost involved to bring the voting system into compliance with the amended standards.

~~(B)~~(C) No kind of vote recorder not approved pursuant to this section shall be used at any election and if, upon the reexamination of any type vote recorder previously approved, it appears that the vote recorder so reexamined can no longer be accurately and efficiently used by electors at elections as provided by law, the approval of the vote recorder must immediately be revoked by the State Election Commission, and no such type vote recorder shall thereafter be purchased for use or used in this State.

~~(C)~~(D) If a vote recorder, including an optical scan voting system, which was approved for use before July 1, 1999, is improved or otherwise changed in a way since its approval that does not impair its accuracy, efficiency, or capacity, the vote recorder may be used in elections. However, if the software, hardware, or firmware of the system is improved or otherwise changed, the system must comply with the requirements of subsection ~~(A)~~ (B).

~~(D)~~(E) Any person or company who requests an examination of any type of vote recorder or optical scan voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system and a nonrefundable examination fee of five hundred dollars for an upgrade to any existing system to the State Election Commission. The State Election Commission may at any time, in its discretion, reexamine any vote recorder or optical scan voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

~~(E)~~(F) Any person or company who seeks approval for any vote recorder or optical scan voting system in this State must file with the State Election Commission a list of all states or jurisdictions in which the system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and must disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

~~(F)~~(G) Any person or company who seeks approval for any vote recorder or optical scan voting system must file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

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~~(G)~~(H) Any person or company who seeks approval for any vote recorder or optical scan voting system must conduct, under the supervision of the State Election Commission and any county board of voter registration and elections, a field test for any new voting system, as part of the certification process. The field test shall involve South Carolina voters and election officials and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting units required for the efficient operation of an election. The test must also demonstrate the accuracy of votes cast and reported on the system.

~~(H)~~(I) Before an optical scan voting system may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer, at the manufacturer's expense, with the authority approved by the Federal Election Assistance Commission. These source codes must be available to the State Election Commission in case the company goes out of business, pursuant to court order, or if the State Election Commission determines that an examination of these source codes is necessary. The manufacturer shall place all updates of these source codes in escrow, and notify the State Election Commission that this requirement has been met.

~~(I)~~(J) After a vote recorder or optical scan voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section; however, this requirement does not apply to the technical capability of a general purpose computer ~~or reader to electronically count and record votes or to a printer to accurately reproduce vote totals.~~

~~(J)~~(K) If the State Election Commission determines that a vote recorder or optical scan voting system that was approved no longer meets the requirements set forth in subsections ~~(A)~~ (B) and ~~(C)~~ (D) or Section 7-13-1340, the commission may decertify that system. A decertified system shall not be used in elections unless the system is reapproved by the commission under subsections ~~(A)~~ (B) and ~~(C)~~ (D).

~~(K)~~(L) Neither a member of the State Election Commission, any county board of voter registration and elections or custodian, nor a member of a county governing body shall have any pecuniary interest in any vote recorder, or in the manufacture or sale of the vote recorder.

(M) To attain a measure of integrity over the process, the optical scan voting system also must maintain an image of each ballot that is

cast, such that records of individual ballots are maintained by a subsystem independent and distinct from the main vote detection, interpretation, processing, and reporting path. The electronic images of each ballot must protect the integrity of the data and the anonymity of each voter, for example, by means of storage location scrambling. The ballot image records may be either machine-readable or manually transcribed, or both, at the discretion of the vendor.

(N) All electronic records of configurations, software logs, security devices, ballot images, hardware, and voting system firmware must be preserved for the same amount of time that the state or federal law requires for all election-related materials.”

T. Section 7-13-1340(k) of the 1976 Code is amended to read:

~~“(k) if approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1330 (C), is able to electronically transmit vote totals for all elections to the State Election Commission in a format and timeframe specified by the commission prohibits, at all times while utilized in a current election, the following:~~

~~(1) a connection to the Internet or an external network;~~

~~(2) capability to establish a wireless connection to an external network;~~

~~(3) establishment of a connection to an external network through a cable, a wireless modem or any other mechanism or process;~~

~~or~~

~~(4) automatic adjudication functions.”~~

U. Section 7-13-1370 of the 1976 Code is amended to read:

~~“Section 7-13-1370. Ballot cards for all precincts shall be sourced solely of suitable design, size and stock, as prescribed by the State Election Commission, to permit processing by a tabulating machine. A serially numbered stub and strip shall be attached to each ballot card in a manner and form similar to that prescribed by law for paper ballots.”~~

V. Section 7-13-1620(A) and (G) of the 1976 Code is amended to read:

~~“(A) Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission’s office a report, attested to by the signature of the commission’s executive director, stating whether, in the commission’s opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless~~

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certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of the latest federal voting system standards and guidelines. Notwithstanding any other provision of law to the contrary, if these voting system standards have been amended less than thirty-six months prior to an election, the State Election Commission may approve and certify a voting system that meets the prior standards after determining:

(1) the effect that such approval would have on the integrity and security of elections; and

(2) the procedure and cost involved to bring the voting system into compliance with the amended standards.

(G) After a voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section. This requirement does not apply to the technical capability of a general purpose computer, reader, or printer used for election preparation or ballot ~~tallying~~ tally reporting.”

W. Section 7-13-1640(C) of the 1976 Code is amended to read:

“(C) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1620(B), the voting system must be able to electronically transmit vote totals for all elections from county board of voter registration and elections to the State Election Commission in a format and time frame specified by the commission.

(D) During anytime a voter is eligible to cast a ballot, the voting machine and any counting device shall not:

(1) be connected to the Internet or an external network;

(2) be capable of establishing a wireless connection;

(3) establish a connection to an external network through a cable, a wireless modem, or any other mechanism or process; or

(4) allow automatic adjudication functions.

(E) All electronic records of configurations, software, logs, security devices, ballot images, hardware, and voting system firmware must be preserved for the same amount of time that state or federal law requires for all election related materials.”

X. Section 7-13-1710 of the 1976 Code is amended to read:

“Section 7-13-1710. In every county, city or town providing voting machines, the board of voter registration and elections shall furnish to the managers of election a sufficient number of ballots ~~printed on clear white paper, of such form and size as will fit the ballot frames of the machines, the arrangement of the names of the candidates on such ballots~~



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~~to be~~ prescribed by the board of voter registration and elections. Ballot cards for all precincts shall be sourced solely by the State Election Commission. Party nominations shall be arranged on each voting machine either in columns or horizontal rows, as shall nominations by petition, and the captions of the various ballots on such machines shall be so placed as to indicate to the voter what push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice.”

Y. Section 7-13-440 of the 1976 Code is repealed.

Z. Section 7-3-40 of the 1976 Code is amended to read:

“Section 7-3-40. The Bureau of Vital Statistics must furnish the executive director a monthly report of all persons eighteen years of age or older who have died in the State and all qualified electors eighteen years of age or older who have died out-of-state since making the previous report. All reports must contain the name of the deceased, county of residence, his social security or other identification number, and his date and place of birth. The bureau must provide this information at no charge.”

AA. Section 7-5-186 of the 1976 Code is amended to read:

“Section 7-5-186. (A)~~(1)~~ The State Election Commission shall establish and maintain a statewide voter registration database that must be administered by the commission and made continuously available to each county board of voter registration and elections and to other agencies as authorized by law. The executive director must conduct a general registration list maintenance program every year to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

~~(2)(a)~~(B) State agencies, including, but not limited to, the Department of Health and Environmental Control, Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity

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providing the data, remains confidential while in the possession of the State Election Commission.

~~(b)(C) Information provided under this division for maintenance of the statewide voter registration database must not be used to update the name or address of a registered elector. The name or address of a registered elector only must be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both. The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. The executive director is authorized to cause at his discretion the official list of electors to be compared to the National Change of Address information supplied by the United States Postal Service through its licensees periodically for the purpose of identifying those electors whose addresses have changed. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the State providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.~~

~~(e)(D) A county board of voter registration and elections shall contact send a notice to a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under subsection (A)(2)(a) (B) and (C) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency. The notice as described in Section 7-5-330(F)(2) must be sent within seven days after identification of a discrepancy.~~

~~(3) The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or~~

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~~organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.”~~

BB. Sections 7-5-330 and 7-5-340 of the 1976 Code are amended to read:

“Section 7-5-330. (A) In the case of registration with a motor vehicle application under Section 7-5-320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than thirty days before the date of the election.

(B) In the case of registration by mail under Section 7-5-155, the valid voter registration form of the applicant must be postmarked no later than thirty days before the date of the election.

(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than thirty days before the date of the election.

(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than thirty days before the date of the election.

(E)(1) The county board of voter registration and elections shall:

(a) send notice to each applicant of the disposition of the application; and

(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.

(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file within seven days after receipt of the report from the county board of voter registration and elections and ~~may~~ shall remove this elector upon compliance with the provisions of Section 7-5-330(F).

(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:

(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or

(b)(i) has failed to respond to a notice described in item (2);  
and

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(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector's address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

(2) 'Notice', as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:

(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than thirty days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector's name must be removed from the list of eligible voters;

(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can re-register to vote.

(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.

(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election.

Section 7-5-340. The State Election Commission shall:

(1) ensure that the name of a qualified elector ~~may not be~~ is removed from the official list of eligible voters ~~except~~ within seven days of receipt of information confirming:

(a) ~~at~~ the request of the qualified elector to be removed;

(b) ~~if~~ the elector is adjudicated mentally incompetent by a court of competent jurisdiction; ~~or~~

(c) ~~as provided under item (2);~~

(2) ~~conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of:~~

(a) the death of the qualified elector; or

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~~(b)~~(d) a change in the residence of the qualified elector to a place outside the county in which the qualified elector is registered when such confirmation is received from the qualified elector in writing;

~~(3)~~(2) inform applicants under Sections 7-5-155, 7-5-310, and 7-5-320 of:

(a) voter eligibility requirements; and

(b) penalties provided by law for submission of a false voter registration application;

~~(4)~~(3) complete, no later than ninety days before the date of a statewide primary or general election, a program to systematically remove the names of ineligible voters from the official lists of eligible voters in compliance with the provisions of Section 7-5-330(F); this ~~subitem~~ item may not be construed to preclude:

(a) the removal of names from official lists of voters on a basis described in ~~items~~ item (1) and ~~(2)~~; or

(b) correction of registration records pursuant to this article.”

CC. Chapter 25, Title 7 of the 1976 Code is amended by adding:

“Section 7-25-30. The State Law Enforcement Division shall establish a public reporting hotline telephone number and email address for receiving reports of possible election fraud or other violations of the election laws of this State and promptly shall investigate all reported violations.”

DD. Article 6, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7-5-350. The State Election Commission shall report to the General Assembly annually regarding the commission’s actions taken to maintain the accuracy of the statewide voter registration database/list maintenance including, but not limited to, number of voters removed and the reason for such removal from the official list of eligible voters, voters placed on inactive status, new voter registrations, and voter registration updates or address changes. This annual report must be delivered to the President of the Senate and the Speaker of the House of Representatives by January fifteenth of each year.”

EE. Chapter 1, Title 7 of the 1976 Code is amended by adding:

“Section 7-1-110. (A) The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have an unconditional right to intervene on behalf of their respective bodies in a state court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

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(B) In a federal court action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted, the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, have standing to intervene as a party on behalf of their respective bodies, to file an amicus brief, or to provide evidence or argument, written or oral, in accordance with the federal rules of procedure, irrespective of whether any other officer of the State has appeared in the action.

(C) A federal court presiding over an action that challenges the validity of an election law, an election policy, or the manner in which an election is conducted is requested to allow the President, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives, to intervene in any such action as a party.

(D) The State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty-four hours of the receipt of service of a complaint that challenges the validity of an election law, an election policy, or the manner in which an election is conducted.

(E) In any action in which the Senate or the House of Representatives intervenes or participates pursuant to this section, the Senate and the House of Representatives must function independently from each other in the representation of their respective bodies, unless otherwise agreed to by the President of the Senate and the Speaker of the House of Representatives.”

FF. Section 7-3-20(C) of the 1976 Code is amended by adding appropriately numbered items to read:

“( ) conduct, in conjunction with the county boards of voter registration and elections, as necessary, postelection hand-count audits after each statewide general election. Five percent of all ballots cast in each county must be audited pursuant to this item unless the commission determines a higher percentage is warranted;

( ) establish other methods of auditing election results which may include risk-limiting audits, hand-count audits, results verification through independent third-party vendors that specialize in election auditing, ballot reconciliation, or any other method deemed appropriate by the executive director. Election result audits must be conducted in all statewide elections after the election concludes, but prior to certification by the State Board of Canvassers, and may be performed following any other election held in the State at the discretion of the executive director.

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Once completed, audit reports must be published on the commission's website;"

GG. Section 7-25-20 of the 1976 Code is amended to read:

"Section 7-25-20. It is unlawful for a person to fraudulently:

- (1) procure the registration of a name on the books of registration;
- (2) offer or attempt to vote that name;
- (3) offer or attempt to vote in violation of this title or under any false pretense as to circumstances affecting his qualifications to vote; or
- (4) aid, counsel, or abet another in fraudulent registration or fraudulent offer or attempt to vote.

A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not less than one ~~hundred thousand~~ hundred thousand dollars nor more than five ~~hundred thousand~~ hundred thousand dollars ~~or and~~ imprisoned not more than one year, or both five years."

HH. Section 7-25-110 of the 1976 Code is amended to read:

"Section 7-25-110. It is unlawful for a person qualified to vote at any general, special, or primary election for an office whether local, state, or federal to vote more than once at such election, for the same office. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined ~~in the discretion of the court or~~ not less than one thousand dollars nor more than five thousand dollars and imprisoned not more than ~~three~~ five years."

II. Section 7-25-120 of the 1976 Code is amended to read:

"Section 7-25-120. It is unlawful for a person to impersonate or attempt to impersonate another person for the purpose of voting in a general, special, or primary election, whether municipal or State. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be imprisoned not more than ~~three~~ five years ~~or and~~ and fined not less than ~~three hundred one thousand~~ one thousand dollars nor more than ~~twelve hundred five thousand~~ twelve hundred five thousand dollars, ~~or both~~. When a person who violates the provisions of this section is placed under bond, the bond may not be less than six hundred dollars nor more than twelve hundred dollars."

JJ. Section 7-25-160 of the 1976 Code is amended to read:

"Section 7-25-160. A manager at any general, special, or primary election in this State who wilfully violates any of the duties devolved by law upon such position is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not ~~more~~ less than ~~five hundred one thousand~~ five hundred one thousand dollars ~~or~~ nor more than five thousand dollars and imprisoned not more than ~~three~~ five years. A manager who commits fraud or corruption in the

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management of such election is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not more than ~~five hundred~~ one thousand dollars ~~or nor more than five thousand dollars and~~ imprisoned not more than ~~three five years, or both.~~”

KK. Section 7-25-170 of the 1976 Code is amended to read:

“Section 7-25-170. An officer, other than a manager at any election, on whom a duty is imposed by this title, except under Section 7-13-1170, Articles 1 and 3 of Chapter 17 and Chapters 19 and 23 of this title, who wilfully neglects such duty or engages in corrupt conduct in executing it is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not ~~more less than five hundred~~ one thousand dollars ~~or nor more than five thousand dollars and~~ imprisoned not more than ~~three~~ five years.”

LL. The General Assembly finds that the sections presented in this act constitute one subject as required by Section 17, Article III of the South Carolina Constitution, 1895, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of election reform as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

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

NN. 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



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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. /

Renumber sections to conform.

Amend title to conform.

Rep. B. NEWTON explained the amendment.

The amendment was then adopted.

Rep. YOW proposed the following Amendment No. 2 to S. 1178 (COUNCIL\DG\1178C001.NBD.DG22), which was adopted:

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

/ SECTION 1. Section 39-20-45(I) of the 1976 Code is amended to read:

“(I) If no one purchases the property at the public sale and if the owner has complied with the foregoing procedures, the owner may otherwise dispose of the property and shall notify the occupant of the action taken. Any sale or disposition of the personal property must be held at the self-service storage facility, ~~or~~ at the nearest suitable place to where the personal property is held or stored, or online by an auctioneer licensed in this State.” /

Renumber sections to conform.

Amend title to conform.

Rep. YOW explained the amendment.

The amendment was then adopted.

Rep. COGSWELL explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bryant

[HJ]

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Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	W. Cox	Crawford
Dabney	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin
Gilliard	Govan	Haddon
Hardee	Hart	Hayes
Herbkersman	Hewitt	Hill
Hiott	Hixon	Hosey
Howard	Huggins	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
K. O. Johnson	Jones	Jordan
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
Pendarvis	Rivers	Rose
Rutherford	Sandifer	G. M. Smith
G. R. Smith	M. M. Smith	Stavrakis
Taylor	Tedder	Thayer
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, as amended, was read the second time and ordered to third reading.

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**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on S. 1178. If I had been present, I would have voted in favor of the Bill.

Rep. Patricia Henegan

**S. 934--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 934 -- Senator Davis: A BILL TO AMEND SECTION 6-9-63, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO REQUIRE THAT THE MEMBER WHO IS AN ARCHITECT LICENSED IN SOUTH CAROLINA MUST BE SELECTED FROM A LIST OF QUALIFIED CANDIDATES SUBMITTED TO THE GOVERNOR BY THE SOUTH CAROLINA CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS.

Rep. COGSWELL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 1

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
W. Cox	Crawford	Dabney
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Fry
Gagnon	Garvin	Gilliam
Gilliard	Govan	Haddon
Hardee	Hart	Hayes
Henegan	Hewitt	Hill

[HJ]

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Hiott	Hixon	Hosey
Howard	Huggins	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
K. O. Johnson	Jones	Jordan
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	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	Willis
Wooten	Yow	

**Total--107**

Those who voted in the negative are:  
McCabe

**Total--1**

So, the Bill 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. HIXON moved that the House recur to the morning hour.

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**REPORT OF STANDING COMMITTEE**

Rep. J. E. JOHNSON, from the Horry Delegation, submitted a favorable report on:

S. 1024 -- Senators Rankin, Goldfinch, Hembree, Sabb and Williams: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE SIX PRECINCTS, TO ADD SEVEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Ordered for consideration tomorrow.

**S. 449--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. TAYLOR moved to adjourn debate on the motion to reconsider whereby the following Bill was given second reading, which was agreed to:

S. 449 -- Senator Young: A BILL TO AMEND SECTION 2 OF ACT 926 OF 1962, RELATING TO THE MEMBERSHIP OF THE AIKEN COUNTY COMMISSION FOR TECHNICAL EDUCATION, TO ADD TWO NONVOTING MEMBERS.

**S. 236--DEBATE ADJOURNED**

The following Bill was taken up:

S. 236 -- Senator Young: A BILL TO AMEND SECTION 7-7-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POOLING PRECINCTS IN MUNICIPAL ELECTIONS, SO AS TO PROVIDE THAT ANY PRECINCT CONTAINING THREE THOUSAND OR MORE VOTERS, AN INCREASE FROM FIVE HUNDRED OR MORE VOTERS, HAVE ITS OWN POLLING PLACE; THAT THE TOTAL NUMBER OF REGISTERED VOTERS IN THE MUNICIPAL POOLED PRECINCTS CANNOT EXCEED THREE THOUSAND, AN INCREASE FROM ONE THOUSAND FIVE HUNDRED; AND THAT POOLED MUNICIPAL POLLING PLACES CANNOT BE MORE THAN FIVE MILES, AN INCREASE

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FROM THREE MILES, FROM THE NEAREST PART OF ANY POOLED PRECINCT.

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

**S. 460--DEBATE ADJOURNED**

The following Bill was taken up:

S. 460 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE OFFICE OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES, AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS OR PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND ARTICLE 1, CHAPTER 9, TITLE 23 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL, BY ADDING SECTION 23-9-125, TO PROVIDE THAT THESE PROVISIONS

[HJ]

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MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE STATE BOARD OF PYROTECHNIC SAFETY OR THE REGULATION OF FIREWORKS; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FIRE ACADEMY, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY, MAY ALSO ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

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

**S. 935--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 935 -- Senators Grooms, Loftis, Goldfinch, Verdin, Rice, Cash, Adams, Climer, Peeler, Garrett, Kimbrell, Davis, Campsen, Hembree, Turner, Corbin, Bennett, Massey, Gambrell, Rankin, Senn and Gustafson: A BILL TO AMEND TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION, BY ADDING CHAPTER 8, TO PROVIDE FOR THE CREATION OF EDUCATION SCHOLARSHIP ACCOUNTS, TO PROVIDE REQUIREMENTS FOR THE ACCOUNTS, TO CREATE AN EDUCATION SCHOLARSHIP ACCOUNT FUND TO FUND THE SCHOLARSHIPS, AND TO PROVIDE RELATED REQUIREMENTS OF THE EDUCATION OVERSIGHT COMMITTEE AND THE DEPARTMENT OF ADMINISTRATION, AMONG OTHER THINGS.

Reps. GILLIARD, FORREST, ELLIOTT, CRAWFORD,  
WETMORE, STAVRINAKIS, HAYES, WHEELER,  
K. O. JOHNSON, ERICKSON, BALLENTINE, BRAWLEY,

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MCDANIEL, GOVAN, THIGPEN, HEWITT, TEDDER, JEFFERSON, HART, CLYBURN, MURRAY, ALLISON, COBB-HUNTER, MATTHEWS, MAGNUSON, MORGAN, DILLARD, WOOTEN, OTT, MAY, ANDERSON, D. C. MOSS, WILLIS and G. R. SMITH requested debate on the Bill.

**S. 1106--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 1106 -- Senators Peeler, Alexander, Scott and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM FIVE TO SEVEN PERCENT IN INCREMENTS OF ONE-HALF OF ONE PERCENT OVER FOUR FISCAL YEARS THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND AND THE MANNER THE SEVEN PERCENT REQUIREMENT MUST BE MAINTAINED; AND PROPOSING ANOTHER AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM TWO TO THREE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE CAPITAL RESERVE FUND AND TO PROVIDE THAT THE FIRST USE OF THE CAPITAL RESERVE FUND MUST BE TO OFFSET MIDYEAR BUDGET REDUCTIONS.

The Committee on Ways and Means proposed the following Amendment No. 1 to S. 1106 (COUNCIL\DG\1106C001.NBD.DG22), which was adopted:

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

/ SECTION 1. It is proposed that Section 36(A), Article III of the Constitution of this State be amended to read:

“(A) The General Assembly shall provide for a General Reserve Fund of ~~five~~ seven percent of the general fund revenue of the latest completed fiscal year. The ~~five~~ seven percent requirement shall be achieved by increasing the percentage requirement by a cumulative



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one-half of one percent of general fund revenue in each fiscal year succeeding the last fiscal year to which the ~~three~~ five percent requirement applied until the percentage of revenue in the General Reserve Fund equals the ~~five~~ seven percent requirement, which shall thereafter be maintained. Funds may be withdrawn from the reserve only for the purpose of covering operating deficits of state government. The General Assembly must provide for the orderly restoration of funds withdrawn from the reserve from future revenues and out of funds accumulating in excess of annual operating expenditures.

(1) The General Assembly shall provide by law for a procedure to survey the progress of the collection of revenue and the expenditure of funds and to authorize and direct reduction of appropriations as may be necessary to prevent a deficit.

(2) In the event of a year-end operating deficit, so much of the reserve fund as may be necessary must be used to cover the deficit; and the amount must be restored to the reserve fund within five fiscal years out of future revenues until the ~~five~~ seven percent, or the applicable percentage amount required to be transferred to the General Reserve Fund, is again reached and maintained. Provided that a minimum of one percent of the general fund revenue of the latest completed fiscal year, if so much is necessary, must be restored to the reserve fund each year following the deficit until the ~~five~~ seven percent, or the applicable percentage amount required by general law to be transferred to the General Reserve Fund is restored.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 36(A), Article III of the Constitution of this State, relating to the General Reserve Fund, be amended so as to provide that the General Reserve Fund of five percent of general fund revenue of the latest completed fiscal year must be increased each year by one-half of one percent of the general fund revenue of the latest completed fiscal year until it equals seven percent of such revenues?

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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SECTION 3. It is proposed that Section 36(B), Article III of the Constitution of this State be amended to read:

“(B) The General Assembly, in the annual general appropriations act, shall appropriate, out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, into a Capital Reserve Fund, which is separate and distinct from the General Reserve Fund, an amount equal to ~~two~~ three percent of the general fund revenue of the latest completed fiscal year.

(1) In any fiscal year in which the General Reserve Fund does not maintain the required percentage of general fund revenue, monies from the Capital Reserve Fund first must be used, to the extent necessary, to fully replenish the General Reserve Fund. The Capital Reserve Fund’s replenishment of the General Reserve Fund is in addition to the replenishment requirement provided in subsection (A)(2) of this section. After the General Reserve Fund is fully replenished to the required percentage, the monies in the Capital Reserve Fund may be appropriated, except that the Capital Reserve Fund must not be used to offset a midyear budget reduction.

(2) Subsequent to appropriations required by item (1) of this subsection, monies from the Capital Reserve Fund may be appropriated by the General Assembly in separate legislation upon an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch for the following purposes:

- (a) to finance in cash previously authorized capital improvement bond projects;
- (b) to retire interest or principal on bonds previously issued;
- (c) for capital improvements or other nonrecurring purposes.

(3)(a) Any appropriation of monies from the Capital Reserve Fund as provided in this subsection must be ranked in priority of expenditure and is effective thirty days after completion of the fiscal year. If it is determined that the fiscal year has ended with an operating deficit, then the monies appropriated from the Capital Reserve Fund must be reduced based on the rank of priority, beginning with the lowest priority, to the extent necessary and applied to the year-end operating deficit before withdrawing monies from the General Reserve Fund.

(b) At the end of the fiscal year, any monies in the Capital Reserve Fund that are not appropriated as provided in this subsection or any appropriation for a particular project or item which has been reduced due to application of the monies to a year end deficit must lapse and be credited to the general fund.”

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SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 36(B), Article III of the Constitution of this State relating to the Capital Reserve Fund be amended so as to provide that the Capital Reserve Fund of two percent of the general fund revenue of the latest completed fiscal year be increased to three percent of the general fund revenue of the latest completed fiscal year?

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”/

Renumber sections to conform.

Amend title to conform.

Rep. W. COX explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Joint Resolution.

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	Bradley
Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	W. Cox	Crawford
Dabney	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin
Gilliam	Gilliard	Haddon

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Hardee	Hart	Hayes
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jones
Jordan	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
Ott	Pendarvis	Pope
Rivers	Robinson	Rose
Rutherford	Sandifer	G. M. Smith
G. R. Smith	M. M. Smith	Stavrinakis
Taylor	Tedder	Thayer
Thigpen	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

**Total--111**

Those who voted in the negative are:

**Total--0**

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

**LEAVE OF ABSENCE**

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

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**S. 901--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 901 -- Senators Verdin, Cromer, McElveen and Peeler: A BILL TO AMEND SECTION 12-6-3775, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX CREDITS, SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES CERTAIN SOLAR ENERGY PROPERTY AND THAT PLACES IT IN SERVICE IN THIS STATE, AND TO DEFINE NECESSARY TERMS; AND TO REPEAL SECTION 4 B. OF ACT 77 OF 2019 RELATING TO THE REPEAL OF SECTION 12-6-3775.

Reps. GILLIARD, HILL, MURRAY, BRAWLEY, HOWARD, HOSEY, CLYBURN, RIVERS, PENDARVIS, HENEGAN, HART, ANDERSON, MAY, DABNEY, R. WILLIAMS and JEFFERSON requested debate on the Bill.

**S. 152--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 152 -- Senators Davis, Campsen, Goldfinch, Senn, M. Johnson, Hutto, Malloy, Harpootlian, Cromer, Matthews, K. Johnson, Rice, Hembree, Scott, Climer and Kimpson: A BILL TO ENACT THE "COUNTY GREEN SPACE SALES TAX ACT"; TO AMEND CHAPTER 10, TITLE 4 OF THE 1976 CODE, RELATING TO COUNTY LOCAL SALES AND USE TAXES, BY ADDING ARTICLE 10, TO CREATE THE COUNTY GREEN SPACE SALES TAX, TO IMPOSE THE TAX, TO PROVIDE FOR THE CONTENTS OF THE BALLOT AND THE PURPOSE FOR WHICH TAX PROCEEDS MAY BE USED, TO PROVIDE FOR THE IMPOSITION AND TERMINATION OF THE TAX, TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL ADMINISTER AND COLLECT THE TAX, TO PROVIDE FOR DISTRIBUTIONS TO COUNTIES AND CONFIDENTIALITY, AND TO PROVIDE FOR UNIDENTIFIED FUNDS, TRANSFERS, AND SUPPLEMENTAL DISTRIBUTIONS.

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The Committee on Ways and Means proposed the following Amendment No. 1S. 152 (COUNCIL\SA\152C001.JN.SA22):

Amend the bill, as and if amended, SECTION 1, by striking Section 4-10-1020(A) and inserting:

/ Section 4-10-1020. (A) A county governing body may impose a sales and use tax up to one percent authorized by this article, by ordinance, subject to a referendum. An enacting ordinance must specify:

(1) the purpose for which the proceeds of the tax are to be used, which may include preservation procurements located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area;

(2) if the county proposes to issue bonds to provide for the payment of any costs of the preservation procurements, the maximum amount of bonds to be issued, whether the sales tax proceeds are to be pledged to the payment of the bonds and, if other sources of funds are to be used for the preservation procurements, a list of the other sources;

(3) the maximum cost of the preservation procurements, to be funded from the proceeds of the tax or bonds issued as provided in this article and the maximum amount of net proceeds expected to be used to pay the cost or debt service on the bonds, as the case may be; and

(4) the fact that preservation procurements may pertain to real property situated outside of the boundaries of the taxing jurisdiction./

Amend the bill further, SECTION 1, by striking Section 4-10-1020(C) and inserting:

/ (C) The referendum question to be on the ballot must read substantially as follows:

‘Must a special [percent] sales and use tax be imposed in [county] for not more than [time] to raise the amounts specified for preservation procurements for the purpose of procuring open lands and green space by and through the acquisition of interests in real property, such interests to include:

- (a) the acquisition of fee simple titles;
- (b) conservation easements;
- (c) development rights;
- (d) rights of first refusal;
- (e) options;
- (f) leases with options to purchase; or
- (g) any other interests in real property?

Yes

No

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If the referendum includes the issuance of bonds, then the question must be revised to include the principal amount of bonds proposed to be authorized by the referendum and the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds. /

Re-number sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

Reps. BRAWLEY, HILL, HOWARD, K. O. JOHNSON, GILLIARD, MURRAY, MAGNUSON, NUTT, ALLISON, MCGARRY, HART, JEFFERSON and MCCABE requested debate on the Bill.

**S. 635--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 635 -- Senators Setzler and Scott: A BILL TO AMEND SECTION 13-17-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE SOUTH CAROLINA RESEARCH AUTHORITY BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF CERTAIN UNIVERSITY PRESIDENTS OR THEIR DESIGNEES, TO PROVIDE CERTAIN REQUIREMENTS FOR DESIGNEES, AND TO PROVIDE THAT THE EXECUTIVE COMMITTEE SHALL ELECT TWO ADDITIONAL MEMBERS WHO ARE NOT REQUIRED TO BE TRUSTEES AT THE TIME OF THEIR ELECTION; TO AMEND SECTION 13-17-70, RELATING TO THE POWERS OF THE BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE BOARD MAY INVEST IN CERTAIN OBLIGATIONS OF PRIVATE ENTITIES; TO AMEND SECTION 13-17-87, RELATING TO THE ESTABLISHMENT OF RESEARCH INNOVATION CENTERS, SO AS TO PROVIDE THAT THE SOUTH CAROLINA RESEARCH AUTHORITY MAY ALLOW A COMPANY TO REMAIN IN AN INNOVATION CENTER FOR UP TO FIVE YEARS OR UNTIL EXCEEDING FIVE MILLION DOLLARS BUT DOES NOT APPLY WITH RESPECT TO THIRTY-FIVE PERCENT OF THE SQUARE FEET IN AN INNOVATION CENTER; AND TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO PROVIDE THAT

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IF THE AGGREGATE CREDIT AMOUNT IS NOT MET IN A CERTAIN TIMEFRAME THEN THE SINGLE TAXPAYER MAXIMUM CREDIT IS INCREASED TO ONE MILLION DOLLARS.

Rep. BALLENTINE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 11

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
Chumley	Clyburn	Cobb-Hunter
Cogswell	Collins	W. Cox
Crawford	Daning	Davis
Dillard	Elliott	Erickson
Forrest	Fry	Gagnon
Garvin	Gilliam	Gilliard
Govan	Hardee	Hart
Hayes	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jordan
Kirby	Ligon	Long
Lowe	Lucas	Matthews
McCrary	McGarry	McGinnis
T. Moore	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
Weeks	West	Wheeler

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White	Whitmire	R. Williams
S. Williams	Willis	Wooten
Yow		

**Total--97**

Those who voted in the negative are:

Bennett	Caskey	Dabney
Felder	Haddon	Hill
Jones	Magnuson	May
McCabe	Morgan	

**Total--11**

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

**S. 233--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 233 -- Senator Turner: A BILL TO AMEND SECTION 12-37-220(B)(1)(b) OF THE 1976 CODE, RELATING TO PROPERTY EXEMPTED FROM AD VALOREM TAXATION, TO PROVIDE THAT A QUALIFIED SURVIVING SPOUSE MAY QUALIFY FOR AN EXEMPTION IF THE QUALIFIED SURVIVING SPOUSE OWNS THE HOUSE.

The Committee on Ways and Means proposed the following Amendment No. 1 to S. 233 (COUNCIL\DG\233C004.NBD.DG22), which was adopted:

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

/ SECTION \_\_. A. 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.”

B. Section 12-37-220(B)(14) of the 1976 Code is amended to read:

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“(14) all farm buildings and agricultural structures owned by a producer in this State used to house livestock, poultry, crops, farm equipment, or farm supplies and all farm machinery and equipment including self-propelled farm machinery and equipment except for motor vehicles licensed for use on the highways. For the purpose of this section ‘self-propelled farm machinery and equipment’ means farm machinery or equipment which contains within itself the means for its own locomotion. For purposes of this item, farm equipment includes greenhouses;”

C. Section 12-37-220(B)(10) of the 1976 Code is amended to read:

“(10)(a) notwithstanding any other provisions of law, the property of telephone companies and rural telephone cooperatives operating in this State used in providing rural telephone service, which was exempt from property taxation as of December 31, 1973, shall be exempt from such property taxation; provided, however, that the amount of property subject to ad valorem taxation of any such company or cooperative in any tax district shall not be less than the net amount to which the tax millage was applied for the year ending December 31, 1973. Any property in any tax district added after December 31, 1973, shall likewise be exempt from property taxation in the proportion that the exempt property of such company or cooperative as of December 31, 1973, in that tax district was to the total property of such company or cooperative as of December 31, 1973, in that tax district;

(b) The exemption authorized by subitem (a) applies to all such property of telephone companies and rural telephone cooperatives operating in this State used in providing telephone service, as defined in Section 33-46-20, in rural areas, including mixed-use property, without regard to:

(i) the extent to which such property is used in providing services in addition to telephone service in rural areas; and

(ii) the technology used including, but not limited to, the provision of broadband over a high-speed Internet connection that allows the customer to access basic voice grade local service from the voice provider of the customer’s choice;”

D. This SECTION takes effect upon approval by the Governor and applies to property tax years beginning after 2021.

SECTION \_\_\_\_ . A. Section 56-3-1490 of the 1976 Code, as added by Act 38 of 2021, is amended to read:

“(B) The qualifying service member or veteran must be one of the registrants of the vehicle. No more than three license plates may be issued to the award recipient. License plates for medals specified in

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subsection (A) are ~~subject to~~ exempt from the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56 ~~but no additional specialty plate fee.~~ These special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.”

B. Any registration fees collected pursuant to Section 56-3-14940 from May 6, 2022, until the effective date of this act must be refunded by the Department of Motor Vehicles. /

Renumber sections to conform.  
Amend title to conform.

Rep. G. R. SMITH explained the amendment.

Rep. BRAWLEY moved to adjourn debate on the Bill.

Rep. G. M. SMITH moved to table the motion.

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

Yeas 79; Nays 25

Those who voted in the affirmative are:

Allison	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bennett	Blackwell	Bradley
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Cogswell	Collins
W. Cox	Crawford	Dabney
Daning	Davis	Dillard
Elliott	Erickson	Felder
Forrest	Fry	Gagnon
Gilliam	Haddon	Hardee
Hayes	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Huggins	Hyde
J. E. Johnson	Jones	Jordan
Kirby	Ligon	Long
Lowe	Lucas	Magnuson
May	McCabe	McCrary
McGarry	McGinnis	T. Moore

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Morgan	D. C. Moss	V. S. Moss
B. Newton	W. Newton	Nutt
Ott	Pope	Sandifer
G. M. Smith	G. R. Smith	M. M. Smith
Stavrinakis	Taylor	Thayer
Weeks	West	White
Whitmire	Willis	Wooten
Yow		

**Total--79**

Those who voted in the negative are:

Alexander	Anderson	Bernstein
Brawley	Cobb-Hunter	Garvin
Gilliard	Govan	Hart
Hosey	Howard	Jefferson
J. L. Johnson	K. O. Johnson	Matthews
Murray	Pendarvis	Rivers
Robinson	Rose	Rutherford
Tedder	Thigpen	Wheeler
S. Williams		

**Total--25**

So, the motion to adjourn debate was tabled.

The question then recurred to the adoption of Amendment No. 1, which was agreed to.

***SPEAKER PRO TEMPORE IN CHAIR***

Rep. G. M. SMITH proposed the following Amendment No. 2 to S. 233 (COUNCIL\DG\233C008.NBD.DG22), which was adopted:

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

/ SECTION \_\_\_\_ . The General Assembly finds:

(1) the rural telephone exemption found in Section 12-37-220(B)(10) of the 1976 Code provides an exemption from property taxation for property “used in providing rural telephone service. . .;”

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(2) the General Assembly intends to clarify existing law by amending Section 12-37-220(B)(10) in this legislation to provide that the exemption for property “used in providing telephone service” applies to all property used for such purposes, regardless of technology or whether it also may be used for other purposes;

(3) there are various other existing exemptions in the 1976 Code where the General Assembly qualifies the term “use” or “used” by including “exclusively,” “primarily,” “solely,” or “substantially,” or where the General Assembly limits the exemption for “dual purpose” property by requiring an allocation; and

(4) the exemption found in Section 12-37-220(B)(10) has never been and is not qualified or limited in any manner. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Rep. OTT proposed the following Amendment No. 3 to S. 233 (COUNCIL\DG\233C009.NBD.DG22), which was adopted:

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

/ SECTION \_\_\_\_ . A. Section 12-36-2110(A)(1)(e) of the 1976 Code is amended to read:

“(e) trailer or semitrailer, pulled by a truck tractor, as defined in Section 56-3-20, livestock trailers, and horse trailers, but not including house trailers or campers as defined in Section 56-3-710 or a fire safety education trailer;”

B. This SECTION takes effect January 1, 2022. For any sale of livestock trailers in this State occurring on January 1, 2022, and until the effective date of this act for which the full amount of sales tax was paid, the purchaser may claim an income tax credit equal to the difference of the amount of the sales tax paid and the applicable maximum tax. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

The amendment was then adopted.

Rep. BRAWLEY proposed the following Amendment No. 4 to S. 233 (COUNCIL\SA\233C002.JN.SA22), which was tabled:

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

/ SECTION \_\_A. Section 12-37-250(A)(1) of the 1976 Code is amended to read:

“(1) The first ~~forty~~ seventy-five thousand dollars of the fair market value of the dwelling place of a person is exempt from county, municipal, school, and special assessment real estate property taxes when the person:

(i) has been a resident of this State for at least one year and has reached the age of sixty-five years on or before December thirty-first;

(ii) has been classified as totally and permanently disabled by a state or federal agency having the function of classifying persons; or

(iii) is legally blind as defined in Section 43-25-20, preceding the tax year in which the exemption is claimed and holds complete fee simple title or a life estate to the dwelling place. A person claiming to be totally and permanently disabled, but who has not been classified by one of the agencies, may apply to the state agency of Vocational Rehabilitation. The agency shall make an evaluation of the person using its own standards.”

B. Section 12-37-245 of the 1976 Code is repealed.

C. This SECTION takes effect upon approval by the Governor and applies for property tax years beginning after 2020. /

Renumber sections to conform.

Amend title to conform.

Rep. BRAWLEY explained the amendment.

Rep. G. M. SMITH moved to table the amendment.

So, the amendment was tabled by a division vote of 68 to 33.

Rep. DANING proposed the following Amendment No. 5 to S. 233 (COUNCIL\AHB\233C002.BH.AHB22), which was adopted:

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

/ SECTION \_\_. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3710. (A) For tax years beginning after 2021, there is allowed a tax credit for any taxpayer that hires a formerly incarcerated individual, after 2021 but before 2027, as a new employee in a registered

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apprenticeship program that has been validated by the United States Department of Labor. An employer who has one or more eligible employees is eligible to apply for and receive a credit against the taxes set forth in subsection (B). In the first year in which the credit is earned pursuant to subsection (D), the amount of the credit is three thousand dollars for each eligible employee. If the eligible employee remains employed and otherwise meets the requirements of this section thereafter, the credit is two thousand five hundred dollars in the second year, and one thousand dollars in the third year. The credit may not be claimed beyond the third year.

(B) The credit allowed pursuant to this section may be taken against the income taxes imposed pursuant to this chapter, the bank tax imposed pursuant to Chapter 11 of this title, the savings and loan association tax imposed pursuant to Chapter 13 of this title, the corporate license tax imposed pursuant to Chapter 20 of this title, and insurance premium taxes imposed pursuant to Chapter 7, Title 38.

(C) The total amount of the tax credit for a taxable year may not exceed the taxpayer's tax liability. Any unused credit may not be carried over to apply to the taxpayer's succeeding year's liability.

(D)(1) The tax credit is earned in the year in which the formerly incarcerated individual first completes the twelfth consecutive month of employment with the taxpayer. The credit is earned in the same manner and on the same schedule in the second and third year of employment.

(2) The tax credit allowed by this section only may be claimed for an eligible individual once, regardless of the employer. The department shall consult with the Department of Commerce, Apprenticeship Carolina of the South Carolina Technical College System, and any other agency or entity necessary to establish a process by which employers are aware of an individual's eligibility for the credit allowed by this section.

(E) Notwithstanding any other provision of this section, the credit allowed by this section only may be claimed if the formerly incarcerated individual is hired by the employer, after 2021 but before 2027, as a new employee in the registered apprenticeship program. If the individual is hired before 2027, then the employer may claim the credit for each year the individual is eligible and on the same schedule as provided in this section.

(F) The department may prescribe forms and promulgate regulations necessary to implement the provisions of this section, including requiring the necessary documentation to prove eligibility.

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(G) Nothing in this section may be construed to allow an employer to claim this credit for a formerly incarcerated individual if the individual was hired before 2022.

(H) For purposes of this section:

(1) 'Full-time' has the same meaning as provided in Section 12-6-3360.

(2) 'Incarcerated individual' means an individual that, within three years of being hired in a qualifying apprenticeship program, was held in a state or county prison, jail, or detention center for at least ninety consecutive days, but does not include an individual incarcerated for a violent crime set forth in Section 16-1-60, unless such individual received a pardon for the offense or unless the only disqualifying violent crime resulted in a sentence of ten years or less under Section 44-53-370(E) or Section 44-53-375(C).

Section 12-6-3720. (A) For tax years beginning after 2021, there is allowed a tax credit for any taxpayer that hires a veteran of the Armed Forces of the United States, after 2021 but before 2027, as a new employee in a registered apprenticeship program that has been validated by the United States Department of Labor. An employer who has one or more eligible employees is eligible to apply for and receive a credit against the taxes set forth in subsection (B). In the first year in which the credit is earned pursuant to subsection (D), the amount of the credit is three thousand dollars for each eligible employee. If the eligible employee remains employed and otherwise meets the requirements of this section thereafter, the credit is two thousand five hundred dollars in the second year, and one thousand dollars in the third year. The credit may not be claimed beyond the third year.

(B) The credit allowed pursuant to this section may be taken against the income taxes imposed pursuant to this chapter, the bank tax imposed pursuant to Chapter 11 of this title, the savings and loan association tax imposed pursuant to Chapter 13 of this title, the corporate license tax imposed pursuant to Chapter 20 of this title, and insurance premium taxes imposed pursuant to Chapter 7, Title 38.

(C) The total amount of the tax credit for a taxable year may not exceed the taxpayer's tax liability. Any unused credit may not be carried over to apply to the taxpayer's succeeding year's liability.

(D)(1) The tax credit is earned in the year in which the veteran first completes the twelfth consecutive month of employment with the taxpayer. The credit is earned in the same manner and on the same schedule in the second and third year of employment.



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(2) The tax credit allowed by this section only may be claimed for an eligible individual once, regardless of the employer. The department shall consult with the Department of Commerce, Apprenticeship Carolina of the South Carolina Technical College System, and any other agency or department necessary to establish a process by which employers are aware of an individual's eligibility for the credit allowed by this section.

(E) Notwithstanding any other provision of this section, the credit allowed by this section only may be claimed if the veteran is hired, after 2021 but before 2027, by the employer as a new employee in the registered apprenticeship program. If the individual is employed before 2027, then the employer may claim the credit for each year the individual is eligible and on the same schedule as provided in this section.

(F) The department may prescribe forms and promulgate regulations necessary to implement the provisions of this section, including requiring the necessary documentation to prove eligibility.

(G) Nothing in this section may be construed to allow an employer to claim this credit for a veteran if the veteran was hired before the effective date of this section.

(H) For purposes of this section:

(1) 'Full-time' has the same meaning as provided in Section 12-6-3360.

(2) 'Veteran' means a person who served on active duty in the armed forces of the United States and who, within three years of being hired in a qualifying apprenticeship program, was honorably discharged or released from such service due to a service-connected disability." /

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

The amendment was then adopted.

Reps. J. L. JOHNSON and HEWITT proposed the following Amendment No. 6 to S. 233 (COUNCIL\SA\233C003.JN.SA22), which was adopted:

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

/ SECTION \_\_. Section 12-36-2630(2) of the 1976 Code is amended to read:

“(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)

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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”

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.” /

Re-number sections to conform.

Amend title to conform.

Rep. J. L. JOHNSON 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 4

Those who voted in the affirmative are:

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

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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	B. Newton	W. Newton
Nutt	Oremus	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--107**

Those who voted in the negative are:

Brawley	Gilliard	Howard
Murray		

**Total--4**

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

**STATEMENT FOR JOURNAL**

If I had voted on S. 233, it would have been favorable as amended. Due to a conversation in the lobby, I had a captive audience with the representative of First Steps.

Rep. Paula Calhoon

**H. 3346--DEBATE ADJOURNED**

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

H. 3346 -- Reps. W. Cox, White, Fry, Haddon, Long, Forrest, G. M. Smith, Caskey, Gagnon, Hyde, West, Thayer, Ligon, Daning,

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Erickson, Bradley, Weeks, B. Newton, McGarry, Carter, Calhoon and Hixon: A BILL TO AMEND SECTION 11-11-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY GENERAL RESERVE FUND, SO AS TO PROVIDE THAT THE GENERAL RESERVE FUND OF FIVE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR MUST BE INCREASED EACH YEAR BY ONE-HALF OF ONE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR UNTIL IT EQUALS SEVEN PERCENT OF SUCH REVENUES; TO AMEND SECTION 11-11-320, RELATING TO THE STATUTORY CAPITAL RESERVE FUND OF TWO PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, SO AS TO INCREASE IT TO THREE PERCENT OF GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR; AND TO PROVIDE THAT THE ABOVE PROVISIONS TAKE EFFECT UPON RATIFICATION OF AMENDMENTS TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE PROVIDING FOR THE ABOVE.

Rep. W. COX moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 5150--DEBATE ADJOURNED**

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

H. 5150 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. WEST moved to adjourn debate on the Senate Amendments, which was agreed to.

**MOTION PERIOD**

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

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**S. 150--POINT OF ORDER SUSTAINED AND BILL RULED  
OUT OF ORDER**

Debate was resumed on the following Bill, the pending question being the consideration of the Point of Order:

S. 150 -- Senators Davis, Hutto, Malloy, Rankin, Goldfinch, Harpootlian, Fanning, Matthews, Kimpson, Jackson, Leatherman, Grooms, Stephens, Shealy and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA COMPASSIONATE CARE ACT"; TO AMEND CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS PRODUCTS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; TO AMEND SECTION 12-36-2120(69) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA SALES AND USE TAX, TO PROVIDE THAT CANNABIS SOLD BY A DISPENSARY TO A CARDHOLDER IS EXEMPT FROM A CERTAIN SALES TAX; TO REPEAL ARTICLE 4, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

**THE SPEAKER *PRO TEMPORE*'S RULING**

The *SPEAKER PRO TEMPORE* stated that he was ready to rule upon Rep. MCCRAVY's point of order concerning S. 150 and the alleged violation of House Rule 5.3E and Article III, Section 15, of the South Carolina Constitution. He stated that he had reviewed the rule, the constitutional provision, numerous precedents, Supreme Court cases, and other resources. He stated that Article III, Section 15 mandated that bills raising revenue originate in the House of Representatives. He specifically quoted the 1925 case of State v. Stanley for the statement that Article III, Section 15, only applies to bills that levy taxes and not bills that incidentally raise revenue through penalties, fines, and fees. He stated that there were several House precedents concerning Article III, Section 15, and he had reviewed precedents of former Speakers Wilkins, Sheheen, and Blatt. He stated that there were precedents that both sustained Points of Order and precedents that overruled Points of Order and that the rulings were based upon the individual facts of each situation. He stated further that he had analyzed S. 150 thoroughly and that Section 44-53-220 established a South Carolina Medical Cannabis

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Fund and that Section 44-53-240(a) subjected all sales of medical cannabis to a new and additional 6% sales tax in addition to all other sales taxes. He stated that these provisions levied a tax in the strict sense of the word and violated the provisions of Article III, Section 15, and he sustained the Point of order.

**APPEAL FROM RULING OF THE SPEAKER *PRO TEMPORE***

Rep. RUTHERFORD appealed the Ruling of the SPEAKER *PRO TEMPORE* and the SPEAKER *PRO TEMPORE* called the SPEAKER to the Chair to act as Presiding Officer.

Rep. MCCRAVY moved to table the appeal of the ruling.

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

Yeas 59; Nays 55

Those who voted in the affirmative are:

Allison	Bailey	Ballentine
Bannister	Blackwell	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Crawford	Dabney	Daning
Davis	Elliott	Felder
Forrest	Gagnon	Gilliam
Haddon	Hayes	Hewitt
Hiott	Hixon	Huggins
Hyde	J. E. Johnson	Jordan
Ligon	Long	Lowe
Lucas	May	McCabe
McCravy	McGarry	T. Moore
Morgan	D. C. Moss	V. S. Moss
B. Newton	Nutt	Oremus
Pope	Sandifer	G. M. Smith
G. R. Smith	M. M. Smith	Taylor
Thayer	Trantham	West
White	Whitmire	Willis
Wooten	Yow	

**Total--59**

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Those who voted in the negative are:

Alexander	Anderson	Atkinson
Bamberg	Bennett	Bernstein
Bradley	Brawley	Brittain
Clyburn	Cobb-Hunter	Cogswell
Collins	W. Cox	Dillard
Erickson	Fry	Garvin
Gilliard	Govan	Hardee
Hart	Henderson-Myers	Henegan
Herbkersman	Hill	Hosey
Howard	Jefferson	J. L. Johnson
K. O. Johnson	Jones	Kirby
Magnuson	Matthews	McDaniel
McGinnis	McKnight	J. Moore
Murray	W. Newton	Ott
Pendarvis	Rivers	Robinson
Rose	Rutherford	Stavrakis
Tedder	Thigpen	Weeks
Wetmore	Wheeler	R. Williams
S. Williams		

**Total--55**

So, the appeal was tabled.

**STATEMENT FOR THE JOURNAL**

On May 3 and 4, 2022, I was out of the Chamber on official state business. If I had been in the Chamber, I would have voted against the tabling motion concerning the appeal of the Speaker *Pro Tempore's* ruling on S. 150.

Rep. Chris Murphy

**POINT OF ORDER**

Rep. HART raised the Point of Order that pursuant to Mason's Manual Section 233.3 the motion to table the appeal does not take the main subject with it. He stated that the appeal was still before the House.

The SPEAKER stated that the House had tabled Rep. RUTHERFORD'S appeal of the *SPEAKER PRO TEMPORE's* ruling. He further stated that the vote to table the appeal was a rejection of the appeal. He continued and stated that the underlying or main subject had been S. 150, and that S. 150 had been ruled out of order and

[HJ]

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was no longer before the body for consideration. He stated that the tabling of the appeal was, in effect, the House affirming the *SPEAKER PRO TEMPORE*'s ruling, and he overruled the Point of Order.

**H. 4879--DEBATE ADJOURNED**

The following Bill 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. ERICKSON moved to adjourn debate on the Senate Amendments, which was agreed to.

**S. 1136--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1136 -- Senators Loftis, Talley, Turner and Climer: A BILL TO ENACT THE "AUDIOLOGY AND SPEECH-LANGUAGE INTERSTATE COMPACT ACT", TO AMEND CHAPTER 67, TITLE 40 OF THE 1976 CODE, RELATING TO SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, BY ADDING ARTICLE 5, TO OUTLINE STATE PARTICIPATION IN THE COMPACT, 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 COMMISSION, RULES, WITHDRAWAL, AND AMENDMENTS, TO ADDRESS STATUTORY CONSTRUCTION, SEVERABILITY,

[HJ]



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AND THE BINDING EFFECT OF THE COMPACT; TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 67, TITLE 40 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS"; AND TO DEFINE NECESSARY TERMS.

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

**S. 628--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 628 -- Senator Davis: A BILL TO ENACT THE "PHARMACY ACCESS ACT"; TO AMEND CHAPTER 43, TITLE 40 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA PHARMACY PRACTICE ACT, BY ADDING SECTIONS 40-43-210 THROUGH 40-43-280, TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT DOES NOT CREATE A DUTY OF CARE FOR A PERSON WHO PRESCRIBES OR DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT CERTAIN PHARMACISTS MAY DISPENSE A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTER AN INJECTABLE HORMONAL CONTRACEPTIVE PURSUANT TO A STANDING PRESCRIPTION DRUG ORDER, TO PROVIDE A JOINT PROTOCOL FOR DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE WITHOUT A PATIENT-SPECIFIC WRITTEN ORDER, TO REQUIRE CONTINUING EDUCATION FOR A PHARMACIST DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE, TO IMPOSE REQUIREMENTS ON A PHARMACIST WHO DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT A PRESCRIBER WHO ISSUES A STANDING PRESCRIPTION DRUG ORDER FOR A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR INJECTABLE HORMONAL CONTRACEPTIVE IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS RESULTING FROM THE DISPENSING OR ADMINISTERING OF THE CONTRACEPTIVE,

[HJ]

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AND TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT SHALL NOT BE CONSTRUED TO REQUIRE A PHARMACIST TO DISPENSE, ADMINISTER, INJECT, OR OTHERWISE PROVIDE HORMONAL CONTRACEPTIVES; AND TO AMEND ARTICLE 1, CHAPTER 6, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, BY ADDING SECTION 44-6-115, TO PROVIDE FOR PHARMACIST SERVICES COVERED UNDER MEDICAID; AND TO DEFINE NECESSARY TERMS.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No.1 to S. 628 (COUNCIL\VR\628C003.JN.VR22), which was adopted:

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

/ SECTION 1. This act shall be referred to as the "Pharmacy Access Act".

SECTION 2. Chapter 43, Title 40 of the 1976 Code is amended by adding:

"Section 40-43-210. As used in this chapter:

(1) 'Administer' has the same meaning as in Section 40-43-30.

(2) 'Department' means the Department of Labor, Licensing and Regulation.

(3) 'Dispense' has the same meaning as in Section 40-43-30.

(4) 'Injectable hormonal contraceptive' means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that a practitioner administers to a patient by injection. 'Injectable hormonal contraceptive' does not include any drug intended to terminate a pregnancy.

(5) 'Patient counseling' has the same meaning as in Section 40-43-30.

(6) 'Pharmacist' has the same meaning as in Section 40-43-30.

(7) 'Practitioner' has the same meaning as in Section 40-47-20.

(8) 'Prescriber' means a physician licensed pursuant to Chapter 47, Title 40; an advanced practice registered nurse licensed pursuant to Chapter 33, Title 40 and prescribing in accordance with the requirements of that chapter; or a physician assistant licensed pursuant to Article 7, Chapter 47, Title 40 and prescribing in accordance with the requirements of that article.

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(9) ‘Self-administered hormonal contraceptive’ means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may administer to himself. ‘Self-administered hormonal contraceptive’ includes an oral hormonal contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch. ‘Self-administered hormonal contraceptive’ does not include any drug intended to terminate a pregnancy.

Section 40-43-230. (A) A person licensed under the South Carolina Pharmacy Practice Act who is acting in good faith and exercising reasonable care as a pharmacist and who is employed by a hospital or a pharmacy that is permitted by this State may dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive pursuant to a standing order by a prescriber to a patient who is:

- (1) eighteen years of age or older; or
- (2) under eighteen years of age if the person has evidence of a previous prescription from a practitioner for a self-administered hormonal contraceptive or an injectable hormonal contraceptive.

(B) Nothing in this section requires a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive. Nothing in this article shall be construed to amend a pharmacist’s duties to dispense or otherwise provide contraception prescribed by another provider.

Section 40-43-240. (A) The Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive without a patient-specific written order.

(B) The written joint protocol must address, at a minimum, the following requirements:

- (1) education or training requirements that the Board of Medical Examiners and the Board of Pharmacy determine to be necessary for a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive;
- (2) information that a pharmacist must provide to a patient prior to dispensing a self-administered hormonal contraceptive or administering an injectable hormonal contraceptive and confirmation that the required information was provided to the patient;

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(3) documentation regarding the dispensing of a self-administered hormonal contraceptive or the administering of an injectable hormonal contraceptive;

(4) notification to a patient's designated practitioner that a self-administered hormonal contraceptive was dispensed to the patient or that an injectable hormonal contraceptive was administered to the patient;

(5) evaluation and review of the dispensing and administration practices used by pharmacists authorized to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive; and

(6) any additional provisions that the Board of Medical Examiners and the Board of Pharmacy determine to be necessary or appropriate for inclusion in the protocol, including any reporting requirements.

(C) For each new patient requesting contraception and at least every twelve months for each returning patient, the written joint protocol must require a pharmacist dispensing or administering contraceptives pursuant to this chapter to:

(1) obtain a completed self-screening risk assessment;

(2) utilize a standardized procedure as established by the Board of Medical Examiners and the Board of Pharmacy to perform a patient assessment;

(3) dispense, if clinically appropriate, a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive, or refer the patient to a practitioner;

(4) provide the patient with a visit summary;

(5) advise the patient to consult with a practitioner;

(6) refer any patient who may be subject to abuse to the appropriate social services agency; and

(7) ensure that the pharmacy provides appropriate space to prevent the spread of infection and ensure confidentiality.

(D) The Board of Medical Examiners and the Board of Pharmacy may appoint an advisory committee of healthcare professionals licensed in this State to advise and assist in the development of the joint protocol for their consideration.

Section 40-43-250. (A) Prior to dispensing self-administered hormonal contraceptives or administering injectable hormonal contraceptives pursuant to Section 40-43-240, a pharmacist must have completed a certificate program that has been accredited by the

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American Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners, as specified in the joint protocol, that is program-specific to self-administered hormonal contraceptives or injectable hormonal contraceptives, that includes the application of the United States Medical Eligibility Criteria for Contraceptive Use, and that includes other Centers for Disease Control and Prevention guidance on contraception. To maintain eligibility, a pharmacist must complete at least one hour of continuing education per year that is offered by an entity approved by the Board of Medical Examiners and the Board of Pharmacy.

(B) An equivalent, curriculum-based training program completed on or after January 2021 in an accredited South Carolina pharmacy school satisfies the initial education requirement.

Section 40-43-260. (A) A pharmacist who dispenses a self-administered hormonal contraceptive or administers an injectable hormonal contraceptive pursuant to this chapter shall:

(1) obtain a completed self-screening risk assessment questionnaire that has been approved by the department, in collaboration with the Board of Pharmacy and the Board of Medical Examiners, from the patient before dispensing the self-administered hormonal contraceptive or administering the injectable hormonal contraceptive. If the results of the assessment indicate that it is unsafe to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive to a patient, then the pharmacist may not dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive to the patient, shall refer the patient to a practitioner, and may not continue to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive to the patient for more than twenty-four months after the date of the initial prescription without evidence that the patient has consulted with a practitioner during the preceding twenty-four months; and

(2) provide the patient with written information regarding:

(a) the importance of seeing the patient's practitioner annually to obtain recommended tests and screening;

(b) the effectiveness and availability of long-acting reversible contraceptives as an alternative to self-administered hormonal contraceptives or injectable hormonal contraceptives;

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(c) a copy of the record of the encounter with the patient that includes the patient's completed assessment questionnaire pursuant to item (1);

(d) a description of the contraceptive dispensed or administered, or the basis for not dispensing or administering a contraceptive;

(e) the South Carolina Medicaid program and how to apply for Medicaid benefits; and

(f) the effectiveness of abstinence in preventing pregnancy and contracting a sexually transmitted infection or disease. The materials shall include the following: Abstinence is the choice not to have sex. This method is one hundred percent effective in preventing pregnancy and infection as long as all sexual contact is avoided, including vaginal, oral, and anal sex.

(B) If a pharmacist dispenses a self-administered hormonal contraceptive or administers an injectable hormonal contraceptive to a patient, then the pharmacist shall, at a minimum, provide patient counseling to the patient regarding:

(1) the appropriate administration and storage of a self-administered hormonal contraceptive, if appropriate;

(2) any potential side effects and risks of a self-administered hormonal contraceptive or injectable hormonal contraceptive;

(3) the need for backup contraception;

(4) when to seek emergency medical attention; and

(5) the risk of contracting a sexually transmitted infection or disease, along with ways to reduce the risk of contraction.

Section 40-43-270. (A) A prescriber who issues a standing prescription drug order in accordance with Section 40-43-260 is not liable for any civil damages for acts or omissions resulting from the dispensing of a self-administered hormonal contraceptive or the administering of an injectable hormonal contraceptive under this chapter.

(B) A pharmacist who dispenses a self-administered hormonal contraceptive or administers an injectable hormonal contraceptive in accordance with the provisions of this article is not as a result of an act or omission subject to civil or criminal liability or to professional disciplinary action."

SECTION 3. Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

"Section 44-6-115. (A) Pharmacy services are a benefit under South Carolina Medicaid, subject to approval by the federal Centers for

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Medicare and Medicaid Services. The department shall establish a fee schedule for the list of pharmacy services.

(B)(1) The following services are covered pharmacy services that may be provided to a Medicaid beneficiary:

(a) dispensing self-administered hormonal contraceptives, as outlined and authorized in Section 40-43-230; and

(b) administering injectable hormonal contraceptives, as outlined and authorized in Section 40-43-230.

(2) Covered pharmacy services shall be subject to department protocols and utilization controls.

(C) A pharmacist shall be enrolled as an ordering, referring, and dispensing provider under the Medicaid program prior to rendering a pharmacist service that is submitted by a Medicaid pharmacy provider for reimbursement pursuant to this section.

(D) The director of the department shall seek any necessary federal approvals to implement this section. This section shall not be implemented until the necessary federal approvals are obtained and shall be implemented only to the extent that federal financial participation is available.

(E) This section does not restrict or prohibit any services currently provided by pharmacists as authorized by law, including, but not limited to, this chapter or the Medicaid state plan.”

SECTION 4. The Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol pursuant to Section 40-43-240 not later than six months after the passage of this act.

SECTION 5. Section 44-53-362(B) of the 1976 Code is amended to read:

“(B) The Department of Health and Environmental Control shall develop guidance for pharmacies and other entities qualified to register as a collector to encourage participation. The department shall coordinate with law enforcement, health care providers, and the U.S. Drug Enforcement Administration to encourage registration as a collector and to promote public awareness of controlled substance take-back events and mail-back programs. A pharmacist who dispenses a self-administered hormonal contraceptive or administers an injectable hormonal contraceptive pursuant to Section 40-43-260 must provide the patient with written information regarding controlled substance take-back events and mail-back programs.”

SECTION 6.A. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40-43-195. (A) For purposes of this section:

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(1) ‘Central fill’ means the filling of a prescription drug order by one central fill pharmacy permitted by this State at the request of an originating pharmacy permitted by this State.

(2) ‘Central fill pharmacy’ means a permitted pharmacy facility that, upon the request of an originating pharmacy, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient or patient’s agent. A central fill pharmacy that returns filled prescriptions to an originating pharmacy must not be required to obtain a wholesaler/distributor permit.

(3) ‘Originating pharmacy’ means a pharmacy permitted by and located in this State or another state if providing services on behalf of a patient located in South Carolina that, upon receipt of a prescription drug order from a patient, requests a central fill pharmacy to fill the order and upon receipt of the filled prescription drug order, delivers the prescription to the patient or patient’s agent.

(B)(1) An originating pharmacy permitted by this State may outsource a prescription drug order filling to a central fill pharmacy permitted by this State if the pharmacies:

(a) have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws and regulations;

(b) share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to dispense or process a prescription drug order;

(c) ensure all state and federal laws regarding patient confidentiality, network security, and use of shared databases are followed; and

(d) maintain the prescription information in a readily retrievable manner.

(2) The pharmacist-in-charge of a central fill pharmacy shall ensure that:

(a) the pharmacy maintains and uses adequate storage or shipment containers and shipping processes to ensure drug stability and potency. These shipping processes must include the use of appropriate packaging material or devices, or both, to ensure that the drug is maintained at an appropriate temperature range to maintain the integrity of the medication throughout the delivery process; and

(b) the filled prescriptions are shipped in containers that are sealed in a manner that would show evidence of having been opened or tampered with.



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(3) To the extent that a central fill pharmacy dispenses controlled substances, the central fill pharmacy must obtain a registration from the Department of Health and Environmental Control, Bureau of Drug Control. Controlled substance prescriptions filled by a central fill pharmacy must comply with both state and federal statutes and regulations.

(4) To the extent a pharmacy is acting as a central fill pharmacy, it may not:

(a) fill prescriptions for controlled substances listed in Schedule II;

(b) fill prescriptions provided directly by a patient or an individual practitioner;

(c) mail or otherwise deliver a prescription directly to a patient or an individual practitioner; or

(d) provide or dispense cannabis products not approved by the Federal Drug Administration.

(C)(1) An originating pharmacy that outsources prescription filling to a central fill pharmacy must, prior to outsourcing the prescription:

(a) notify patients that their prescription may be filled by another pharmacy; and

(b) provide the name of that pharmacy or notify the patient if the pharmacy is part of a network of pharmacies under common ownership and that any of the network pharmacies may fill the prescription.

(2) Patient notification may be provided through a one-time written notice to the patient or through use of a sign in the pharmacy.

(D)(1) A central fill pharmacy must provide written information regarding the prescription with the filled prescription and a toll-free phone number for patient questions. The following statement must be provided with the prescription before delivery to the patient:

‘Written information about this prescription has been provided for you. Please read this information before you take the medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions’.

(2) A pharmacist at the originating pharmacy shall offer the patient or the patient’s agent information about the prescription drug or device in accordance with Section 40-43-86(L).

(3) This subsection does not apply to patients in facilities including, but not limited to, hospitals or nursing homes, where drugs are administered to patients by a person authorized to do so by law.

(E) The central fill pharmacy must:

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(1) place on the prescription label:

(a) the name and address or name and pharmacy license number of the pharmacy filling the prescription;

(b) the name and address of the originating pharmacy which receives the filled prescription for delivery to the patient or the patient's agent; and

(c) in some manner indicate which pharmacy filled the prescription (e.g., 'Filled by ABC Pharmacy for XYZ Pharmacy'); and

(2) comply with all other labeling requirements of federal and state law including, but not limited to, Section 40-43-86.

(F) A central fill policy and procedure manual must be maintained at both pharmacies and must be available for inspection. The originating and central fill pharmacies are required to maintain only those portions of the policy and procedure manual that relate to that pharmacy's operations. The manual must at minimum contain:

(1) An outline of the responsibilities of the central fill pharmacy and the originating pharmacy including, but not limited to:

(a) patient notification of central fill processing;

(b) confidentiality and integrity of patient information procedures;

(c) drug utilization review;

(d) record keeping and logs, including a list of the names, addresses, phone numbers, and license or registration numbers of the pharmacies, pharmacists, and pharmacy technicians at the central fill pharmacy and at the originating pharmacy;

(e) counseling responsibilities;

(f) procedures for return of prescriptions not delivered to a patient and procedures for invoicing medication transfers;

(g) policies for operating a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems;

(h) safe delivery of prescriptions to patients;

(i) processes to ensure stability and potency of medication;

(j) requirements for storage and shipment of prescription medication; and

(k) procedures for conducting an annual review of written policies and procedures and for documentation of this review.

(2) Other responsibilities regarding proper handling of a prescription and delivery to a patient or a patient's agent pursuant to this

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chapter and the Department of Health and Environmental Control, controlled substances laws and regulations.

(G)(1) Records may be maintained in an alternative data retention system including, but not limited to, a data processing system or direct imaging system, if:

(a) the records maintained in the alternative system contain all of the information required on the manual record; and

(b) the data processing system is capable of producing a hard copy of the record upon the request of the board, its representative, or other authorized local, state, or federal law enforcement or regulatory agency.

(2) Each pharmacy must maintain records in accordance with the provisions of Section 40-43-86 and must be able to produce records as requested by the board.

(3) The originating pharmacy records must include the date the request for filling was transmitted to the central fill pharmacy.

(4) The central fill pharmacy records must include:

(a) the date the filled prescription was mailed by the central fill pharmacy; and

(b) the name and address to which the filled prescription was shipped.

(H)(1) A central fill pharmacy must complete a central fill pharmacy permit application provided by the board, following the procedures as specified in Section 40-43-83, and also provide the following information:

(a) evidence that the applicant holds a pharmacy license, registration, or permit issued by the state in which the pharmacy is located;

(b) the name of the owner, permit holder, and pharmacist-in-charge of the pharmacy for service of process;

(c) evidence of the applicant's ability to provide to the board a record of a prescription drug order dispensed by the applicant to a resident of this State not later than seventy-two hours after the time the board requests the record;

(d) an affidavit by the pharmacist-in-charge which states that the pharmacist has read and understands the laws and regulations relating to a central fill pharmacy in this State; and

(e) pay the required fee as set by the board through regulation.

(2) A central fill pharmacy must comply with all provisions of this chapter.

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(I) Nothing in this section may be construed to circumvent any requirement of Section 40-43-86 of the South Carolina Pharmacy Practice Act.

(J) A central fill pharmacy may not contact a patient for whom it has provided central fill services on behalf of an originating pharmacy for the purpose of soliciting or requesting to refill a prescription, or to fill a new prescription, for a period of five years after the originating pharmacy has stopping using the services of the central fill pharmacy.”

B. This SECTION takes effect upon approval by the Governor.

SECTION 7. Except as otherwise specifically provided, this act takes effect upon the issuance of a written joint protocol pursuant to SECTION 4 of this act. /

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 74; Nays 29

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Bailey	Ballentine	Bamberg
Bernstein	Brawley	Brittain
Bryant	Carter	Caskey
Clyburn	Cobb-Hunter	Cogswell
Collins	W. Cox	Daning
Davis	Dillard	Elliott
Fry	Garvin	Gilliard
Govan	Haddon	Hardee
Hart	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hosey
Howard	Huggins	Hyde
Jefferson	J. L. Johnson	K. O. Johnson
Kirby	Ligon	Lowe
Lucas	Magnuson	Matthews
May	McDaniel	McGarry
McGinnis	McKnight	T. Moore

[HJ]

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Murray	B. Newton	W. Newton
Nutt	Oremus	Ott
Pendarvis	Pope	Rivers
Robinson	Rose	Rutherford
M. M. Smith	Stavrinakis	Taylor
Tedder	Thigpen	Weeks
Wetmore	Wheeler	R. Williams
S. Williams	Wooten	

**Total--74**

Those who voted in the negative are:

Burns	Bustos	Chumley
Crawford	Dabney	Forrest
Gagnon	Gilliam	Hayes
Hill	Hiott	Hixon
J. E. Johnson	Jordan	Long
McCabe	McCravy	Morgan
D. C. Moss	V. S. Moss	Sandifer
G. M. Smith	G. R. Smith	Thayer
West	White	Whitmire
Willis	Yow	

**Total--29**

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

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

**MOTION NOTED**

Rep. B. NEWTON moved to reconsider the vote whereby S. 1178 was given second reading and the motion was noted.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4755 -- Reps. B. Newton, McGarry and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT

[HJ]

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THE JUNCTION OF SOUTH CAROLINA HIGHWAY 9 BYPASS AND GILLSBROOK ROAD IN THE CITY OF LANCASTER IN LANCASTER COUNTY "C.D. 'BUBBER' GREGORY, JR. INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

H. 5008 -- Rep. Taylor: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOLLOW CREEK ROAD IN AIKEN COUNTY FROM ITS INTERSECTION WITH CLINTON CHURCH ROAD TO THE AIKEN/ORANGEBURG COUNTY LINE "CHIEF GLENN POOLE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

H. 5250 -- Reps. Pendarvis, 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, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE SOUTH CAROLINA ASSOCIATION OF REALTORS(r) FOR ITS STRONG SUPPORT OF FAIR HOUSING IN THE PALMETTO STATE AND TO DECLARE APRIL 2022 AS "FAIR HOUSING MONTH" IN SOUTH CAROLINA.

**ADJOURNMENT**

At 4:27 p.m. the House in accordance with the motion of Rep. HIXON adjourned to meet at 10:00 a.m. tomorrow.

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