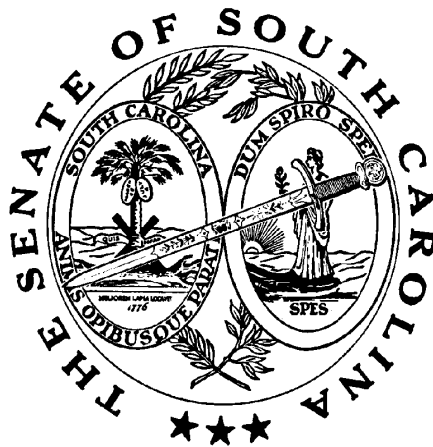


NO. 42

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, MARCH 22, 2023

Wednesday, March 22, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Ezekiel 37:1

Ezekiel the prophet tells us: “The hand of the Lord came upon me, and he brought me out by the spirit of the Lord and set me down in the middle of a valley; and it was full of bones.”

Let us pray: Gracious God, we are so very conscious of the limits that surround us. For no matter how we might struggle to get things done on our own, we sooner or later realize there’s just so much we alone can often do during this troubled and unsettled period we’re living in. That is why we turn to You, O Lord, trusting in Your promises of a hope-filled future. Therefore, as You did in the past, we ask that You once again breathe afresh on these leaders, granting each of them the zeal and the determination to bring about good results for all of our people, not just for some. And may each Senator truly find himself or herself renewed by Your grace. In Your wondrous name we pray, dear Lord. Amen.

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

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bennett	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hutto	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Martin
Massey	McElveen	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley

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Turner
Young

Verdin

Williams

A quorum being present, the Senate resumed.

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5160

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34 and R.10-42

Received by President of the Senate January 10, 2023

Referred to Committee on Labor, Commerce and Industry

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted March 22, 2023

Doctor of the Day

Senator CAMPSSEN introduced Dr. John Corless of Charleston, S.C.,
Doctor of the Day.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 95 Sen. Grooms
S. 108 Sen. Scott
S. 148 Sen. Kimpson
S. 284 Sens. Jackson and Scott
S. 521 Sen. Verdin
S. 557 Sen. Climer
S. 581 Sen. Senn
S. 612 Sen. Gustafson
S. 623 Sen. Kimbrell
S. 659 Sen. Senn

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RECALLED

S. 205 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG WATEREE ROAD IN FAIRFIELD COUNTY WHERE IT CROSSES THE WATEREE CREEK "JERRY NEALY BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

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.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 651 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO ADD AN EXEMPTION FOR CERTAIN SOLAR ENERGY EQUIPMENT, FACILITIES, OR DEVICES.

lc-0276sa23.docx : 9aac18d1-ba8b-4071-8847-0673dee38fe1

Read the first time and referred to the Committee on Finance.

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S. 652 -- Senator Davis: 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.

lc-0197dg23.docx : 91d9f187-7389-4dd6-ba77-ea53e038ffd3

Read the first time and referred to the Committee on Finance.

S. 653 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR AN EXEMPTION FOR CERTAIN RENEWABLE ENERGY RESOURCE PROPERTIES.

lc-0277sa23.docx : 10641a84-033b-4c44-93a8-5c6c06ef5318

Read the first time and referred to the Committee on Finance.

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 FORTY-FIVE, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT EIGHTY 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

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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.

lc-0180hdb23.docx : 60e068b3-5b34-4aea-a1e0-9a786bcf0410

Senator HUTTO spoke on the Bill.

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 655 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PEGGY BANGLE OF DORCHESTER COUNTY AND TO COMMEND HER DEDICATED AND EXEMPLARY COMMITMENT TO HER COMMUNITY.

lc-0280sa-gm23.docx : 705fcd57-f5f3-4e72-818b-1005ec3513eb

The Concurrent Resolution was adopted, ordered sent to the House.

S. 656 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOHN DAVID THOMPSON FOR A LIFETIME OF DEDICATED COMMUNITY SERVICE AND TO EXTEND BEST WISHES AS HE CONTINUES TO SERVE IN THE DAYS AHEAD.

lc-0105ha-rm23.docx : f29d8704-14ff-42fa-8059-cff7ff81716c

The Concurrent Resolution was adopted, ordered sent to the House.

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

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1954, RELATING TO REVENUES, SO AS TO ALLOW THE BOARD TO UTILIZE NET REVENUES.

lc-0205ph23.docx : 7128368e-a716-409d-ace5-df29784b8dc9

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 658 -- Senators McElveen, K. Johnson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE PASTOR AND CONGREGATION OF FIRST PRESBYTERIAN CHURCH OF SUMTER, TO COMMEND THEM FOR TWO HUNDRED YEARS OF FAITH AND DISTINGUISHED SERVICE TO OUR STATE, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS TO COME.

lc-0280cm-gm23.docx : 164a9b78-4683-4d9c-94c4-12af5c278dc9

The Concurrent Resolution was adopted, ordered sent to the House.

S. 659 -- Senators Matthews and Senn: 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.

sr-0238km-vc23.docx : 47fc82d4-b3c7-40e4-a373-f894ea916000

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 660 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE NINETY SIX WILDCATS ACADEMIC TEAM, COACHES, AND SCHOOL OFFICIALS FOR A STELLAR PERFORMANCE AND TO CONGRATULATE THEM FOR WINNING THE 2023 SOUTH CAROLINA STATE CHAMPIONSHIP OF ACADEMICS TITLE.

lc-0285wab-gm23.docx : ca71d824-d360-4c8e-abf9-ab89d18c0520

The Senate Resolution was adopted.

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S. 661 -- Senator Jackson: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF TONIA MORRIS, DEPUTY STATE TREASURER FOR THE SOUTH CAROLINA TREASURER'S OFFICE, TO CONGRATULATE HER ON THE OCCASION OF HER RETIREMENT FROM SERVICE TO THE STATE OF SOUTH CAROLINA AFTER AN EXEMPLARY CAREER OF MORE THAN TWENTY-EIGHT YEARS, AND TO WISH FOR HER A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

lc-0104ha-gm23.docx : afb169b1-ee13-4dd4-8418-803f588d8723

The Concurrent Resolution was adopted, ordered sent to the House.

S. 662 -- Senator Garrett: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DR. HOWARD THOMAS, LONGTIME PROFESSOR AT ERSKINE COLLEGE, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

lc-0283wab-rm23.docx : abaa9025-877e-4231-8e84-2f74e513f1d3

The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 108 -- Senators Davis and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

Ordered for consideration tomorrow.

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Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 284 -- Senators Davis, Turner, Jackson and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM; MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable report on:

S. 298 -- Senators Bennett and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

Ordered for consideration tomorrow.

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

S. 437 -- Senator Rice: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VETERANS FOR THEIR SERVICE TO THE UNITED STATES AND TO CALL FOR THE CREATION OF A

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NEW MILITARY BASE THAT WOULD ASSIST VETERANS IN THEIR TRANSITION TO CIVILIAN LIFE.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a favorable with amendment report on:

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

Ordered for consideration tomorrow.

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

S. 581 -- Senators Hembree, Campsen, McElveen and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

Ordered for consideration tomorrow.

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

S. 602 -- Senators Shealy, Alexander, Peeler, Garrett, Reichenbach, Rice, Hembree, Bennett, Cromer, Campsen, Massey, Cash, M. Johnson, Climer, Turner, Grooms, Talley, Gustafson, Davis, Setzler, Senn and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-35, RELATING TO THE COMPOSITION AND GOVERNANCE OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING TITLE 44 BY REMOVING CHAPTER 20 AND INSERTING IT INTO TITLE 43; TO AMEND CHAPTER 20 TO ELIMINATE THE COMMISSION AS THE GOVERNING BODY OF THE DEPARTMENT; TO REENACT THE ESTABLISHMENT OF THE DEPARTMENT AND ITS POWERS AND DUTIES; TO PROVIDE THAT THE

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DEPARTMENT'S ADMINISTRATIVE HEAD IS A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO TRANSFER THE POWERS AND DUTIES VESTED IN THE COMMISSION TO THE DIRECTOR; TO TRANSFER FROM THE COMMISSION OF THE DEPARTMENT THE AUTHORITY TO PROMULGATE REGULATIONS; TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS; AND BY REPEALING CHAPTER 20, TITLE 44.

Ordered for consideration tomorrow.

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

S. 612 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

Ordered for consideration tomorrow.

Appointment Reported

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large:

Charles David Tuttle, 821 Harborside Lane, Columbia, SC 29229-7431 *VICE* David C. Goodall

Received as information.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

CARRIED OVER

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House:

S. 459 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 55-9-235, SO AS TO PROVIDE FOR THE SALE AND CONSUMPTION OF LIQUOR BY THE DRINK THROUGHOUT THE TRANSPORTATION SECURITY ADMINISTRATION SCREENED PORTION OF QUALIFYING SOUTH CAROLINA AIRPORTS.

S. 112 -- Senators Allen, Hembree and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

S. 546 -- Senators Massey, Alexander, Campsen and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-29-20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41-29-35, RELATING TO

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APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

On motion of Senator DAVIS, the Bill was carried over.

CARRIED OVER

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE

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COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY

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ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

On motion of Senator MALLOY, the Bill was carried over.

AMENDMENT PROPOSED, CARRIED OVER

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach and Senn: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-252.MW0010S):

Amend the bill, as and if amended, SECTION 1, by striking Section 30-2-500(2) and inserting:

(2) "Eligible requesting party" means an active or former law enforcement officer, circuit court judge, or Supreme Court Justice who has filed a formal request under the provision of this article;

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, CARRIED OVER**

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young,

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Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis, Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

The Senate proceeded to the consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (LC-483.SA0005S), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, and 4 and inserting:

SECTION X. Section 37-2-307 of the S.C. Code is amended to read:

Section 37-2-307. (A) As used in this section:

~~____(1) Every motor vehicle dealer charging closing fees on a motor vehicle sales contract shall pay a one time registration fee of ten dollars during each state fiscal year before January thirty-first to the Department of Consumer Affairs. The department shall set the fee annually in an amount not to exceed twenty five dollars.~~

~~____(2) The closing fee must be included in the advertised price of the motor vehicle, disclosed on the sales contract, and displayed in a conspicuous location in the motor vehicle dealership.~~

~~____(B) A closing fee is defined as a fee charged for recovery of a motor vehicle dealer's actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer, person, or entity including, but not limited to, compliance with all state, federal, and lender requirements, preparation and retrieval of documents,~~

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protection of the private personal information of the consumer, records retention, and storage costs.

(2) "Department" means the South Carolina Department of Consumer Affairs.

(3) "Dealer" means a "motor vehicle dealer" as defined in Section 56-15-10.

(B)(1) Every dealer charging closing fees in a motor vehicle sale or lease transaction shall pay a filing fee of ten dollars to the department each time the dealer provides notice of a new closing fee amount to the department. The department shall set the filing fee annually in an amount not to exceed twenty-five dollars.

(2) The closing fee must be disclosed on the motor vehicle sale or lease contract, displayed in a conspicuous location in the motor vehicle dealership, and clearly and conspicuously disclosed in any advertisement of a specific motor vehicle for sale or lease.

(C)(1) Prior to charging a closing fee, a ~~motor vehicle~~ dealer shall provide written notice to the department of Consumer Affairs of the maximum amount of ~~a~~ the closing fee the dealer intends to charge ~~on an annual basis~~.

(2) If the maximum amount of the proposed closing fee the dealer intends to charge is not more than two hundred twenty-five dollars for each vehicle, the closing fee is considered to be approved by the department, and the dealer does meet and fulfill all reasonable requirements and criteria in compliance with this section. If the proposed closing fee exceeds two hundred twenty-five dollars, The department may review the amount of the closing fee for reasonableness using the criteria in item ~~(3)~~ (5). ~~if the maximum amount of the closing fee intended to be charged by a dealer in a vehicle transaction exceeds two hundred twenty five dollars per vehicle. The department shall not conduct a review of the amount of the closing fee for reasonableness when the maximum amount the dealer intends to charge in a vehicle transaction is not more than two hundred twenty five dollars per vehicle.~~

(3) If the department intends to conduct a formal review of a proposed closing fee, the department shall provide written notice to the ~~motor vehicle~~ dealer of the department's intention to review the proposed closing fee within ~~thirty~~ fifteen days of receiving the complete proposed closing fee notice. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings within thirty days of receiving the complete proposed closing fee notice. If the department does not provide a ~~motor vehicle~~ the dealer with written notice of the department's ~~intention to~~

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~~review approval of the proposed closing fee within thirty days of receiving the proposed closing fee notice, the motor vehicle dealer is authorized to charge the proposed closing fee. If the department determines that a proposed closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review.~~

~~(4) The dealer is at all times authorized to submit a new closing fee that is equal to or less than two hundred twenty-five dollars per vehicle which is not subject to review. If the department finds that a proposed closing fee is not reasonable, the dealer may request a hearing in accordance with the Administrative Procedures Act. During the pendency of the department's review period, a motor vehicle dealer or the pendency of any action before the Administrative Law Court, the dealer is authorized to charge a closing fee at an amount not to exceed the amount most recently on file and permitted to be charged by the department. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act.~~

~~(2) If the maximum amount of the closing fee that the dealer intends to charge is not more than two hundred twenty-five dollars per vehicle, the closing fee is deemed approved by the department and the dealer does meet and fulfill all reasonableness requirements and criteria in compliance with the law and this section.~~

~~(3) In determining the reasonableness of a closing fee, the department shall allow the following items to be included in a reasonable closing fee:~~

~~(a) all administrative~~

~~(5)(a) In determining the reasonableness of a closing fee, the department shall accept and allow all of the dealer's actual costs and expenses, including, but not limited to, employee compensation, information processing, facilities costs, staff, supplies, and materials, and financial work needed to transfer the motor vehicle to the consumer and to procure the associated with the following closing and delivery activities:~~

~~(i) closing of the motor vehicle sale or lease transaction, including any associated loan or lease and transferring title of the motor vehicle to the consumer;~~

~~(b) all costs for administrative expenses, costs, staff, supplies, and materials necessary by the dealer to comply with all state, federal, and lender requirements;~~

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~~_____ (e) all costs for administrative costs, staff, and materials needed for the preparation and retrieval of documents;~~

~~_____ (d) all costs for administrative costs, staff, supplies, and materials necessary for the protection of the private personal information of the consumer; and~~

~~_____ (e) all costs for administrative costs, staff, supplies, and materials necessary for records retention and storage costs of such records.~~

~~_____ (ii) delivering the motor vehicle to the consumer;~~

~~_____ (iii) complying with all state, federal, and lender requirements;~~

~~_____ (iv) preparing, storing, and retrieving transaction documents; and~~

~~_____ (v) protecting the private personal information of the consumer.~~

~~_____ (b) Dealer costs must be calculated using generally accepted cost accounting principles for the preceding twelve-month period.~~

~~_____ (c) In determining the reasonableness of a closing fee, the department may compare a particular dealer's costs only with other similarly situated dealers.~~

(D) Whether the vehicle transaction is a credit sale, consumer lease, or cash transaction:

(1) notwithstanding ~~another~~ any other provision of law, a ~~motor vehicle~~ dealer who complies with this section and any regulation promulgated under it and who charges a closing fee is not engaging in any action which is arbitrary, in bad faith, unconscionable, an unfair or deceptive practice, or an unfair method of competition for purposes of Sections 56-15-30, ~~and 56-15-40, and 39-5-20~~ with regard to the charging of a closing fee and may lawfully charge a closing fee;

(2) a ~~motor vehicle~~ dealer may assert any defenses provided to a creditor pursuant to the provisions of this title; and

(3) a purchaser injured or damaged by an action of a ~~motor vehicle~~ dealer in violation of this section or any regulation promulgated thereunder, may assert the remedies available pursuant to the provisions of this title.

(E)(1) ~~The Department~~ ~~department of~~ ~~Consumer Affairs~~ shall administer and enforce the subject of motor vehicle dealer closing fees ~~including, but not as~~ limited to, by this section. The department ~~shall~~ may make and promulgate such rules and regulations relating to motor vehicle dealer closing fees to administer and enforce this section. The department shall have access to a ~~motor vehicle~~ dealer's ~~books, accounts, and records,~~ but only to the extent necessary to determine if the dealer is complying dealer's compliance with the disclosure provisions of ~~this section~~ subsection (B)(2) and the accuracy of the dealer's cost and expense information in subsection (C)(4), and this financial information

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must be kept confidential and privileged from disclosure, except as otherwise provided by law.

~~(2) If the department determines that a closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act.~~ In administering and enforcing this section, or for any other review or investigation of dealers, the department shall:

(a) promote education for consumers and best practices for dealers; and

(b) mediate complaints between a consumer and a dealer, whenever possible.

(3) In administering and enforcing this section and in any review or investigation of dealers, the department shall:

(a) have probable cause to believe, based on a consumer complaint or other credible evidence, that the dealer has violated a provision of this title;

(b) before contacting the dealer's employees or visiting the dealer's business premises, present the dealer with written notice of any cause or complaint which necessitates any department review or investigation and any request for records necessary to conduct the review or investigation;

(c) allow the dealer to cure any unintentional violation of this title within sixty days of notice from the department; and

(d) close its investigation into the complaint and pursue no further administrative action on it once the complaint has been cured.

(4) A dealer that has cured an unintentional error may not be held liable in any action for a violation of this title if the dealer shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error.

(F) It is the intent of the General Assembly to authorize a motor vehicle dealer to charge a closing fee in compliance with this section and to protect a motor vehicle dealer from civil liability for charging a closing fee if the fee is charged in compliance with this title and any Department of Consumer Affairs regulation or administrative interpretation. It is further the intent to protect consumers by the disclosure and notice provisions established in this section and with the remedies provided by this title.

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Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (LC-483.HA0011S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 37-2-307(E) and inserting:

(E)(1) ~~The Department of Consumer Affairs~~ shall administer and enforce the subject of motor vehicle dealer closing fees ~~including, but not as limited to, by this section.~~ The department ~~shall may~~ make and promulgate such rules and regulations relating to motor vehicle dealer closing fees to administer and enforce this section. The department shall have access to a ~~motor vehicle dealer's books, accounts, and records, but only to the extent necessary to determine if the dealer is~~ complying dealer's compliance with the disclosure provisions of this section subsection (B)(2) and the accuracy of the dealer's cost and expense information in subsection (C)(5), and this financial information must be kept confidential and privileged from disclosure, except as otherwise provided by law.

~~(2) If the department determines that a closing fee is not reasonable, the department shall issue a written order detailing the department's findings. The department may require the fee to be reduced or require the motor vehicle dealer to submit a new fee for review. If the department finds that a closing fee is not reasonable, the motor vehicle dealer may request a hearing in accordance with the Administrative Procedures Act. In administering and enforcing this section, or for any other review or investigation of dealers, the department shall:~~

~~(a) promote education for consumers and best practices for dealers; and~~

~~(b) mediate complaints between a consumer and a dealer, whenever possible.~~

~~(3) The department may review or investigate a dealer upon receipt of a complaint or other credible evidence that the dealer has violated a provision of this section or a provision of this title related to closing fees. In administering and enforcing this section:~~

~~(a) The department must provide a written notice by certified mail to the dealer regarding the complaint or other credible evidence. If~~

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the department's records show an email address for the dealer, the department must also send an email to the dealer. This written notice must contain sufficient information for the dealer to identify documents related to the alleged violation, request only such information as is reasonably related to the alleged violation, and state that the dealer may provide a written response to the allegation.

(b) The dealer must respond to the department's notice within forty-five days from the date the written notice described in (a) was received via certified mail. If a dealer fails to provide the requested information within sixty days from the date of receipt of the written notice via certified mail, the department may commence a proceeding pursuant to the Administrative Procedures Act.

(c) The department must issue a decision within fifteen days of receipt of the requested information from the dealer. If the department determines the dealer failed to comply with the requirements of this section or of this title regarding closing fees, the department's decision must determine if the violation was either (1) not intentional and resulted from a bona fide error, or (2) an intentional violation.

(i) In the event of a violation that was not intentional and resulted from a bona fide error, the dealer must refund any excess charge paid by the consumer. The department must close the investigation upon notice that the consumer received the refund.

(ii) In the event of an intentional violation, the department may request only those records reasonably related to the alleged violation for the ten transactions immediately preceding and the ten transactions immediately after the transaction identified in the complaint or other credible evidence received by the department. If the department discovers a potential violation of any kind related to closing fees in any of these transactions, the department may request only those records reasonably related to the alleged violation for transactions occurring on the date of the transaction identified in the complaint or other credible evidence, and transactions thirty days immediately preceding and thirty days immediately after the transaction identified in the complaint or other credible evidence received by the department.

(4) A dealer may not be held liable in any action for a violation of this section or a violation of this title regarding closing fees if the dealer: (a) shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error; and (b) the dealer refunded any excess charge paid by the consumer.

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(5) A dealer who is found to have intentionally violated this section, or any other provision in this title regarding closing fees, must refund any excess charge paid by the customer within thirty days from the date of written notice from the department regarding its determination of a violation. Notwithstanding any other provision of law, the following remedies also apply for an intentional violation:

(a) for the first violation in a twelve-month period, the department must send a written warning to the dealer;

(b) for a second violation in a twelve-month period, the department may charge a five hundred dollar administrative penalty;

(c) for a third violation in a twelve-month period, the department may charge not more than a one thousand dollar administrative penalty; and

(d) for a fourth or subsequent violation in a twelve-month period, the department may charge not more than a five thousand dollar administrative penalty.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

CARRIED OVER

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

On motion of Senator RICE, the Bill was carried over.

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CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CORBIN, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator CORBIN, the Resolution was carried over.

AMENDED, READ THE SECOND TIME

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

The Senate proceeded to the consideration of the Resolution.

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Senator HUTTO proposed the following amendment (SMIN-3312.MW0005S), which was adopted:

Amend the joint resolution, as and if amended, page 1, by striking lines 29-33 and inserting:

Whereas, the South Carolina General Assembly finds it worthwhile to consider whether administration of these child-related national food and nutrition programs by the Department of Agriculture rather than the Department of Education is a more logical and efficient approach, given the Department of Agriculture's relationship to matters concerning food and nutrition; and

Whereas, the South Carolina General Assembly finds it worthwhile to consider whether these child related national food and nutrition programs should be provided at no cost to all South Carolina students. Now, therefore,

Amend the joint resolution further, by striking SECTION 1(A) and inserting:

SECTION 1. (A) There is created the "Child Food and Nutrition Services Study Committee" to examine the advisability of transferring the administration of certain food and nutrition programs and initiatives of the Food and Nutrition Service Child Nutrition Program of the United States Department of Agriculture currently administered by the State Department of Education to the State Department of Agriculture and whether these child related national food and nutritional programs should be provided at no cost to all South Carolina students. These programs include, but are not limited to, the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs. The committee must also examine ways to enhance collaboration and pricing to increase purchasing powers for South Carolina farmers to ensure locally sourced foods are being provided to schools.

Amend the joint resolution further, by striking SECTION 1(B)(4) through 1(B)(10) and inserting:

(4) one member appointed by the House Minority Leader;

(5) one member appointed by the President of the Senate;

(6) one member appointed by the Chairman of the Senate Education Committee;

(7) one member appointed by the Chairman of the Senate Agriculture and Natural Resources Committee;

(8) one member appointed by the Senate Minority Leader;

(9) one member appointed by the State Superintendent of Education;

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(10) the Director of the Department of Social Services or his designee;

(11) two members from a local school district's food services department appointed by the State Superintendent of Education;

(12) one member appointed by the State Commissioner of Agriculture;

(13) two members appointed by the Governor who are employed by nonprofit service providers that specialize in hunger relief; and

(14) two members who have a child that is a recipient of free and reduced lunch appointed by the State Superintendent of Education.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then being second reading of the Resolution, as amended.

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

Ayes 44; Nays 1

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--44

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NAYS

Talley

Total--1

The Resolution, as amended, was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 241 -- Senators Garrett and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS, TO ESTABLISH THE BOARD OF GENETIC COUNSELOR EXAMINERS, TO PROVIDE THE POWERS AND DUTIES OF THE BOARD, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD, TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES, AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-241.KM0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 40-84-10(A) and inserting:

(A) There is created the South Carolina Board of Genetic Counselors , to license genetic counselors. The purpose of this board is to protect the public through the regulation of professionals who educate and communicate with the public regarding the human problems associated with the occurrence, or the risk of occurrence, of a genetic disorder in a family, including the provision of services to help an individual or family.

Amend the bill further, SECTION 1, by striking Section 40-84-10(B)(1), (2), and (3) and inserting:

(B)(1) The board must be composed of five members appointed by the Governor, one of whom must be a lay member from the State at-large and four practicing genetic counselors. The board shall review and make

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determinations regarding all matters relating to genetic counselors including, but not limited to:

- (a) applications for licensure;
- (b) licensure renewal requirements;
- (c) disciplinary investigations or actions; and
- (d) promulgation of administrative regulations.

(2) Members of the board shall serve three-year terms until their successors are appointed and qualify, except for initial appointments.

(3) The chair of the board must be elected by a majority vote of the board members and must preside over meetings. Meetings must be held biennially . Additional meetings may be held at the call of the chair or upon the written request of three board members.

Amend the bill further, SECTION 1, by striking Section 40-84-10(B)(4)(a) and (b) and inserting:

(a) Initial genetic counselor members shall serve without a license until licenses become available.

(b) Initial genetic counselor members must be ABGC-certified for a minimum of five years.

Amend the bill further, SECTION 1, by striking Section 40-84-10(B)(5) and (6) and inserting:

(5) Members of the board are entitled to per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions.

(6) A board member may be removed by the Governor for good cause or if he misses two consecutive committee meetings without good cause.

Amend the bill further, SECTION 1, by deleting Section 40-84-10(B)(8).

Amend the bill further, SECTION 1, by striking Section 40-84-20(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) and inserting:

(2) “ACGC” means the Accreditation Council for Genetic Counseling, its successor or equivalent.

(3) “Board” means the Board of Genetic Counselors created in Section 40-84-10.

(4) “Department” means the Department of Labor, Licensing and Regulation.

(5) “Genetic counselor” means a person who has met all the conditions of this chapter and is licensed in this State to practice genetic counseling.

(6) “Limited licensee” means a person who obtains a limited license by the board who meets all the requirements for licensure except the

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successful completion of the examination, and whose activities are performed under supervision .

(7) “NSGC” means the National Society of Genetic Counselors, its successor or equivalent.

(8) “Practice of genetic counseling” means:

(a) obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic/medical conditions and diseases in a patient, his offspring, and other family members;

(b) discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic/medical conditions and diseases;

(c) identify and order genetic laboratory tests as appropriate for the genetic assessment;

(d) integrate genetic laboratory test results and other diagnostic studies with personal and family medical histories to assess and communicate risk factors for genetic/medical conditions and diseases;

(e) explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results;

(f) evaluate responses of the client and his family to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance;

(g) identify and use community resources that provide medical, educational, financial, and psychosocial support and advocacy; and

(h) provide written documentation of medical, genetic, and counseling information for families and health care professionals.

(9) “Student” or “genetic counselor student” means an individual enrolled in an ACGC-approved genetic counselor program while engaged in completing the clinical education requirement for graduation.

(10) “Supervision” means supervision provided by a licensed genetic counselor or physician and shall mean the review of genetic counseling and case management as appropriate that include regular chart reviews of clients with the limited licensee and the supervisor. Supervision may be conducted in-person or by telesupervision. For the purposes of this definition, “telesupervision” means clinical supervision that is provided by an electronic communication device, whether audio or video, or both.

Amend the bill further, SECTION 1, by striking Section 40-84-40(B)(3)(a) and (b) and inserting:

(a) a master’s degree from a genetic counseling training program accredited by the ACGC or an equivalent program as determined by the board; and

(b) ABMGG certification.

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Amend the bill further, SECTION 1, by striking Section 40-84-40(C), (D), and (E) and inserting:

(C) The board may issue a limited license to a limited licensee applicant who meets all of the requirements for licensure except the certification requirement in this section and has obtained active candidate status establishing eligibility to sit for the certification examination administered by the ABGC or the ABMGG. A limited license shall expire automatically upon the earliest of:

(1) issuance of a full license;

(2) thirty days after the applicant fails to pass the certification examination; or

(3) one year from the date the limited license was issued.

(D) An applicant may be licensed pursuant to this chapter if he demonstrates to the satisfaction of the board that he is licensed or registered under the laws of another state, territory, or jurisdiction of the United States which, in the opinion of the board, imposes substantially the same licensing requirements as this chapter.

(E) The board shall not issue a permanent license to a licensed or registered genetic counselor of another state or territory of the United States:

(1) whose license is currently revoked, suspended, restricted in any way, or on probationary status that that state or territory; or

(2) who currently has a disciplinary action pending in another state or territory.

Amend the bill further, SECTION 1, by striking Section 40-84-50(A) and inserting:

(A) The department shall renew a license upon receipt of the renewal application and upon payment of the fee in an amount to be determined by the board in regulation.

Amend the bill further, SECTION 1, by deleting Section 40-84-50(D).

Amend the bill further, SECTION 1, by striking Section 40-84-70 and inserting:

Section 40-84-70. The board may adopt rules governing its proceedings and may promulgate regulations necessary to carry out the provisions of this chapter including, but not limited to, promulgation of regulations for the practice of genetic counseling, and establishing disciplinary procedures.

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

SECTION X. The initial license fee is six hundred dollars. The license fee is subject to change in regulation in accordance with the provisions

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of Section 40-1-50, as added to the S.C. Code by this act. The department may establish and adjust application fees, license renewal fees, late fees, reinstatement fees, and other related fees in regulation. The department shall only establish fees at levels which are adequate to ensure the continued operation of the regulatory program established in this act and may not set or maintain fees that substantially exceed this need.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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

Ayes 39; Nays 6

AYES

Alexander	Allen	Bennett
Campsen	Cash	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Loftis	Malloy
Martin	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Climer	Corbin	<i>Johnson, Michael</i>
Kimbrell	Massey	Reichenbach

Total—6

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There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Motion Adopted

Having voted on the prevailing side, Senator VERDIN moved to reconsider the vote whereby second reading of S. 260 failed on Tuesday, March 21, 2023.

OBJECTION

S. 260 -- Senators Rankin, Hutto and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION

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61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

The Senate proceeded to the consideration of the Bill.

Senator RANKIN explained the Bill.

The question then being second reading of the Bill.

Senator MARTIN objected to further consideration of the Bill.

ADOPTED

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.

The Resolution was adopted, ordered sent to the House.

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.

The Resolution was adopted, ordered sent to the House.

AMENDED, ADOPTED

H. 3854 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE IN AIKEN COUNTY LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND BETTIS ACADEMY ROAD "STATE REPRESENTATIVE IRENE KRUGMAN RUDNICK MEMORIAL INTERCHANGE" AND

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ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Senate proceeded to the consideration of the Resolution.

Senators MASSEY, YOUNG and SETZLER proposed the following amendment (SR-3854.KM0001S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the eleventh undesignated paragraph and inserting:

That the members of the South Carolina General Assembly, by this resolution, request the Department of Transportation name the interchange in Aiken County located at the intersection of Interstate 20 and Edgefield Highway “State Representative Irene Krugman Rudnick Interchange” and erect appropriate markers or signs at this location containing these words.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION FOR SPECIAL ORDER FAILED

S. 414 -- Senators Gambrell, Massey, Turner, Bennett, Grooms and Alexander: 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.

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Senator MASSEY moved that the Bill be made a Special Order.

Senator GARRETT spoke in favor of the motion to set the Bill for Special Order.

Senator KIMPSON spoke against the motion to set the Bill for Special Order.

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

Ayes 27; Nays 17

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Shealy
Turner	Verdin	Young

Total—27

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Setzler
Stephens	Williams	

Total--17

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

MOTION UNDER RULE 32B ADOPTED

Senator MASSEY, Chairman of the Committee on Rules, moved under the provisions of Rule 32B to call S. 414 from the Contested Calendar.

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

Ayes 29; Nays 15

AYES

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
Peeler	Rankin	Reichenbach
Rice	Shealy	Turner
Verdin	Young	

Total—29

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	McElveen	McLeod
Sabb	Scott	Senn
Setzler	Stephens	Williams

Total--15

The motion under Rule 32B was adopted.

MOTION ADOPTED

At 2:49 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

March 20, 2023

The Honorable Thomas C. Alexander
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

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Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-5, S. 478, which seeks to amend Act No. 549 of 1973 so as to reduce the number of members of the Board of Directors of the Broadway Water and Sewerage District of Anderson County ("District") from nine to seven. Although I appreciate the well-intentioned effort to address this local matter, because the manner in which S. 478 attempts to do so ultimately conflicts with the constitution, I am compelled to veto the Bill.

Like several of my predecessors, I have been clear and consistent since the beginning of my administration that I will veto unconstitutional local or special legislation. The South Carolina Constitution expressly prohibits the General Assembly from enacting legislation "for a specific county" and "where a general law can be made applicable." S.C. Const. art VIII, § 7; S.C. Const. art. III, § 34(1X). In the context of special purpose districts, the South Carolina Supreme Court has established that "a special purpose district limited to one county violates home rule." *Cnty. of Florence v. W Florence Fire Dist.*, 422 S.C. 316, 322, 811 S.E.2d 770, 774 (2018). Although the ratification of article VIII, section 7 "did not dissolve pre-home rule special purpose districts," the provision's prohibition of single-county laws "does apply to legislation enacted post-home rule that concerns a special purpose district created prior to the rule." *Id* (citation omitted); see also *Spartanburg Sanitary Sewer Dist. v. City of Spartanburg*, 283 S.C. 67, 80, 321 S.E.2d 258, 265 (1984) ("Article VIII, § 7 is not only applicable to special legislation creating a special purpose district, but also to special legislation dealing with special purpose districts created prior to the ratification of article VIII or the amendment of prior special legislation." (citation omitted)).

Here, S. 478 indicates that the district established by Act No. 549 of 1973 shortly before the ratification of article VIII, section 7 is located entirely within Anderson County. See generally *Op. Att'y Gen.*, 1990 WL 599181, at *1 (S.C.A.G. Apr. 23, 1990) ("A review of [Act No. 709 of 1990] and also section 2 of Act No. 549 of 1973 reveals that apparently the entire district is located within Anderson County.") As a result, "the General Assembly can modify legislation regarding special purpose districts only through the enactment of general law." *Spartanburg Sanitary Sewer Dist.*, 283 S.C. at 81, 321 S.E.2d at 266; cf. S.C. Code Ann. § 6-11- 335 (establishing a process to add members to the governing body of a special purpose district). Accordingly, while I do not doubt that this Bill is intended to address an important local concern, I must veto S. 478 because the measure amounts to unconstitutional local, or special, legislation.

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For the foregoing reasons, I am respectfully vetoing R-5, S. 478 and returning the same without my signature.

Yours very truly,
Henry McMaster

VETO OVERRIDDEN

(R5, S478) -- Senator Gambrell: AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWAY WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWAY WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

The veto of the Governor was taken up for immediate consideration.

Senator GAMBRELL moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Turner	Williams	Young

Total--42

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NAYS

Total--0

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 576 -- Senators Massey, Garrett, Peeler, Climer, Cash, Bennett, Turner, Gustafson, Rice, Verdin, Kimbrell, Corbin, Cromer, McElveen and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-13-30, RELATING TO LIMITATION ON ALIEN LAND OWNERSHIP, SO AS TO PROVIDE THAT CORPORATIONS CONTROLLED BY A FOREIGN ADVERSARY CANNOT ACQUIRE AN INTEREST IN REAL PROPERTY IN THIS STATE; TO DEFINE NECESSARY TERMS; AND TO REDUCE THE AMOUNT OF REAL PROPERTY THAT AN ALIEN OR CORPORATION MAY ACQUIRE AN INTEREST IN FROM FIVE HUNDRED THOUSAND ACRES TO ONE THOUSAND ACRES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Objection

Senator MARTIN asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MATTHEWS objected.

The Committee on Judiciary proposed the following amendment (SJ-576.PB0009S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(A)(1), (2), (3), and (4) and inserting:

(1) "Alien" means a person who is not a citizen of the United States.

(2) "Corporation controlled by a foreign adversary" means a legal entity engaged in commerce that:

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(a) is wholly owned by a foreign adversary;

(b) has a foreign adversary as a dominant shareholder, directly or indirectly;

(c) is wholly owned by a citizen of a foreign adversary; or

(d) has one or a number of citizens of a foreign adversary whose cumulative ownership is as a dominant shareholder.

(3) "Foreign adversary" means any foreign government or nongovernment person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States citizens.

(4) "Dominant shareholder" means the single owner of ten percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership.

(5) "Interest" means any estate, remainder, or reversion, or portion of the estate, remainder, or reversion, or an option pursuant to which one party has a right to acquire, receive, access, enjoy, or control legal or equitable title to real property.

Amend the bill further, SECTION 1, by striking Section 27-13-30(B) and (C) and inserting:

(B) Subject to the provisions contained in subsection (C), no alien or corporation controlled by aliens, either in his or its own right or as trustee, cestui que trust or agent, shall own or control within the limits of this State more than five hundred thousand acres of land. Nothing in this subsection shall apply to lands owned or controlled by any such person or corporation nor to lands mortgaged to such a person or corporation on March 9, 1896, nor shall this section apply to lands conveyed by an alien to a corporation controlled by such alien.

(C) No corporation controlled by a foreign adversary may acquire any interest in real property within the limits of this State.

(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary who:

(1) also is a citizen of the United States; or

(2) resides in the United States, and

(a) possesses a valid green card as a lawful permanent resident, and

(b) acquires no more than:

(i) five acres for residential or recreational use, or

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(ii) five tax parcel properties that do not exceed in the cumulative twenty-five acres for commercial use as a landlord or property manager.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the committee amendment.

Senator GUSTAFSON spoke on the committee amendment.

Senator HARPOOTLIAN spoke on the committee amendment.

Senator CAMPSSEN spoke on the committee amendment.

The amendment was adopted.

Amendment No. 1

Senator HUTTO proposed the following amendment (SMIN-576.MW0018S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(A)(4) and inserting:

(4) "Dominant shareholder" means the single owner of thirty-three percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership.

Renumber sections to conform.

Amend title to conform.

On motion of Senator FANNING, the amendment was carried over.

Amendment No. 2

Senator HUTTO proposed the following amendment (SMIN-576.MW0022S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(A)(1)(c) and (d).

—Amend the bill further, SECTION 1, by striking Section 27-13-30(D).

Renumber sections to conform.

Amend title to conform.

On motion of Senator FANNING, the amendment was carried over.

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Amendment No. 3

Senator HUTTO proposed the following amendment (SMIN-576.MW0023S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(D) and inserting:

(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary:

(1) that also is a citizen of the United States;

(2) that is a resident of the State of South Carolina and is legally residing in the state under a valid greencard as a legal permanent resident and non-immigrant visas petitions with lawful work authorizations; or

(3) for any interest in real property that was legally acquired prior to the effective date of this act.

Renumber sections to conform.

Amend title to conform.

On motion of Senator FANNING, the amendment was carried over.

Amendment No. 4

Senator GOLDFINCH proposed the following amendment (SR-576.JG0037S), which was withdrawn:

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

SECTION X. Article 1, Chapter 35, Title 15 of the S.C. Code is amended by adding:

Section 15-35-190. (A) For the purposes of this section:

(1) "Party controlled by a foreign adversary" means a legal entity engaged in litigation that:

(a) is wholly owned by a foreign adversary;

(b) is wholly owned by a citizen of a foreign adversary;

(c) is subject to the jurisdiction of a foreign adversary;

(d) has a foreign adversary as a dominant shareholder, directly or indirectly; or

(e) has one or a number of citizens of a foreign adversary whose cumulative ownership is as a dominant shareholder.

(2) "Foreign adversary" means any foreign government or nongovernment person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States citizens.

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(3) “Dominant shareholder” means the single owner of ten percent or more of a legal entity engaged in commerce’s stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more of a legal entity engaged in commerce’s stock, securities, or other indicia of ownership.

(B) In a civil action initiated by or funded by a party controlled by a foreign adversary, or initiated by any party for the purpose of a foreign adversary deriving some benefit, the party adverse to the party controlled by a foreign adversary is entitled to summary judgment in his favor upon all or any part of the civil action if that party shows to the court that the party controlled by a foreign adversary is engaged in the action for the purpose of gaining an economic, competitive, or political advantage rather than settling a dispute between private parties.

(C) If a summary judgment is entered against a party controlled by a foreign adversary, then the party controlled by a foreign adversary may appeal the summary judgment directly to the Supreme Court. The Supreme Court shall hear the appeal on an expedited schedule.

Renumber sections to conform.

Amend title to conform.

On motion of Senator GOLDFINCH, with unanimous consent, the amendment was withdrawn.

Amendment No. 5

Senator MASSEY proposed the following amendment (SJ-576.PB0035S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(C) and (D) and inserting:

(C) A citizen of a foreign adversary or a corporation controlled by a foreign adversary may not acquire any interest in real property within the limits of this State. The provisions of this subsection do not apply to businesses and industries operating within the limits of the State on December 31, 2022, if the land or real property is acquired for expansion purposes and the expansion is approved by the Secretary of Commerce and the Governor.

(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary who:

(1) also is a citizen of the United States; or

(2) resides in the United States, and

(a) possesses a valid green card as a lawful permanent resident, and

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(b) acquires no more than:

(i) five acres for residential or recreational use, or

(ii) five tax parcel properties that do not exceed in the cumulative twenty-five acres for commercial use as a landlord or property manager.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 6

Senator GOLDFINCH proposed the following amendment (SR-576.JG0040S), which was adopted:

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

SECTION X. Article 1, Chapter 35, Title 15 of the S.C. Code is amended by adding:

Section 15-35-190. (A) For the purposes of this section:

(1) "Party controlled by a foreign adversary" means a legal entity engaged in litigation that:

(a) is wholly owned by a foreign adversary;

(b) is wholly owned by a citizen of a foreign adversary;

(c) is subject to the jurisdiction of a foreign adversary;

(d) has a foreign adversary as a dominant shareholder, directly or indirectly; or

(e) has one or a number of citizens of a foreign adversary whose cumulative ownership is as a dominant shareholder.

(2) "Foreign adversary" means any foreign government or nongovernment person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States citizens.

(3) "Dominant shareholder" means the single owner of ten percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership; or multiple owners of twenty percent or more of a legal entity engaged in commerce's stock, securities, or other indicia of ownership.

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(4) “Abuse of process” means the misuse of the legal process for an ulterior purpose, improper purpose, or a purpose different than the proceeding’s intended purpose.

(B) In a civil action initiated by or funded by a party controlled by a foreign adversary, or initiated by any party for the purpose of a foreign adversary deriving some benefit, the party adverse to the party controlled by a foreign adversary is entitled to summary judgment in his favor upon all or any part of the civil action if that party shows to the court that the party controlled by a foreign adversary is engaged in an abuse of process, including, but not limited to, the purpose of advancing the foreign adversary’s economic, competitive, military, or political advantage rather than settling a dispute between private parties.

(C) If a summary judgment is entered against a party controlled by a foreign adversary, then the party controlled by a foreign adversary may appeal the summary judgment directly to the Supreme Court. The Supreme Court shall hear the appeal on an expedited schedule.

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

Amendment No. 7

Senator MARTIN proposed the following amendment (SR-576.JG0041S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-13-30(D) and inserting:

~~—(D) The provisions of subsection (C) do not apply to a citizen of a foreign adversary who:~~

~~—(1) also is a citizen of the United States; or~~

~~—(2) resides in the United States, and~~

~~—(a) possesses a valid green card as a lawful permanent resident, and~~

~~—(b) acquires no more than:~~

~~—(i) five acres for residential or recreational use, or~~

~~—(ii) five tax parcel properties that do not exceed in the cumulative twenty five acres for commercial use as a landlord or property manager.~~

Renumber sections to conform.

Amend title to conform.

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On motion of Senator BENNETT, the amendment was carried over.

Objection

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator WILLIAMS objected.

Motion Adopted

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

The Bill was read the second time, passed and ordered to a third reading.

Motion Adopted

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

ADJOURNMENT

At 5:16 P.M., on motion of Senator GROOMS, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

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