~~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 33:13: “The Lord looks down from Heaven; He sees all humankind.”

Let us pray. Thank You God, for Your love and faithfulness in accepting us in our uniqueness and supporting us in our needs. Grant these Representatives and Staff the blessings You give to all of us. Look in favor on our first responders and defenders of freedom. In this week of service, grant these Representatives and Staff the power to make everything needed work for the people of South Carolina. Look in favor on our World, Nation, President, State, Governor, Speaker, Staff, and all who serve in this vineyard. Bless and keep safe our military women and men as they keep us safe and in Your favor. 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.

**MOTION ADOPTED**

Rep. LEBER moved that when the House adjourns, it adjourn in memory of Jeffery William Leber, Sr., which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for families affected by the fire at Whispering Pines Apartments in Richland County.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 5154

Agency: Department of Labor, Licensing and Regulation-Board of Barber Examiners

Statutory Authority: 1976 Code Sections 40-7-50 and 40-7-60

Barber Schools, Managers, Teachers and Instructors

Received by Speaker of the House of Representatives January 10, 2023

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 10, 2023

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 5161

Agency: Department of Labor, Licensing and Regulation-Office of State Fire Marshal

Statutory Authority: 1976 Code Section 23-9-20

Office of State Fire Marshal

Received by Speaker of the House of Representatives January 10, 2023

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 10, 2023

**REPORTS OF STANDING COMMITTEE**

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4040 -- Reps. Gilliard and Stavrinakis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARDEN STREET FROM ITS INTERSECTION WITH HOFF AVENUE TO ITS INTERSECTION WITH HUNTLEY DRIVE IN THE CITY OF CHARLESTON IN CHARLESTON COUNTY "BILL SHARPE WAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4176 -- Reps. Gilliard and Williams: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR RO KHANNA, UNITED STATES CONGRESSMAN FROM THE STATE OF CALIFORNIA'S 17TH CONGRESSIONAL DISTRICT.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4249 -- Reps. Connell, Mitchell, B. Newton, Wheeler, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CELEBRATE THE CAMDEN HIGH SCHOOL GIRLS BASKETBALL TEAM FOR CAPTURING THE 2023 CLASS AAA STATE CHAMPIONSHIP TITLE AND TO CONGRATULATE THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF ON A FINE SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4250 -- Reps. T. Moore, Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF WILLIAM GERALD EMORY, SR., AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4251 -- Reps. Gagnon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO ENCOURAGE INDIVIDUALS, FAMILIES, AND BUSINESSES TO LEARN MORE ABOUT THE CONSUMER-FACING PROGRAMS OFFERED AT THE STATE TREASURER'S OFFICE (STO) AND TO DECLARE WEDNESDAY, APRIL 19, 2023, AS "STO PROGRAMS DAY" IN THE PALMETTO STATE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4252 -- Rep. McCravy: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THOMAS HOLLAND UPON THE OCCASION OF HIS RETIREMENT FROM GREENWOOD COUNTY PARKS AND RECREATION AFTER THIRTY YEARS OF DEDICATED SERVICE, AND WISH HIM MANY YEARS OF ENJOYMENT AND RELAXATION IN A WELL-DESERVED RETIREMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4253 -- Rep. McCravy: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR LISA HAWTHORNE, A CLERK AND POLL WORKER IN THE GREENWOOD COUNTY VOTER REGISTRATION AND ELECTIONS OFFICE, UPON THE OCCASION OF HER RETIREMENT AFTER FORTY-ONE YEARS OF EXEMPLARY 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. 4254 -- Reps. Cobb-Hunter, Henegan, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF IRENE WESTBROOKS MCCOLLOM OF ORANGEBURG COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4255 -- Reps. Haddon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE APRIL 2023 AS "CHILD ABUSE PREVENTION MONTH" IN SOUTH CAROLINA AND ENCOURAGE ALL SOUTH CAROLINIANS TO DEDICATE THEMSELVES TO PROTECTING THE QUALITY OF LIFE FOR ALL FAMILIES AND CHILDREN IN THE PALMETTO STATE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4256 -- Reps. T. Moore, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE DORMAN HIGH SCHOOL BOYS BASKETBALL TEAM FOR CAPTURING THE 2023 CLASS AAAAA STATE CHAMPIONSHIP TITLE AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4257 -- Rep. Forrest: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOWARD STREET IN THE LEXINGTON COUNTY TOWN OF BATESBURG-LEESVILLE FROM ITS INTERSECTION WITH SOUTH PINE STREET (UNITED STATES HIGHWAY 178) TO ITS INTERSECTION WITH SOUTH OAK STREET "CORINE JOHNSON WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

**INTRODUCTION OF BILLS**

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

S. 146 -- Senators Shealy, Goldfinch and Campsen: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 44‑48‑115 AND 44-48-180 SO AS TO PROVIDE FOR THE RIGHT TO CHALLENGE COMMITMENT TO THE SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL AND TO GIVE PRIORITY STATUS TO SEXUALLY VIOLENT PREDATOR CASES FOR PURPOSES OF SCHEDULING COURT PROCEEDINGS RESPECTIVELY; BY AMENDING SECTIONS 44-48-30, 44-48‑40, 44‑48‑50, 44‑48‑80, 44-48-90, 44-48-100, 44-48-110, 44-48-120, 44-48-130, 44-48-150, AND 44-48‑160, ALL RELATING TO THE SEXUALLY VIOLENT PREDATOR ACT, SO AS TO ADD DEFINITIONS FOR “QUALIFIED EVALUATOR” AND “RESIDENT” AND CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE", TO ESTABLISH EFFECTIVE DATES FOR THE GRANTING OF SUPERVISED REENTRY, TO REQUIRE MULTIDISCIPLINARY TEAMS TO DETERMINE WHETHER THERE IS PROBABLE CAUSE TO BELIEVE A PERSON IS A SEXUALLY VIOLENT PREDATOR, TO PROVIDE FOR THE USE OF COURT-APPOINTED QUALIFIED EVALUATORS AND TO ESTABLISH CERTAIN TIMELINES FOR EVALUATIONS, TO ALLOW FOR THE USE OF INDEPENDENT, QUALIFIED EVALUATORS IN CERTAIN CIRCUMSTANCES, TO REQUIRE COURTS TO CONDUCT A NONJURY HEARING BEFORE RELEASE OF A PERSON FOUND INCOMPETENT TO STAND TRIAL, TO ESTABLISH CERTAIN BENCHMARKS FOR ADDITIONAL REVIEWS OF MENTAL CONDITIONS, TO ESTABLISH CERTAIN REQUIREMENTS REGARDING EVALUATORS IN PROCEEDINGS ON PETITIONS FOR RELEASE, TO ALLOW ACCESS TO SEALED COURT RECORDS BY THE ATTORNEY GENERAL AND OTHER COUNSEL OF RECORD, TO MAKE CONFORMING CHANGES, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION, SO AS TO MAKE INMATES DETERMINED TO BE SEXUALLY VIOLENT PREDATORS INELIGIBLE FOR REENTRY SUPERVISION.

Referred to Committee on Judiciary

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley, Davis, Malloy and Grooms: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT CERTAIN BEER SOLD FOR ON-PREMISES CONSUMPTION MUST BE PRODUCED BY THE BREWERY ON ITS PERMITTED PREMISES OR TRANSFERRED TO THE BREWERY AND TO DELETE THE CONDITION THAT SALES TO CONSUMERS MUST BE HELD IN CONJUNCTION WITH A TOUR.

Referred to Committee on Judiciary

H. 4258 -- Reps. Magnuson and Harris: A JOINT RESOLUTION TO PROVIDE THAT THE GENERAL ASSEMBLY OF SOUTH CAROLINA HEREBY RESCINDS AND SHALL REPEAL, CANCEL, NULLIFY, AND SUPERSEDE TO THE SAME EFFECT AS IF THEY HAD NEVER BEEN PASSED, ANY AND ALL EXTANT APPLICATIONS BY THE GENERAL ASSEMBLY TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION TO PROPOSE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

Referred to Committee on Judiciary

H. 4259 -- Rep. Harris: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HAND COUNT AUDIT ACT"; BY ADDING SECTION 7-13-1180 SO AS TO REQUIRE EACH COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS TO CONDUCT A POSTELECTION AUDIT OF ELECTION RESULTS THROUGH A HAND COUNT OF VOTES CAST WITHIN A MINIMUM NUMBER OF RANDOMLY SELECTED PRECINCTS; AND BY ADDING SECTION 7-13-1190 SO AS TO, AMONG OTHER THINGS, AUTHORIZE THE COUNTY CHAIRPERSON OF ANY CERTIFIED POLITICAL PARTY AND THE GOVERNING BODY OF A COUNTY TO INVESTIGATE THE INTEGRITY OF AN ELECTION AS CONDUCTED WITHIN THAT COUNTY BY REQUESTING, WITHOUT LIMITATION, A FULL HAND RECOUNT, A POSTELECTION AUDIT OF PAPER BALLOTS, OR A FORENSIC AUDIT.

Referred to Committee on Judiciary

H. 4260 -- Rep. Harris: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "VOTER ACCESS AND TRANSPARENCY ACT"; BY ADDING SECTION 7-5-200 SO AS TO REQUIRE THE USE OF PAPER POLL BOOKS ONLY AT VOTING LOCATIONS THROUGHOUT THE STATE; BY ADDING SECTION 7-13-870 SO AS TO ESTABLISH CERTAIN INHERENT RIGHTS OF OBSERVATION FOR ALL ELECTION OBSERVERS; BY ADDING SECTION 7-13-880 SO AS TO REQUIRE THE USE OF CHAIN OF CUSTODY DOCUMENTATION FOR ALL ELECTION-RELATED MATERIALS AND THE MAINTENANCE OF CHAIN OF CUSTODY RECORDS FOR A CERTAIN PERIOD OF TIME AFTER AN ELECTION; BY AMENDING SECTION 7-13-771, RELATING TO CURBSIDE VOTING FOR HANDICAPPED AND ELDERLY ELECTORS, SO AS TO REQUIRE THAT AN ELECTOR FIRST AFFIRM HIS INABILITY TO EITHER ENTER A POLLING PLACE OR STAND IN LINE BEFORE BEING ISSUED A CURBSIDE VOTING BALLOT; BY AMENDING SECTION 7-15-320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO DELETE REFERENCES TO EARLY VOTING, AND TO DELETE THE PROVISION ALLOWING PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER TO VOTE BY ABSENTEE BALLOT; AND BY REPEALING SECTION 7-13-25 RELATING TO EARLY VOTING.

Referred to Committee on Judiciary

H. 4261 -- Rep. Harris: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEAN VOTER ROLL ACT"; BY ADDING SECTION 7-5-35 SO AS TO ENUMERATE CERTAIN DUTIES DEVOLVED UPON THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS RELATED TO VOTER LIST MAINTENANCE, TO REQUIRE SEPARATE MASTER FILES OF ACTIVE AND INACTIVE REGISTERED ELECTORS, AND TO REQUIRE THAT CERTAIN LISTS OR RECORDS BE FURNISHED UPON REQUEST AND FREE OF CHARGE TO A QUALIFIED ELECTOR; BY AMENDING SECTION 7-3-20, RELATING TO THE VARIOUS DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REMOVE CERTAIN DUTIES DEVOLVED UPON THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS RELATING TO LIST MAINTENANCE, AND TO REQUIRE THAT CERTAIN LISTS BE FURNISHED UPON REQUEST AND FREE OF CHARGE TO A QUALIFIED ELECTOR; BY AMENDING SECTION 7-5-186, RELATING TO THE STATEWIDE VOTER REGISTRATION DATABASE, SO AS TO MAKE CONFORMING CHANGES, AND TO PROHIBIT THE SHARING OF CONFIDENTIAL INFORMATION OR DATA WITH THIRD-PARTY NONPROFIT GROUPS OR ENTITIES; BY AMENDING SECTION 7-5-320, RELATING TO A MOTOR VEHICLE DRIVER'S LICENSE APPLICATION SERVING AS AN APPLICATION FOR VOTER REGISTRATION, SO AS TO, AMONG OTHER THINGS, CLARIFY THAT CHANGE OF ADDRESS FORMS ACCEPTED AT THE DEPARTMENT OF MOTOR VEHICLES MUST ALSO BE TIMELY TRANSMITTED TO THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS; BY AMENDING SECTION 7-5-340, RELATING TO DUTIES OF THE STATE ELECTION COMMISSION REGARDING THE REMOVAL OF ELECTORS FROM THE OFFICIAL LIST OF ELIGIBLE VOTERS, SO AS TO DEVOLVE THESE DUTIES UPON THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS, AND TO REQUIRE ANY ELECTOR INCLUDED ON THE MASTER FILE OF INACTIVE REGISTERED VOTERS TO PRODUCE A CURRENT AND VALID PHOTOGRAPHIC IDENTIFICATION TO BE RETURNED TO THE MASTER FILE OF ACTIVE QUALIFIED ELECTORS; AND BY AMENDING SECTION 7-5-350, RELATING TO THE STATE ELECTION COMMISSION'S ANNUAL VOTER LIST MAINTENANCE REPORT TO THE GENERAL ASSEMBLY, SO AS TO, AMONG OTHER THINGS, REQUIRE THE STATE ELECTION COMMISSION TO REPORT ON ACTIONS TAKEN BY THE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO MAINTAIN THE ACCURACY OF COUNTY MASTER VOTER REGISTRATION FILES.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | B. L. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| Kilmartin | King | Kirby |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | J. Moore | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Rutherford | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| Vaughan | Weeks | West |
| Wetmore | Wheeler | White |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total Present--122**

**STATEMENT OF ATTENDANCE**

Reps. CRAWFORD and A. M. MORGAN signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, April 4.

**STATEMENT OF ATTENDANCE**

Rep. J. L. JOHNSON signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Thursday, March 30.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. G. M. SMITH a temporary leave of absence.

**DOCTOR OF THE DAY**

Announcement was made that Dr. James Smith of Honea Path was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. HIOTT presented to the House the Liberty High School "Red Devils" Wrestling Champions, coaches, and other school officials.

**SPECIAL PRESENTATION**

Rep. COLLINS presented to the House the Furman University Men's Basketball Team, coaches, and other school officials.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3115 |
| Date: | ADD: |
| 04/05/23 | GUFFEY and O'NEAL |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3196 |
| Date: | ADD: |
| 04/05/23 | RUTHERFORD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3279 |
| Date: | ADD: |
| 04/05/23 | T. MOORE, HYDE, M. M. SMITH, DAVIS and LAWSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3416 |
| Date: | ADD: |
| 04/05/23 | GUFFEY and O'NEAL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3514 |
| Date: | ADD: |
| 04/05/23 | W. NEWTON, HERBKERSMAN, ERICKSON, M. M. SMITH and LEBER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3563 |
| Date: | ADD: |
| 04/05/23 | HART, J. L. JOHNSON, HENEGAN, WILLIAMS, TRANTHAM, OREMUS, CROMER, BEACH and HENDERSON-MYERS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3583 |
| Date: | ADD: |
| 04/05/23 | HENEGAN, G. M. SMITH, ATKINSON, ERICKSON and W. JONES |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3681 |
| Date: | ADD: |
| 04/05/23 | ATKINSON and KILMARTIN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3737 |
| Date: | ADD: |
| 04/05/23 | TAYLOR |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3742 |
| Date: | ADD: |
| 04/05/23 | T. MOORE, B. NEWTON, HARDEE, SCHUESSLER, BAILEY, KIRBY, GUEST, ROBBINS, WHITMIRE, DAVIS, NEESE, OTT, COBB-HUNTER, HEWITT, MITCHELL, YOW, MURPHY, PEDALINO, B. J. COX, LIGON and CRAWFORD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3844 |
| Date: | ADD: |
| 04/05/23 | BAUER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3883 |
| Date: | ADD: |
| 04/05/23 | W. NEWTON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3908 |
| Date: | ADD: |
| 04/05/23 | WOOTEN, T. MOORE, HYDE and LAWSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4020 |
| Date: | ADD: |
| 04/05/23 | M. M. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4049 |
| Date: | ADD: |
| 04/05/23 | W. NEWTON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4086 |
| Date: | ADD: |
| 04/05/23 | M. M. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4115 |
| Date: | ADD: |
| 04/05/23 | BREWER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4116 |
| Date: | ADD: |
| 04/05/23 | KING |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4124 |
| Date: | ADD: |
| 04/05/23 | M. M. SMITH and DAVIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4173 |
| Date: | ADD: |
| 04/05/23 | S. JONES |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4178 |
| Date: | ADD: |
| 04/05/23 | HENEGAN and WILLIAMS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4179 |
| Date: | ADD: |
| 04/05/23 | OTT, MCDANIEL, JEFFERSON, ANDERSON and GILLIARD |

**H. 4215--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4215 -- Rep. Hyde: A BILL TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Ballentine |
| Bauer | Beach | Blackwell |
| Bradley | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Chapman | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | B. L. Cox | Davis |
| Dillard | Erickson | Forrest |
| Gagnon | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Harris | Hartnett | Hayes |
| Henegan | Hewitt | Hiott |
| Hosey | Hyde | J. E. Johnson |
| J. L. Johnson | S. Jones | W. Jones |
| Jordan | Kilmartin | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Lowe |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| T. Moore | T. A. Morgan | Murphy |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Pope |
| Robbins | Sandifer | M. M. Smith |
| Stavrinakis | Taylor | Thayer |
| Vaughan | Weeks | West |
| Wetmore | White | Whitmire |
| Williams | Wooten |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Henderson-Myers | Rivers |  |

**Total--2**

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

RECORD FOR VOTING

I was temporarily out of the Chamber during the vote on H. 4215. If I had been present, I would have voted ‘Yes’.

Rep. Steven Long

**H. 4216--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

Rep. HENDERSON-MYERS spoke against the Bill.

Rep. HYDE spoke in favor of the Bill.

Further proceedings were interrupted by the time expiring on the second reading local uncontested calendar.

**RECURRENCE TO THE MORNING HOUR**

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

**H. 4216--INTERRUPTED DEBATE**

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

H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

Rep. HYDE spoke in favor of the Bill.

Rep. HENDERSON-MYERS spoke against the Bill.

Further proceedings were interrupted by the time expiring on the second reading local uncontested calendar.

**H. 3414--SENT TO THE SENATE**

The following Bill was taken up:

H. 3414 -- Reps. Wooten, Pope, Yow, M. M. Smith, Burns and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTIONS ON ELEVATING OR LOWERING MOTOR VEHICLES, SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLES' FRONT FENDERS BEING RAISED FOUR OR MORE INCHES ABOVE OR BELOW THE HEIGHT OF THE REAR FENDERS, TO PROVIDE THE FORMULA FOR MEASURING THE HEIGHT OF THE FENDERS, AND TO PROVIDE PENALTIES.

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

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Ballentine |
| Bannister | Bauer | Beach |
| Bernstein | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Clyburn |
| Cobb-Hunter | Connell | B. J. Cox |
| Crawford | Cromer | Davis |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gilliam | Gilliard |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Hart | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | S. Jones | W. Jones |
| Jordan | Kilmartin | King |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pedalino | Pope |
| Robbins | Rose | Sandifer |
| Schuessler | Sessions | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Trantham |
| Vaughan | Weeks | West |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**SENT TO THE SENATE**

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

H. 3267 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 1-7-117 RELATING TO THE DIVISION OF PUBLIC CHARITIES.

H. 3500 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-5-35, RELATING TO DERIVATION CLAUSES ON DEEDS AND MORTGAGES, SO AS TO PROVIDE ALL MORTGAGES AND DEEDS EXECUTED AFTER JUNE 30, 2023, MUST INCLUDE INFORMATION IDENTIFYING THE PARTY WHO PREPARED THE INSTRUMENT OR THE ATTORNEY LICENSED IN THIS STATE WHO ASSISTED IN THE CLOSING OF THE INSTRUMENT.

**H. 3553--SENT TO THE SENATE**

The following Bill was taken up:

H. 3553 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M. M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

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

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Chapman | Cobb-Hunter |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Garvin | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Hewitt | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Neese |
| B. Newton | W. Newton | Nutt |
| Oremus | Ott | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Rose | Sandifer |
| Schuessler | Sessions | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Thigpen |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| White | Whitmire | Willis |
| Wooten | Yow |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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

**H. 3554--SENT TO THE SENATE**

The following Bill was taken up:

H. 3554 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, Yow, Hixon, Hiott, Oremus, M. M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-520, RELATING TO ADOPTION INVESTIGATIONS AND REPORTS, SO AS TO GIVE THE COURT THE DISCRETION TO WAIVE THE REQUIREMENT FOR CERTAIN PREPLACEMENT REPORTS AND ANY POSTPLACEMENT INVESTIGATION AND REPORT; AND BY AMENDING SECTION 63-9-510, RELATING TO TEMPORARY PLACEMENT AND CUSTODY OF ADOPTEES, SO AS TO MAKE CONFORMING CHANGES.

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

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brittain |
| Burns | Calhoon | Caskey |
| Chapman | Clyburn | Cobb-Hunter |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Garvin | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Hyde |
| Jefferson | J. E. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | May |
| McCabe | McCravy | McDaniel |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Neese | B. Newton | W. Newton |
| Nutt | Oremus | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Rose | Sandifer |
| Schuessler | Sessions | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Thigpen |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| White | Whitmire | Williams |
| Willis | Wooten | Yow |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 3555--SENT TO THE SENATE**

The following Bill was taken up:

H. 3555 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Mitchell, Yow, Carter, Hixon, Hiott, Oremus, Landing, W. Newton, Robbins, Brewer, Weeks, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CERTAIN CHANGES TO PROMOTE TIMELY PERMANENCE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; BY AMENDING SECTIONS 63-7-1710, 63-7-2530, AND 63-7-1660, RELATING TO TERMINATION OF PARENTAL RIGHTS AND REMOVAL ACTIONS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-9-710, RELATING TO PETITIONS FOR ADOPTION, SO AS TO ADDRESS THE FILING OF ADOPTION PETITIONS FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES.

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

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Cobb-Hunter |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gibson | Gilliam | Gilliard |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Hart | Hartnett | Hayes |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | J. E. Johnson | J. L. Johnson |
| W. Jones | Jordan | King |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Neese |
| B. Newton | W. Newton | Oremus |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Rose |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total—106**

Those who voted in the negative are:

**Total--0**

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

**H. 3556--SENT TO THE SENATE**

The following Bill was taken up:

H. 3556 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, Mitchell, Yow, Hixon, Hiott, Oremus, W. Newton, Robbins, Brewer, Weeks, Wheeler, Magnuson, Pace, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS.

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

Yeas 109; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Cobb-Hunter |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gibson | Gilliam | Gilliard |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | J. E. Johnson |
| J. L. Johnson | S. Jones | W. Jones |
| Jordan | Kilmartin | Kirby |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McDaniel |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Neese | B. Newton | W. Newton |
| Nutt | Oremus | Ott |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Rose |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--109**

Those who voted in the negative are:

**Total--0**

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

**H. 3557--RECOMMITTED**

The following Bill was taken up:

H. 3557 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, B. Newton, Mitchell, Yow, Hixon, Hiott, Landing, W. Newton, Robbins, Brewer, Pace, Magnuson, Taylor, Pope and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO CHILDREN'S CODE DEFINITIONAL TERMS, SO AS TO ADD AND CHANGE DEFINITIONS CONCERNING CHILD ABANDONMENT; BY AMENDING SECTION 63-9-310, RELATING TO PERSONS WHOSE CONSENT TO ADOPTION IS REQUIRED, SO AS TO CLARIFY THAT THE DEPARTMENT OF SOCIAL SERVICES' CONSENT IS REQUIRED FOR ABANDONED CHILDREN; AND BY AMENDING SECTION 63-9-320, RELATING TO PERSONS WHOSE CONSENT TO ADOPTION IS NOT REQUIRED, SO AS TO INCLUDE THE PARENT OF AN ABANDONED CHILD.

Rep. W. NEWTON moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

**H. 3558--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3558 -- Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, B. Newton, Mitchell, Yow, Carter, Hixon, Hiott, Landing, W. Newton, Robbins, Brewer, Weeks, Wheeler, Taylor and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 63-7-693 AND 63-7-696 SO AS TO REQUIRE PARTIES TO EXECUTE A SAFETY PLAN BEFORE THE DEPARTMENT OF SOCIAL SERVICES MAY PLACE A CHILD OUTSIDE THE HOME WITHOUT TAKING LEGAL CUSTODY, TO ESTABLISH LIMITATIONS ON THE USE OF A SAFETY PLAN FOR CHILD PROTECTION, AND FOR OTHER PURPOSES; BY AMENDING SECTION 63-7-650, RELATING TO THE PLACEMENT OF A CHILD OUTSIDE THE HOME INSTEAD OF ENTERING STATE CUSTODY, SO AS TO CHANGE CERTAIN REQUIREMENTS RELATING TO ASSESSING THE SAFETY AND APPROPRIATENESS OF AN OUT-OF-HOME PLACEMENT; BY AMENDING SECTION 63-7-690, RELATING TO THE ALLOWABLE TIMEFRAME TO MAKE AN INTERIM OUT-OF-HOME PLACEMENT OF A CHILD, SO AS TO CHANGE THE TIMEFRAME; AND BY AMENDING SECTION 63-7-730, RELATING TO EXPEDITED PLACEMENT OF CHILD WITH A RELATIVE AT THE PROBABLE CAUSE HEARING, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Judiciary proposed the following Amendment   
No. 1 to H. 3558 (LC-3558.VR0011H), which was adopted:

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

SECTION X.A. SubArticle 3, Article 3, Chapter 7, Title 63 of the S.C. Code is amended by adding:

Section 63-7-645. (A)(1) Following the initiation of an investigation of a report of suspected child abuse or neglect pursuant to Section 63-7-920, the department may determine that a child or children need to be temporarily placed with a relative or other person who is willing to serve as an interim placement for the child or children. The relative or other person must meet the requirements established pursuant to subsection (E). The department shall develop and execute a safety plan regarding the placement with the relative or other person within seventy-two hours of the decision for placement. The purpose of the safety plan is to reduce imminent threats to a child's safety.

(2) A safety plan does not:

(a) remove legal custody of the child from the parent or guardian; or

(b) modify an existing court order regarding custody of the child, visitation, or child support.

(B)(1) A safety plan expires no later than ninety days after receipt of the report of suspected child abuse or neglect. At the conclusion of the investigation or upon expiration of the safety plan, whichever comes first:

(a) the child may return to the home, if the department determines that return of the child would not cause an unreasonable risk of harm to the child's physical health, safety, and well-being;

(b) the department shall file a removal action pursuant to Section 63-7-1660;

(c) the department shall file an intervention action pursuant to Section 63-7-1650; or

(d) the department shall provide family preservation services pursuant to Section 63-7-1510.

(2) A safety plan must terminate immediately upon a determination by the department that a report is unfounded.

(C) A safety plan must be a written document and must be prepared by the department with the participation of the parent, custodian, or guardian and the relative or other person identified by the department to serve as an interim placement for the child or children, and be signed by all participants. It must include, at a minimum:

(1) the name and address of the parent, custodian, or guardian;

(2) the name and address of the relative or other person;

(3) the name, address, and telephone number of the department case worker and supervisor;

(4) the name and date of birth of the child;

(5) a description of the reasons why a safety plan is required;

(6) a description of the actions to be taken by the parent, custodian, or guardian; the responsibilities of the relative or other person; and the responsibilities of the department to protect the child during the safety plan;

(7) a plan for visitation and other contact between the child and the parent, custodian, or guardian;

(8) a description of the immediate needs of the child including, but not limited to, educational, medical, and mental health needs;

(9) the date on which the safety plan expires, which must comply with subsection (B)(1);

(10) a plan for the financial support of the child, if placed out of the home; and

(11) a statement that the department has the right to file a court action at any time, if the parent, custodian, or guardian or the relative or other person fails to comply with the safety plan or if the department determines that the safety plan otherwise fails to reduce threats to the child’s safety and a statement that the parent, custodian, or guardian may be entitled to representation by an attorney in such court action.

(D) The department shall monitor the safety plan weekly, or more often if considered necessary, to assess the plan’s effectiveness in controlling immediate threats to safety. The department shall make face-to-face contact with the child at least monthly. The safety plan may be amended to respond to any needs identified by the participants if amendment would enhance the effectiveness of the safety plan in controlling immediate threats to the child’s safety. Any amendments must comply with the requirements set out in subsection (C). In no event shall an amendment to a safety plan extend the duration of the safety plan beyond ninety days.

(E)(1) Before agreeing to placement of the child with a relative or other person, the department shall:

(a) interview the relative or other person to determine the person’s willingness, fitness, and suitability to serve as a placement; and

(b) visit the relative’s or other person’s home to ensure that the placement is safe and appropriate for the needs of the child.

(2) Within twenty-four hours of placing the child with a relative or other person, the department shall secure from the person with whom the child is placed and other adults in the home a signed, written statement attesting that no adult or child residing in the home has a history of child abuse or neglect and that no adult or child residing in the home has a criminal history that indicates that there is a significant risk that the child would be threatened with abuse or neglect in the home.

(3) Within five days, the department shall confirm the information supplied in the signed, written statement by checking the Central Registry of Child Abuse and Neglect, other relevant department records, county sex offender registries, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the relative or other person and, to the extent reasonably possible, jurisdictions in which the relative or other person has resided during that period. The relative or other person shall consent to a background check by the department as provided for in this subsection.

(4) The department must not agree to a placement if the interview, home visit, or signed, written statement, or records obtained pursuant to item (3) reveal information indicating there is a significant risk that the child would be threatened with abuse or neglect in the home.

B. Article 3, Chapter 7, Title 63 of the S.C. Code is amended by adding:

Subarticle 10

Family Preservation Services

Section 63-7-1510. (A) The purpose of this subarticle is to provide a process for the delivery of protective services when a report has been indicated pursuant to subarticles 5 and 13, and is not being brought before the family court for disposition.

(B) The department shall develop a child and family plan pursuant to the requirements established in Section 63-7-1520 for the provision of family preservation services. The department shall monitor the family and, at a minimum, have monthly face-to-face visits with any child who suffered harm as that term is defined in Section 63-7-20. Additionally, the department shall conduct at least monthly face-to-face visits with all children who live in the home where the harm occurred and in the home of any perpetrator.

Section 63-7-1520. (A) When a report has been indicated pursuant to subarticles 5 and 13 and will not be brought before the family court for disposition, the department immediately shall coordinate services to ensure the safety and welfare of the minor children. However, no later than forty-five days after the indicated case decision, the department shall develop a child and family plan. The plan must be a written document prepared by the department. To the extent possible, the plan must be prepared with the participation of the parents, custodian, or guardian of the child, the child, and any other agency or individual that will be required to provide services in order to implement the plan. At a minimum, the plan must:

(1) be signed by the parents, custodian, or guardian, the department, and, if applicable, the relative or other person designated as an alternative placement for the child;

(2) detail any changes in behavior or home conditions that must be made and any services that must be provided to the family to ensure, to the greatest extent possible, that the child will not be endangered;

(3) describe any limitations on the parent’s, custodian’s, or guardian’s contact with the minor child and a plan for visitation and other contact between the child and the parent, custodian, or guardian;

(4) include the name and address of the parents, custodian, or guardian, and if applicable, the name and address of the relative or other person; the name, address, and telephone number of the department case worker and supervisor; and the name and date of birth of the child;

(5) describe the reasons a plan is required;

(6) describe the actions to be taken by the parent, custodian, or guardian; the responsibilities of the relative or other person; and the responsibilities of the department to protect the child during the plan;

(7) list the needs of the child including, but not limited to, educational, medical, and mental health needs;

(8) provide the date on which the plan expires, which must comply with subsection (D);

(9) address the financial support of the child, if placed out of the home;

(10) contain a notice that the department has the right to file a court action for intervention or removal of the child at any time, if the parent, custodian, or guardian or the relative or other person fails to comply with the plan or if the department determines that the plan otherwise fails to reduce threats to the child’s safety and a notice that the parent, custodian, or guardian may be entitled to representation by an attorney in such court action. The notice must be printed in boldface print or in all uppercase letters; and

(11) contain the following language in boldface type on the first page: “Placing the child or children by the parent(s) or custodian(s) with a third party is a voluntary act. At any time during this agreement the parent(s) or custodian(s) may elect to discontinue the out-of-home placement and request the return of the child or children by notifying the department in writing. However, nothing prevents the department from requesting law enforcement to place the child or children in emergency protective custody, filing an action seeking emergency removal of the child or children including requesting ex parte relief, filing an action for nonemergency removal, or filing an action to intervene to provide services.

(B) The department shall give a copy of the plan to the parents, custodian, or guardian. The department shall give a copy of any portion of the plan that pertains to a relative or other person to that person.

(C)(1) The department must comply with the provisions of this subsection if a child is to be placed out of the home pursuant to a child and family plan.

(2) Before agreeing to placement of the child with a relative or other person, the department shall:

(a) interview the relative or other person to determine the person’s willingness, fitness, and suitability to serve as a placement; and

(b) visit the relative’s or other person’s home to ensure that the placement is safe and appropriate for the needs of the child.

(3) Within twenty-four hours of placing the child with a relative or other person, the department shall secure from the person with whom the child is placed and other adults in the home a signed, written statement attesting that no adult or child residing in the home has a history of child abuse or neglect and that no adult or child residing in the home has a criminal history that indicates that there is a significant risk that the child would be threatened with abuse or neglect in the home.

(4) Within five days, the department shall confirm the information supplied in the signed, written statement by checking the Central Registry of Child Abuse and Neglect, other relevant department records, county sex offender registries, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the relative or other person and, to the extent reasonably possible, jurisdictions in which the relative or other person has resided during that period. The relative or other person shall consent to a background check by the department as provided for in this subsection.

(5) The department must not agree to a placement if the interview, home visit, or signed, written statement, or records obtained pursuant to item (4) reveal information indicating there is a significant risk that the child would be threatened with abuse or neglect in the home.

(D) At a minimum, the department shall review the effectiveness of the plan every three months to determine whether all issues relating to abuse or neglect of the child are being appropriately addressed by the plan, including whether additional services are needed, progress is being made toward the required behavioral changes, and whether the child can be safely maintained in the home. The plan may be amended at any time if the department, the parent, custodian, or guardian, and, if applicable, the relative or other person agrees to the revision. The plan must terminate within six months unless:

(1) the parent, custodian, or guardian has demonstrated due diligence and a commitment to correcting conditions that led to the indicated case decision;

(2) there are specific reasons to believe the conditions that led to the indicated case decision will be corrected by the end of an extension of time; and

(3) the department documents specific reasons for extension of the plan.

In no event shall the plan exceed twelve months from the date it is first signed. An amendment to a plan or receipt of an additional indicated report must not extend the time.

Section 63-7-1530. (A) Family preservation services pursuant to this subarticle must terminate when the department determines the child can be safely maintained in the home. If the child has resided with a relative or other person during the delivery of family preservation services, the child may return home when the child can be safely maintained in the home. In no event may family preservation services pursuant to this subarticle exceed twelve months from the date a child and family plan is first signed.

(B) At any time during the delivery of family preservation services if the department determines that a child cannot be safely maintained in the home of the parent, custodian, or guardian, or a relative or other person, the department may petition the family court for relief pursuant to Section 63-7-1650 or 63-7-1660. If the department determines there is probable cause to believe that by reason of abuse or neglect there exists imminent and substantial danger to the child’s life, health, or physical safety, the department shall report this determination to a law enforcement officer, or, in the alternative, shall seek ex parte relief from the family court pursuant to Section 63-7-740.

C. Section 63-7-20 (22), (23), (24), (25), (26), (27), (28), (29), (30), and (31) of the S.C. Code is amended to read:

(22) “Placement plan” means a plan developed pursuant to Section 63-7-1680.

(23) “Preponderance of evidence” means evidence which, when fairly considered, is more convincing as to its truth than the evidence in opposition.

(2324) “Probable cause” means facts and circumstances based upon accurate and reliable information, including hearsay, that would justify a reasonable person to believe that a child subject to a report under this chapter is abused or neglected.

(2425) “Protective services unit” means the unit established within the Department of Social Services which has prime responsibility for state efforts to strengthen and improve the prevention, identification, and treatment of child abuse and neglect.

(2526) “Qualified individual” means a trained professional or licensed clinician. A “qualified individual” may be an employee of the department or affiliated with the placement setting, but the individual must maintain objectivity in determining the appropriate placement for the child.

(2627) “Qualified residential treatment program” means a childcare institution that:

(a) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required pursuant to Section 63-7-1730;

(b) has registered or licensed nursing staff and other licensed clinical staff who:

(i) provide care within the scope of their practice as defined by state law;

(ii) are on-site according to the treatment model referred to in subitem (a); and

(iii) are available twenty-four hours a day and seven days a week;

(c) to the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

(d) facilitates outreach to the family members of the child, including siblings; documents how the outreach is made, including contact information; and maintains contact information for any known biological family and fictive kin of the child;

(e) documents how family members are integrated into the treatment process for the child, including postdischarge, and how sibling connections are maintained;

(f) provides discharge planning and family-based aftercare support for at least six months postdischarge; and

(g) is licensed by the department and is accredited by any of the following independent, not-for-profit organizations:

(i) Commission on Accreditation of Rehabilitation Facilities (CARF);

(ii) Joint Commission on Accreditation of Health Care Organizations (JCAHO);

(iii) Council on Accreditation (COA);

(iv) Teaching Family Association;

(v) Educational Assessment Guidelines Leading Toward Excellence (EAGLE); or

(vi) another organization approved by the department.

(2728) “Reasonable and prudent parent standard” means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child while at the same time encouraging the growth and development of the child, that a caregiver shall use when determining whether to allow a child in foster care to participate in age or developmentally appropriate activities.

(29) “Safety plan” means a plan developed pursuant to Section 63-7-645.

(2830) “Subject of the report” means a person who is alleged or determined to have abused or neglected the child, who is mentioned by name in a report or finding.

(2931) “Suspected report” means all initial reports of child abuse or neglect received pursuant to this chapter.

(32) “Treatment plan” means a plan developed pursuant to Section 63-7-1670.

(3033) “Unfounded report” means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise.

(3134) “Near fatality” means an act of abuse or neglect that, as certified by a physician, places a child in serious or critical condition.

Renumber sections to conform.

Amend title to conform.

Rep. BERNSTEIN explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Burns | Caskey |
| Chapman | Clyburn | Connell |
| B. J. Cox | Crawford | Cromer |
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Garvin | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| Kilmartin | King | Kirby |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McDaniel | McGinnis | Mitchell |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Neese | B. Newton |
| W. Newton | O'Neal | Oremus |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thigpen | Trantham | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**H. 3865--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3865 -- Reps. Hiott, Collins, Rutherford, Carter and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-130, RELATING TO CORONER QUALIFICATIONS, SO AS TO INCLUDE LICENSED PARAMEDICS WITH AT LEAST THREE YEARS OF EXPERIENCE AS ONE OF THE ADDITIONAL QUALIFICATIONS A CORONER MUST HAVE.

Rep. MCCRAVY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Connell | B. J. Cox |
| Crawford | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Hart | Hayes |
| Henderson-Myers | Henegan | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | J. E. Johnson |
| J. L. Johnson | S. Jones | W. Jones |
| Jordan | Kilmartin | King |
| Kirby | Landing | Lawson |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rose | Sandifer |
| Schuessler | Sessions | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Thigpen |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| White | Whitmire | Willis |
| Wooten | Yow |  |

**Total--113**

Those who voted in the negative are:

**Total--0**

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

**S. 380--DEBATE ADJOURNED**

The following Bill was taken up:

S. 380 -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

Rep. BERNSTEIN moved to adjourn debate on the Bill until Tuesday, April 18, which was agreed to.

**H. 3138--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3138 -- Rep. Bustos: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 7 TO TITLE 55 SO AS TO PROVIDE FOR THE DISPOSAL OF ABANDONED OR DERELICT AIRCRAFT BY AN AIRPORT MANAGER.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3138 (LC-3138.CM0002H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Sections 55-7-10 and 55-7-20 and inserting:

Section 55‑7‑10. This chapter shall not apply to unmanned aircraft, ultralight aircraft, or restoration of an aircraft where progress is being made toward restoration, or an experimental aircraft in which progress is being made toward building or restoration. Notwithstanding another provision of law to the contrary, as used in this chapter:

(1) “Abandoned aircraft” means an aircraft located or stored on the premises of a publicly owned or public use airport in a wrecked, or partially dismantled condition for at least one hundred twenty days, and for which the owner or operator of the aircraft has not made during this period any required tie down, hangaring, or rent payments for the use of the premises. The term shall not include an aircraft being repaired by a person providing services under Section 29‑15‑100, or pursuant to a plan specified in Section 55-7-30.

(2) “Aircraft” means any contrivance used or designated for navigation of or flight in the air. The term shall not include unmanned aircraft or ultralight aircraft.

(3) “Derelict aircraft” means any aircraft that is located or stored on the premises of an airport for at least one hundred eighty days and, throughout this period the owner or operator has not maintained responsibility for the storage, upkeep, or maintenance of the aircraft.

(4) “Person” means a natural person, firm, partnership, association, corporation, limited liability company, or a political subdivision.

Section 55‑7‑20. If an airport manager of a publicly owned or public-use airport determines an abandoned aircraft or a derelict aircraft is located on the premises of the airport, he or his designee may dispose of the aircraft in a manner provided in this chapter.

Amend the bill further, SECTION 1, by striking Section 55-7-30(A)(1) and (2) and inserting:

(1) contact the FAA to determine the name and address of the last registered owners and lienholders of the aircraft, and any other person that has a legal or equitable interest in the aircraft; and

(2) serve the aircraft owner, lienholders, and any other person having a legal or equitable interest in the aircraft a written notice to the most recent address of the owner that is provided by the FAA. The notice shall state the aircraft has been determined to be abandoned or derelict and is subject to:

(a) disposal and removal from the premises of the airport; and

(b) the recovery, by the owner or operator of the airport, of any accrued and unpaid fees or charges incurred with respect to the aircraft while located on the premises of the airport.

Amend the bill further, SECTION 1, by striking Section 55-7-30(B), (C) and (D) and inserting:

(B) The notice must include:

(1) a description of the aircraft by Federal Aviation Administration N‑Number, manufacturer name, model designation, and serial number;

(2) the facts supporting the determination that the aircraft is abandoned or derelict and is subject to disposal and removal from the premises of the airport;

(3) the amount of accrued and unpaid fees or charges incurred with respect to the aircraft while located on the premises of the airport for which a lien is being asserted;

(4) a statement that the owner may rebut the determination that the aircraft is abandoned or derelict if the owner produces reasonable documentation from a certified aviation professional such as an airframe and powerplant mechanic, repairman, repair station, or similarly licensed aviation maintenance professional to develop and submit a reasonable plan to actively repair the aircraft to both an airworthy and properly registered condition. The plan must be submitted to the airport manager within thirty days from receiving notice;

(5) a statement that upon receipt of the notice, if a reasonable plan is not submitted within thirty days, the aircraft owner, lienholder, and any other person having a legal or equitable interest in the aircraft has an additional thirty days to:

(a) remove the aircraft from the premises of the airport; and

(b) pay any accrued and unpaid fees or charges identified under this section;

(6) a statement that after thirty days, the airport’s owner or operator may:

(a) assert a lien for any accrued and unpaid fees or charges identified in this section within thirty days;

(b) remove and dispose of the aircraft from the premises of the airport if the aircraft is not removed within thirty days; and

(c) sell the aircraft at a public auction or bid on the aircraft if it is made available for disposal by means of a public auction;

(7) a statement that the airport’s owner or operator may scrap the aircraft if no bids are received for the aircraft during a public auction; and

(8) the hand signature of an authorized signatory for the owner or operator of the airport located immediately above the title of the signatory.

(C) No later than thirty days after the determination is made that the aircraft is abandoned or derelict, the notice must be posted directly onto the aircraft, and:

(1) delivered to the aircraft owner, lienholder, and any other person having a legal or equitable interest in the aircraft by:

(a) certified mail, return receipt requested, and by first‑class United States mail, postage prepaid;

(b) a nationally recognized overnight courier service; or

(c) personal delivery; and

(d) be filed with the FAA.

(D) If the registered owner, lienholder, or any other person having a legal or equitable interest in the aircraft cannot be found or served, notice by publication may be used in lieu of personal service, courier service, or certified mail.

Amend the bill further, SECTION 1, Section 55-7-30 by inserting (E):

(E) In the event that the owner of the aircraft, a lienholder, or any other person having a legal or equitable interest in the aircraft, or their representative demonstrates that a hardship exists, no sale or disposition shall be allowed until thirty days after the hardship has been concluded. The submission and implementation of a plan pursuant to this section shall stay the sale or disposition. Such hardship may include, but is not limited to, circumstances in which the ability to repair, restore, or certify the aircraft for flight is impaired through circumstances not solely of the owner’s making, such as the death of an owner, probate of the estate of the owner, delays in FAA approvals and certification affecting the owner’s ability to complete a plan submitted under Section 55-7-20, the ability of the owner or its representatives to repair, restore, or certify the aircraft is impaired as a result of military service or deployment, bankruptcy, divorce, the inability to obtain parts to complete a plan of repair, restoration, or certification, delays as a result of weather, natural disaster, or calamity, and other reasonable and justifiable cause. During such times of hardship, aircraft storage or hangar rental fees shall continue to accrue.

Amend the bill further, SECTION 1, by striking Section 55-7-40(C) and inserting:

(C) The court, before selling the aircraft, shall establish ownership of the aircraft, and ensure the owner or any lienholder of record has been notified of the pending sale. The court must advertise the aircraft for at least fifteen days by posting notice in three public places in the county and at least two recognized aviation related websites or publications where aircraft are commonly listed for sale. After the conclusion of a court-ordered sale or transfer of the aircraft under this section, the court, its designee, or other authorized person shall execute an FAA Bill of Sale (FAA form AR-94 or its successor) to the new owner signed along with its order transferring title to the aircraft.

Amend the bill further, SECTION 1, by striking Section 55-7-40(D)(2) and inserting:

(2) if the owner of the aircraft or any other person having a legal or equitable interest in the aircraft cannot be found, to the State Aviation Fund.

Amend the bill further, SECTION 1, by striking Section 55-7-40(E) and inserting:

(E) In an action brought under this chapter, in the discretion of the court, the prevailing party may recover reasonable attorney’s fees if good cause is demonstrated.

Renumber sections to conform.

Amend title to conform.

Rep. BUSTOS explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Cobb-Hunter |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McDaniel | McGinnis |
| Mitchell | T. Moore | A. M. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Trantham | Vaughan |
| Weeks | West | Wetmore |
| White | Whitmire | Williams |
| Willis | Yow |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**H. 3691--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3691 -- Reps. G. M. Smith, M. M. Smith, Davis, B. L. Cox, Pace, Guest, Leber, J. E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3691 (LC-3691.AHB0001H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 17-5-135 and inserting:

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

Amend the bill further, SECTION 2, by striking Section 44-130-90(A), (B), (C), and (D) and inserting:

(A) A coroner, deputy coroner, or coroner’s designee may administer an opioid antidote if the coroner, deputy coroner, or coroner’s designee believes in good faith that the person is experiencing an opioid overdose.

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

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

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

(a) date the opioid antidote was administered; and

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

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

(3)(a) If a coroner, deputy coroner, or coroner’s designee submits the name, address, and date of birth of a person to whom an opioid antidote was administered, Drug Control shall verify whether any prescription history of the person appears in the prescription monitoring program and, if prescription history exists, shall document for review by a practitioner or an authorized delegate the date on which the opioid antidote was administered to the person. If no history exists, then Drug Control shall confirm that the antidote was administered in response to a verified opioid overdose. If the antidote was administered in error, then Drug Control shall document the error.

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

Amend the bill further, SECTION 3, by striking Section 17-5-510(3) and inserting:

(3) both a coroner and a deputy coroner are considered public safety officers under 34 U.S.C. § 10281 et seq., if killed in the line of duty.

Renumber sections to conform.

Amend title to conform.

Rep. BUSTOS explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Clyburn | Connell | B. J. Cox |
| Crawford | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Hewitt | Hiott | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | S. Jones |
| W. Jones | Kilmartin | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McCravy | McDaniel |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Sessions |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| White | Whitmire | Willis |
| Wooten | Yow |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**H. 3870--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3870 -- Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M. M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44-53-720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3870 (LC-3870.HDB0001H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 40-43-72(D)(3) and inserting:

(3) The provisions of Section 40‑43‑86(A)(12) shall be waived in the NTP to allow practitioners and practitioner agents access to an NTP pharmacy at a time when a pharmacist is not on duty for the purpose of obtaining drugs from the NTP pharmacy’s medication safe for administration and retrieving pharmacist‑verified take‑home doses of narcotics for delivery. The bulk inventory must be secured against access and alteration when the pharmacist is not present.

Renumber sections to conform.

Amend title to conform.

Rep. M. M. SMITH explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Connell | B. J. Cox |
| Crawford | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| Kilmartin | King | Landing |
| Lawson | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McCravy | McDaniel |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pendarvis | Pope | Rivers |
| Robbins | Rose | Sandifer |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Trantham | Vaughan |
| West | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--109**

Those who voted in the negative are:

**Total--0**

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

**H. 3877--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3877 -- Reps. West, J. Moore, M. M. Smith, Atkinson, B. J. Cox, Gagnon, Hayes, Caskey and Chapman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-1250, RELATING TO SUPERVISION OF ANESTHESIOLOGISTS' ASSISTANTS, SO AS TO INCREASE THE NUMBER OF ANESTHESIOLOGISTS' ASSISTANTS THAT AN ANESTHESIOLOGIST MAY SUPERVISE; AND BY AMENDING SECTION 40-47-1240, RELATING TO LICENSURE OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO REMOVE THE REQUIREMENT THAT LICENSURE APPLICANTS MUST APPEAR BEFORE A MEMBER OF THE BOARD OF MEDICAL EXAMINERS AND PRESENT EVIDENCE OF CERTAIN RELEVANT ACADEMIC CREDENTIALS AND KNOWLEDGE.

Rep. M. M. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bannister | Bauer |
| Beach | Bernstein | Blackwell |
| Bradley | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Crawford | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | J. E. Johnson |
| J. L. Johnson | S. Jones | W. Jones |
| Jordan | Kilmartin | King |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Trantham | Vaughan | West |
| Wetmore | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

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

**H. 4216--ORDERED TO THIRD READING**

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

H. 4216 -- Rep. Hyde: A BILL TO AMEND ACT 107 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 7 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

Rep. HENDERSON-MYERS moved to recommit the Bill to the Committee on Spartanburg Delegation.

Rep. LONG moved to table the motion.

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

Yeas 80; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Ballentine | Bannister |
| Beach | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Chapman | Chumley | Connell |
| B. J. Cox | Crawford | Cromer |
| Davis | Elliott | Erickson |
| Gagnon | Gatch | Gibson |
| Gilliam | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hartnett | Hewitt |
| Hiott | Hyde | J. E. Johnson |
| S. Jones | Jordan | Kilmartin |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McGinnis | Mitchell |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Pace |
| Pedalino | Pope | Sandifer |
| Schuessler | Sessions | G. M. Smith |
| M. M. Smith | Taylor | Thayer |
| Thigpen | Trantham | Vaughan |
| West | Whitmire | Willis |
| Wooten | Yow |  |

**Total--80**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bamberg | Bauer |
| Bernstein | Clyburn | Cobb-Hunter |
| Dillard | Gilliard | Hart |
| Henderson-Myers | Henegan | Hosey |
| Howard | Jefferson | W. Jones |
| King | Kirby | McDaniel |
| Ott | Rivers | Rose |
| White | Williams |  |

**Total--23**

So, the motion to recommit the Bill was tabled.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Ballentine | Bannister |
| Beach | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Chumley |
| Connell | B. J. Cox | Crawford |
| Davis | Elliott | Erickson |
| Forrest | Gagnon | Gatch |
| Gibson | Gilliam | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hartnett |
| Hewitt | Hiott | Hyde |
| J. E. Johnson | S. Jones | Jordan |
| Kilmartin | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | Magnuson | May |
| McCravy | McGinnis | Mitchell |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Pace |
| Pedalino | Pope | Robbins |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Taylor |
| Thayer | Thigpen | Trantham |
| Vaughan | West | Whitmire |
| Willis | Wooten | Yow |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bamberg | Bauer | Clyburn |
| Cobb-Hunter | Dillard | Garvin |
| Gilliard | Hart | Henderson-Myers |
| Henegan | Hosey | Howard |
| Jefferson | W. Jones | King |
| Kirby | McDaniel | Pendarvis |
| Rivers | Rose | Tedder |
| White | Williams |  |

**Total--23**

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

**ABSTENTION FROM VOTING**

I abstained from voting on H. 4216 due to a potential conflict of interest and wish to have my recusal noted for the record in the House Journal.

Rep. Leon Stavrinakis

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. J. E. JOHNSON a leave of absence for the remainder of the day.

**S. 657--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 657 -- Senator Fanning: A BILL TO AMEND SECTION 3 OF ACT 802 OF 1954, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF THE CHESTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CHANGE THE METHOD OF APPOINTMENT; AND TO AMEND SECTION 5 OF ACT 802 OF 1954, RELATING TO REVENUES, SO AS TO ALLOW THE BOARD TO UTILIZE NET REVENUES.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Crawford | Cromer |
| Davis | Dillard | Elliott |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Hart | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | May |
| McCabe | McCravy | McDaniel |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| West | White | Whitmire |
| Williams | Willis | Yow |

**Total--111**

Those who voted in the negative are:

**Total--0**

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

**S. 654--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 654 -- Senator Hutto: A BILL TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE FIVE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AS DELINEATED ON A DESIGNATED MAP NUMBER ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bauer |
| Beach | Bernstein | Blackwell |
| Bradley | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Collins |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Hart | Hartnett | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Ligon | Long |
| Lowe | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| Vaughan | Weeks | West |
| White | Whitmire | Williams |
| Willis | Wooten |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**H. 3953--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3953 -- Reps. G. M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Alexander, Wetmore, Hyde, Sessions, Guffey, Felder, Hixon, White, Moss, Yow, Mitchell, Ligon, Willis, S. Jones, Lawson, B. Newton, Robbins, Brewer, Murphy, Kirby, Long, Blackwell and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING SECTION 1-30-140 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR", SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104, 37-6-117, 37-6-501 THROUGH 37-6-510, 37-6-602, AND 37-6-604, ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

Reps. MCCABE, MAY, WHITE, TRANTHAM, A. M. MORGAN, T. A. MORGAN, ERICKSON, HAGER, BEACH, HARRIS, BLACKWELL, HIOTT, O'NEAL, MCCRAVY, GUEST, CROMER, PACE, OTT, CASKEY and HART requested debate on the Bill.

**H. 4116--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4116 -- Reps. Sandifer, M. M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4116 (LC-4116.WAB0002H), which was adopted:

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

SECTION X. Section 32-8-305(9) of the S.C. Code is amended to read:

(9) “Cremation” means the technical process using either alkaline hydrolysis or heat and flame that reduces human remains to compontents of either liquid and bone, or bone fragments, and which may include the pulverization of the bone fragments.

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

SECTION X. Section 40-19-20(3) of the S.C. Code is amended to read:

(3) “ApprenticeIntern” means a person who is preparing to become licensed for the practice of embalming and funeral directing under the supervision and instruction of a person licensed for the practice in this State and who is registered with the board pursuant to Section 40-19-120.

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

SECTION X. Section 40-19-110(5) of the S.C. Code is amended to read:

(5) employing directly or indirectly an apprenticeintern, agent, assistant, employee, or other person, on a part or full-time basis, or on commission, for the purpose of calling upon individuals or institutions to influence them to cause dead human bodies to be turned over to a particular funeral establishment;

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 40-19-230 of the S.C. Code is amended to read:

Section 40-19-230. (A) A person may be issued a license as an embalmer if the person:

(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude;

(3) has a high school education or the equivalent of a high school education, the equivalence to be determined by the board;

(4) has completed successfully a regular course in an embalming college accredited by the American Board of Funeral Service Education and approved by the board;

(5) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an apprentice intern under the direct supervision of a licensed embalmer actively engaged in the practice of embalming in this State;

(6) has passed an examination prescribed by the board.

(B) A person may be issued a license as a funeral director if the person:

(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude;

(3) has a high school education or the equivalent of a high school education and has a minimum of two years of successful attendance at an accredited academic college or successful completion of a regular course of not less than one year, twelve scholastic months, in an accredited mortuary college;

(4) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an apprentice intern funeral director under the direct supervision of a licensed funeral director actively engaged in the practice of funeral directing in this State;

(5) has passed an examination prescribed by the board.

(C) An applicant for licensure must be examined on subjects as are prescribed by the board and the examination must be by a standardized written test. The passing grade must be established by the board in regulation.

An application for examination must be upon a form furnished by the board and must be accompanied by a fee established by the board in regulation. An application for examination must be submitted at least thirty days before the date of the examination.

(D) No license may be issued or renewed for a period exceeding two years, and all licenses and renewals expire on the thirtieth day of June unless sooner revoked or canceled. The date of expiration may be changed by unanimous consent of the board and upon ninety days' written notice of the change to all persons licensed by the board.

(E) A person holding a license under this chapter may have the license renewed for a two-year period by applying within thirty days preceding or following the expiration of his license, upon forms provided by the board and payment of a renewal fee as established by the board in regulation. A person who fails to renew the license, at the discretion of the board, may have it renewed by making application and appearing before the board and paying a renewal and revival fee established by the board. The license of a person who is engaged actively in the military service of the United States may be held in abeyance for the duration of service, and the licensee may be relieved of the payment of renewal fees as the board considers justifiable and expedient.

(F) A permit for a crematory or a permit for a funeral establishment which operates a crematory may be renewed for a two-year period by applying within thirty days preceding or following the expiration of the permit, upon forms provided by the board, payment of a renewal fee as established by the board in regulation and passage of an inspection conducted by the board.

SECTION X. Section 40-19-240 of the S.C. Code is amended to read:

Section 40-19-240. (A) A person desiring to become an apprenticeintern funeral director or embalmer shall apply to the board on forms provided by the board. The applicant must be at least eighteen years of age, shall take the oath contained on the application form, and shall submit a fee established by the board in regulation. If the board is satisfied as to the qualifications of an applicant, the board shall issue a certificate of apprenticeshipinternship. If an apprenticeintern wishes to engage in an apprenticeship internship with a person licensed as a funeral director or embalmer, a request must be submitted to the board. If permission is granted and the apprenticeintern leaves the apprenticeship internship of the licensee in whose service the apprenticeintern has been engaged, the licensee shall give the apprenticeintern an affidavit showing the length of time served. The affidavit must be filed with the board. If the apprenticeintern subsequently desires to continue the apprenticeshipinternship, the apprenticeintern must apply to the board as provided for in this subsection.

(B) A certificate of apprenticeshipinternship must be signed by the apprenticeintern, the licensee, and the manager of the establishment in which the apprenticeshipinternship is to be served and is renewable twenty-four months after registration for twelve months, by payment of a renewal fee established by the board in regulation. A certificate may not be renewed more than three times. The registration of an apprenticeintern who is actually engaged in the military service may be held in abeyance for the duration of service, and the apprentice intern may be relieved of the payment of renewal fees and penalties.

(C) An apprentice intern quarterly shall report to the board on forms provided by the board indicating the work which has been completed during the preceding three months. The report must be certified by the licensee under whom the apprenticeintern has served.

(D) Before an apprenticeintern is eligible to receive a license for the practice of funeral service, evidence required by this chapter must be submitted to the board showing that the apprenticeintern has completed successfully the educational requirements set forth in Section 40-19-230. Affidavits also must be submitted from the licensees under whom the apprenticeintern worked showing that as an apprenticeintern embalmer the apprenticeintern has assisted in the embalming of at least fifty bodies or that as an apprenticeintern funeral director the apprenticeintern has assisted in conducting at least fifty funerals, during apprenticeshipthe internship. Eligibility for licensure is determined by the board based upon the reports filed with the board pursuant to subsection (C).

(E) Only two apprenticesinterns at a time are permitted to register under any one person licensed as a funeral director or embalmer. Each sponsor for a registered apprenticeintern must be actively connected with a funeral establishment.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 40-19-265 of the S.C. Code is amended to read:

Section 40-19-265. (A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twentythirty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twentythirty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides the name of the parent funeral home.

(C) A permit for a retail sales outlet may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) is in full compliance with Section 40-19-290.

(D) A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides evidence of employment of a factory trained operator.

(E) An application for a permit issued pursuant to this section must identify every person having the ability to direct the management or policies, or both, of the funeral establishment including, but not limited to, corporate officers employed, shareholders, partners, and other representatives of the corporation or business.

SECTION X. Section 40-19-270(B) of the S.C. Code is amended to read:

(B) The board or its inspector or agents may enter the offices or premises of a funeral establishment, funeral home, mortuary, branch funeral home, retail sales outlet, or crematory to inspect the premises or observe the training provided to apprenticesinterns. Acceptance of a permit constitutes permission for entry to the premises as provided in this section without legal process.

Renumber sections to conform.

Amend title to conform.

Rep. ANDERSON explained the amendment.

The amendment was then adopted.

Reps. KING, M. M. SMITH, TRANTHAM, MCDANIEL, CROMER, RUTHERFORD, COBB-HUNTER, RIVERS and HENEGAN proposed the following Amendment No. 4 to H. 4116 (LC-4116.AHB0016H), which was adopted:

Amend the bill, as and if amended, SECTION X, by striking Section 40-19-265(A) and (B) and inserting:

(A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides the name of the parent funeral home.

Amend the bill further, SECTION X, by striking Section 40-19-265(D) and inserting:

(D) A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides evidence of employment of a factory trained operator.

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

The amendment was then adopted.

Rep. ANDERSON explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Bannister | Bauer | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Clyburn | Cobb-Hunter | Connell |
| Crawford | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Haddon |
| Hager | Hardee | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | J. L. Johnson |
| W. Jones | Jordan | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | McCravy | McDaniel |
| McGinnis | Mitchell | T. Moore |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| Ott | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | B. J. Cox |
| Cromer | Harris | Kilmartin |
| Magnuson | May | McCabe |
| A. M. Morgan | T. A. Morgan | O'Neal |
| Oremus | Pace | White |

**Total--15**

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

**H. 4215--MOTION TO RECONSIDER TABLED**

Rep. MCDANIEL moved to reconsider the vote whereby the following Bill was given second reading:

H. 4215 -- Rep. Hyde: A BILL TO AMEND ACT 106 OF 2015, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS.

Rep. HYDE moved to table the motion to reconsider.

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

Yeas 80; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Ballentine | Bannister |
| Beach | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Chumley |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Elliott |
| Erickson | Forrest | Gagnon |
| Gibson | Gilliam | Guest |
| Haddon | Hager | Hardee |
| Harris | Hartnett | Herbkersman |
| Hewitt | Hiott | Hyde |
| Jordan | Kilmartin | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Pace | Pedalino |
| Pope | Robbins | Sandifer |
| Schuessler | G. M. Smith | M. M. Smith |
| Taylor | Thayer | Trantham |
| Vaughan | West | Wheeler |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--80**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bauer | Clyburn | Dillard |
| Garvin | Gilliard | Henderson-Myers |
| Henegan | Howard | Jefferson |
| J. L. Johnson | W. Jones | Kirby |
| McDaniel | Ott | Pendarvis |
| Rivers | Rose | Tedder |
| Weeks |  |  |

**Total--19**

So, the motion to reconsider was tabled.

**H. 4086--RECOMMITTED**

The following Bill was taken up:

H. 4086 -- Reps. Sandifer, Nutt, Chapman and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-59-35 SO AS TO PROVIDE THAT THE WORK OF CERTAIN LICENSEES OF THE RESIDENTIAL BUILDERS COMMISSION THAT COMPLIES WITH APPLICABLE REGULATIONS OF THE COMMISSION MUST BE DEEMED TO SATISFY CERTAIN IMPLIED WARRANTIES; BY ADDING SECTION 40-59-40 SO AS TO PROVIDE IMPLIED WARRANTIES INCLUDE ONLY THOSE PERFORMANCE STANDARDS VIOLATIONS IDENTIFIED BY A HOMEOWNER WITHIN TWELVE MONTHS AFTER SUBSTANTIAL COMPLETION; BY AMENDING SECTION 40-59-10, RELATING TO COMPOSITION OF THE COMMISSION, SO AS TO REVISE ITS COMPOSITION; BY AMENDING SECTION 40-59-20, RELATING TO DEFINITIONS APPLICABLE TO THE COMMISSION AND ITS LICENSEES, SO AS TO REVISE VARIOUS DEFINITIONS, INCLUDING THE RENAMING OF SPECIALTY CONTRACTORS AS RESIDENTIAL TRADE CONTRACTORS; BY AMENDING SECTION 40-59-25, RELATING TO ROOFING CONTRACT CANCELLATIONS FOR INSURANCE COVERAGE DENIALS, SO AS TO EXPAND THE APPLICABILITY OF THESE PROVISIONS; BY AMENDING SECTION 40-59-30, RELATING TO THE REQUIREMENT OF LICENSURE TO ENGAGE IN RESIDENTIAL BUILDING AND RESIDENTIAL SPECIALTY CONTRACTING, SO AS TO MAKE CONFORMING CHANGES AND PROVIDE PENALTIES FOR VIOLATIONS; BY AMENDING SECTION 40-59-50, RELATING TO THE ROSTER OF LICENSEES OF THE COMMISSION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-80, RELATING TO INVESTIGATIONS OF COMPLAINTS, SO AS TO PROVIDE LICENSEES OR REGISTRANTS MAY BE PRESENT FOR INSPECTIONS CONDUCTED PURSUANT TO AN INVESTIGATION, AND TO PROVIDE UNDERLYING COMPLAINTS THAT PROMPT AN INVESTIGATION MUST BE DISMISSED IF THE COMPLAINANT UNJUSTIFIABLY REFUSES TO COOPERATE WITH THIS REQUIREMENT; BY AMENDING SECTION 40-59-105, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES, SO AS TO REVISE THE BASES FOR WHICH REFERRALS OF VIOLATIONS TO THE COMMISSION ARE MADE; BY AMENDING SECTION 40-59-110, RELATING TO REVOCATION, SUSPENSION, OR RESTRICTION OF A LICENSE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-140, RELATING TO DENIALS OF LICENSURE OR REGISTRATION BASED ON THE PAST CRIMINAL RECORD OF THE APPLICANT, SO AS TO MAKE THE DENIALS DISCRETIONARY WITH THE COMMISSION AND TO PROVIDE THAT ALL NEW APPLICANTS SHALL PROVIDE CERTAIN CRIMINAL BACKGROUND REPORTS; BY AMENDING SECTION 40-59-220, RELATING TO LICENSES AND CERTIFICATES OF REGISTRATION, SO AS TO MAKE CONFORMING CHANGES, TO REVISE CRITERIA FOR LICENSURE, AND TO REVISE REQUIREMENTS FOR HOMEOWNER CLAIMS FOR LOSS, AMONG OTHER THINGS; BY AMENDING SECTION 40-59-230, RELATING TO LICENSURE RENEWALS AND CONTINUING EDUCATION REQUIREMENTS, SO AS TO MAKE THE EXAMINATION REQUIREMENT FOR CERTAIN INACTIVE LICENSEES DISCRETIONARY WITH THE COMMISSION, TO PROVIDE THE CONTINUING EDUCATION PROGRAMS MUST BE ADMINISTERED BY THE HOME BUILDERS ASSOCIATION OF SOUTH CAROLINA, AND TO PROVIDE A TIERED SYSTEM FOR RESIDENTIAL BUILDER LICENSES; BY AMENDING SECTION 40-59-240, RELATING TO THE CLASSIFICATIONS OF RESIDENTIAL SPECIALTY CONTRACTORS, SO AS TO MAKE CONFORMING CHANGES, TO REMOVE THE LIMITATION ON THE NUMBER OF CLASSIFICATIONS FOR WHICH THE COMMISSION MAY ISSUE REGISTRATIONS, AND TO INCREASE THE THRESHOLD COSTS OF AN UNDERTAKING THAT REQUIRES AN EXECUTED BOND WITH A SURETY IN AN AMOUNT APPROVED BY THE COMMISSION; BY AMENDING SECTION 40-59-250, RELATING TO CREDIT REPORTS REQUIRED FOR LICENSURE, SO AS TO MAKE CONFORMING CHANGES, AND TO MAKE PROOF OF NET WORTH AN AVAILABLE ALTERNATIVE TO A CREDIT REPORT; BY AMENDING SECTION 40-59-260, RELATING TO EXCEPTIONS FOR PROJECTS BY THE PROPERTY OWNER FOR PERSONAL USE, EXEMPTION DISCLOSURE STATEMENTS, AND CERTAIN NOTICES FILED WITH THE REGISTER OF DEEDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-270, RELATING TO THE APPLICABILITY OF CHAPTER 49, TITLE 40, TO LICENSEES OF THE CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-300, RELATING TO CONSTRUCTION OF LOW-INCOME HOUSING USING VOLUNTEER LABOR BY CERTAIN ELEEMOSYNARY ORGANIZATIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-400, RELATING TO DEFINITIONS CONCERNING CERTIFICATES OF AUTHORIZATION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-59-410, RELATING TO RESIDENTIAL BUSINESS CERTIFICATES OF AUTHORIZATION, SO AS TO MAKE CONFORMING CHANGES, AMONG OTHER THINGS; BY AMENDING SECTION 40-59-530, RELATING TO EXCEPTIONS FROM PROVISIONS CONCERNING THE LICENSURE OF HOME INSPECTORS, SO AS TO MAKE CONFORMING CHANGES, AMONG OTHER THINGS; BY AMENDING SECTION 40-59-580, RELATING TO REMEDIES AVAILABLE TO THE COMMISSION FOR VIOLATIONS OF PROVISIONS CONCERNING THE LICENSURE OF HOME INSPECTORS, SO AS TO REMOVE CIVIL PENALTIES FROM THE AVAILABLE REMEDIES; BY AMENDING SECTION 40-59-600, RELATING TO CRIMINAL PENALTIES FOR PERSONS UNDERTAKING THE BUSINESS OF HOME INSPECTION WITHOUT LICENSURE OR EXEMPTION, SO AS TO REMOVE TIERED PENALTIES; BY AMENDING SECTION 40-59-820, RELATING TO DEFINITIONS IN THE NOTICE AND OPPORTUNITY TO CURE THE CONSTRUCTION DWELLING DEFECTS ACT, SO AS TO REVISE VARIOUS DEFINITIONS; BY AMENDING SECTION 40-59-830, RELATING TO STAYS OF ACTIONS BROUGHT UNDER THE NOTICE AND OPPORTUNITY TO CURE THE CONSTRUCTION DWELLING DEFECTS ACT UNTIL THE CLAIMANT COMPLIES WITH THE PROVISIONS OF THE ACT, SO AS TO PROVIDE THE CLAIMANT'S UNJUSTIFIED FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE ACT UNDER CIRCUMSTANCES THAT MAKE COMPLIANCE WITH THE CERTAIN PROVISIONS OF CHAPTER 59, TITLE 40, IMPOSSIBLE SHALL REQUIRE THE COURT TO DISMISS THE ACTION WITH PREJUDICE; AND BY REPEALING SECTION 40-59-560 RELATING TO INSPECTION REPORTS AND FORMS.

Rep. SANDIFER moved to recommit the Bill to the Committee on Labor, Commerce and Industry, which was agreed to.

**H. 4115--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4115 (LC-4115.WAB0001H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 40-11-20(12)(14) and inserting:

(12)(14) “Licensee” means an entity which that has been issued either a general or mechanical contractor's license by the department.

Amend the bill further, SECTION 2, by striking Section 40-11-20(14)(16) and inserting:

(14)(16) “Mechanical contractor” means an entity which that performs or supervises, or offers to perform or supervise, mechanical construction.

Amend the bill further, SECTION 9, by striking Section 40-11-260(A) and inserting:

(A) An applicant for a general contractor's license or a general contractor's license renewal who performs or offers to perform contracting work for which the total cost of construction is greater than fiveten thousand dollars, and an applicant for license group revisions must provide an acceptable financial statement with a balance sheet date no more than twelve months before the date of the relevant application showing a minimum net worthmeeting the requirements for each license group as follows:

(1) Group One

(a) bids and jobs not to exceed $50,000.00 one hundred thousand dollars per job;

(b) required net worth of $10,000.00twenty thousand dollars or working capital of ten thousand dollars;

(c) on initial application, an owner‑prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(d) on renewal, an owner‑prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(2) Group Two

(a) bids and jobs not to exceed $200,000.00four hundred thousand dollars per job;

(b) required net worth of $40,000.00eighty thousand dollars or working capital of forty thousand dollars;

(c) on initial application, an owner‑prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(d) on renewal, an owner‑prepared financial statement on a form prescribed by the board with an affidavit of accuracy;

(3) Group Three

(a) bids and jobs not to exceed $500,000.00one million dollars per job;

(b) required net worth of $100,000.00two hundred thousand dollars or working capital of one hundred thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP indicating a required net worth of one hundred thousand dollarstwo hundred thousand dollars or working capital of one hundred thousand dollars;

(d) on renewal, an owner‑prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of one hundred thousand dollarstwo hundred thousand dollars or working capital of one hundred thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of one hundred thousand dollarstwo hundred thousand dollars or working capital of one hundred thousand dollars;

(4) Group Four

(a) bids and jobs not to exceed $1,500,000.00three million dollars per job;

(b) required net worth of $175,000.00three hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP indicating a required net worth of one hundred seventy‑five thousand dollarsthree hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(d) on renewal, an owner‑prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of one hundred seventy‑five thousand dollarsthree hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred fifty thousand dollars or working capital of one hundred seventy‑five thousand dollars;

(5) Group Five

(a) bids and jobs unlimited;

(b) required net worth of $250,000.00five hundred thousand dollars or working capital of two hundred fifty thousand dollars;

(c) on initial application, a financial statement audited an audited balance sheet prepared by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of five hundred thousand dollars or working capital of two hundred fifty thousand dollars;

(d) on renewal, a financial statement reviewed by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP.

Amend the bill further, SECTION 13, by striking Section 40-11-360(A)(6), (7), (8), (9), (10), and (11) and inserting:

(6) An owner of nonowner‑occupied property who improves the property or who builds or improves structures of less than five thousand square feet or other appurtenances on the property, either by himself or with the owner's employees, if all structural and mechanical work is performed by licensed contractors ~~regardless of the cost of construction and~~ if the work to be performed meets the threshold amount in Section 40-11-30 and if the property is not sold for two years after completion of the improvements. For purposes of this item, “structural” means foundation, pier, load‑bearing partition, perimeter wall, internal wall exceeding ten feet in height, roof, floor, and any other work deemed by the board to be structural. “Mechanical” means work described in Section 40‑11‑410(5).

(7) An owner constructing a farm building or portable storage building with less than five thousand square feet of floor space and used only for livestock or storage.

(8) Public owners performing all or a portion of any work on a project themselves as long as the work performed falls within the limitations of a License Group 3 General Contractor or a License Group 4 Mechanical Contractor, as adjusted by an inflation factor reflecting the Department of Labor's Consumer Price Index.

(9) Renovations and maintenance projects of the South Carolina Department of Corrections whereby all labor is supplied from that department's own labor forces.

(10) The South Carolina Public Service Authority when performing maintenance and renovations to existing facilities and when performing work in accordance with Section 40‑11‑410(4)(n).

(11) The installation, repair, or maintenance of signs of billboards; provided, however, an electrical license is required to perform a final connection to a branch circuit conductor. The installation or modification of a branch circuit conductor is not considered a part of the installation, repair, or maintenance of a sign or billboard.

Amend the bill further, SECTION 14, by striking Section 40-11-410(1) and inserting:

(1) “General Contractors‑Building” which includes commercial, industrial, institutional, modular, and all other types of building construction, including residential structures. This license classification includes all work under the subclassifications of Wood Frame Structures‑Class II, Interior RenovationNonstructural Renovation, Masonry, Pre‑engineered Metal Buildings, General Roofing, and Structural ShapesStructural Framing, and Miscellaneous Metals.

Renumber sections to conform.

Amend title to conform.

Rep. THAYER 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 90; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bailey | Ballentine |
| Bannister | Bauer | Bernstein |
| Blackwell | Bradley | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Collins | Connell | Crawford |
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Garvin | Gatch |
| Gibson | Gilliam | Gilliard |
| Guest | Haddon | Hager |
| Hardee | Hartnett | Henegan |
| Herbkersman | Hewitt | Hosey |
| Howard | Hyde | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | McCravy |
| McDaniel | McGinnis | Mitchell |
| T. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | Oremus | Ott |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Sandifer | Schuessler | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Weeks |
| Wetmore | Wheeler | Whitmire |
| Williams | Willis | Wooten |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | B. J. Cox | Cromer |
| Harris | S. Jones | Kilmartin |
| Magnuson | May | McCabe |
| A. M. Morgan | T. A. Morgan | O'Neal |
| Pace | Trantham | White |

**Total--15**

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

ABSTENTION FROM VOTING

April 5, 2023

The Honorable G. Murrell Smith, Jr.

Speaker of the House

506 Blatt Bldg.

Columbia, SC 29201

Dear Speaker Smith,

I am notifying you in accordance with S.C. Code Ann. Section 8-13-700 that I will not participate in the vote on H. 4115 relating to the creation of the SC Contractor’s licensing board and relating to contracting work for which licensure is required. I will abstain from this vote because of a potential conflict of interest as an economic interest of myself and the business with which I am associated may be affected. Please note this in the House Journal for April 5, 2023.

Sincerely,

Rep. David Vaughan

Rep. T. MOORE moved that the House recede until 1:15 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 1:15 p.m. the House resumed, the SPEAKER *PRO TEMPORE* in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. G. M. SMITH a leave of absence for the remainder of the day.

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

**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEE**

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4096 -- Rep. Hardee: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF S-26-31/RED BLUFF ROAD AND S-26-66 IN HORRY COUNTY THE "CHRISTOPHER AND MILES WADDELL MEMORIAL INTERSECTION" AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4092 -- Reps. S. Jones, Chumley, Burns, White, Long, Haddon, Willis, Vaughan, Gilliam, M. M. Smith, Bailey, Bustos, Landing and Robbins: A HOUSE RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO VOTE AGAINST REMOVAL OF THE CONFEDERATE MEMORIAL AT ARLINGTON NATIONAL CEMETERY.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 589 -- Senators Stephens and Hutto: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOMESTEAD ROAD IN ORANGEBURG COUNTY FROM COW CASTLE CREEK TO ITS INTERSECTION WITH STATE ROAD 38-168 "WEATHERS FAMILY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4207 -- Rep. Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 187 AND SOUTH CAROLINA HIGHWAY 29 IN ANDERSON COUNTY "PAUL ROBINSON EARLE MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 491 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY FROM THE NEWBERRY/FAIRFIELD COUNTY LINE TO STATE ROAD S-20-99 "JOHNNY PEOPLES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 605 -- Senator Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF AUGUSTA STREET IN THE CITY OF GREENVILLE FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 29 TO ITS INTERSECTION WITH SOUTH MAIN STREET "FRED D. GARRETT, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 606 -- Senators Garrett and Gambrell: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 IN THE CITY OF GREENWOOD IN GREENWOOD COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH VINTAGE COURT "JOHN MCELRATH MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 628 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 11 FROM ITS JUNCTION WITH TUGALOO AND SMITH ROADS TO THE INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 IN GREENVILLE COUNTY "DEAN STUART CAMPBELL, SQUIRE OF THE DARK CORNER SCENIC MEMORIAL BYWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 659 -- Senators Matthews, Senn, Cromer, Hutto, Campsen, Adams, Alexander, Allen, Bennett, Cash, Climer, Corbin, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT U.S. 17 OVER THE ASHEPOO RIVER IN COLLETON COUNTY "COUNCILMAN W. GENE WHETSELL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 230 -- Senator Talley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE MIDDLE TYGER RIVER ALONG MAIN STREET IN THE TOWN OF STARTEX IN SPARTANBURG COUNTY "FITZHUGH DAVID POWERS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4262 -- Reps. Ligon, O'Neal, Pope, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, Oremus, Ott, Pace, Pedalino, Pendarvis, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE ROCK HILL HIGH SCHOOL GIRLS WRESTLING TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM ON WINNING THE 2023 SOUTH CAROLINA GIRLS WRESTLING STATE CHAMPIONSHIP.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4263 -- Reps. Cobb-Hunter, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE REVEREND DR. WALTER BUTLER ON THE OCCASION OF HIS TWENTY-SIXTH ANNIVERSARY AS MINISTER OF ST. PAUL BAPTIST CHURCH IN LEXINGTON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4264 -- Reps. Rose, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE DREHER HIGH SCHOOL STUDENT BENJAMIN BROWN ON BEING SELECTED TO ATTEND THE 2023 DISNEY DREAMERS ACADEMY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4265 -- Rep. Garvin: A HOUSE RESOLUTION TO RECOGNIZE THE WEEK OF APRIL 11 THROUGH APRIL 17, 2023, AS "BLACK MATERNAL HEALTH WEEK" IN SOUTH CAROLINA IN ORDER TO BRING STATEWIDE ATTENTION TO THE MATERNAL HEALTH CRISIS IN THE BLACK COMMUNITY AND TO THE IMPORTANCE OF REDUCING MATERNAL MORTALITY AND MORBIDITY AMONG BLACK BIRTHING PEOPLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4266 -- Reps. Gilliard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE APRIL 1-7, 2023, AS THE "WEEK OF THE YOUNG CHILD" IN SOUTH CAROLINA AND TO ACKNOWLEDGE THE IMPORTANCE OF EARLY EDUCATION FOR YOUNG LEARNERS IN THE PALMETTO STATE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4267 -- Reps. Wheeler, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE LEE ACADEMY CHEERLEADING SQUAD, COACHES, AND SCHOOL OFFICIALS FOR A STELLAR SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2022 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 1A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4268 -- Reps. M. M. Smith, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR ASHLEY BOONE, JILLIAN WHITE, JESSICA MOSS, LEXIE BENARDOT, AND JOE CASAGRANDA, ALL TEACHERS IN CAINHOY-AREA SCHOOLS, AND TO CONGRATULATE THESE FIVE TEACHERS FROM THE BERKELEY COUNTY SCHOOL DISTRICT WHO WERE NAMED 2023 TEACHERS OF THE YEAR IN THEIR SCHOOLS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4269 -- Reps. Gilliard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR WENDELL MAURICE MANIGAULT, JR., OF NORTH CHARLESTON FOR HIS MANY YEARS OF DEDICATED SERVICE TO HIS COMMUNITY AND TO EXTEND BEST WISHES AS HE CONTINUES TO SERVE IN THE DAYS AHEAD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4270 -- Reps. Calhoon, McCabe, Wooten, Caskey, Kilmartin, Ballentine, White, Taylor, Forrest, Ott, Alexander, Anderson, Atkinson, Bailey, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Carter, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR KATHERINE (KATY) J. HANDELL, A SPECIAL EDUCATION TEACHER AT LAKE MURRAY ELEMENTARY, AND TO CONGRATULATE HER FOR BEING NAMED THE DISTRICT TEACHER OF THE YEAR FOR LEXINGTON COUNTY SCHOOL DISTRICT ONE.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4271 -- Reps. B. L. Cox and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-71-440, RELATING TO HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH BENEFIT PLANS OFFERING MEDICAL EYE CARE OR VISION CARE BENEFITS, SO AS TO PROVIDE DEFINITIONS, TO PROHIBIT CERTAIN ACTIONS BY HEALTH MAINTENANCE ORGANIZATIONS, VISION CARE ORGANIZATIONS, OR HEALTH BENEFIT PLANS, AND TO MAKE CONFORMING CHANGES.

Referred to Committee on Labor, Commerce and Industry

H. 4272 -- Reps. M. M. Smith and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-33-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE SCOPE OF PRACTICE OF MEDICAL ACTS FOR A LICENSED APRN, TO PROVIDE A MEANS FOR A CERTIFIED NURSE-MIDWIFE TO OBTAIN AN APRN LICENSE, TO DEFINE FULL PRACTICE AUTHORITY, TO DEFINE GRADUATE REGISTERED NURSE-MIDWIFE, AND TO PROVIDE CONFORMING CHANGES; BY AMENDING SECTION 40-33-34, RELATING TO THE PERFORMANCE OF MEDICAL ACTS, QUALIFICATIONS, PRACTICE AGREEMENTS, PRESCRIPTIVE AUTHORIZATIONS, ANESTHESIA CARE, AND DEFINITIONS, SO AS TO PROVIDE FOR SCOPE OF PRACTICE TO INCLUDE PRESCRIBING MEDICATIONS AND CONTROLLED SUBSTANCES, AND TO PROVIDE CONFORMING DEFINITIONS; BY AMENDING SECTION 40-33-42, RELATING TO THE DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL, SO AS TO PROVIDE FOR THE ADMINISTRATION OF MEDICATIONS AS THE RESPONSIBILITY OF A LICENSED NURSE AS PRESCRIBED BY THE ADVANCED PRACTICE REGISTERED NURSE; BY AMENDING SECTION 40-33-110, RELATING TO GROUNDS FOR DISCIPLINE OF LICENSEES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-10, RELATING TO MEMBERSHIP OF THE STATE BOARD OF MEDICAL EXAMINERS, SO AS TO ADD TWO PHYSICIAN ASSISTANTS TO THE BOARD AND TO PROVIDE FOR THEIR APPOINTMENT; BY AMENDING SECTION 40-47-20, RELATING TO DEFINITIONS FOR PHYSICIANS AND RELATED HEALTH CARE PROFESSIONALS, SO AS TO PROVIDE FOR A DIFFERENT DEFINITION FOR APPROVED WRITTEN SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, TO ADD PHYSICIAN ASSISTANTS TO THE DEFINITION OF "MEDICAL STAFF", AND TO INCLUDE PHYSICIAN ASSISTANTS IN THE DEFINITION OF "PRACTICE OF MEDICINE"; BY AMENDING SECTION 40-47-37, RELATING TO THE PRACTICE OF TELEMEDICINE AND REQUIREMENTS, SO AS TO PROVIDE FOR THE SCOPE OF PRACTICE OF AN APRN TO INCLUDE TELEMEDICINE; BY AMENDING SECTION 40-47-110, RELATING TO MISCONDUCT CONSTITUTING GROUNDS FOR DISCIPLINARY ACTION, TEMPORARY SUSPENSIONS, REVIEW OF FINAL ACTIONS, CONDUCT SUBVERTING SECURITY OR INTEGRITY OF MEDICAL LICENSING EXAMINATION PROCESSES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-113, RELATING TO THE ESTABLISHMENT OF A PHYSICIAN-PATIENT RELATIONSHIP AS A PREREQUISITE TO PRESCRIBING DRUGS, SO AS TO EXPAND THE PHYSICIAN-PATIENT RELATIONSHIP TO INCLUDE OTHER HEALTH CARE PROFESSIONS AND TO CHANGE THE TERMINOLOGY TO "PRACTITIONER-PATIENT RELATIONSHIP"; BY AMENDING SECTION 40-47-196, RELATING TO DELEGATION OF TASKS AMONG CERTAIN HEALTH CARE PROFESSIONALS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-195, RELATING TO SUPERVISING PHYSICIANS AND SCOPE OF PRACTICE GUIDELINES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-910, RELATING TO DEFINITIONS IN THE "SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT", SO AS TO DEFINE "ATTESTATION STATEMENT" AND TO REVISE DEFINITIONS FOR "NCCPA", "SUPERVISING", AND "PHYSICIAN ASSISTANT"; BY AMENDING SECTION 40-47-915, RELATING TO THE APPLICATION OF THE SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO EXCLUDE CERTAIN PHYSICIAN ASSISTANTS FROM THE SCOPE OF THE SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT; BY AMENDING SECTION 40-47-935, RELATING TO ACTS AND DUTIES PHYSICIAN ASSISTANTS ARE AUTHORIZED TO PERFORM, SO AS TO REVISE THE ACTS AND DUTIES THAT PHYSICIAN ASSISTANTS MAY PERFORM; BY ADDING SECTION 40-47-937 SO AS TO PROVIDE A DIFFERENT SCOPE OF PRACTICE FOR CERTAIN EXPERIENCED PHYSICIAN ASSISTANTS AND TO PROVIDE FOR PROTECTIONS FROM LIABILITY FOR PHYSICIAN ASSISTANTS PROVIDING MEDICAL ASSISTANCE IN CERTAIN EMERGENCY SITUATIONS; BY AMENDING SECTION 40-47-965, RELATING TO REQUIREMENTS FOR WRITING PRESCRIPTIONS FOR DRUGS, CONTROLLED SUBSTANCES, AND MEDICAL DEVICES, SO AS TO REVISE THE CIRCUMSTANCES UNDER WHICH A PHYSICIAN ASSISTANT MAY PRESCRIBE DRUGS; BY AMENDING SECTION 40-47-1000, RELATING TO UNLICENSED PERSONS HOLDING THEMSELVES OUT AS PHYSICIAN ASSISTANTS, SO AS TO REVISE THE PENALTY FOR VIOLATIONS; BY AMENDING SECTION 40-47-1005, RELATING TO MISCONDUCT MANDATING REVOCATION OR DENIAL OF LICENSE FOR A PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT THE BOARD MAY DISCIPLINE PHYSICIAN ASSISTANTS FOR MISCONDUCT, REVISE WHAT CONSTITUTES MISCONDUCT, AND REVISE THE ACTIONS THAT MAY BE TAKEN BY THE BOARD; BY AMENDING SECTION 40-47-1020, RELATING TO THIRD-PARTY REIMBURSEMENT TO PHYSICIAN ASSISTANTS, SO AS TO PROVIDE THAT PHYSICIAN ASSISTANTS MAY BE REIMBURSED BY THIRD-PARTY PAYORS; BY AMENDING SECTION 44-80-120, RELATING TO PERMISSION FOR PHYSICIAN ASSISTANTS TO CREATE, EXECUTE, AND SIGN POST FORMS UNDER CERTAIN CIRCUMSTANCES, SO AS TO REVISE THE CIRCUMSTANCES UNDER WHICH A PHYSICIAN ASSISTANT MAY CREATE, EXECUTE, AND SIGN A POST FORM; BY AMENDING SECTION 44-99-10, RELATING TO DEFINITIONS FOR THE "INSECT STING EMERGENCY TREATMENT ACT", SO AS TO REVISE THE DEFINITION OF "HEALTH CARE PRACTITIONER"; BY AMENDING SECTION 59-63-75, RELATING TO CONCUSSION PROTOCOL FOR STUDENT ATHLETES, SO AS TO EXPAND PHYSICIAN ASSISTANTS' ROLES IN REGARD TO THE CONCUSSION PROTOCOL; AND BY AMENDING SECTION 59-63-95, RELATING TO EPINEPHRINE AUTO-INJECTORS, SO AS TO REVISE THE DEFINITION OF "PHYSICIAN ASSISTANT" AND TO MAKE CONFORMING CHANGES.

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

H. 4273 -- Reps. Long, Chumley, Burns and McCabe: A JOINT RESOLUTION TO PROVIDE THAT THE GENERAL ASSEMBLY OF SOUTH CAROLINA SHALL RESCIND, REPEAL, CANCEL, NULLIFY, AND SUPERSEDE TO THE SAME EFFECT AS IF THEY HAD NEVER BEEN PASSED, ANY AND ALL EXTANT APPLICATIONS BY THE GENERAL ASSEMBLY TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION TO PROPOSE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

Referred to Committee on Judiciary

H. 4274 -- Reps. W. Newton, Herbkersman, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 7 TO CHAPTER 3, TITLE 15 SO AS TO ESTABLISH THE "SOUTH CAROLINA PUBLIC EXPRESSION PROTECTION ACT", REGARDING A CAUSE OF ACTION ASSERTED IN A CIVIL ACTION BASED UPON A PERSON'S COMMUNICATION IN CERTAIN CIRCUMSTANCES, AND TO ESTABLISH REQUIREMENTS FOR THESE PROCEEDINGS.

Referred to Committee on Judiciary

H. 4275 -- Reps. Herbkersman, Sandifer, M. M. Smith and Whitmire: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-44-409, RELATING TO GENERAL STANDARDS OF MEMBER'S AND MANAGER'S CONDUCT, SO AS TO PROVIDE AN EXCEPTION TO A MEMBER'S DUTY OF LOYALTY UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Judiciary

**H. 4116--RECONSIDERED, AMENDED AND ORDERED TO THIRD READING**

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

H. 4116 -- Reps. Sandifer, M. M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

**AMENDMENT NO. 1--RECONSIDERED AND TABLED**

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

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4116 (LC-4116.WAB0002H), which was tabled:

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

SECTION X. Section 32-8-305(9) of the S.C. Code is amended to read:

(9) “Cremation” means the technical process using either alkaline hydrolysis or heat and flame that reduces human remains to compontents of either liquid and bone, or bone fragments, and which may include the pulverization of the bone fragments.

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

SECTION X. Section 40-19-20(3) of the S.C. Code is amended to read:

(3) “ApprenticeIntern” means a person who is preparing to become licensed for the practice of embalming and funeral directing under the supervision and instruction of a person licensed for the practice in this State and who is registered with the board pursuant to Section 40-19-120.

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

SECTION X. Section 40-19-110(5) of the S.C. Code is amended to read:

(5) employing directly or indirectly an apprenticeintern, agent, assistant, employee, or other person, on a part or full-time basis, or on commission, for the purpose of calling upon individuals or institutions to influence them to cause dead human bodies to be turned over to a particular funeral establishment;

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 40-19-230 of the S.C. Code is amended to read:

Section 40-19-230. (A) A person may be issued a license as an embalmer if the person:

(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude;

(3) has a high school education or the equivalent of a high school education, the equivalence to be determined by the board;

(4) has completed successfully a regular course in an embalming college accredited by the American Board of Funeral Service Education and approved by the board;

(5) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an apprentice intern under the direct supervision of a licensed embalmer actively engaged in the practice of embalming in this State;

(6) has passed an examination prescribed by the board.

(B) A person may be issued a license as a funeral director if the person:

(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude;

(3) has a high school education or the equivalent of a high school education and has a minimum of two years of successful attendance at an accredited academic college or successful completion of a regular course of not less than one year, twelve scholastic months, in an accredited mortuary college;

(4) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an apprentice intern funeral director under the direct supervision of a licensed funeral director actively engaged in the practice of funeral directing in this State;

(5) has passed an examination prescribed by the board.

(C) An applicant for licensure must be examined on subjects as are prescribed by the board and the examination must be by a standardized written test. The passing grade must be established by the board in regulation.

An application for examination must be upon a form furnished by the board and must be accompanied by a fee established by the board in regulation. An application for examination must be submitted at least thirty days before the date of the examination.

(D) No license may be issued or renewed for a period exceeding two years, and all licenses and renewals expire on the thirtieth day of June unless sooner revoked or canceled. The date of expiration may be changed by unanimous consent of the board and upon ninety days' written notice of the change to all persons licensed by the board.

(E) A person holding a license under this chapter may have the license renewed for a two-year period by applying within thirty days preceding or following the expiration of his license, upon forms provided by the board and payment of a renewal fee as established by the board in regulation. A person who fails to renew the license, at the discretion of the board, may have it renewed by making application and appearing before the board and paying a renewal and revival fee established by the board. The license of a person who is engaged actively in the military service of the United States may be held in abeyance for the duration of service, and the licensee may be relieved of the payment of renewal fees as the board considers justifiable and expedient.

(F) A permit for a crematory or a permit for a funeral establishment which operates a crematory may be renewed for a two-year period by applying within thirty days preceding or following the expiration of the permit, upon forms provided by the board, payment of a renewal fee as established by the board in regulation and passage of an inspection conducted by the board.

SECTION X. Section 40-19-240 of the S.C. Code is amended to read:

Section 40-19-240. (A) A person desiring to become an apprenticeintern funeral director or embalmer shall apply to the board on forms provided by the board. The applicant must be at least eighteen years of age, shall take the oath contained on the application form, and shall submit a fee established by the board in regulation. If the board is satisfied as to the qualifications of an applicant, the board shall issue a certificate of apprenticeshipinternship. If an apprenticeintern wishes to engage in an apprenticeship internship with a person licensed as a funeral director or embalmer, a request must be submitted to the board. If permission is granted and the apprenticeintern leaves the apprenticeship internship of the licensee in whose service the apprenticeintern has been engaged, the licensee shall give the apprenticeintern an affidavit showing the length of time served. The affidavit must be filed with the board. If the apprenticeintern subsequently desires to continue the apprenticeshipinternship, the apprenticeintern must apply to the board as provided for in this subsection.

(B) A certificate of apprenticeshipinternship must be signed by the apprenticeintern, the licensee, and the manager of the establishment in which the apprenticeshipinternship is to be served and is renewable twenty-four months after registration for twelve months, by payment of a renewal fee established by the board in regulation. A certificate may not be renewed more than three times. The registration of an apprenticeintern who is actually engaged in the military service may be held in abeyance for the duration of service, and the apprentice intern may be relieved of the payment of renewal fees and penalties.

(C) An apprentice intern quarterly shall report to the board on forms provided by the board indicating the work which has been completed during the preceding three months. The report must be certified by the licensee under whom the apprenticeintern has served.

(D) Before an apprenticeintern is eligible to receive a license for the practice of funeral service, evidence required by this chapter must be submitted to the board showing that the apprenticeintern has completed successfully the educational requirements set forth in Section 40-19-230. Affidavits also must be submitted from the licensees under whom the apprenticeintern worked showing that as an apprenticeintern embalmer the apprenticeintern has assisted in the embalming of at least fifty bodies or that as an apprenticeintern funeral director the apprenticeintern has assisted in conducting at least fifty funerals, during apprenticeshipthe internship. Eligibility for licensure is determined by the board based upon the reports filed with the board pursuant to subsection (C).

(E) Only two apprenticesinterns at a time are permitted to register under any one person licensed as a funeral director or embalmer. Each sponsor for a registered apprenticeintern must be actively connected with a funeral establishment.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 40-19-265 of the S.C. Code is amended to read:

Section 40-19-265. (A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twentythirty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twentythirty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides the name of the parent funeral home.

(C) A permit for a retail sales outlet may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) is in full compliance with Section 40-19-290.

(D) A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides evidence of employment of a factory trained operator.

(E) An application for a permit issued pursuant to this section must identify every person having the ability to direct the management or policies, or both, of the funeral establishment including, but not limited to, corporate officers employed, shareholders, partners, and other representatives of the corporation or business.

SECTION X. Section 40-19-270(B) of the S.C. Code is amended to read:

(B) The board or its inspector or agents may enter the offices or premises of a funeral establishment, funeral home, mortuary, branch funeral home, retail sales outlet, or crematory to inspect the premises or observe the training provided to apprenticesinterns. Acceptance of a permit constitutes permission for entry to the premises as provided in this section without legal process.

Renumber sections to conform.

Amend title to conform.

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

**AMENDMENT NO. 4--RECONSIDERED AND TABLED**

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

Reps. KING, M.M. SMITH, TRANTHAM, MCDANIEL, CROMER, RUTHERFORD, COBB-HUNTER, RIVERS and HENEGAN proposed the following Amendment No. 4 to H. 4116 (LC-4116.AHB0016H), which was tabled:

Amend the bill, as and if amended, SECTION X, by striking Section 40-19-265(A) and (B) and inserting:

(A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides the name of the parent funeral home.

Amend the bill further, SECTION X, by striking Section 40-19-265(D) and inserting:

(D) A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides evidence of employment of a factory trained operator.

Renumber sections to conform.

Amend title to conform.

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

Rep. ANDERSON proposed the following Amendment No. 5 to   
H. 4116 (LC-4116.WAB0012H), which was adopted:

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

SECTION X. Section 32-8-305(9) of the S.C. Code is amended to read:

(9) “Cremation” means the technical process using either alkaline hydrolysis or heat and flame that reduces human remains to components of either liquid and bone, or bone fragments, and which may include the pulverization of the bone fragments.

Amend the bill further, SECTION 6, by striking Section 32-8-385 and inserting:

Section 32‑8‑385. (A) A crematory is required to have in its employ at least one individual who has been trained in performing cremations by the licensed crematory authority who is his employer, and also by the manufacturer of the equipment to be used to perform cremations, or by some other appropriate method as provided by regulation of the board. Upon meeting the above requirements of this section, this individual is considered to be sufficiently trained for the purposes of this chapter. All cremations must be performed by a trained individual who has registered with the board.

(B) To be registered with the board, the individual must:

(1) complete an application in the format prescribed by the board;

(2) successfully complete a crematory operator training course approved by the board of not less than eight hours instructional time;

(3) have submitted an affidavit of good character from at least one crematory operator;

(4) have submitted a nationwide employment clearance indicating that he has not been convicted of, or pled guilty to, any felony crime in this State or any other jurisdiction in this country; and

(5) pay a fee as established in regulation not to exceed fifty dollars.

(C) Registrations under this section must be renewed every two years by submitting a renewal application and paying a renewal fee established in regulation not to exceed fifty dollars.

(D) Registered trained individuals are subject to applicable provisions of Sections 40-1-110, Chapter 19 of Title 40, and board regulations.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 40-19-20(3) of the S.C. Code is amended to read:

(3) “ApprenticeIntern” means a person who is preparing to become licensed for the practice of embalming and funeral directing under the supervision and instruction of a person licensed for the practice in this State and who is registered with the board pursuant to Section 40-19-120.

SECTION X. Section 40-19-110(5) of the S.C. Code is amended to read:

(5) employing directly or indirectly an apprentice intern, agent, assistant, employee, or other person, on a part or full-time basis, or on commission, for the purpose of calling upon individuals or institutions to influence them to cause dead human bodies to be turned over to a particular funeral establishment;

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 40-19-230(A) and (B) of the S.C. Code is amended to read:

Section 40-19-230. (A) A person may be issued a license as an embalmer if the person:

(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude;

(3) has a high school education or the equivalent of a high school education, the equivalence to be determined by the board;

(4) has completed successfully a regular course in an embalming college accredited by the American Board of Funeral Service Education and approved by the board;

(5) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an apprentice intern under the direct supervision of a licensed embalmer actively engaged in the practice of embalming in this State;

(6) has passed an examination prescribed by the board.

(B) A person may be issued a license as a funeral director if the person:

(1) is at least eighteen years of age;

(2) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude;

(3) has a high school education or the equivalent of a high school education and has a minimum of two years of successful attendance at an accredited academic college or successful completion of a regular course of not less than one year, twelve scholastic months, in an accredited mortuary college;

(4) has completed a minimum of twenty-four months of service pursuant to Section 40-19-240 as an apprenticeintern funeral director under the direct supervision of a licensed funeral director actively engaged in the practice of funeral directing in this State;

(5) has passed an examination prescribed by the board.

SECTION X. Section 40-19-240 of the S.C. Code is amended to read:

Section 40-19-240. (A) A person desiring to become an apprenticeintern funeral director or embalmer shall apply to the board on forms provided by the board. The applicant must be at least eighteen years of age, shall take the oath contained on the application form, and shall submit a fee established by the board in regulation. If the board is satisfied as to the qualifications of an applicant, the board shall issue a certificate of apprenticeship internship. If an apprenticeintern wishes to engage in an apprenticeshipinternship with a person licensed as a funeral director or embalmer, a request must be submitted to the board. If permission is granted and the apprenticeintern leaves the apprenticeship internship of the licensee in whose service the apprenticeintern has been engaged, the licensee shall give the apprenticeintern an affidavit showing the length of time served. The affidavit must be filed with the board. If the apprenticeintern subsequently desires to continue the apprenticeshipinternship, the apprenticeintern must apply to the board as provided for in this subsection.

(B) A certificate of apprenticeshipinternship must be signed by the apprenticeintern, the licensee, and the manager of the establishment in which the apprenticeshipinternship is to be served and is renewable twenty-four months after registration for twelve months, by payment of a renewal fee established by the board in regulation. A certificate may not be renewed more than three times. The registration of an apprenticeintern who is actually engaged in the military service may be held in abeyance for the duration of service, and the apprenticeintern may be relieved of the payment of renewal fees and penalties.

(C) An apprenticeintern quarterly shall report to the board on forms provided by the board indicating the work which has been completed during the preceding three months. The report must be certified by the licensee under whom the apprenticeintern has served.

(D) Before an apprenticeintern is eligible to receive a license for the practice of funeral service, evidence required by this chapter must be submitted to the board showing that the apprenticeintern has completed successfully the educational requirements set forth in Section 40-19-230. Affidavits also must be submitted from the licensees under whom the apprenticeintern worked showing that as an apprenticeintern embalmer the apprenticeintern has assisted in the embalming of at least fifty bodies or that as an apprenticeintern funeral director the apprenticeintern has assisted in conducting at least fifty funerals, during apprenticeship the internship. Eligibility for licensure is determined by the board based upon the reports filed with the board pursuant to subsection (C).

(E) Only two apprenticesinterns at a time are permitted to register under any one person licensed as a funeral director or embalmer. Each sponsor for a registered apprenticeintern must be actively connected with a funeral establishment.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 40-19-265 of the S.C. Code is amended to read:

Section 40-19-265. (A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twentythirty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twentythirty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides the name of the parent funeral home.

(C) A permit for a retail sales outlet may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) is in full compliance with Section 40-19-290.

(D) A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twentythirty-five miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides evidence of employment of a factory trained operator.

(E) An application for a permit issued pursuant to this section must identify every person having the ability to direct the management or policies, or both, of the funeral establishment including, but not limited to, corporate officers employed, shareholders, partners, and other representatives of the corporation or business.

SECTION X. Section 40-19-270(B) of the S.C. Code is amended to read:

(B) The board or its inspector or agents may enter the offices or premises of a funeral establishment, funeral home, mortuary, branch funeral home, retail sales outlet, or crematory to inspect the premises or observe the training provided to apprenticesinterns. Acceptance of a permit constitutes permission for entry to the premises as provided in this section without legal process.

Renumber sections to conform.

Amend title to conform.

Rep. ANDERSON explained the amendment.

The amendment was then adopted.

Reps. KING, M.M. SMITH, TRANTHAM, MCDANIEL, CROMER, RUTHERFORD, COBB-HUNTER, RIVERS and HENEGAN proposed the following Amendment No. 6 to H. 4116 (LC-4116.AHB0018H), which was adopted:

Amend the bill, as and if amended, SECTION X, by striking Section 40-19-265(A) and (B) and inserting:

(A) A permit for a funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290.

(B) A permit for a branch funeral home may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides the name of the parent funeral home.

Amend the bill further, SECTION X, by striking Section 40-19-265(D) and inserting:

(D) A permit for a crematory may be issued if the applicant:

(1) submits an application on a form approved by the board;

(2) submits to and successfully passes an inspection approved by the board;

(3) submits the applicable nonrefundable fee;

(4) designates a manager who meets the requirements of Section 40-19-20(16) and is current and in good standing with the board and lives within a radius of twenty-five one hundred miles of the establishment and within the boundaries of this State;

(5) possesses the necessary equipment or merchandise, or both, required by regulation;

(6) is in full compliance with Section 40-19-290;

(7) provides evidence of employment of a factory trained operator.

Renumber sections to conform.

Amend title to conform.

Rep. KING 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 98; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bannister | Bauer |
| Bernstein | Blackwell | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | Connell |
| Crawford | Davis | Dillard |
| Elliott | Felder | Forrest |
| Gagnon | Garvin | Gatch |
| Gibson | Gilliam | Gilliard |
| Guest | Guffey | Haddon |
| Hager | Hardee | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hosey | Hyde | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | McCravy |
| McDaniel | McGinnis | Mitchell |
| J. Moore | T. Moore | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | Ott |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Rutherford | Sandifer | Schuessler |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Thigpen |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--98**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | B. J. Cox | Cromer |
| Harris | S. Jones | Kilmartin |
| Magnuson | May | McCabe |
| A. M. Morgan | T. A. Morgan | O'Neal |
| Oremus | Pace | White |

**Total--15**

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

**S. 604--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 604 -- Senators Peeler, Alexander, Setzler, Malloy and Scott: 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.

The Committee on Ways and Means proposed the following Amendment No. 1 to S. 604 (LC-604.SA0001H), which was adopted:

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

SECTION X. Notwithstanding SECTION 14 of Act 244 of 2022, the funds in the ARPA Resilience Account also may be used for projects that mitigate the impacts from potential releases of contamination associated with natural hazards.

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

Rep. A. M. MORGAN proposed the following Amendment No. 2 to S. 604 (LC-604.DG0002H), which was tabled:

Amend the joint resolution, as and if amended, by striking SECTION 2 and inserting:

SECTION 2. From funds disbursed to the State in the ARPA, there is appropriated up to $586,633,226 to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account for the purposes described in Act 244 of 2022. Only existing grant applications, as of January 1, 2023, may be considered in determining disbursements. Of the $586,633,226 appropriated, $100,000,000 shall be available for projects designated by the Secretary of Commerce as being significant to economic development and may be funded at up to twenty million dollars per project with no local match requirement. 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. American Rescue Plan Act funds may not be disbursed to any company owned by a member of the General Assembly, however a member of the General Assembly may own public shares of a company offered to the general public.

Renumber sections to conform.

Amend title to conform.

Rep. A. M. MORGAN explained the amendment.

Rep. KIRBY moved to table the amendment.

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

Yeas 70; Nays 36

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Ballentine |
| Bamberg | Bannister | Bauer |
| Bernstein | Blackwell | Brittain |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Clyburn |
| Cobb-Hunter | Collins | Connell |
| Davis | Dillard | Erickson |
| Felder | Gagnon | Garvin |
| Gatch | Gibson | Gilliard |
| Guffey | Hager | Hardee |
| Hayes | Henderson-Myers | Henegan |
| Hewitt | Hiott | Hosey |
| Hyde | Jefferson | J. L. Johnson |
| Jordan | Kirby | Ligon |
| Lowe | J. Moore | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Ott | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Rutherford | Sandifer |
| Schuessler | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Weeks | Wetmore |
| Wheeler | Williams | Wooten |
| Yow |  |  |

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Beach | Burns |
| Chumley | B. J. Cox | Cromer |
| Elliott | Gilliam | Haddon |
| Harris | Hartnett | S. Jones |
| Kilmartin | King | Landing |
| Lawson | Leber | Long |
| Magnuson | May | McCabe |
| McCravy | McGinnis | T. Moore |
| A. M. Morgan | T. A. Morgan | Nutt |
| O'Neal | Oremus | Pace |
| Pedalino | Trantham | Vaughan |
| White | Whitmire | Willis |

**Total--36**

So, the amendment was tabled.

Rep. GATCH proposed the following Amendment No. 3 to S. 604 (LC-604.DG0004H), which was adopted:

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

SECTION X. If any grant is awarded pursuant to SECTION 2 within the district of a member of the General Assembly and such member opposes the awarding of the grant, the member may notify the Rural Infrastructure Authority in writing and the Authority must withhold the disbursement.

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. YOW moved to table the amendment.

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

Yeas 6; Nays 99

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Connell | Gibson | Gilliam |
| Hager | McCravy | Yow |

**Total--6**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Brewer | Brittain |
| Bustos | Carter | Caskey |
| Chapman | Clyburn | Cobb-Hunter |
| Collins | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gilliard | Guest |
| Guffey | Hardee | Harris |
| Hayes | Henderson-Myers | Henegan |
| Hewitt | Hiott | Hosey |
| Hyde | Jefferson | J. L. Johnson |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McGinnis |
| J. Moore | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | Nutt |
| O'Neal | Oremus | Ott |
| Pace | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Rutherford | Sandifer |
| Schuessler | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |

**Total--99**

So, the House refused to table the amendment.

Rep. CASKEY spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 14

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Bernstein | Blackwell |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Crawford | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Hartnett | Hayes |
| Henderson-Myers | Henegan | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | J. L. Johnson |
| W. Jones | Jordan | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | McCravy | McDaniel |
| McGinnis | Mitchell | J. Moore |
| T. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | Ott | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rose | Rutherford |
| Sandifer | Schuessler | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | Whitmire | Williams |
| Willis | Wooten |  |

**Total--98**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Cromer | Harris |
| Kilmartin | Magnuson | May |
| McCabe | A. M. Morgan | T. A. Morgan |
| O'Neal | Oremus | Pace |
| Trantham | White |  |

**Total—14**

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

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

**MOTION PERIOD**

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

**S. 120--DEBATE ADJOURNED**

The following Bill was taken up:

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

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

**H. 3514--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J. L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M. M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

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

**H. 3690--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3690 -- Reps. Taylor, G. M. Smith, Thayer, Bradley, Hiott, Bannister, W. Newton, Sandifer, West, Davis, Erickson, J. E. Johnson, Jordan, Whitmire, Hixon, Elliott, Forrest, Wooten, Bustos, Willis, Yow, Carter, Hartnett, Moss, McCravy, B. J. Cox, Haddon, Burns, Chumley, Oremus, Hardee, Ligon, Long, Gilliam, Magnuson, Lawson, Nutt, Brewer, Guffey, Hager, Mitchell, Neese, Sessions, Vaughan, Robbins, Kilmartin, M. M. Smith, B. Newton, Hewitt, Leber, Pope, Blackwell, Caskey and Landing: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "ESG PENSION PROTECTION ACT"; BY AMENDING SECTION 9-16-10, RELATING TO RETIREMENT SYSTEM FUNDS DEFINITIONS SO AS TO ADD A DEFINITION OF "PECUNIARY FACTOR"; BY AMENDING SECTION 9-16-30, RELATING TO DELEGATION OF FUNCTIONS BY THE COMMISSION, SO AS TO PROVIDE THAT PROXY VOTING DECISIONS MUST BE BASED ON PECUNIARY FACTORS; BY AMENDING SECTION 9-16-50, RELATING TO INVESTMENT AND MANAGEMENT CONSIDERATIONS BY TRUSTEES, SO AS TO PROVIDE THAT THE COMMISSION MAY ONLY CONSIDER PECUNIARY FACTORS IN MAKING CERTAIN INVESTMENT DECISIONS; BY AMENDING SECTION 9-16-320, RELATING TO ANNUAL INVESTMENT PLANS SO AS TO REQUIRE CERTAIN MEETINGS; BY AMENDING SECTION 9-16-330, RELATING TO STATEMENT OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO REQUIRE CERTAIN CERTIFICATIONS; AND BY ADDING SECTION 9-16-110 SO AS TO PROVIDE THAT THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE CERTAIN PROVISIONS.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3690 (LC-3690.SA0001H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 9-16-10(10) and inserting:

(10) “Pecuniary factor” means a factor that a prudent person in a like capacity would reasonably believe has a material effect or impact on the financial risk or return on an investment, including factors material to assessing an investment manager’s operational capability, based on an appropriate investment horizon consistent with a retirement system’s investment objectives and funding policy. The term excludes “nonpecuniary factors” which is any factor or consideration that is collateral to or not reasonably likely to effect or impact the financial risk and return of the investment and include, but are not limited to, the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes.

Amend the bill further, SECTION 3, by striking Section 9-16-30(G)(1), (2), and (3) and inserting:

(1) The commission shall cast shareholder proxy votes that are in keeping with its fiduciary duties that are consistent with the best interest of the trust fund, based on pecuniary factors, and most likely to maximize shareholder value over an appropriate investment horizon consistent with a retirement systems investment objectives and funding policy. Any commission engagement with a company regarding the exercise of shareholder proxy votes or the proposal of a proxy question must be based solely on pecuniary factors and for the sole purpose of maximizing shareholder value, except that the commission may engage with a company to express opposition to the proposal of or the merits of a proxy question that does not have a pecuniary impact.

(2) To the extent that it is economically practicable, the commission must retain the authority to exercise shareholder proxy rights for shares that are owned directly or indirectly on behalf of a system. The commission may retain a proxy firm or advisory service to assist the commission in exercising shareholder proxy rights, but only if the proxy advisor has a practice of and commits in writing to follow proxy guidelines that are consistent with the requirements of item (1).

(3) The commission only may allocate capital to a public equity investment strategy if the manager of the investment strategy has a practice of and commits in writing to meet the requirements of item (1) and Section 9-16-50(A)(5), unless it is not economically practicable for the commission to do so, or it is necessary for the commission to avoid the concentration of assets with any one or more investment managers. For any public equity investment strategy for which the manager does not have a practice of and does not commit in writing to meet the requirements of item (1), the commission must include a summary of the terms, fees, and performance of the investment in the commission’s annual investment report and publish the summary in a conspicuous location on the commission’s website.

Amend the bill further, SECTION 4, by striking Section 9-16-50(A)(5) and inserting:

(5) may consider benefits created by an investment in addition to investment return only if the commission determines that the investment providing these collateral benefits would be prudent even without the collateral benefits only shall consider pecuniary factors in making an investment decision or when allocating capital to an investment strategy.

Amend the bill further, SECTION 4, by striking Section 9-16-50(B) and inserting:

(B) The commission shall adopt a statement of investment objectives and policies for the retirement system. The statement must include the desired rate of return on assets overall, the desired rates of return and acceptable levels of risk for each asset class, asset‑allocation goals, guidelines for the delegation of authority, an explicit statement that all investment decisions must be based only on the consideration of pecuniary factors, and information on the types of reports to be used to evaluate investment performance. At least annually, the commission shall review the statement and change or reaffirm it. The relevant portion of this statement may constitute parts of the annual investment plan required pursuant to Section 9‑16‑330.

Amend the bill further, SECTION 6, by striking Section 9-16-330(B)(2) and inserting:

(2) Any final authority delegated to the chief investment officer pursuant to this subsection must be exercised subject to the oversight of the chief executive officer. The closing documentation of an investment made pursuant to this delegation must include the chief executive officer's certification that the investment conforms to the amount and the extent of the delegation. The closing documentation of any investment also must include the chief executive officer’s certification that the decision to make the investment is based on pecuniary factors and is not being made to promote, further, or achieve any nonpecuniary goal, objective, or outcome. Any authority exercised pursuant to this section must be exercised in a manner consistent with the limitations imposed by this section and investments may not be divided into smaller amounts in order to avoid these limitations. The commission must be notified of an investment made pursuant to any delegated authority within three business days of the investment's closing and the investment must be reviewed with the commission at its next regularly scheduled meeting. The commission may amend, suspend, or revoke the delegation of the final authority to invest at any time and may place stricter limits on any delegated authority than those provided in this subsection.

Renumber sections to conform.

Amend title to conform.

Rep. BLACKWELL explained the amendment.

Rep. BLACKWELL spoke in favor of the amendment.

The amendment was then adopted.

Rep. MAGNUSON proposed the following Amendment No. 2 to   
H. 3690 (LC-3690.DG0003H), which was ruled out of order:

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

SECTION X. Upon the effective date of this act, no new incentives or subsidies may be offered to any company that engages in the promotion, furtherance, or achievement of environmental, social, governance, or political goals, objectives, or outcomes.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

**POINT OF ORDER**

Rep. TAYLOR raised the Point of Order that Amendment No. 2 was not germane to H. 3690.

Rep. MAGNUSON argued contra.

Rep. TAYLOR argued in favor of the Point of Order.

The SPEAKER *PRO TEMPORE* stated that the Bill concerned limitations on investments by the State Retirement System, but Amendment No. 2 concerned limitations on incentives or subsidies offered to companies to encourage them to bring their business to South Carolina.  The SPEAKER *PRO TEMPORE* sustained the Point of Order and ruled Amendment No. 2 out of order.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 5

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Beach | Blackwell | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Clyburn | Collins |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hartnett | Hayes |
| Henderson-Myers | Herbkersman | Hewitt |
| Hiott | Howard | Hyde |
| Jefferson | S. Jones | W. Jones |
| Jordan | Kilmartin | King |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| Mitchell | J. Moore | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Rutherford | Sandifer | Schuessler |
| M. M. Smith | Taylor | Thayer |
| Trantham | Vaughan | Weeks |
| West | Wheeler | White |
| Whitmire | Willis | Wooten |
| Yow |  |  |

**Total--103**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bauer | Bernstein | Stavrinakis |
| Wetmore | Williams |  |

**Total--5**

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

**RECURRENCE TO THE MORNING HOUR**

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

**REPORT OF STANDING COMMITTEE**

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 648 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES NAME THE HERITAGE PRESERVE ON CAPERS ISLAND THE "GEORGE E. CAMPSEN, JR. CAPERS ISLAND HERITAGE PRESERVE" AND ERECT MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4276 -- Reps. McCabe, Wooten, Caskey, May, Ballentine, Kilmartin, Calhoon, White, Forrest, Ott, Taylor, Alexander, Anderson, Atkinson, Bailey, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Carter, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR STEPHEN MICHAEL JEFFCOAT, A TEACHER AT THE EARLY CHILDHOOD CENTER FOR LEXINGTON SCHOOL DISTRICT FOUR, AND TO CONGRATULATE HIM FOR BEING NAMED THE SCHOOL'S TEACHER OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4277 -- Reps. Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CELEBRATE THE JOYOUS OCCASION OF THE SEVENTIETH ANNIVERSARY OF THE GREATER GETHSEMANE APOSTOLIC CHURCH OF JESUS CHRIST, INC., AND TO CONGRATULATE AND COMMEND THE PASTOR AND THE CONGREGATION FOR THEIR YEARS OF DEDICATED SERVICE TO THE DARLINGTON COMMUNITY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4278 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME WOODVILLE ROAD IN FLORENCE COUNTY "BISHOP DONALD HYMAN ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD CONTAINING THESE WORDS.

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

**S. 490--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 490 -- Senators Alexander and Peeler: A JOINT RESOLUTION TO PERMIT FUNDS APPROPRIATED IN ACT 94 OF 2021 FOR SOUTH CAROLINA WELCOME CENTERS TO BE USED FOR THE CURRENT FAIR PLAY WELCOME CENTER PROJECT.

Rep. STAVRINAKIS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bannister | Bauer |
| Beach | Bernstein | Blackwell |
| Brewer | Brittain | Burns |
| Calhoon | Carter | Caskey |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Crawford | Cromer |
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Garvin | Gatch |
| Gibson | Gilliam | Gilliard |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| McCabe | McCravy | McDaniel |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Rose |
| Rutherford | Schuessler | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| Vaughan | Weeks | West |
| Wetmore | Wheeler | White |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**H. 4087--AMENDED AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4087 -- Reps. G. M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M. M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20; 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4087 (LC-4087.DG0001H):

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3460(3) and (4) and inserting:

(3) “Qualified recycling facility” means a facility certified as a qualified recycling facility by a duly authorized representative of the department which includes all real and personal property incorporated into or associated with the facility located or to be located within this State that will be used by the taxpayer to manufacture or fabricate products for sale composed of at least fifty percent postconsumer waste material by weight or by volume. The minimum level of investment for a qualified recycling facility must be at least three one hundred million dollars incurred by the end of the fifth calendar year after the year in which the taxpayer begins construction or operation of the facility.

(4) “Postconsumer waste material” means any product generated by a business or consumer which has served its intended end use and which has been separated from the solid waste stream for the purpose of recycling and includes, but is not limited to, scrap metal and iron, and used plastics, paper, glass, batteries, solar panels, turbines and related structures, and rubber.

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

SECTION X. Section 12-6-3360 of the S.C. Code is amended by adding:

(Q)(1) Notwithstanding any other provision of law, to recruit an eligible business to this State or to expand in this State, and subject to approval by the Joint Bond Review Committee, the Secretary of Commerce is authorized to allow an eligible business to sell, exchange, or otherwise transfer tax credits earned pursuant to this section. A tax credit or increment of a tax credit may be transferred only once. The credit may be transferred to any taxpayer. A taxpayer to whom a credit has been transferred may use the credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but the transferred credit may not be used more than ten years after it was originally earned. With regard to the sale or exchange of a credit allowed under this section, general income tax principles apply for purposes of the state income tax.

(2) For purposes of this section, an eligible business is a business that is:

(a) headquartered in this State; or

(b) whose primary business is in:

(i) research and development;

(ii) the production of microchips, semiconductors, or circuit boards and other electronics components;

(iii) the production of pharmaceuticals, including active pharmaceutical ingredients;

(iv) advanced manufacturing;

(v) life sciences; or

(vi) new, emerging, or high technologies.

Renumber sections to conform.

Amend title to conform.

Rep. CASKEY moved to adjourn debate on the amendment, which was agreed to.

Rep. BANNISTER proposed the following Amendment No. 2 to   
H. 4087 (LC-4087.DG0002H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3460(3) and (4) and inserting:

(3) “Qualified recycling facility” means a facility certified as a qualified recycling facility by a duly authorized representative of the department which includes all real and personal property incorporated into or associated with the facility located or to be located within this State that will be used by the taxpayer to manufacture or fabricate products for sale composed of at least fifty percent postconsumer waste material by weight or by volume. The minimum level of investment for a qualified recycling facility must be at least three one hundred million dollars incurred by the end of the fifth calendar year after the year in which the taxpayer begins construction or operation of the facility.

(4) “Postconsumer waste material” means any product generated by a business or consumer which has served its intended end use and which has been separated from the solid waste stream for the purpose of recycling and includes, but is not limited to, scrap metal and iron, and used plastics, paper, glass, batteries, solar panels, turbines and related structures, and rubber.

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

SECTION X. Section 12-6-3360 of the S.C. Code is amended by adding:

(Q)(1) Notwithstanding any other provision of law, to recruit an eligible business to this State or to expand in this State, and subject to approval by the Joint Bond Review Committee, the Secretary of Commerce is authorized to allow an eligible business to sell, exchange, or otherwise transfer tax credits earned pursuant to this section so long as the credit was earned after 2022 and before tax year 2029. A tax credit or increment of a tax credit may be transferred only once. The credit may be transferred to any taxpayer. A taxpayer to whom a credit has been transferred may use the credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but the transferred credit may not be used more than ten years after it was originally earned. With regard to the sale or exchange of a credit allowed under this section, general income tax principles apply for purposes of the state income tax.

(2) For purposes of this section, an eligible business is a business that is:

(a) headquartered in this State; or

(b) whose primary business is in:

(i) research and development;

(ii) the production of microchips, semiconductors, or circuit boards and other electronics components;

(iii) the production of pharmaceuticals, including active pharmaceutical ingredients;

(iv) advanced manufacturing;

(v) life sciences; or

(vi) new, emerging, or high technologies.

Renumber sections to conform.

Amend title to conform.

Rep. CASKEY explained the amendment.

The amendment was then adopted.

Reps. CROMER, HARRIS, MCCRAVY, BEACH, GUEST, CRAWFORD, S. JONES, WHITE, MAY, MCCABE, TRANTHAM, T. A. MORGAN, A. M. MORGAN, CHUMLEY, B. J. COX, WEST, THAYER, M. M. SMITH, B. NEWTON, DAVIS, HEWITT and BERNSTEIN requested debate on the Bill.

**H. 4017--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4017 -- Rep. Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-40, RELATING TO APPLICATION OF FEDERAL INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2022 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

Rep. B. NEWTON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Crawford | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Haddon | Hager | Hardee |
| Harris | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hosey |
| Hyde | Jefferson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| J. Moore | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rose | Rutherford |
| Sandifer | Schuessler | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| Vaughan | Weeks | West |
| Wetmore | Wheeler | White |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--113**

Those who voted in the negative are:

**Total--0**

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

**H. 4124--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4124 -- Reps. G. M. Smith, Bannister, Herbkersman, Yow, Mitchell, Murphy, Brewer, Robbins, Gatch, M. M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-1-20, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE FOR THE CREATION OF A DEPARTMENT OF PUBLIC HEALTH TO ASSUME THE HEALTH-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND FOR OTHER PURPOSES; BY AMENDING SECTIONS 44-1-60, 44-1-140, AND 44-1-150, ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES; BY REPEALING SECTIONS 1-30-45 AND 44-1-65 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PERMITTING OF CERTAIN ANIMAL FACILITIES; BY RENAMING CHAPTER 1 OF TITLE 44, "DEPARTMENT OF PUBLIC HEALTH"; BY ADDING CHAPTER 6 TO TITLE 48 SO AS TO CREATE THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO ASSUME THE ENVIRONMENTAL-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR BY THE GOVERNOR, AND FOR OTHER PURPOSES; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL SERVICES; AND BY ADDING SECTIONS 1-30-135 AND 1-30-140 SO AS TO MAKE CONFORMING CHANGES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4124 (LC-4124.DG0003H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking subsections (A) and (B) and inserting:

SECTION 2.  (A) It is the intent of the General Assembly to restructure and transfer the programs, services, duties, and authority of the Department of Health and Environmental Control into the Department of Public Health or the Department of Environmental Services. Accordingly, the Department of Administration immediately shall commence the process of analyzing the circumstances and determining the best manner to efficiently and effectively restructure and transfer all programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Public Health or the Department of Environmental Services, consistent with the provisions of this act. The Department of Health and Environmental Control shall cooperate with the Department of Administration and assign such personnel as requested by the Executive Director of the Department of Administration to assist the department and enable it to complete its duties under this SECTION. To complete its duties under this SECTION the Department of Administration shall consult with the existing Director of the Department of Health and Environmental Control and the existing Director of Environmental Affairs of the Department of Health and Environmental Control.

(B) The Department of Administration’s analysis required by this SECTION must include the submission of a report to the General Assembly no later than December 31, 2023, with specific recommendations of statutory changes needed throughout the South Carolina Code of Laws to reflect the restructuring and transfer of the health‑related programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Public Health and to reflect the restructuring and transfer of the environmental‑related programs, services, duties, and authority of the Department of Health and Environmental Control to the Department of Environmental Services. The Department of Health and Environmental Control shall assign such legal, programmatic and administrative personnel as requested by the Executive Director of Department of Administration to assist the department in identifying statutory provisions requiring change and in suggesting appropriate language to effectuate required changes. The Code Commissioner shall be available to consult with and assist the Department of Administration in making the recommendations required by this SECTION.

Amend the bill further, SECTION 4, by striking Section 48-6-30(D)(2) and inserting:

(2) Within thirty calendar days after the receipt of a decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 12-23-600(H) shall apply to timely requests for a contested hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

Amend the bill further, by striking SECTION 9 and inserting:

SECTION 9. This act takes effect on July 1, 2024, except that the provisions of SECTION 2, relating to the Department of Administration’s duties, take effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

The amendment was then adopted.

Rep. MAGNUSON proposed the following Amendment No. 3 to   
H. 4124 (LC-4124.DG0012H), which was tabled:

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

SECTION X. Chapter 1, Title 44 of the S.C. Code is amended by adding:

Section 44-1-320. (A) It is the intent of the General Assembly to defend the State of South Carolina against violations of the United States Constitution and further prevent the subjecting of the sovereignty and rights of the United States of America to the Charter of the United Nations.

(B) Notwithstanding another provision of law, the Department of Health and Environmental Control, or its successor agency, must not employ state funds, personnel, or facilities to implement the provisions of any treaty that has not received ratification by a two‑thirds vote of the United States Senate as required by the United States Constitution, Article II, Section 2. This section must be expressly applied to any treaty drafted under the framework of “a WHO Convention, Agreement, or Other International Agreement on Pandemic Prevention, Preparedness, and Response” or under color of amendments to the International Health Regulations. Any employee that violates this section may be subject to disciplinary action.

(C) The Department of Health and Environmental Control, or its successor agency, bears the burden of proof to show that a rule, regulation, or guidance was developed independent of influence by the Centers for Disease Control (CDC), the World Health Organization (WHO), or the United Nations (UN) and that the treaty was not a factor in determining whether to publish the rule, regulation, or guidance.

(D) This section is enacted under the authority of Article VI of the United States Constitution, the Tenth Amendment to the United States Constitution, and the inherent power reserved to South Carolina as a sovereign state.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

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

Rep. A. M. MORGAN proposed the following Amendment No. 4 to H. 4124 (LC-4124.VR0013H), which was ruled out of order:

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

SECTION X. Section 44-29-180(A) of the S.C. Code is amended to read:

(A) No superintendent of an institution of learning, no school board or principal of a school, and no owner or operator of a public or private childcare facility as defined in Section 63-13-20 may admit as a pupil or enroll or retain a child or person who cannot produce satisfactory evidence of having been vaccinated or immunized so often as directed by the Department of Health and Environmental Control or its successor agency for the following vaccines/diseases: Diphtheria, Tetanus, Pertussis, polio, measles, mumps, rubella, Hepatitis B, Haemophilus, influenzae type b, Pneumococcal conjugate, Hepatitis A, and Varicella. Any additional vaccines must be approved by the General Assembly. Records of vaccinations or immunizations must be maintained by the institution, school, or day care facility to which the child or person has been admitted.

Renumber sections to conform.

Amend title to conform.

Rep. A. M. MORGAN explained the amendment.

**POINT OF ORDER**

Rep. COBB-HUNTER raised the Point of Order under Rule 9.3 that Amendment No. 4 was not germane to H. 4124.

Rep. T.A. MORGAN argued contra.

Rep. COBB-HUNTER argued in favor of the Point of Order.

Rep. T. A. MORGAN argued contra.

Rep. GATCH argued in favor of the Point of Order.

The SPEAKER *PRO TEMPORE* stated that H. 4124 separated DHEC’s responsibilities into two separate agencies.  He stated that Amendment No. 4 created a new responsibility for the General Assembly to approve vaccination requirements.  He stated the Amendment went beyond the scope of the Bill and sustained the Point of Order.

Rep. MAGNUSON proposed the following Amendment No. 5 to   
H. 4124 (LC-4124.DG0016H), which was tabled:

Amend the bill, as and if amended, SECTION 3.C., by striking Section 44-1-140(A) and inserting:

(A) The Department of Public Health and Environmental Control may make, adopt, promulgate and enforce reasonable rules and regulations from time to time that derived independently from the Centers for Disease Control and Prevention, the World Health Organization, or the International Health Regulations requiring and providing for:

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

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

Rep. MCCRAVY explained the Bill.

Further proceedings were interrupted by the expiration of time on the uncontested calendar, the pending question being consideration of the Bill.

**H. 4122--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. ERICKSON, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M. M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B. J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman and Chapman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

**H. 3142--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. ERICKSON, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 3142 -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones, Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn, Hosey, Cobb-Hunter, Jefferson, Anderson and Kirby: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY EACH YEAR AS "ROBERT SMALLS DAY" IN SOUTH CAROLINA.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. J. L. JOHNSON.

**S. 120--DEBATE ADJOURNED**

The following Bill was taken up:

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

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

**H. 3514--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J. L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M. M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

The Committee on Judiciary proposed the following Amendment   
No. 1 to H. 3514 (LC-3514.PH0002H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-380(A) and inserting:

(A) There is established in the State Treasury the Equine Industry Development Fund. This fund is separate and distinct from the general fund of the State and all other funds. The fund shall consist of fees collected pursuant to Section 52-3-360(D) less those amounts retained by the commission pursuant to Section 52-5-370 and donations, contributions, bequests, or other gifts. The purpose of the fund is to provide grants to promote and improve the equine industry in the State. Earnings and interest on this fund must be credited to it and any balance at the end of a fiscal year will carry forward to the fund in the succeeding fiscal year.

Renumber sections to conform.

Amend title to conform.

Rep. ELLIOTT explained the amendment.

The amendment was then adopted.

Reps. OTT and ELLIOTT proposed the following Amendment No. 2 to H. 3514 (LC-3514.AHB0039H):

Amend the bill, as and if amended, SECTION 1, Section 52-5-320, by adding a subsection to read:

(D) Commissioners and their family members are prohibited from having any ownership interest in an ADW licensee. For purposes of this section, family member has the same meaning as Section 8-13-100.

Amend the bill further, SECTION 1, by striking Section 52-5-330(8) and inserting:

(8) expend funds collected pursuant to Section 52-5-370 to the commission as the commission determines necessary for the costs of administering the commission's operations;

Amend the bill further, SECTION 1, Section 52-5-360, by adding a subsection to read:

(F) The commission may not issue an ADW license to any applicant who has been convicted of any felony offense. A background investigation must be conducted on each applicant. The commission shall pay for the cost of the investigation and may contract with the State Law Enforcement Division (SLED) or appropriate federal agency for the performance of the investigation.

Amend the bill further, SECTION 1, by striking Section 52-5-370 and inserting:

Section 52‑5‑370. The commission may retain up to fifty percent of the application and annual license fees collected for the commission's expenses. The remainder of the fees collected shall be credited to the Equine Industry Development Fund.

Amend the bill further, SECTION 1, by adding:

Section 52-5-420. Individuals under the age of eighteen are prohibited from parimutuel wagering. They may not place wagers or open an advanced deposit account for the purposes of placing wagers.

Renumber sections to conform.

Amend title to conform.

Rep. ELLIOTT explained the amendment.

**RECURRENCE TO THE MORNING HOUR**

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

Further proceedings were interrupted by the recurring to the morning hour, the pending question being consideration of Amendment No. 2.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4279 -- Reps. Howard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE OUTSTANDING CHARITABLE WORK OF THE BEAUTY GRAND CHAPTER OF THE ORDER OF THE EASTERN STAR, AND TO CONGRATULATE ITS MEMBERS UPON REACHING THE MILESTONE OF THEIR SIXTIETH ANNIVERSARY OF SERVICE IN SOUTH CAROLINA.

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

**INTRODUCTION OF BILLS**

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

H. 4280 -- Reps. Erickson, McDaniel, Bradley, McGinnis, Gilliam, Calhoon, Wetmore, Elliott, B. J. Cox and Stavrinakis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "EDUCATOR ASSISTANCE ACT"; BY ADDING SECTION 59-25-112 SO AS TO PROVIDE PROFESSIONAL CERTIFICATES ISSUED BY THE STATE BOARD OF EDUCATION ARE PERMANENT UNLESS REVOKED OR SUSPENDED AND ARE NOT SUBJECT TO RENEWAL, AND TO PROVIDE NO TEACHER MAY BE REQUIRED TO RENEW A PROFESSIONAL CERTIFICATE ISSUED BY THE BOARD; BY ADDING SECTION 59-101-145 SO AS TO AUTHORIZE THE USE DATE BEING COLLECTED UNDER CURRENT PROCEDURES TO REPORT ON CERTAIN POSTSECONDARY MATTERS CONCERNING GRADUATES SOUTH CAROLINA PUBLIC SCHOOLS, AND TO REQUIRE THE STREAMLINING OF DATA COLLECTION TIMELINES AND PROCESSES; BY AMENDING SECTION 59-25-420, RELATING TO NOTICES CONCERNING ANNUAL TEACHER EMPLOYMENT CONTRACTS, SO AS TO PROVIDE CONTRACT ACCEPTANCES SUBMITTED BEFORE THE STATUTORY NOTIFICATION DEADLINE MAY BE WITHDRAWN BY SUBMISSION OF WRITTEN NOTICE TO THE SCHOOL DISTRICT WITHIN TEN DAYS AFTER PUBLICATION OF THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE UPCOMING SCHOOL YEAR, AND TO PROVIDE SCHOOL DISTRICTS MAY NOT REPORT SUCH WITHDRAWALS AS A BREACH OF CONTRACT; BY AMENDING SECTION 59-25-530, RELATING TO UNPROFESSIONAL CONDUCT AND BREACH OF CONTRACT BY TEACHERS, SO AS TO REVISE THE PENALTIES FOR BREACH OF CONTRACT RESULTING FROM THE UNAUTHORIZED EXECUTION OF AN EMPLOYMENT CONTRACT WITH ANOTHER DISTRICT, TO REVISE THE PERIOD FOR EDUCATOR CERTIFICATE SUSPENSION DUE TO BREACH OF CONTRACT, AND TO MAKE SUCH REVOCATIONS DISCRETIONARY; BY REPEALING SECTION 59-101-130 RELATING TO HIGH SCHOOLS REPORTING TO THE SUPERINTENDENT OF EDUCATION; INSTITUTIONS OF HIGHER LEARNING REPORTING TO HIGH SCHOOLS; AND BY REPEALING SECTION 59-101-140 RELATING TO TABULATION OF REPORTS.

Referred to Committee on Education and Public Works

H. 4281 -- Reps. McGinnis, Lowe, Jordan, Schuessler, Bailey, Hardee, Brittain, Atkinson, Guest, Hayes, Nutt, Gagnon and Thayer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-11-83, RELATING TO PAYROLL DEDUCTIONS, SO AS TO AUTHORIZE THE COMPTROLLER GENERAL TO DEDUCT DUES FOR THE SOUTH CAROLINA WILDLIFE LAW ENFORCEMENT OFFICERS' ASSOCIATION FROM THE COMPENSATION OF STATE EMPLOYEES AND RETIREES.

Referred to Committee on Ways and Means

H. 4282 -- Reps. Tedder, Ballentine, Wooten, Wetmore, Henegan, J. L. Johnson and Pendarvis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-37-10, RELATING TO DEFINITIONS, SO AS TO PROVIDE FOR "DEMAND-SIDE MANAGEMENT PROGRAMS", "COST-EFFECTIVE", AND "DEMAND-SIDE MANAGEMENT PILOT PROGRAMS"; BY AMENDING SECTION 58-37-20, RELATING TO THE ADOPTION OF PROCEDURES ENCOURAGING ENERGY EFFICIENCY AND CONSERVATION, SO AS TO REQUIRE THE PUBLIC SERVICE COMMISSION TO ADOPT PROCEDURES TO REQUIRE ELECTRICAL UTILITIES AND ENCOURAGE GAS UTILITIES TO PLAN FOR AND INVEST IN ALL COST-EFFECTIVE ENERGY EFFICIENCY AND DEMAND-SIDE RESOURCES AND TO REQUIRE THE COMMISSION TO REVIEW ANNUAL REPORTS FROM THE UTILITIES; BY AMENDING SECTION 58-37-30, RELATING TO REPORTS ON DEMAND-SIDE ACTIVITIES OF GAS AND ELECTRIC UTILITIES, SO AS TO MAKE TECHNICAL CHANGES; AND TO REQUIRE THE OFFICE OF REGULATORY STAFF TO STUDY POTENTIAL COSTS AND BENEFITS OF ESTABLISHING A THIRD-PARTY ADMINISTRATOR FOR ENERGY EFFICIENCY AND OTHER DEMAND-SIDE MANAGEMENT PROGRAMS, AND TO PROVIDE CERTAIN REQUIREMENTS FOR THIS STUDY.

Referred to Committee on Labor, Commerce and Industry

**H. 4124--ORDERED TO THIRD READING**

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

H. 4124 -- Reps. G. M. Smith, Bannister, Herbkersman, Yow, Mitchell, Murphy, Brewer, Robbins, Gatch, M. M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-1-20, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE FOR THE CREATION OF A DEPARTMENT OF PUBLIC HEALTH TO ASSUME THE HEALTH-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND FOR OTHER PURPOSES; BY AMENDING SECTIONS 44-1-60, 44-1-140, AND 44-1-150, ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES; BY REPEALING SECTIONS 1-30-45 AND 44-1-65 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PERMITTING OF CERTAIN ANIMAL FACILITIES; BY RENAMING CHAPTER 1 OF TITLE 44, "DEPARTMENT OF PUBLIC HEALTH"; BY ADDING CHAPTER 6 TO TITLE 48 SO AS TO CREATE THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO ASSUME THE ENVIRONMENTAL-RELATED FUNCTIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR BY THE GOVERNOR, AND FOR OTHER PURPOSES; BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL SERVICES; AND BY ADDING SECTIONS 1-30-135 AND 1-30-140 SO AS TO MAKE CONFORMING CHANGES.

Rep. MCCRAVY spoke against the Bill.

Rep. MAGNUSON spoke against the Bill.

Rep. BANNISTER spoke in favor of the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Bernstein | Blackwell |
| Brewer | Brittain | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Clyburn | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Crawford | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | McCravy |
| McDaniel | McGinnis | Mitchell |
| T. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | Ott | Pedalino |
| Pope | Rivers | Robbins |
| Rose | Rutherford | Sandifer |
| Schuessler | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Vaughan | Weeks | West |
| Wetmore | Wheeler | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total—97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Chumley |
| Cromer | Harris | Kilmartin |
| Magnuson | May | McCabe |
| A. M. Morgan | T. A. Morgan | O'Neal |
| Oremus | Pace | Trantham |
| White |  |  |

**Total--16**

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

**H. 3908--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3908 -- Reps. Collins, G. M. Smith, Bannister, Erickson, Whitmire, Felder, Bernstein, Ott, Haddon, W. Newton, Carter, Elliott, Crawford, Ballentine, Caskey, Wetmore, Stavrinakis, Mitchell, Yow, M. M. Smith, Willis, Vaughan, Cobb-Hunter, Oremus, McGinnis, Trantham, Calhoon, Gatch, Weeks, Rose, Alexander, Tedder, Garvin, Murphy, Sandifer, Hartnett, Robbins, Brewer, Pope, Pace, Henegan, Williams, Wheeler, Wooten, T. Moore, Hyde and Lawson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 8-11-151 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE BIRTH OF A CHILD OR INITIAL LEGAL PLACEMENT OF A FOSTER CHILD FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES; AND BY ADDING SECTION 8-11-156 SO AS TO DEFINE TERMS AND TO PROVIDE PAID PARENTAL LEAVE UPON THE INITIAL LEGAL PLACEMENT OF A CHILD BY ADOPTION FOR ELIGIBLE SCHOOL DISTRICT EMPLOYEES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3908 (LC-3908.PH0004H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 8-11-151(A)(2) and (3) and inserting:

(2) “Eligible school district employee” means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) “Paid parental leave”, for purposes of duration and percentage of base pay covered, has the same meaning as Section 8‑11‑150(3) for eligible school district employees.

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER moved to table the amendment, which was agreed to.

Rep. COBB-HUNTER proposed the following Amendment No. 2 to H. 3908 (LC-3908.PH0005H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 8-11-151(A)(2) and (3) and inserting:

(2) “Eligible school district employee” means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) “Paid parental leave”, for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8‑11‑150(3) for eligible school district employees.

Amend the bill further, SECTION 2, by striking Section 8-11-156(A)(2) and (3) and inserting:

(2) “Eligible school district employee” means an employee defined by the Department of Education using the Professional Certified Staff system or any full-time equivalent position categorized as classified staff.

(3) “Paid parental leave”, for the purpose of duration and percentage of base pay covered, has the same meaning as Section 8‑11‑155(3) for eligible school district employees.

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Chumley | Clyburn | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Crawford | Cromer | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| McCabe | McCravy | McDaniel |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Ott | Pace |
| Pedalino | Pope | Rivers |
| Robbins | Rose | Rutherford |
| Sandifer | Schuessler | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| Vaughan | Weeks | West |
| Wetmore | Wheeler | White |
| Whitmire | 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.

**H. 3786--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3786 -- Reps. Lowe, G. M. Smith, Bannister, Jordan, Rutherford, Bernstein, Cobb-Hunter, Henegan, Gilliam, Hewitt, Erickson, Ott, M. M. Smith, W. Newton, Murphy, Gatch, Elliott, Herbkersman, Hosey, McDaniel, Mitchell, Stavrinakis, Taylor, Wooten, Carter, Atkinson, Kirby, Hyde, Leber, Alexander, B. Newton, Ballentine, Pope, Hixon, Brittain, Gagnon, Ligon, Wetmore, Davis, Brewer, Robbins, Bauer, Weeks, Dillard and W. Jones: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSERVATION ENHANCEMENT ACT"; BY AMENDING SECTION 12-24-90, RELATING TO THE DEED RECORDING FEE, SO AS TO REQUIRE A PORTION OF THE FEE TO BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND BY AMENDING SECTION 48-59-40, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO ADD ADDITIONAL MEMBERS TO THE BOARD.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3786 (LC-3786.DG0001H), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2.B. and inserting:

B. This SECTION takes effect July 1, 2024.

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

The amendment was then adopted.

Reps. BANNISTER and LOWE proposed the following Amendment No. 2 to H. 3786 (LC-3786.DG0003H), which was adopted:

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

SECTION X. Section 12-24-90 of the S.C. Code is amended by adding:

(D) Notwithstanding subsection (B), beginning in Fiscal Year 2025-2026, the maximum amount of the state fee that may be credited to the South Carolina Conservation Bank Trust Fund in a fiscal year equals the amount credited to the Trust Fund in the previous year plus or minus the percentage change in projected general fund revenues. The projected percentage change in general fund revenues must be calculated by the Revenue and Fiscal Affairs Office in the same manner as specified in Section 6-27-30 with the forecast in effect on February fifteenth of the current fiscal year being the final forecast for purposes of determining the adjustment. The Revenue and Fiscal Affairs Office shall notify the State Treasurer of the maximum amount that may be credited to the Trust Fund in the upcoming fiscal year. Any revenues from the state fee that exceed the maximum amount that may be credited to the Trust Fund must be credited to the general fund.

Renumber sections to conform.

Amend title to conform.

Rep. LOWE explained the amendment.

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

Yeas 93; Nays 17

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Bernstein | Blackwell |
| Brewer | Brittain | Bustos |
| Calhoon | Carter | Chapman |
| Clyburn | Cobb-Hunter | Collins |
| Connell | Crawford | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hosey |
| Howard | Hyde | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Lowe | McDaniel | McGinnis |
| Mitchell | T. Moore | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Ott | Pace | Pedalino |
| Pope | Rivers | Robbins |
| Rose | Rutherford | Sandifer |
| Schuessler | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thigpen |
| Vaughan | Weeks | West |
| Wetmore | Whitmire | Williams |
| Willis | Wooten | Yow |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Chumley | B. J. Cox |
| Cromer | Harris | S. Jones |
| Kilmartin | Long | Magnuson |
| May | McCabe | McCravy |
| A. M. Morgan | T. A. Morgan | Oremus |
| Trantham | White |  |

**Total--17**

So, the amendment was adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Bernstein | Blackwell |
| Brewer | Brittain | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Clyburn | Cobb-Hunter |
| Collins | Connell | Crawford |
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Garvin | Gatch |
| Gibson | Gilliam | Gilliard |
| Guest | Guffey | Haddon |
| Hager | Hardee | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. L. Johnson | W. Jones |
| Jordan | King | Kirby |
| Landing | Lawson | Leber |
| Ligon | Lowe | McDaniel |
| McGinnis | Mitchell | J. Moore |
| T. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pace | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Rutherford | Sandifer |
| Schuessler | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thigpen |
| Vaughan | Weeks | West |
| Wetmore | Whitmire | Williams |
| Willis | Wooten | Yow |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Chumley | B. J. Cox |
| Cromer | Harris | S. Jones |
| Kilmartin | Long | Magnuson |
| May | McCabe | McCravy |
| A. M. Morgan | T. A. Morgan | Nutt |
| O'Neal | Oremus | Thayer |
| Trantham | White |  |

**Total--20**

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

**H. 4020--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4020 -- Reps. W. Newton, Erickson, Herbkersman, Stavrinakis, Bradley, Elliott, Murphy, Wetmore, B. Newton, Bannister, G. M. Smith, Weeks, Dillard, W. Jones, Taylor and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-62-50, RELATING TO THE TAX REBATE FOR CERTAIN MOTION PICTURE PRODUCTION COMPANIES, SO AS TO INCREASE THE ANNUAL LIMIT, AND BY ALLOWING THE USE OF REBATES FOR CERTAIN EXPENDITURES AND EXPENSES; AND BY REPEALING SECTION 12-62-60 RELATING TO DISTRIBUTION OF ADMISSIONS TAXES FOR REBATES TO MOTION PICTURE PRODUCTION COMPANIES AND CERTAIN DEPARTMENTAL EXPENSES.

Reps. A. M. MORGAN, MAY, MCCABE, BURNS, T. A. MORGAN, TRANTHAM, KILMARTIN, WHITE, S. JONES, KIRBY, CROMER, BEACH, PACE, MAGNUSON, HARRIS, B. NEWTON, NUTT, MCCRAVY, KING, HENEGAN, HOSEY, GILLIARD, WHITMIRE, SANDIFER, WETMORE, ERICKSON, B. J. COX, GATCH and BRITTAIN requested debate on the Bill.

**H. 4118--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4118 -- Reps. Weeks, Gagnon, Alexander, Dillard, W. Jones, Gatch, Henegan and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3530, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO EXTEND THE CREDIT AND TO PROVIDE FOR AN INCREASE IN THE CREDIT AMOUNT; AND TO EXTEND THE PROVISIONS OF ACT 314 OF 2000.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4118 (LC-4118.SA0001H), which was adopted:

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

Amend the bill further, by striking SECTION 3 and inserting:

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

Renumber sections to conform.

Amend title to conform.

Rep. B. NEWTON 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 98; Nays 12

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bannister | Bauer |
| Bernstein | Blackwell | Brewer |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Crawford | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Hager | Hardee |
| Hart | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Hosey |
| Howard | Hyde | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | McCravy |
| McDaniel | McGinnis | Mitchell |
| J. Moore | T. Moore | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | Oremus |
| Ott | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Rutherford | Sandifer |
| Schuessler | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| Whitmire | Williams | Willis |
| Wooten | Yow |  |

**Total--98**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Chumley |
| Cromer | Harris | May |
| McCabe | A. M. Morgan | T. A. Morgan |
| O'Neal | Trantham | White |

**Total--12**

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

**LEAVE OF ABSENCE**

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

**H. 3737--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3737 -- Reps. Ligon, Haddon, B. Newton, Neese, O'Neal, Pope, Felder, Guffey, West, Hyde, Henegan, Williams, Atkinson, Herbkersman, Weeks, Wheeler, Gagnon and Taylor: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SHORT LINE RAILROAD MODERNIZATION ACT"; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT EQUAL TO FIFTY PERCENT OF AN ELIGIBLE TAXPAYER'S QUALIFIED RAILROAD RECONSTRUCTION OR REPLACEMENT EXPENDITURES, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX CREDIT.

Rep. CASKEY explained the Bill.

Rep. KING spoke against the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 65; Nays 46

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bannister | Beach | Blackwell |
| Brewer | Carter | Caskey |
| Collins | Connell | B. J. Cox |
| Davis | Dillard | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Gatch | Guest |
| Guffey | Haddon | Hager |
| Hardee | Hayes | Henegan |
| Herbkersman | Hewitt | Hyde |
| Jefferson | J. L. Johnson | W. Jones |
| Kirby | Landing | Lawson |
| Ligon | Long | Lowe |
| Magnuson | Mitchell | J. Moore |
| T. Moore | A. M. Morgan | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pendarvis |
| Robbins | Sandifer | M. M. Smith |
| Taylor | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| Whitmire | Willis |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bamberg | Bauer |
| Bernstein | Burns | Bustos |
| Calhoon | Chapman | Chumley |
| Clyburn | Cobb-Hunter | Cromer |
| Garvin | Gibson | Gilliam |
| Gilliard | Harris | Hart |
| Hartnett | Henderson-Myers | Hiott |
| Hosey | Howard | S. Jones |
| Jordan | Kilmartin | King |
| Leber | May | McCabe |
| McCravy | McDaniel | T. A. Morgan |
| Moss | Rivers | Rose |
| Rutherford | Schuessler | Tedder |
| Thayer | Thigpen | Trantham |
| White | Williams | Wooten |
| Yow |  |  |

**Total--46**

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

**H. 3810--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3810 -- Rep. Elliott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-20-50, RELATING TO THE IMPOSITION OF LICENSE TAXES ON CORPORATIONS, SO AS TO PROVIDE THAT THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

Rep. HERBKERSMAN proposed the following Amendment No. 1 to H. 3810 (LC-3810.PH0002H), which was adopted:

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

SECTION X. Section 33-44-409(b)(3) of the S.C. Code is amended to read:

(3) to refrain from competing with the company in the conduct of the company's business before the dissolution of the company. This item does not apply when a member is also a member of another LLC and there is not an enforceable noncompete provision in the operating agreement.

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

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

Yeas 109; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Chapman | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Crawford | Cromer |
| Davis | Dillard | Elliott |
| Erickson | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hart |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | Jefferson | J. L. Johnson |
| S. Jones | W. Jones | Jordan |
| Kilmartin | King | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| McDaniel | McGinnis | Mitchell |
| J. Moore | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rose | Rutherford |
| Sandifer | Schuessler | M. M. Smith |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--109**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Felder |  |  |

**Total--1**

So, the amendment was adopted.

Rep. CASKEY explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Bernstein | Blackwell |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Chapman | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Crawford | Davis |
| Dillard | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Haddon | Hager |
| Hardee | Hart | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Hewitt | Hiott | Hosey |
| Howard | Hyde | Jefferson |
| J. L. Johnson | S. Jones | W. Jones |
| Jordan | Kilmartin | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | McCravy | McDaniel |
| McGinnis | Mitchell | J. Moore |
| T. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | Oremus | Ott |
| Pedalino | Pendarvis | Pope |
| Robbins | Rose | Rutherford |
| Sandifer | Schuessler | M. M. Smith |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total--103**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Cromer | Harris |
| Magnuson | May | McCabe |
| A. M. Morgan | T. A. Morgan | O'Neal |
| Pace |  |  |

**Total--10**

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

**H. 3563--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3563 -- Reps. Cobb-Hunter, Pace, Collins, Bauer, Dillard, W. Jones, Wheeler, Hart, J. L. Johnson, Henegan, Williams, Trantham, Oremus, Cromer, Beach and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO PROVIDE FOR AN EXEMPTION FOR FEMININE HYGIENE PRODUCTS.

Rep. B. NEWTON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 114; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Beach | Bernstein |
| Blackwell | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chapman |
| Clyburn | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Hosey | Howard | Hyde |
| Jefferson | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| J. Moore | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rose | Rutherford |
| Schuessler | M. M. Smith | Taylor |
| Tedder | Thayer | Thigpen |
| Trantham | Vaughan | Weeks |
| West | Wetmore | Wheeler |
| White | Whitmire | Williams |
| Willis | Wooten | Yow |

**Total--114**

Those who voted in the negative are:

**Total--0**

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

**LEAVE OF ABSENCE**

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

**H. 3681--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

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

**MOTION PERIOD**

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

**S. 120--DEBATE ADJOURNED**

The following Bill was taken up:

S. 120 -- Senators Hembree, Campsen and Martin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

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

**LEAVE OF ABSENCE**

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

**H. 3514--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 2:

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J. L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M. M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Reps. OTT and ELLIOTT proposed the following Amendment No. 2 to H. 3514 (LC-3514.AHB0039H), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 52-5-320, by adding a subsection to read:

(D) Commissioners and their family members are prohibited from having any ownership interest in an ADW licensee. For purposes of this section, family member has the same meaning as Section 8-13-100.

Amend the bill further, SECTION 1, by striking Section 52-5-330(8) and inserting:

(8) expend funds collected pursuant to Section 52-5-370 to the commission as the commission determines necessary for the costs of administering the commission's operations;

Amend the bill further, SECTION 1, Section 52-5-360, by adding a subsection to read:

(F) The commission may not issue an ADW license to any applicant who has been convicted of any felony offense. A background investigation must be conducted on each applicant. The commission shall pay for the cost of the investigation and may contract with the State Law Enforcement Division (SLED) or appropriate federal agency for the performance of the investigation.

Amend the bill further, SECTION 1, by striking Section 52-5-370 and inserting:

Section 52‑5‑370. The commission may retain up to fifty percent of the application and annual license fees collected for the commission's expenses. The remainder of the fees collected shall be credited to the Equine Industry Development Fund.

Amend the bill further, SECTION 1, by adding:

Section 52-5-420. Individuals under the age of eighteen are prohibited from parimutuel wagering. They may not place wagers or open an advanced deposit account for the purposes of placing wagers.

Renumber sections to conform.

Amend title to conform.

Rep. OTT spoke in favor of the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. MCCRAVY spoke against the amendment.

The amendment was then adopted.

Rep. MCCRAVY proposed the following Amendment No. 3 to   
H. 3514 (LC-3514.PH0003H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-310(7) and inserting:

(7) "ADW licensee's earnings" means gross gaming revenue which is calculated by the total betting operator’s gross receipts on bets, including promotional bets, less winnings paid out.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. ELLIOTT moved to table the amendment.

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

Yeas 54; Nays 46

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Ballentine |
| Bamberg | Bannister | Bauer |
| Bernstein | Brewer | Brittain |
| Bustos | Calhoon | Caskey |
| Clyburn | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Dillard |
| Elliott | Erickson | Forrest |
| Garvin | Gatch | Gilliard |
| Hager | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hosey | Jefferson | J. L. Johnson |
| W. Jones | King | Kirby |
| Leber | Lowe | McDaniel |
| Murphy | Neese | B. Newton |
| W. Newton | Ott | Pedalino |
| Rivers | Rose | Schuessler |
| M. M. Smith | Tedder | Wetmore |
| Wheeler | Williams | Wooten |

**Total--54**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Beach | Blackwell |
| Burns | Carter | Chapman |
| Chumley | Crawford | Cromer |
| Davis | Felder | Gagnon |
| Gibson | Gilliam | Guffey |
| Haddon | Harris | Hartnett |
| Hiott | Hyde | Kilmartin |
| Landing | Lawson | Long |
| Magnuson | May | McCabe |
| McCravy | McGinnis | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Nutt | O'Neal | Oremus |
| Pace | Pope | Robbins |
| Sandifer | Thayer | Trantham |
| Vaughan | White | Whitmire |
| Willis |  |  |

**Total--46**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 4 to   
H. 3514 (LC-3514.PH0005H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-320(B) and inserting:

(B) No elected official or officer of this State is eligible to serve as a commissioner. The following persons and their immediate family members may not own an interest in an ADW Licensee or a horse racetrack and may not place wagers on horse racing:

(1) commissioners;

(2) employees of the commission;

(3) elected officials of this State; and

(4) employees of the Department of Revenue.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. ELLIOTT spoke against the amendment.

Rep. ELLIOTT moved to table the amendment.

Rep. A. M. MORGAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 58; Nays 49

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Bamberg | Bannister | Bauer |
| Bernstein | Blackwell | Brewer |
| Brittain | Bustos | Caskey |
| Clyburn | Cobb-Hunter | Collins |
| Connell | Dillard | Elliott |
| Forrest | Garvin | Gatch |
| Gilliard | Guest | Guffey |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hosey | Howard |
| Jefferson | J. L. Johnson | W. Jones |
| Jordan | King | Kirby |
| Leber | Ligon | Lowe |
| McDaniel | J. Moore | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pendarvis | Pope |
| Rivers | Rose | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Beach | Burns |
| Calhoon | Carter | Chapman |
| Chumley | B. J. Cox | Crawford |
| Cromer | Davis | Felder |
| Gagnon | Gibson | Gilliam |
| Haddon | Hager | Harris |
| Hartnett | Hiott | Hyde |
| Kilmartin | Landing | Lawson |
| Long | Magnuson | May |
| McCabe | McCravy | McGinnis |
| Mitchell | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Nutt |
| O'Neal | Oremus | Pace |
| Robbins | Sandifer | Thayer |
| Trantham | Vaughan | West |
| White | Whitmire | Willis |
| Wooten |  |  |

**Total--49**

So, the amendment was tabled.

**LEAVE OF ABSENCE**

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

Rep. MCCRAVY proposed the following Amendment No. 5 to   
H. 3514 (LC-3514.PH0006H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by deleting Section 52-5-330(1).

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. OTT spoke against the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 59; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Bustos | Calhoon | Caskey |
| Clyburn | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Dillard |
| Elliott | Garvin | Gatch |
| Gilliard | Guffey | Hager |
| Hartnett | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hosey |
| Howard | Jefferson | J. L. Johnson |
| W. Jones | King | Kirby |
| Leber | Lowe | McDaniel |
| Murphy | Neese | B. Newton |
| W. Newton | Ott | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams | Wooten |  |

**Total--59**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Beach | Burns |
| Carter | Chapman | Chumley |
| Crawford | Cromer | Davis |
| Felder | Gagnon | Gilliam |
| Haddon | Harris | Hiott |
| Hyde | Kilmartin | Landing |
| Lawson | Ligon | Long |
| Magnuson | May | McCabe |
| McCravy | McGinnis | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Nutt | O'Neal | Oremus |
| Pace | Thayer | Trantham |
| Vaughan | West | White |
| Whitmire | Willis |  |

**Total--41**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 6 to   
H. 3514 (LC-3514.PH0007H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-330(2) and inserting:

(2) adopt, promulgate, amend, and repeal bylaws not inconsistent with provisions in this chapter for the administration of the commission's affairs and the implementation of its functions, including the right of the commission to select qualifying grants and to provide other financial assistance, provided that all bylaws and changes to bylaws must be approved by the Regulations and Administrative Procedures Committee of the House of Representatives;

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. ELLIOTT spoke against the amendment.

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

Rep. MCCRAVY proposed the following Amendment No. 7 to   
H. 3514 (LC-3514.PH0008H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-330(12) and inserting:

(12) approve takeout rates for each ADW licensee; and

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. OTT spoke against the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 56; Nays 49

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Caskey | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Dillard |
| Elliott | Forrest | Gatch |
| Gilliard | Guffey | Hager |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hosey | Howard | Jefferson |
| J. L. Johnson | W. Jones | King |
| Kirby | Leber | Lowe |
| McDaniel | J. Moore | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pendarvis | Rivers |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams | Wooten |  |

**Total--56**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Beach | Burns |
| Bustos | Calhoon | Carter |
| Chapman | Chumley | Crawford |
| Cromer | Davis | Felder |
| Gagnon | Gibson | Gilliam |
| Guest | Haddon | Harris |
| Hiott | Hyde | Jordan |
| Kilmartin | Landing | Lawson |
| Ligon | Long | Magnuson |
| May | McCabe | McCravy |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Nutt | O'Neal | Oremus |
| Pace | Pope | Robbins |
| Thayer | Trantham | Vaughan |
| West | White | Whitmire |
| Willis |  |  |

**Total--49**

So, the amendment was tabled.

Rep. HIOTT moved to recommit the Bill to the Committee on Judiciary.

Rep. OTT moved to table the motion.

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

Yeas 59; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Blackwell | Brewer |
| Brittain | Caskey | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Dillard | Elliott | Forrest |
| Gatch | Gilliard | Hager |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hosey | Howard | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Leber |
| Lowe | McDaniel | Mitchell |
| J. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pendarvis | Rivers |
| Robbins | Rose | Schuessler |
| Taylor | Tedder | Thigpen |
| Wetmore | Wheeler | Williams |
| Willis | Wooten |  |

**Total—59**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Calhoon |
| Carter | Chapman | Chumley |
| Crawford | Cromer | Davis |
| Felder | Gagnon | Gibson |
| Gilliam | Guest | Haddon |
| Hardee | Harris | Hiott |
| Hyde | Kilmartin | Landing |
| Lawson | Ligon | Long |
| Magnuson | May | McCabe |
| McCravy | McGinnis | T. Moore |
| A. M. Morgan | T. A. Morgan | Nutt |
| O'Neal | Oremus | Pace |
| Pope | Sandifer | Thayer |
| Trantham | Vaughan | West |
| White | Whitmire |  |

**Total--44**

So, the motion to recommit the Bill was tabled.

Rep. MCCRAVY proposed the following Amendment No. 8 to   
H. 3514 (LC-3514.PH0010H), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 52-5-330, by adding a subsection to read:

(14) Notwithstanding the above, all rules and regulations promulgated by the commission must be approved by the Regulations and Administrative Procedures Committee of the House of Representatives.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. OTT spoke against the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 60; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Bustos | Calhoon | Caskey |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Dillard | Elliott |
| Erickson | Forrest | Gatch |
| Gilliard | Hager | Hartnett |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hosey |
| Howard | Jefferson | J. L. Johnson |
| W. Jones | King | Kirby |
| Leber | Lowe | McDaniel |
| McGinnis | J. Moore | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pendarvis | Pope |
| Rivers | Rose | Sandifer |
| Schuessler | M. M. Smith | Taylor |
| Tedder | Thigpen | Wetmore |
| Wheeler | Williams | Wooten |

**Total--60**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Carter |
| Chapman | Chumley | Cromer |
| Davis | Felder | Gagnon |
| Gibson | Gilliam | Guffey |
| Haddon | Harris | Hiott |
| Hyde | Landing | Lawson |
| Ligon | Long | Magnuson |
| May | McCabe | McCravy |
| T. Moore | T. A. Morgan | Moss |
| Nutt | O'Neal | Oremus |
| Pace | Robbins | Thayer |
| Trantham | Vaughan | White |
| Whitmire | Willis |  |

**Total--38**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 9 to   
H. 3514 (LC-3514.PH0011H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-340 and inserting:

Section 52‑5‑340. The Department of Revenue shall provide such administrative support to the commission or any of its divisions or components as the commission may request and require in the performance of their duties including, but not limited to, financial management, human resources management, information technology, procurement services, and logistical support. The Department of Revenue must be reimbursed by the commission for the value of the department’s services on an annual basis.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. KING moved to table the amendment.

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

Yeas 56; Nays 45

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Caskey | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Crawford |
| Dillard | Elliott | Erickson |
| Forrest | Gatch | Gilliard |
| Guffey | Hager | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hosey | Howard | Jefferson |
| J. L. Johnson | King | Kirby |
| Leber | Lowe | McDaniel |
| McGinnis | J. Moore | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pendarvis | Rivers |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams | Wooten |  |

**Total--56**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Bustos |
| Calhoon | Carter | Chapman |
| Chumley | Cromer | Davis |
| Felder | Gagnon | Gibson |
| Gilliam | Guest | Haddon |
| Harris | Hartnett | Hiott |
| Hyde | Jordan | Kilmartin |
| Landing | Lawson | Long |
| Magnuson | May | McCabe |
| McCravy | Mitchell | T. Moore |
| T. A. Morgan | Moss | Nutt |
| O'Neal | Oremus | Pace |
| Pedalino | Pope | Robbins |
| Thayer | Trantham | Vaughan |
| White | Whitmire | Willis |

**Total--45**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 10 to   
H. 3514 (LC-3514.PH0013H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-350(A) and inserting:

(A) No person shall operate a pari‑mutuel wagering operation in this State unless he has obtained an ADW license issued by the commission in accordance with the provisions of this chapter. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than one year, or both. Each wager accepted on an application in violation of this section constitutes a separate offense. Furthermore, following a conviction of a violation of this section, the person convicted is not eligible for a license pursuant to this article.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

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

Rep. MCCRAVY proposed the following Amendment No. 11 to   
H. 3514 (LC-3514.PH0014H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-350(A) and inserting:

(A) No person shall operate a pari‑mutuel wagering application in this State, including any online wagering made available to residents of this State, unless he has obtained an ADW license issued by the commission in accordance with the provisions of this chapter. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than one year, or both. Each wager accepted on an application in violation of this section constitutes a separate offense. Furthermore, following a conviction of a violation of this section, the person convicted is not eligible for a license pursuant to this article.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

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

Rep. MCCRAVY proposed the following Amendment No. 12 to   
H. 3514 (LC-3514.PH0015H), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 52-5-360(A), by adding an item to read:

(8) All applicants must be authorized to do business in this State and must maintain a physical office in this State with at least one full time staff member available by phone from 9 a.m. to 5 p.m. Monday through Friday.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. ELLIOTT spoke in favor of the amendment.

The amendment was then adopted.

Rep. MCCRAVY proposed the following Amendment No. 13 to   
H. 3514 (LC-3514.PH0016H), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 52-5-360, by adding a subsection to read:

(F) The commission shall establish takeout rates for all ADW licensees on a case by case basis, not to exceed fifteen percent.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. KING moved to table the amendment.

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

Yeas 65; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Bustos | Caskey | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Crawford | Dillard | Elliott |
| Erickson | Forrest | Gatch |
| Gilliard | Guest | Guffey |
| Hager | Hartnett | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hosey | Howard |
| Jefferson | J. L. Johnson | W. Jones |
| Jordan | King | Kirby |
| Leber | Ligon | Lowe |
| McDaniel | McGinnis | A. M. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Ott |
| Pendarvis | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams | Wooten |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Calhoon |
| Carter | Chapman | Chumley |
| Cromer | Davis | Gagnon |
| Gibson | Gilliam | Haddon |
| Harris | Hiott | Hyde |
| Kilmartin | Landing | Lawson |
| Long | May | McCabe |
| McCravy | T. Moore | T. A. Morgan |
| Nutt | O'Neal | Oremus |
| Pace | Pope | Thayer |
| Trantham | Vaughan | White |
| Whitmire | Willis |  |

**Total--35**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 14 to   
H. 3514 (LC-3514.AHB0032H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-360(D) and inserting:

(D) The commission shall set and collect a license application fee equal to fifty percent of the applicant's projected ADW licensee's earnings in the State during the first full year of operations. Thereafter, the commission shall collect an annual fee from each ADW licensee equal to ten percent of the ADW licensee's earnings in the State during the previous twelve months. The annual fee shall be paid within four calendar weeks of the end of the ADW licensee's fiscal or calendar year. The ADW licensee shall designate whether he is paying on a fiscal‑year or calendar‑year basis at the time that his license is issued.

Amend the bill further, SECTION 1, by striking Section 52-5-370 and inserting:

Section 52‑5‑370. The commission may retain up to five percent of the application and annual license fees collected for the commission's expenses. Ten percent of the fees collected shall be credited to the Equine Industry Development Fund. Ten percent of the fees collected shall be credited to the South Carolina Department of Alcohol and Other Drug Abuse Services for use specifically to enhance the prevention, education, and treatment and recovery services for gambling addiction. Twenty-five percent of the fees collected shall be credited to the South Carolina Education Lottery Account.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. OTT spoke against the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 57; Nays 40

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Ballentine | Bamberg |
| Bannister | Bauer | Blackwell |
| Brewer | Bustos | Caskey |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Dillard | Elliott |
| Erickson | Forrest | Gatch |
| Gilliard | Guffey | Hager |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hosey | Howard |
| Jefferson | J. L. Johnson | W. Jones |
| Jordan | King | Kirby |
| Leber | Ligon | Lowe |
| McDaniel | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pendarvis | Pope |
| Rivers | Rose | Sandifer |
| Schuessler | M. M. Smith | Taylor |
| Tedder | Thigpen | Wetmore |
| Wheeler | Williams | Wooten |

**Total--57**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Carter |
| Chapman | Crawford | Cromer |
| Davis | Gagnon | Gibson |
| Gilliam | Guest | Haddon |
| Harris | Hartnett | Hayes |
| Hiott | Hyde | Kilmartin |
| Landing | Lawson | Long |
| Magnuson | McCabe | McCravy |
| McGinnis | T. Moore | A. M. Morgan |
| T. A. Morgan | Nutt | O'Neal |
| Oremus | Pace | Pedalino |
| Robbins | Thayer | Trantham |
| Vaughan | White | Whitmire |
| Willis |  |  |

**Total--40**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 15 to   
H. 3514 (LC-3514.AHB0031H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-360(D) and inserting:

(D) The commission shall set and collect a license application fee equal to twenty-five percent of the applicant's projected ADW licensee's earnings in the State during the first full year of operations. Thereafter, the commission shall collect an annual fee from each ADW licensee equal to ten percent of the ADW licensee's earnings in the State during the previous twelve months. The annual fee shall be paid within four calendar weeks of the end of the ADW licensee's fiscal or calendar year. The ADW licensee shall designate whether he is paying on a fiscal‑year or calendar‑year basis at the time that his license is issued.

Amend the bill further, SECTION 1, by striking Section 52-5-370 and inserting:

Section 52‑5‑370. The commission may retain up to five percent of the application and annual license fees collected for the commission's expenses. Ten percent of the fees collected shall be credited to the Equine Industry Development Fund. Ten percent of the fees collected shall be credited to the South Carolina Department of Alcohol and Other Drug Abuse Services for use specifically to enhance the prevention, education, and treatment and recovery services for gambling addiction.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. OTT spoke against the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 56; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Bustos | Caskey | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Dillard | Elliott | Erickson |
| Forrest | Gatch | Gilliard |
| Hager | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hosey |
| Howard | Jefferson | W. Jones |
| Jordan | King | Kirby |
| Leber | Ligon | Lowe |
| McDaniel | McGinnis | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pendarvis | Rivers |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams | Wooten |  |

**Total--56**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Calhoon |
| Carter | Chapman | Crawford |
| Cromer | Davis | Gagnon |
| Gibson | Gilliam | Guest |
| Guffey | Haddon | Harris |
| Hartnett | Hayes | Hiott |
| Hyde | J. L. Johnson | Kilmartin |
| Landing | Lawson | Long |
| Magnuson | McCabe | McCravy |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Nutt | O'Neal |
| Oremus | Pace | Pope |
| Robbins | Thayer | Trantham |
| Vaughan | White | Whitmire |
| Willis |  |  |

**Total--43**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 16 to   
H. 3514 (LC-3514.AHB0034H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-360(D) and inserting:

(D) The commission shall set and collect a license application fee equal to twenty percent of the applicant's projected ADW licensee's earnings in the State during the first full year of operations. Thereafter, the commission shall collect an annual fee from each ADW licensee equal to ten percent of the ADW licensee's earnings in the State during the previous twelve months. The annual fee shall be paid within four calendar weeks of the end of the ADW licensee's fiscal or calendar year. The ADW licensee shall designate whether he is paying on a fiscal‑year or calendar‑year basis at the time that his license is issued.

Amend the bill further, SECTION 1, by striking Section 52-5-370 and inserting:

Section 52‑5‑370. The commission may retain up to five percent of the application and annual license fees collected for the commission's expenses. Ten percent of the fees collected shall be credited to the Equine Industry Development Fund. Five percent of the fees collected shall be credited to the South Carolina Department of Alcohol and Other Drug Abuse Services for use specifically to enhance the prevention, education, and treatment and recovery services for gambling addiction.

Renumber sections to conform.

Amend title to conform.

Rep. OTT moved to table the amendment.

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

Yeas 58; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Bustos | Caskey | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Dillard | Elliott | Erickson |
| Forrest | Gatch | Gilliard |
| Guffey | Hager | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hosey | Howard | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Ligon |
| Lowe | McDaniel | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Ott | Pendarvis |
| Pope | Rivers | Rose |
| Sandifer | Schuessler | M. M. Smith |
| Taylor | Tedder | Thigpen |
| Wetmore | Wheeler | Williams |
| Wooten |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Calhoon |
| Carter | Chapman | Crawford |
| Cromer | Davis | Gagnon |
| Gilliam | Guest | Haddon |
| Harris | Hartnett | Hayes |
| Hiott | Hyde | Kilmartin |
| Landing | Lawson | Long |
| Magnuson | McCabe | McCravy |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Nutt | O'Neal | Oremus |
| Pace | Robbins | Thayer |
| Trantham | Vaughan | White |
| Whitmire | Willis |  |

**Total--38**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 17 to   
H. 3514 (LC-3514.PH0020H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-360(D) and inserting:

(D) The commission shall set and collect a license application fee equal to ten percent of the applicant's projected ADW licensee's earnings in the State during the first full year of operations. In the event the ADW licensee’s actual earnings are more than the projected earnings for the first year, ADW shall be required to pay a supplemental fee based on the actual earnings with credit for the amounts already paid. Thereafter, the commission shall collect an annual fee from each ADW licensee equal to ten percent of the ADW licensee's earnings in the State during the previous twelve months. The annual fee shall be paid within four calendar weeks of the end of the ADW licensee's fiscal or calendar year. The ADW licensee shall designate whether he is paying on a fiscal‑year or calendar‑year basis at the time that his license is issued.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

Rep. OTT spoke in favor of the amendment.

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

Yeas 95; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Beach | Blackwell | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Forrest |
| Gagnon | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Harris |
| Hartnett | Hayes | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hiott | Hosey | Howard |
| Hyde | J. L. Johnson | W. Jones |
| Jordan | Kilmartin | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | Magnuson | McCabe |
| McCravy | McDaniel | Mitchell |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Ott | Pace |
| Pedalino | Pope | Rivers |
| Robbins | Rose | Schuessler |
| M. M. Smith | Taylor | Thayer |
| Thigpen | Trantham | Vaughan |
| West | Wetmore | Wheeler |
| White | Whitmire | Williams |
| Willis | Wooten |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gatch | Sandifer | Tedder |

**Total--3**

So, the amendment was adopted.

Rep. GATCH moved cloture on the entire matter.

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

Yeas 55; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Ballentine |
| Bannister | Bauer | Blackwell |
| Brewer | Chapman | Collins |
| Connell | B. J. Cox | Dillard |
| Elliott | Erickson | Forrest |
| Gatch | Gilliard | Guest |
| Guffey | Hager | Hayes |
| Henderson-Myers | Henegan | Herbkersman |
| Hosey | Jefferson | J. L. Johnson |
| W. Jones | Jordan | Kirby |
| Leber | Lowe | Mitchell |
| Murphy | Neese | B. Newton |
| W. Newton | Ott | Pedalino |
| Pendarvis | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | West | Wetmore |
| Wheeler | Williams | Willis |
| Wooten |  |  |

**Total--55**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bamberg | Beach | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Crawford | Cromer |
| Davis | Gagnon | Gibson |
| Gilliam | Haddon | Harris |
| Hartnett | Hiott | Hyde |
| Landing | Lawson | Ligon |
| Long | Magnuson | McCabe |
| McCravy | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Nutt |
| O'Neal | Pace | Pope |
| Thayer | Trantham | Vaughan |
| White | Whitmire |  |

**Total--38**

So, cloture was ordered.

Rep. MCCRAVY proposed the following Amendment No. 18 to   
H. 3514 (LC-3514.PH0021H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-370 and inserting:

Section 52‑5‑370. The commission may retain up to five percent of the application and annual license fees collected for the commission's expenses. The remainder of the fees collected shall go to the South Carolina Department of Alcohol and Other Drug Abuse, which shall be used specifically to enhance prevention, education, treatment, and recovery services for gambling addiction.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY spoke in favor of the amendment.

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

Rep. MCCRAVY proposed the following Amendment No. 19 to   
H. 3514 (LC-3514.PH0024H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-370 and inserting:

Section 52‑5‑370. The commission may retain up to four percent of the application and annual license fees collected for the commission's expenses. Four precent of the fees collected shall be credited to the Equine Industry Development Fund. The remaining fees shall go to the South Carolina Department of Alcohol and Other Drug Abuse Services, which shall be sued specifically to enhance prevention, education, treatment, and recovery services for gambling addiction.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. OTT moved to table the amendment.

The amendment was tabled by a division vote of 58 to 28.

Rep. MCCRAVY proposed the following Amendment No. 20 to   
H. 3514 (LC-3514.PH0025H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-380(A) and inserting:

(A) There is established in the State Treasury the Equine Industry Development Fund. This fund is separate and distinct from the general fund of the State and all other funds. The fund shall consist of fees collected pursuant to Section 52-5-360(D) less those amounts retained by the commission pursuant to Section 11‑60‑100 and donations, contributions, bequests, or other gifts. The purpose of the fund is to provide grants to promote and improve the equine industry in the State. Earnings and interest on this fund must be credited to it and any balance at the end of a fiscal year will carry forward to the fund in the succeeding fiscal year.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY spoke in favor of the amendment.

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

Rep. MCCRAVY proposed the following Amendment No. 22 to   
H. 3514 (LC-3514.PH0027H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by deleting Section 52-5-400.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. ELLIOTT spoke against the amendment.

Rep. ELLIOTT moved to table the amendment.

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

Yeas 57; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Blackwell | Brewer |
| Caskey | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Crawford |
| Dillard | Elliott | Erickson |
| Forrest | Gatch | Gilliard |
| Hager | Hardee | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hosey | Howard | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Leber |
| Lowe | McDaniel | McGinnis |
| Mitchell | Murphy | Neese |
| B. Newton | W. Newton | Ott |
| Rivers | Rose | Sandifer |
| Schuessler | M. M. Smith | Taylor |
| Tedder | Thigpen | Wetmore |
| Wheeler | Williams | Wooten |

**Total--57**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Bustos |
| Calhoon | Carter | Chapman |
| Cromer | Davis | Gagnon |
| Gibson | Gilliam | Haddon |
| Harris | Hartnett | Hiott |
| Hyde | Kilmartin | Landing |
| Lawson | Ligon | Long |
| Magnuson | McCabe | McCravy |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Nutt | O'Neal |
| Oremus | Pace | Pope |
| Robbins | Thayer | Trantham |
| Vaughan | West | White |
| Whitmire | Willis |  |

**Total--41**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 23 to   
H. 3514 (LC-3514.PH0028H), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 52-5-310(4) and inserting:

(4) "Pari‑mutuel wagering" means the system of wagering on horse races in which those who wager on horses that finish in the position or positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by a licensee, less deductions required or permitted by law, and includes pari‑mutuel wagering on races conducted at a licensed pari‑mutuel facility located in this State.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. TAYLOR moved to table the amendment.

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

Yeas 62; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Blackwell | Brewer |
| Brittain | Caskey | Chapman |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | Crawford | Dillard |
| Elliott | Erickson | Forrest |
| Gagnon | Gatch | Gilliard |
| Guest | Hager | Hardee |
| Hayes | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hosey |
| Howard | Jefferson | J. L. Johnson |
| W. Jones | King | Kirby |
| Leber | Ligon | Lowe |
| McDaniel | McGinnis | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams | Wooten |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Bustos | Calhoon |
| Carter | Cromer | Davis |
| Gibson | Gilliam | Haddon |
| Harris | Hartnett | Hiott |
| Hyde | Kilmartin | Landing |
| Lawson | Long | Magnuson |
| McCabe | McCravy | Mitchell |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Nutt | O'Neal |
| Oremus | Pace | Pope |
| Thayer | Trantham | Vaughan |
| West | White | Whitmire |
| Willis |  |  |

**Total--37**

So, the amendment was tabled.

Rep. MCCRAVY proposed the following Amendment No. 24 to   
H. 3514 (LC-3514.SA0033H), which was tabled:

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

SECTION X. (A)(1) There is established the South Carolina Equine Grant Committee (committee). The committee is composed of:

(a) one member appointed by the Governor;

(b) three members appointed by the Speaker of the House of Representatives; and

(c) three members appointed by the President of the Senate.

(2) A member of the General Assembly may not be a member of the committee.

(B) In making an appointment to the committee, an individual’s knowledge of the equine industry must be considered but specific knowledge is not required. The committee shall establish the criteria to qualify for grants and shall set forth the procedures for applying for grants. The commission may require any information of the grant applicant that is necessary to properly evaluate the grant proposal.

(C) There is established in the State Treasury the South Carolina Equine Grant Fund (fund). This fund is separate and distinct from the general fund of the State and all other funds.

(D) Before July 1, 2023, the General Assembly shall appropriate two million two hundred thousand dollars to the fund to be used by the committee to assist the equine industry.

(E) The Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee shall provide staffing for the committee. Committee members must be compensated for their services at the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions and may be reimbursed for actual and necessary expenses incurred in connection with and as a result of their work as members of the committee.

(F) The committee shall distribute money in the fund to qualified grant applicants before July 1, 2024, at which time the committee is dissolved.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY spoke in favor of the amendment.

Rep. OTT spoke against the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 74; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Bailey |
| Ballentine | Bamberg | Bannister |
| Bauer | Blackwell | Brewer |
| Brittain | Bustos | Caskey |
| Chapman | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Crawford |
| Cromer | Dillard | Elliott |
| Erickson | Forrest | Gagnon |
| Gatch | Gilliard | Guest |
| Hager | Hardee | Hartnett |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hosey | Howard |
| Jefferson | J. L. Johnson | W. Jones |
| Jordan | King | Kirby |
| Leber | Lowe | McCabe |
| McDaniel | McGinnis | Mitchell |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Ott | Pendarvis |
| Rivers | Robbins | Rose |
| Sandifer | Schuessler | M. M. Smith |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| Wetmore | Wheeler | White |
| Williams | Wooten |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Calhoon |
| Carter | Davis | Gibson |
| Gilliam | Haddon | Harris |
| Hiott | Hyde | Kilmartin |
| Landing | Lawson | Ligon |
| Long | Magnuson | McCravy |
| T. Moore | Nutt | O'Neal |
| Oremus | Pope | West |
| Whitmire | Willis |  |

**Total--26**

So, the amendment was tabled.

Rep. GIBSON spoke against the Bill.

Rep. MCCRAVY spoke against the Bill.

Rep. HIOTT spoke against the Bill.

Rep. OTT spoke in favor of the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 54; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atkinson | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Caskey | Cobb-Hunter | Collins |
| Dillard | Elliott | Erickson |
| Forrest | Gatch | Gilliard |
| Hardee | Hartnett | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Hosey | Howard | Jefferson |
| J. L. Johnson | W. Jones | King |
| Kirby | Leber | Lowe |
| McDaniel | McGinnis | J. Moore |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Ott |
| Pendarvis | Rivers | Rose |
| Schuessler | M. M. Smith | Taylor |
| Tedder | Thigpen | Wetmore |
| Wheeler | Williams | Wooten |

**Total--54**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Bustos |
| Calhoon | Carter | Chapman |
| B. J. Cox | Crawford | Cromer |
| Davis | Gagnon | Gibson |
| Gilliam | Guest | Haddon |
| Harris | Hayes | Hiott |
| Hyde | Jordan | Kilmartin |
| Landing | Lawson | Long |
| Magnuson | May | McCabe |
| McCravy | T. Moore | A. M. Morgan |
| T. A. Morgan | Nutt | O'Neal |
| Oremus | Pace | Pope |
| Sandifer | Thayer | Trantham |
| Vaughan | West | White |
| Whitmire | Willis |  |

**Total--44**

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

**H. 3514--MOTION TO RECONSIDER TABLED**

Rep. ELLIOTT moved to reconsider the vote whereby the following Bill was given second reading:

H. 3514 -- Reps. Ott, B. Newton, Murphy, Cobb-Hunter, Caskey, Kirby, Collins, Forrest, Bernstein, Wheeler, Taylor, Wetmore, J. Moore, Atkinson, Henegan, Blackwell, J. L. Johnson, Brewer, W. Newton, Herbkersman, Erickson, M. M. Smith and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 BY ENACTING THE "SOUTH CAROLINA EQUINE ADVANCEMENT ACT" TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTIONS 52-5-390 AND 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; AND BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Rep. COBB-HUNTER moved to table the motion to reconsider, which was agreed to.

**H. 3953--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3953 -- Reps. G. M. Smith, Bannister, Bradley, Crawford, Herbkersman, W. Newton, Alexander, Wetmore, Hyde, Sessions, Guffey, Felder, Hixon, White, Moss, Yow, Mitchell, Ligon, Willis, S. Jones, Lawson, B. Newton, Robbins, Brewer, Murphy, Kirby, Long, Blackwell and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING SECTION 1-30-140 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR", SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104, 37-6-117, 37-6-501 THROUGH 37-6-510, 37-6-602, AND 37-6-604, ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

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

**H. 4087--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4087 -- Reps. G. M. Smith, West, Kirby, Ballentine, Robbins, Hewitt, M. M. Smith, Davis, Hiott, Long, Hager, Ott, Weeks, Dillard, W. Jones, Brewer, Hartnett and Murphy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3410, RELATING TO CORPORATE INCOME TAX CREDIT FOR CORPORATE HEADQUARTERS, SO AS TO PROVIDE CHANGES TO STAFFING REQUIREMENTS AND CERTAIN TIMING; BY AMENDING SECTION 12-6-3460, RELATING TO THE RECYCLING FACILITY TAX CREDIT DEFINITIONS, SO AS TO LOWER THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY AND TO INCLUDE CERTAIN PRODUCTS TO THE DEFINITION OF "POSTCONSUMER WASTE MATERIAL"; BY AMENDING SECTIONS 12-10-20; 12-10-30, 12-10-40, 12-10-45, 12-10-50, 12-10-60, AND 12-10-80, ALL RELATING TO THE ENTERPRISE ZONE ACT OF 1995, SO AS TO ALLOW REMOTE EMPLOYEES WORKING IN SOUTH CAROLINA TO BE INCLUDED IN CERTAIN JOB CREATION REQUIREMENTS AND TO CREATE A NEW PROVISION TO INCENTIVIZE CERTAIN COMPANIES; AND BY AMENDING SECTION 12-10-95, RELATING TO THE ENTERPRISE ZONE ACT CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO PROVIDE WHO IS ELIGIBLE FOR THE CREDIT AND THE AMOUNT OF THE CREDIT ALLOWED.

Rep. CROMER proposed the following Amendment No. 3 to H. 4087 (LC-4087.AHB0003H):

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3460(3) and inserting:

(3) “Qualified recycling facility” means a facility certified as a qualified recycling facility by a duly authorized representative of the department which includes all real and personal property incorporated into or associated with the facility located or to be located within this State that will be used by the taxpayer to manufacture or fabricate products for sale composed of at least fifty percent postconsumer waste material by weight or by volume. The minimum level of investment for a qualified recycling facility must be at least three hundred millionfive hundred thousand dollars incurred by the end of the fifth calendar year after the year in which the taxpayer begins construction or operation of the facility.

Renumber sections to conform.

Amend title to conform.

Rep. CROMER explained the amendment.

Rep. CROMER moved to adjourn debate on the amendment, which was agreed to.

Rep. CROMER proposed the following Amendment No. 6 to H. 4087 (LC-4087.AHB0006H), which was tabled:

Amend the bill, as and if amended, SECTION 5, by deleting Section 12-6-3360(Q)(2).

Renumber sections to conform.

Amend title to conform.

Rep. CROMER explained the amendment.

Rep. CROMER spoke in favor of the amendment.

Rep. MURPHY moved to table the amendment.

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

Yeas 66; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Blackwell |
| Brewer | Brittain | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Cobb-Hunter | Collins |
| Connell | Crawford | Davis |
| Dillard | Elliott | Erickson |
| Forrest | Gagnon | Gatch |
| Guest | Guffey | Hager |
| Hardee | Hartnett | Henderson-Myers |
| Herbkersman | Hiott | Hyde |
| Jefferson | J. L. Johnson | W. Jones |
| Jordan | Kirby | Lawson |
| Leber | Ligon | Lowe |
| McGinnis | Mitchell | T. Moore |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| Ott | Pedalino | Pendarvis |
| Pope | Robbins | Sandifer |
| M. M. Smith | Taylor | Tedder |
| Thigpen | Vaughan | West |
| Wetmore | Willis | Wooten |

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | B. J. Cox |
| Cromer | Gibson | Gilliam |
| Gilliard | Harris | Henegan |
| Howard | Kilmartin | King |
| Landing | Long | Magnuson |
| May | McCabe | McCravy |
| A. M. Morgan | T. A. Morgan | O'Neal |
| Oremus | Pace | Rivers |
| Trantham | White | Whitmire |
| Williams |  |  |

**Total--28**

So, the amendment was tabled.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4087 (LC-4087.DG0001H), which was tabled:

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3460(3) and (4) and inserting:

(3) “Qualified recycling facility” means a facility certified as a qualified recycling facility by a duly authorized representative of the department which includes all real and personal property incorporated into or associated with the facility located or to be located within this State that will be used by the taxpayer to manufacture or fabricate products for sale composed of at least fifty percent postconsumer waste material by weight or by volume. The minimum level of investment for a qualified recycling facility must be at least three one hundred million dollars incurred by the end of the fifth calendar year after the year in which the taxpayer begins construction or operation of the facility.

(4) “Postconsumer waste material” means any product generated by a business or consumer which has served its intended end use and which has been separated from the solid waste stream for the purpose of recycling and includes, but is not limited to, scrap metal and iron, and used plastics, paper, glass, batteries, solar panels, turbines and related structures, and rubber.

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

SECTION X. Section 12-6-3360 of the S.C. Code is amended by adding:

(Q)(1) Notwithstanding any other provision of law, to recruit an eligible business to this State or to expand in this State, and subject to approval by the Joint Bond Review Committee, the Secretary of Commerce is authorized to allow an eligible business to sell, exchange, or otherwise transfer tax credits earned pursuant to this section. A tax credit or increment of a tax credit may be transferred only once. The credit may be transferred to any taxpayer. A taxpayer to whom a credit has been transferred may use the credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but the transferred credit may not be used more than ten years after it was originally earned. With regard to the sale or exchange of a credit allowed under this section, general income tax principles apply for purposes of the state income tax.

(2) For purposes of this section, an eligible business is a business that is:

(a) headquartered in this State; or

(b) whose primary business is in:

(i) research and development;

(ii) the production of microchips, semiconductors, or circuit boards and other electronics components;

(iii) the production of pharmaceuticals, including active pharmaceutical ingredients;

(iv) advanced manufacturing;

(v) life sciences; or

(vi) new, emerging, or high technologies.

Renumber sections to conform.

Amend title to conform.

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

Rep. CROMER proposed the following Amendment No. 3 to H. 4087 (LC-4087.AHB0003H), which was tabled:

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-3460(3) and inserting:

(3) “Qualified recycling facility” means a facility certified as a qualified recycling facility by a duly authorized representative of the department which includes all real and personal property incorporated into or associated with the facility located or to be located within this State that will be used by the taxpayer to manufacture or fabricate products for sale composed of at least fifty percent postconsumer waste material by weight or by volume. The minimum level of investment for a qualified recycling facility must be at least three hundred millionfive hundred thousand dollars incurred by the end of the fifth calendar year after the year in which the taxpayer begins construction or operation of the facility.

Renumber sections to conform.

Amend title to conform.

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

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 84; Nays 12

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Cobb-Hunter |
| Collins | Connell | B. J. Cox |
| Crawford | Davis | Dillard |
| Elliott | Erickson | Forrest |
| Gagnon | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Guffey | Hager | Hardee |
| Hartnett | Henderson-Myers | Henegan |
| Herbkersman | Hewitt | Hiott |
| Howard | Hyde | J. L. Johnson |
| W. Jones | Jordan | King |
| Kirby | Landing | Lawson |
| Leber | Ligon | Long |
| Lowe | McCravy | McDaniel |
| McGinnis | Mitchell | J. Moore |
| T. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | Oremus | Ott |
| Pedalino | Pendarvis | Pope |
| Rivers | Robbins | Sandifer |
| Schuessler | M. M. Smith | Taylor |
| Tedder | Thigpen | Vaughan |
| West | Wetmore | Whitmire |
| Williams | Willis | Wooten |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Cromer | Harris |
| Kilmartin | Magnuson | May |
| McCabe | A. M. Morgan | T. A. Morgan |
| O'Neal | Trantham | White |

**Total--12**

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

ABSTENTION FROM VOTING

April 5, 2023

The Honorable Charles Reid

Clerk of the South Carolina House of Representatives

213 Blatt Bldg.

Columbia, SC 29201

Dear Clerk Reid,

I am notifying you in accordance with S.C. Code Ann. Section 8-13-700 of the SC Code, I hereby recuse myself from voting H. 4087, regarding corporate income tax credits for corporate headquarters, recycling facility tax credit definitions, lowering the minimum level of investment for a qualified recycling facility, adding certain products to the definition of "postconsumer waste material”, and relating to the Enterprise Zone Act of 1995.

I will abstain from this vote because of a potential conflict of interest, as an economic interest of myself and the business with which I am associated may be affected. Please note this in the House Journal for April 5, 2023.

Sincerely,

Rep. Jordan Pace

**LEAVE OF ABSENCE**

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

**H. 4020--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4020 -- Reps. W. Newton, Erickson, Herbkersman, Stavrinakis, Bradley, Elliott, Murphy, Wetmore, B. Newton, Bannister, G. M. Smith, Weeks, Dillard, W. Jones, Taylor and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-62-50, RELATING TO THE TAX REBATE FOR CERTAIN MOTION PICTURE PRODUCTION COMPANIES, SO AS TO INCREASE THE ANNUAL LIMIT, AND BY ALLOWING THE USE OF REBATES FOR CERTAIN EXPENDITURES AND EXPENSES; AND BY REPEALING SECTION 12-62-60 RELATING TO DISTRIBUTION OF ADMISSIONS TAXES FOR REBATES TO MOTION PICTURE PRODUCTION COMPANIES AND CERTAIN DEPARTMENTAL EXPENSES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 4020 (LC-4020.DG0002H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 12-6-50(E)(1), (2), and (3) and inserting:

(1) In addition to the rebates allowed pursuant to subsection (A), the department may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in‑state expenditure of one million dollars. This item does not apply to payroll paid for motion picture production employees subject to this section or money paid to the companies described in subsection (A)(2)(a)(ii) or (iii). The allocations to motion picture production companies contemplated by this chapter must be made by the department. The department shall report annually to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the use of all funds pursuant to this item. The report is a public record pursuant to the Freedom of Information Act, Chapter 4, Title 30, and must be posted annually on the commission's website by July first.

(2) Also, the department may use a portion of the rebate allotment to fund the operations for the South Carolina Film Commission and for the promotion of collaborative production and educational efforts between institutions of higher learning in South Carolina and motion picture-related entities.

(3) Any rebates allowed or funds used by the department pursuant to this subsection shall reduce the annual limit set forth in subsection (A) by an equal amount.

(4) The department, in conjunction with the South Carolina Film Commission, shall adopt rules and promulgate regulations necessary to administer this subsection.

Renumber sections to conform.

Amend title to conform.

Rep. CASKEY explained the amendment.

Rep. CASKEY spoke in favor of the amendment.

The amendment was then adopted.

Reps. BANNISTER and DILLARD proposed the following Amendment No. 2 to H. 4020 (LC-4020.SA0004H), which was adopted:

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

SECTION X.A. Article 25, Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3810. (A) As used in this section:

(1) “Accredited theater production” means a for profit live stage presentation in a qualified production facility, as defined in this section that is either a pre-Broadway production or a post-Broadway production.

(2) “Accredited theater production certificate” means a certificate issued by the Department of Parks, Recreation and Tourism certifying that the production is an accredited theater production that meets the guidelines of this chapter.

(3) “Advertising and public relations expenditure” means costs incurred within the state by the accredited theater productions for goods or services related to the national marketing, public relations, creation and placement of print, electronic, television, billboards and other forms of advertising to promote the accredited theater production.

(4) “Department” means the Department of Parks, Recreation, and Tourism.

(5) “Payroll” means all salaries, wages, fees, and other compensation including related benefits for services performed and costs incurred within the State.

(6) “Pre-Broadway production” means a live stage production that, in its original or adaptive version, is performed in a qualified production facility having a presentation scheduled for Broadway’s theater district in New York City within twelve months after its South Carolina presentation.

(7) “Post-Broadway production” means a live stage production that, in its original or adaptive version, is performed in a qualified production facility and opens its United States tour in South Carolina after a presentation scheduled for Broadway’s theater district in New York City.

(8) “Production and performance expenditures” means a contemporaneous exchange of cash or cash equivalent for goods or services related to development, production, performance, or operating expenditures incurred in this State for a qualified theater production including, but not limited to, expenditures for design, construction and operation, including sets, special and visual effects, costumes, wardrobes, make up, accessories; costs associated with sound, lighting, staging, payroll, transportation expenditures, advertising and public relations expenditures, facility expenses, rentals, per diems, accommodations, and other related costs.

(9) “Qualified production facility” means a facility located in this State in which live theatrical productions are, or are intended to be, exclusively presented that contains at least one stage, a seating capacity of one thousand or more seats, and dressing rooms, storage areas, and other ancillary amenities necessary for the accredited theater production.

(10) “Transportation expenditures” means expenditures for the packaging, crating, and transportation both to the State for use in a qualified theater production of sets, costumes, or other tangible property constructed or manufactured out of state, or from the State after use in a qualified theater production of sets, costumes, or other tangible property constructed or manufactured in this State and the transportation of the cast and crew to and from the State. The term includes the packaging, crating, and transporting of property and equipment used for special and visual effects, sound, lighting and staging, costumes, wardrobes, make up, and related accessories and materials, as well as any other performance or production related property and equipment. Transportation expenditures do not include any costs to transport property and equipment to be used only for filming and not in a qualified theater production, any indirect costs, and expenditures that are later reimbursed by a third party; or any amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production.

(B)(1) Any taxpayer that receives an accredited theater production certificate pursuant to subsection (C) is allowed an income tax credit equal to thirty percent of the total production and performance expenditures and transportation expenditures for the accredited theater production and to be computed as provided in this section. The credit is limited to certified production costs directly attributable to activities in the State and transportation expenditures. The credits must be awarded on a first-come first-serve basis, and the total amount of credits allowed for all taxpayers in a tax year may not exceed two million dollars. To be eligible to claim the credit, the total production budget must be at least one hundred thousand dollars. The tax credit may be claimed in the year in which the credit is earned and may be carried forward for the next three tax years.

(2) Credits allowed to a company that is a subchapter S corporation, partnership, or a limited liability company that is taxed as a partnership, must be passed through respectively to persons designated as partners, members, or owners on a pro rata basis or pursuant to an executed agreement among such persons designated as subchapter S corporation shareholders, partners, or members documenting an alternate distribution method without regard to their sharing of other tax or economic attributes of such entity.

(3) A taxpayer may sell, exchange, or otherwise transfer tax credits earned pursuant to this section. A tax credit or increment of a tax credit may be transferred only once. The credit may be transferred to any taxpayer. A taxpayer to whom a credit has been transferred may use the credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but the transferred credit may not be used more than three years after it was originally earned. With regard to the sale or exchange of a credit allowed under this section, general income tax principles apply for purposes of the state income tax.

(C)(1) To obtain eligibility, a taxpayer must properly prepare, sign, and submit to the department an application for initial certification of the theater production. The application shall include the information and data as the department deems reasonably necessary for the proper evaluation and administration of the application including, but not limited to, any information about the theater production company and a specific South Carolina live theater or musical production. The department shall review the completed application and determine whether it meets the requisite criteria and qualifications for the initial certification for the production. If the initial certification is granted, the department shall issue a notice of initial certification of the accredited theater production to the theater production company and to the Department of Revenue. The notice shall state that, after appropriate review, the initial application meets the appropriate criteria for conditional eligibility. The notice of initial certification will provide a unique identification number for the production and is only a statement of conditional eligibility for the production and, as such, does not grant or convey any tax benefits.

(2) Upon completion of an accredited theater production, the taxpayer shall properly prepare, sign, and submit to the department an application for final certification of the accredited theater production. The final application shall also contain a cost report and an accountant’s certification. The Department of Parks, Recreation and Tourism and the Department of Revenue may rely without independent investigation, upon the accountant’s certification, in the form of an opinion, confirming the accuracy of the information included in the cost report. Upon review of a duly completed and filed application and upon no later than thirty days of submission thereof, the Department of Revenue shall make a determination pertaining to the final certification of the accredited theater production and the resultant tax credits.

(3) Upon determination that the taxpayer qualifies for final certification and the resultant tax credits, the Department of Revenue shall issue to the taxpayer: (i) an accredited theater production certificate; and (ii) a tax credit certificate in an amount in accordance with subsection (B). A musical and theatrical production company is prohibited from using state funds, state loans, or state guaranteed loans to qualify for the motion picture tax credit. All documents that are issued by the department pursuant to this section shall reference the identification number that was issued to the production as part of its initial certification.

(4) The department shall promulgate rules and regulations as are necessary to carry out the intent and purposes of this section for the certification of the production and the resultant production credit.

(5) If information comes to the attention of the department that is materially inconsistent with representations made in an application, the department may deny the requested certification. In the event that tax credits or a portion of tax credits are subject to recapture for ineligible costs and the tax credits have been transferred, assigned, or allocated, the State will pursue its recapture remedies and rights against the applicant of the theater production tax credits. No redress shall be sought against assignees, sellers, transferees, or allocates of the credits.

(6) Pursuant to subsection (B), the department shall not approve any application if approval would cause tax credits to be earned in the tax year that exceeds the maximum amount of two million dollars.

(D) For the purpose of ascertaining the correctness of any credit claimed under the provisions of this chapter, the Department of Parks, Recreation and Tourism and the Department of Revenue may examine any books, paper, records, or memoranda bearing upon the matters required to be included in the return, report, or other statement, and may require the attendance of the person executing the return, report, or other statement, or of any officer or employee of any taxpayer, or the attendance of any other person, and may examine the person under oath respecting any matter that the department deems pertinent or material in administration and application of this section and where not inconsistent with other legal provisions, the director may request information from the tax administrator.

B. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2022.

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

**ACTING SPEAKER HIOTT IN CHAIR**

Rep. BANNISTER continued speaking.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 77; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Blackwell | Brewer | Brittain |
| Bustos | Calhoon | Carter |
| Chapman | Cobb-Hunter | Collins |
| Connell | Crawford | Davis |
| Dillard | Elliott | Erickson |
| Forrest | Gagnon | Gatch |
| Gibson | Gilliam | Gilliard |
| Guest | Guffey | Hager |
| Hardee | Hartnett | Henderson-Myers |
| Henegan | Herbkersman | Hewitt |
| Howard | Hyde | Jefferson |
| J. L. Johnson | W. Jones | Jordan |
| King | Kirby | Landing |
| Lawson | Ligon | Lowe |
| McDaniel | McGinnis | Mitchell |
| T. Moore | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Ott | Pedalino | Pendarvis |
| Pope | Rivers | Robbins |
| Rose | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thayer | Thigpen | Vaughan |
| West | Wetmore | Whitmire |
| Williams | Willis |  |

**Total—77**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | B. J. Cox |
| Cromer | Haddon | Harris |
| Kilmartin | Long | Magnuson |
| May | McCabe | McCravy |
| A. M. Morgan | T. A. Morgan | Nutt |
| O'Neal | Oremus | Pace |
| Trantham | White |  |

**Total--20**

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

RECORD FOR VOTING

I was in Session all day and well into the evening. With 25 constituents waiting on me at my home, I left to attend to my district and field their concerns. I fully support this Bill and our efforts to incentivize the motion picture industry in South Carolina.

Rep. Matt Leber

**SPEAKER *PRO TEMPORE* IN CHAIR**

**RECURRENCE TO THE MORNING HOUR**

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

**LEAVE OF ABSENCE**

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

**H. 3681--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3681 -- Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-45 SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS; AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT.

Rep. WEST explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 90; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bailey | Ballentine |
| Bamberg | Bannister | Bauer |
| Beach | Blackwell | Brewer |
| Brittain | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chapman | Cobb-Hunter | Collins |
| Connell | B. J. Cox | Crawford |
| Cromer | Dillard | Elliott |
| Erickson | Forrest | Gagnon |
| Gibson | Gilliam | Gilliard |
| Guest | Haddon | Hager |
| Hardee | Harris | Hartnett |
| Henderson-Myers | Henegan | Herbkersman |
| Hewitt | Hiott | Howard |
| Hyde | Jefferson | J. L. Johnson |
| W. Jones | Kilmartin | King |
| Kirby | Landing | Lawson |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McDaniel | McGinnis |
| T. Moore | A. M. Morgan | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Oremus | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Sandifer | Schuessler |
| M. M. Smith | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| Vaughan | West | Wetmore |
| White | Whitmire | Williams |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Guffey | Mitchell |  |

**Total--2**

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

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. COBB-HUNTER.

Rep. COBB-HUNTER moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 9:21 p.m. the House, in accordance with the motion of Rep. LEBER, adjourned in memory of Jeffery William Leber, Sr., to meet at 10:00 a.m. tomorrow.

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