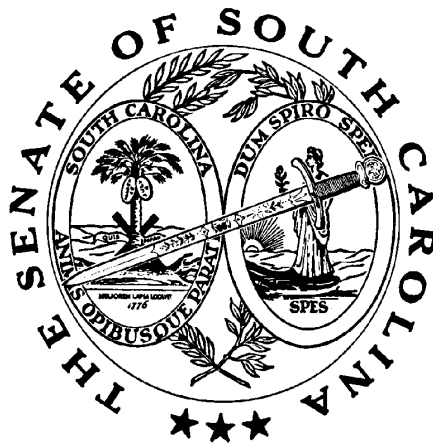


NO. 69

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023**

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**TUESDAY, MAY 7, 2024**

**Tuesday, May 7, 2024**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, 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:

Genesis 12:2

We read in Genesis that the Lord said to Abram:“ ‘I will make you into a great nation and I will bless you. I will make your name great, and you will be a blessing.’ ”

Please join me as we bow in prayer: Most Holy God, how attuned are we all to the fact that the last day of this regular legislative session draws ever closer. And these Senators and their aides are equally aware, assuredly, of some major issues that remain unresolved: an energy bill, whether a certain position should be an appointed or elected one, judicial reform, plus finalizing the budget. Therefore, O God, we pray fervently today that You will bestow Your guidance and blessing upon these leaders that they might by Your grace have the stamina and wisdom to wrap up this year’s state business in ways that truly benefit all of our people. So we pray in Your wondrous name, 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:

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Devine	Fanning	Gambrell
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Matthews	McElveen	Peeler
Reichenbach	Rice	Sabb

**TUESDAY, MAY 7, 2024**

Senn	Setzler	Shealy
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

**Statewide Appointment**

Reappointment, Department of Transportation Commission, with the term to commence February 15, 2024, and to expire February 15, 2028  
5th Congressional District:  
Curtis M. Spencer, American Forest Management / AMF Real Estate  
732 Mattison Ave., Sumter, SC 29150-3108

Referred to the Committee on Transportation.

**Local Appointments**

Initial Appointment, Chester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027  
Michael H. Lifsey, 168 York Street, Chester, SC 29706-1487 *VICE*  
Angela Boyd

Initial Appointment, Edgefield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026  
Gladys Mason, P. O. Box 23, Trenton, SC 29847-0023

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027  
James Davis, P.O. Box 1528, Camden, SC 29021-8528

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027  
Roderick Todd, P. O. Box 1528, Camden, SC 29021-8528

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Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Roneeka Allyce Bailey, 208 Gadsden Street, Columbia, SC 29201-4214

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Timothy Jerome Hall, 145 Westmeath Dr., Moore, SC 29369-9023

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kenneth Sanders, 619 Whitestone Road, Spartanburg, SC 29302-5322

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Keith Sherlin, 1305 North Blackstock Road, Landrum, SC 29356-9117

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jason Thomas Wall, 180 Magnolia Street, Spartanburg, SC 29306-2359

**Doctor of the Day**

Senator M. JOHNSON introduced Dr. Keith Shealy of Lancaster, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator RICE, at 12:10 P.M., Senator GARRETT was granted a leave of absence for today.

**Expression of Personal Interest**

Senator MARTIN rose for an Expression of Personal Interest.

Introduction of The Honorable Mark Daly, Leas-Chathaoirleach of Seanad Éireann (Deputy Chairman of the Senate of Ireland)

**Remarks by Senator REICHENBACH**

Senator Daly, what a pleasure it is to see you here and to have you here in our Chambers. A few people, more than a few, have asked what's

## **TUESDAY, MAY 7, 2024**

the genesis of me proposing this Bill. It actually was my first Bill as primary sponsor to get over the finish line.

A very quick anecdote, Charisse and I were at NCSL about sixty days after we were elected into this Body and sworn in. We were in the convention center with John Mahoney. We walked by and were talking to John and here comes Senator Daly -- larger than life, got an entourage with him, and he was talking about the Irish Trade Commission and what they would like to do in partnering with states. I want to see if I can understand this. You want to talk to a black German about proposing an Irish Trade agreement? How ubiquitous could this be? After that conversation I remember you saying that you were more impressed with Charisse, as most people are, than with me. We still wanted to talk about what an Irish Trade Commission would look like.

We are excited at the prospect of bilateral trade, about foreign direct investment and about just partnering with an ally. One of the largest English speaking countries outside of the European Union and what this could look like with South Carolinians and for the folks of Ireland.

Charisse and I are delighted to have you here. Thank you for the partnership and for the cooperation. I'd be remiss if I didn't give a shout out to Representative Heather Bauer and Representative Chris Murphy who partnered with us as we went over there to meet you and to talk more about what the commission looks like. None of this would have happened without Senator NIKKI SETZLER who had our vision come to life and come to fruition. It's a pleasure to have you here.

On motion of Senator SABB, with unanimous consent, the remarks of Senator REICHENBACH were ordered printed in the Journal.

### **CO-SPONSORS ADDED**

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

S. 915 Sen. Gustafson  
S. 1315 Sen. Alexander

### **RECALLED AND ADOPTED**

S. 1002 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MAY 5-11, 2024, AS "TARDIVE DYSKINESIA AWARENESS WEEK" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

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Senator SHEALY asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator SHEALY, the Resolution was adopted.

**OBJECTION**

S. 1282 -- Senator Verdin: A SENATE RESOLUTION TO RESOLVE FOR THE CONTINUED EXAMINATION AND IMPLEMENTATION OF BEST PRACTICES TOWARD RECOVERY FROM THE OPIOID CRISIS THROUGH STRENGTHENING THE PATIENT AND HEALTH CARE PROVIDER RELATIONSHIP AND MAKING NEW POTENTIAL TREATMENTS AVAILABLE UPON FDA APPROVAL TO SOUTH CAROLINIANS.

Senator VERDIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator VERDIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

Senator CORBIN objected.

**RECALLED AND ADOPTED**

S. 1303 -- Senator Williams: A CONCURRENT RESOLUTION TO HEREBY PROCLAIM SEPTEMBER 2024 AS CHILDHOOD CANCER AWARENESS MONTH IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT RESEARCH FOR THE CURE OF CHILDHOOD CANCER AND TREATMENT OF CHILDREN DIAGNOSED WITH CHILDHOOD CANCER AND TO SUPPORT THEIR FAMILIES WHO ARE ALL SO DEEPLY IMPACTED.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator WILLIAMS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

**TUESDAY, MAY 7, 2024**

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator WILLIAMS, the Resolution was adopted and ordered sent to the House.

**RECALLED**

S. 1314 -- Senators Senn and Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE ROUNDABOUT AT FORT JOHNSON ROAD AND HARBOR VIEW ROAD IN CHARLESTON COUNTY "INEZ BROWN CROUCH ROUNDABOUT" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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**

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.

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.

**TUESDAY, MAY 7, 2024**

**RECALLED**

H. 4806 -- Reps. Rivers and Gilliard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF THE SEA ISLAND PARKWAY IN BEAUFORT COUNTY FROM ITS INTERSECTION WITH CHOWAN CREEK BLUFF TO ITS INTERSECTION WITH COWEN CREEK BRIDGE "MONTFORD POINT MARINES WAY" 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.

**RECALLED**

H. 4904 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE BROAD RIVER ALONG SOUTH CAROLINA HIGHWAYS 49 AND 9 IN UNION COUNTY "1ST LT. ROY D. BRATTON MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS DESIGNATION 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**

H. 4905 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 9 AND SOUTH CAROLINA HIGHWAY 49 IN UNION COUNTY "PFC FRANKLIN LEROY BARBER BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS 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.

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

**RECALLED**

H. 4906 -- Rep. Gilliam: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE LOCKHART CANAL ON SOUTH CAROLINA HIGHWAYS 49 AND 9 “SP5 WALTER ‘BUBBA’ BRANNON MEMORIAL BRIDGE” AND ERECT APPROPRIATE SIGNS OR MARKERS 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**

H. 5378 -- Reps. Thigpen, Howard, Garvin, Bernstein, Bauer, McDaniel and Rutherford: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF UNITED STATES HIGHWAY 21 (WILSON BOULEVARD) FROM STATE ROAD S-910 (PLUMBERS ROAD) TO ITS INTERSECTION WITH STATE ROAD S-130 (SHARPE ROAD) IN RICHLAND COUNTY “JAMES AND BARBARA MCLAWHORN BOULEVARD” AND ERECT APPROPRIATE SIGNS OR MARKERS 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**

H. 5458 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,

**TUESDAY, MAY 7, 2024**

RELATING TO STANDARDS FOR LICENSING AMBULATORY SURGICAL FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5264, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator VERDIN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Medical Affairs.

The Joint Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1327 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. ASHLEY ADAMSON BILLS.

sr-0731km-vc24.docx

The Senate Resolution was adopted.

S. 1328 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE OLGA C. ROSA, M.D. UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER TWENTY YEARS OF DEDICATED SERVICE TO THE CHILDREN OF SOUTH CAROLINA THROUGH THE CREATION AND MANAGEMENT OF THE SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0730km-vc24.docx

The Senate Resolution was adopted.

S. 1329 -- Senators Campsen and Alexander: A SENATE RESOLUTION TO ENCOURAGE THE STATE OF SOUTH CAROLINA TO TAKE ALL PRACTICAL STEPS TO INCREASE THE USE OF SUSTAINABLE AVIATION FUEL IN THE STATE, REGIONALLY, AND NATIONALLY.

sr-0728km-vc24.docx

The Senate Resolution was adopted.

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S. 1330 -- Senator Stephens: A SENATE RESOLUTION TO CONGRATULATE THE BETHUNE-BOWMAN HIGH SCHOOL JROTC MOHAWK BATTALION FOR ACHIEVING THE HONOR UNIT WITH DISTINCTION DESIGNATION.

sr-0735km-vc24.docx

The Senate Resolution was adopted.

S. 1331 -- Senator Stephens: A SENATE RESOLUTION TO CONGRATULATE THE ORANGEBURG TECHNOLOGY CENTER TEAM FOR WINNING THE 2024 SKILLS USA CHAPTER DISPLAY STATE CHAMPIONSHIP.

sr-0729km-vc24.docx

The Senate Resolution was adopted.

S. 1332 -- Senator Stephens: A SENATE RESOLUTION TO CONGRATULATE THE BETHUNE-BOWMAN HIGH SCHOOL BASKETBALL TEAM ON A STRONG SEASON AND HONOR THEM FOR PLAYING IN THE 2024 STATE CHAMPIONSHIP.

sr-0732km-vc24.docx

The Senate Resolution was adopted.

H. 5339 -- Reps. Jefferson, Cobb-Hunter, Murphy, Pedalino, Brewer, Gatch and Robbins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 15 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY "MAYOR CHARLES WILLIAM ACKERMAN HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0561cm-gt24.docx

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

H. 5378 -- Reps. Thigpen, Howard, Garvin, Bernstein, Bauer, McDaniel and Rutherford: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF UNITED STATES HIGHWAY 21 (WILSON BOULEVARD) FROM STATE ROAD S-910 (PLUMBERS ROAD) TO ITS INTERSECTION WITH STATE ROAD S-130 (SHARPE

**TUESDAY, MAY 7, 2024**

ROAD) IN RICHLAND COUNTY "JAMES AND BARBARA MCLAWHORN BOULEVARD" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0590cm-gt24.docx

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

H. 5458 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING AMBULATORY SURGICAL FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5264, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0713wab-dbs24.docx

Read the first time and referred to the Committee on Medical Affairs.

H. 5459 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO MINIMUM STANDARDS FOR LICENSING HOSPITALS AND INSTITUTIONAL GENERAL INFIRMARIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5265, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0712wab-rt24.docx

Read the first time and ordered placed on the Calendar without reference.

H. 5465 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ASHBY ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH IRBY STREET TO ITS INTERSECTION WITH DOUGLAS STREET "DR. JAMES DUCKETT HAMMOND, JR. MEMORIAL ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0608cm-gt24.docx

## **TUESDAY, MAY 7, 2024**

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

H. 5478 -- Reps. Hosey, 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, 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, Spann-Wilder, Stavrinakis, Taylor, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR ROBERT MILLER, FORMER INTERIM CHIEF OF THE CITY OF BARNWELL POLICE DEPARTMENT, UPON THE OCCASION OF HIS RECENT RETIREMENT AFTER GRACIOUSLY SERVING DURING A TIME OF TRANSITION AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0450hdb-rm24.docx

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

### **REPORTS OF STANDING COMMITTEES**

Senator CLIMER from the Committee on Agriculture and Natural Resources polled out S. 1315 favorable:

S. 1315 -- Senators Campsen and Alexander: A CONCURRENT RESOLUTION TO ENCOURAGE THE STATE OF SOUTH CAROLINA TO TAKE ALL PRACTICAL STEPS TO INCREASE THE USE OF SUSTAINABLE AVIATION FUEL IN THE STATE, REGIONALLY, AND NATIONALLY.

**TUESDAY, MAY 7, 2024**

**Poll of the Agriculture and Natural Resources Committee**

**Polled 17; Ayes 16; Nays 0; Abstain 1**

**AYES**

Climer	Verdin	Williams
McElveen	Sabb	Fanning
Goldfinch	Talley	Harpootlian
Garrett	Gustafson	M. Johnson
Kimbrell	Stephens	Massey
Reichenbach		

**Total--16**

**NAYS**

**Total--0**

**ABSTAIN**

Loftis

**Total--1**

Ordered for consideration tomorrow.

**ADOPTED**

S. 1315 -- Senators Campsen and Alexander: A CONCURRENT RESOLUTION TO ENCOURAGE THE STATE OF SOUTH CAROLINA TO TAKE ALL PRACTICAL STEPS TO INCREASE THE USE OF SUSTAINABLE AVIATION FUEL IN THE STATE, REGIONALLY, AND NATIONALLY.

Senator CAMPSSEN asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution. The question then was the adoption of the Concurrent Resolution.

On motion of Senator CAMPSSEN, the Concurrent Resolution was adopted and ordered sent to the House.

**TUESDAY, MAY 7, 2024**

Senator RANKIN from the Committee on Judiciary polled out H. 3676 favorable:

H. 3676 -- Reps. G.M. Smith, Pope, Jordan, W. Newton, Elliott, Lowe, J.E. Johnson, Guest, Mitchell, Taylor, Robbins and Brewer: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED, RESTRICTED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT THROUGH A BALANCED BUDGET AMENDMENT.

**Poll of the Judiciary Committee  
Polled 23; Ayes 13; Nays 5; Not Voting 5**

**AYES**

Rankin	Massey	Climer
Rice	Senn	Talley
Cash	Loftis	Adams
Gustafson	Kimbrell	M. Johnson
Reichenbach		

**Total--13**

**NAYS**

Hutto	Sabb	McLeod
Stephens	Tedder	

**Total--5**

**NOT VOTING**

Malloy	Campsen	Harpootlian
Garrett	Devine	

**Total—5**

Ordered for consideration tomorrow.

**TUESDAY, MAY 7, 2024**

Senator RANKIN from the Committee on Judiciary polled out H. 5154 favorable:

H. 5154 -- Reps. West and Sandifer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-5-1030, RELATING TO CIVIL PENALTIES, SO AS TO PROVIDE A GAS UTILITY WHICH VIOLATES SECTION 58-5-1020 OR A REGULATION UNDER ARTICLE 9 OF CHAPTER 5, TITLE 58 IS SUBJECT TO A CIVIL PENALTY NOT MORE THAN THE CIVIL PENALTY PROVIDED BY 49 U.S.C. SECTION 60122 AND 49 C.F.R. 190.233.

**Poll of the Judiciary Committee  
Polled 23; Ayes 21; Nays 1; Not Voting 1**

**AYES**

Rankin	Hutto	Malloy
Campsen	Sabb	Climer
McLeod	Rice	Senn
Talley	Cash	Harpootlian
Loftis	Adams	Gustafson
Kimbrell	M. Johnson	Stephens
Reichenbach	Tedder	Devine

**Total--21**

**NAYS**

Massey

**Total--1**

**NOT VOTING**

Garrett

**Total—1**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

**TUESDAY, MAY 7, 2024**

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 124 -- Senators Hembree, Turner and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-18-1115 SO AS TO ESTABLISH A PILOT PROGRAM THAT WILL PERMIT PUBLIC SCHOOL DISTRICTS TO HIRE NONCERTIFIED TEACHERS IN A RATIO UP TO TEN PERCENT OF ITS ENTIRE TEACHING STAFF, TO PROVIDE ACADEMIC, EVALUATION, AND EXPERIENCE REQUIREMENTS, TO FURTHER PROVIDE FOR ANNUAL PROGRAM REPORTING AND NONCERTIFIED TEACHER REGISTRATION AND CLEARANCE REQUIREMENTS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 305 -- Senators Young, M. Johnson, Kimbrell, Turner, Fanning, Climer, Stephens, Rankin, Loftis, Garrett, Matthews, Adams, Gustafson and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-25-60 SO AS TO PROVIDE THAT AN INDIVIDUAL'S PRIOR WORK EXPERIENCE MAY BE AWARDED ON AN INITIAL TEACHING CERTIFICATE IF THE PRIOR EXPERIENCE IS IN OR RELATED TO THE CONTENT FIELD OF THE CERTIFICATE, AND TO PROVIDE THAT EXISTING CERTIFICATE HOLDERS MAY ALSO RECEIVE THE SAME CREDIT FOR PRIOR WORK EXPERIENCE.

**TUESDAY, MAY 7, 2024**

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

The question being the adoption of Rule 32A on S. 305.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

**TUESDAY, MAY 7, 2024**

The motion was adopted.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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**Motion Adopted**

On motion of Senator TALLEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

The question being the adoption of Rule 32A on S. 314.

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

**Ayes 40; Nays 4**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Devine	Fanning	Gambrell
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

Corbin	Martin	Matthews
McLeod		

**Total--4**

The motion was adopted.

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**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 408 -- Senators Shealy and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-75-250, RELATING TO ISSUANCE OF LICENSE, DISPLAY, AND RENEWAL, SO AS TO REQUIRE ONE HOUR OF SUICIDE PREVENTION TRAINING AS A PORTION OF THE TOTAL CONTINUING EDUCATION REQUIREMENT; AND BY AMENDING SECTION 40-75-540, RELATING TO REGULATIONS FOR CONTINUING EDUCATION AND LICENSE RENEWAL, SO AS TO REQUIRE ONE HOUR OF SUICIDE PREVENTION TRAINING AS A PORTION OF THE TOTAL CONTINUING EDUCATION REQUIREMENT.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator VERDIN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

Senator MATTHEWS made a motion to have the Bill read in full.

The PRESIDENT announced that the motion was out of order.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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S. 610 -- Senators Cromer, Shealy and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROFESSIONAL COUNSELING COMPACT ACT" BY ADDING ARTICLE 6 TO CHAPTER 75, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS FOR THE COMPACT.

Very respectfully,  
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Senator DAVIS explained the House amendment.

**Motion Adopted**

On motion of Senator VERDIN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

The question being the adoption of Rule 32A on S. 610.

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

**Ayes 37; Nays 3**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Goldfinch	Grooms
Gustafson	Hembree	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Loftis
Malloy	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Sabb	Senn
Setzler	Stephens	Talley
Tedder	Turner	Verdin
Williams		

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**Total--37**

**NAYS**

Martin

Matthews

McLeod

**Total--3**

The motion was adopted.

**Statement by Senator YOUNG**

I was out of the Chamber in a meeting with constituents during the roll call vote to waive the printing for S. 610. I would have voted “aye”.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 962 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-71-2330, RELATING TO DUTIES OF PHARMACY SERVICE ADMINISTRATIVE ORGANIZATIONS, SO AS TO REMOVE THE REQUIREMENT THAT PHARMACY SERVICE ADMINISTRATIVE ORGANIZATIONS MUST ACT AS FIDUCIARIES TO PHARMACIES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Senator CROMER explained the House amendment.

**Motion Adopted**

On motion of Senator VERDIN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

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The question being the adoption of Rule 32A on S. 962.

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

**Ayes 40; Nays 3**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

Martin	Matthews	McLeod
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**Total--3**

The motion was adopted.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 1005 -- Senators Kimbrell and Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-25-1320, RELATING TO MOTOR RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROVIDE THAT A BOAT, WATERCRAFT, OR OTHER TYPE OF VESSEL POWERED BY AN

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OUTDRIVE OR INBOARD MOTOR HAVING AN ENGINE AUTOMOTIVE HORSEPOWER RATING IN EXCESS OF TWO HUNDRED HORSEPOWER IS PERMITTED AND THAT PERSONAL WATERCRAFT MAY NOT EXCEED ONE HUNDRED NINETY HORSEPOWER; AND BY AMENDING SECTION 50-25-1350, RELATING TO WATER SKIING AND TOWING RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROHIBIT THE OPERATION OF PERSONAL WATERCRAFT, SPECIALTY PROPCRAFT, OR VESSELS IN EXCESS OF IDLE SPEED WITHIN ONE HUNDRED FEET OF A WHARF, DOCK, BULKHEAD, OR PIER OR WITHIN FIFTY FEET OF A MOORED OR ANCHORED VESSEL OR PERSON IN THE WATER.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 1031 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING CHAPTER 11 OF TITLE 35, RELATING TO ANTI-MONEY LAUNDERING, SO AS TO INCORPORATE THE UNIFORM MONEY SERVICES ACT, TO PROTECT THE PUBLIC FROM FINANCIAL CRIME, STANDARDIZE THE TYPES OF ACTIVITIES THAT ARE SUBJECT TO LICENSING, AND MODERNIZE SAFETY AND SOUNDNESS REQUIREMENTS TO ENSURE FUNDS ARE PROTECTED IN AN ENVIRONMENT THAT SUPPORTS INNOVATIVE AND COMPETITIVE BUSINESS PRACTICES.

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Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Senator CROMER explained the House amendment.

**Motion Adopted**

On motion of Senator CROMER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

**Recorded Vote**

Senator MARTIN desired to be recorded as voting against the motion to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

**Message from the House**

Columbia, S.C., May 7, 2024

Mr. President and Senators:

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

H. 5314 -- Reps. Haddon and Burns: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 25 (WHITE HORSE ROAD) AND SOUTH CAROLINA HIGHWAY 183 (SALUDA DAM ROAD) IN THE GREENVILLE COUNTY TOWN OF BERA "HAROLD M. BATSON JR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Very respectfully,

Speaker of the House

Received as information.

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**HOUSE CONCURRENCE**

S. 1267 -- Senator Hembree: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HIGHWAY 17 FROM 8TH AVENUE NORTH TO STARWATCH DRIVE IN HORRY COUNTY "GEORGE RAYFORD VEREEN HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

**HOUSE CONCURRENCE**

S. 1268 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 315 IN JASPER COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 170 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 "BISHOP DELORIS M. YOUNG HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

**HOUSE CONCURRENCE**

S. 1297 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF BOUNDARY STREET AND THE SOUTH CAROLINA HIGHWAY 34 BYPASS (BOB LAKE BOULEVARD) IN NEWBERRY COUNTY "HENRY S. REEDER INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

**HOUSE CONCURRENCE**

S. 1302 -- Senator Malloy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF HIGHWAY 15 AND BROWNTOWN ROAD IN LEE COUNTY "WALLACE A. 'BULL' BERRY INTERSECTION" AND ERECT APPROPRIATE MARKERS

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OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

**HOUSE CONCURRENCE**

S. 1304 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BLUFF ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH WINDY DRIVE TO ITS INTERSECTION WITH PINEVIEW DRIVE "DEPUTY SHERIFF JACOB ERIC SALRIN MEMORIAL WAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

**HOUSE CONCURRENCE**

S. 1319 -- Senator Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BRADEN WILSON, AN EIGHTH GRADE SOCIAL STUDIES TEACHER AT PALMETTO MIDDLE SCHOOL IN ANDERSON SCHOOL DISTRICT ONE, AND TO CONGRATULATE HER FOR BEING NAMED THE SOUTH CAROLINA TEACHER OF THE YEAR.

Returned with concurrence.

Received as information.

**HOUSE CONCURRENCE**

S. 1322 -- Senator Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BELTON-HONEA PATH HIGH SCHOOL FOR BEING NAMED A NATIONAL SCHOOL OF EXCELLENCE AND TO CONGRATULATE THE ADMINISTRATION, FACULTY, STAFF, AND STUDENTS FOR THEIR CONTRIBUTIONS TO THIS ACHIEVEMENT.

Returned with concurrence.

Received as information.

**ACTING PRESIDENT PRESIDES**

Senator TURNER assumed the Chair.

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

**RECOMMITTED**

S. 154 -- Senators Young, Senn and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA STREET GANG AND CRIMINAL ENTERPRISE PREVENTION AND ANTI-RACKETEERING ACT"; BY AMENDING ARTICLE 3 OF CHAPTER 8, TITLE 16, RELATING TO THE CRIMINAL GANG PREVENTION ACT, SO AS TO RETITLE THE ARTICLE, REVISE THE DEFINITIONS FOR PURPOSES OF THE ARTICLE, AND RESTRUCTURE THE ARTICLE AND THE OFFENSES AND PENALTIES CONTAINED WITHIN IT; AND BY ADDING ARTICLE 5 TO CHAPTER 8, TITLE 16 SO AS TO CREATE ANTI-RACKETEERING PROVISIONS TO COMPLIMENT THE REVISED STREET GANG AND CRIMINAL ENTERPRISE PREVENTION ARTICLE, DEFINE NECESSARY TERMS, AND CREATE VARIOUS RACKETEERING OFFENSES AND ESTABLISH PENALTIES FOR VIOLATIONS.

On motion of Senator MALLOY, the Bill was recommitted to Committee on Judiciary.

**AMENDED, READ THE THIRD TIME  
HOUSE BILL RETURNED**

H. 4674 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-1240, RELATING TO THE DISPLAY OF LICENSE PLATES, SO AS TO PROVIDE THE CIRCUMSTANCES IN WHICH THE PROVISIONS OF THIS SECTION APPLY, TO PROVIDE HOW LICENSE PLATES MUST BE FASTENED TO VEHICLES, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE FOR THE DISPLAY OF TEMPORARY LICENSE PLATES ON LARGE COMMERCIAL MOTOR VEHICLES.

The Senate proceeded to a consideration of the Bill.

Senators McLEOD, SHEALY, MATTHEWS, SENN, GUSTAFSON, DEVINE, SETZLER, MALLOY and SETZLER proposed the following amendment (SR-4674.KM0004S), which was adopted:

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

SECTION X. Section 56-3-14210 of the S.C. Code is amended to read:

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Section 56-3-14210. (A) The Department of Motor Vehicles shall issue “University of South Carolina 2017~~and, 2022, and 2024~~ Women's Basketball National Champions” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names.

(B) The University of South Carolina may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside to defray costs of production and distribution must be distributed to the fund established for the University of South Carolina pursuant to Section 56-3-3710(B) used for the purposes provided in that section.

(D) License number “1” for the “University of South Carolina 2017~~and 2022, and 2024~~ Women's Basketball National Champions” license plates are reserved for the University of South Carolina Women's Basketball Coach.

(E) The department must issue to registrants who have a license plate commemorating only the 2017 Women's Basketball National Championship or only the 2017 and 2022 Women's Basketball National Championship the license plate commemorating ~~both the 2017, and 2022, and 2024~~ national championships once the 2017 or 2022 license plate reaches the end of its ten-year lifecycle. This subsection does not apply to registrants who choose to switch to the “2017~~and, 2022, and 2024~~” license plate on their own.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

**PRESIDENT PRESIDES**

At 1:40 P.M., the PRESIDENT assumed the Chair.

**AMENDED, OBJECTION**

H. 4957 -- Reps. Hiott, Erickson, G.M. Smith, Hayes, McGinnis, Rose, Elliott, Alexander, Schuessler, Calhoon, M.M. Smith, Davis, T. Moore, B. Newton, Neese, Oremus, Hixon, Taylor, Guest, Sessions, Guffey, Ballentine, Pope, Willis, Bannister, Kirby, Henegan, Hartnett, Williams, Gilliard and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-158-10, RELATING TO DEFINITIONS CONCERNING INTERCOLLEGIATE ATHLETES' COMPENSATION FOR NAME,

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IMAGE, OR LIKENESS, SO AS TO REVISE SEVERAL DEFINITIONS; BY AMENDING SECTION 59-158-20, RELATING TO THE AUTHORIZATION OF COMPENSATION FOR USE OF AN INTERCOLLEGIATE ATHLETE'S NAME, IMAGE, OR LIKENESS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE INSTITUTIONS OF HIGHER LEARNING AND CERTAIN AGENTS OF THE INSTITUTIONS MAY ENGAGE IN CERTAIN ACTIONS THAT MAY ENABLE INTERCOLLEGIATE ATHLETES TO EARN COMPENSATION FOR USE OF THE NAME, IMAGE, OR LIKENESS OF THE ATHLETE, AND TO PROVIDE THE INSTITUTIONS ALSO MAY PERMIT INTERCOLLEGIATE ATHLETES TO USE TRADEMARKS AND FACILITIES OF THE INSTITUTION, AMONG OTHER THINGS; BY AMENDING SECTION 59-158-30, RELATING TO THE EFFECTS OF NAME, IMAGE, AND LIKENESS COMPENSATION ON GRANT-IN-AID OR ATHLETIC ELIGIBILITY, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE NAME, IMAGE, OR LIKENESS CONTRACTS MAY NOT EXTEND BEYOND THE INTERCOLLEGIATE ATHLETE'S ELIGIBILITY TO PARTICIPATE IN AN INTERCOLLEGIATE ATHLETICS PROGRAM AT AN INSTITUTION OF HIGHER LEARNING; BY AMENDING SECTION 59-158-40, RELATING TO ALLOWED AND PROHIBITED ACTIONS CONCERNING INTERCOLLEGIATE ATHLETES' NAME, IMAGE, AND LIKENESS-RELATED MATTERS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE LIMITATIONS ON LIABILITY FOR INSTITUTION OF HIGHER LEARNING EMPLOYEES FOR DAMAGES RESULTING FROM CERTAIN ROUTINE DECISIONS MADE IN INTERCOLLEGIATE ATHLETICS, AND TO PROHIBIT CERTAIN CONDUCT BY ATHLETIC ASSOCIATIONS, ATHLETIC CONFERENCES, OR OTHER GROUPS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS AT PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY AMENDING SECTION 59-158-50, RELATING TO GOOD ACADEMIC STANDING REQUIRED FOR PARTICIPATION IN NAME, IMAGE, AND LIKENESS ACTIVITIES, SO AS TO DELETE EXISTING PROVISIONS AND PROVIDE CERTAIN MATTERS CONCERNING NAME, IMAGE, AND LIKENESS AGREEMENTS MAY NOT BE CONSIDERED PUBLIC RECORDS SUBJECT TO AN EXCEPTION AND MAY NOT BE DISCLOSED TO CERTAIN ENTITIES; BY AMENDING SECTION 59-158-60, RELATING TO

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DISCLOSURE OF NAME, IMAGE, OR LIKENESS CONTRACTS AND THIRD-PARTY ADMINISTRATORS, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE FOR THE RESOLUTION OF CONFLICTS BETWEEN CERTAIN PROVISIONS OF THIS ACT AND PROVISIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, AND TO PROVIDE ATHLETE AGENTS SHALL COMPLY WITH CERTAIN FEDERAL REQUIREMENTS; BY AMENDING SECTION 59-102-20, RELATING TO DEFINITIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, SO AS TO REVISE THE DEFINITION OF “ATHLETE AGENT”; BY AMENDING SECTION 59-102-100, RELATING TO AGENCY CONTRACTS, SO AS TO REMOVE A PROVISION CONCERNING COMPENSATION; BY REPEALING SECTION 59-158-70 RELATING TO DISCLOSURES AND LIMITATIONS IN NAME, IMAGE, OR LIKENESS CONTRACTS AND REVOCATION PERIODS FOR SUCH CONTRACTS; AND BY REPEALING SECTION 59-158-80 RELATING TO GOVERNING LAW AND FEDERAL COMPLIANCE CONTRACTS.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (SMIN-4957.AA0008S), which was adopted, reconsidered, and tabled:

Amend the bill, as and if amended, SECTION 4, by striking Section 59-158-40(2)(A) and inserting:

(A) An institution of higher learning may prohibit an intercollegiate athlete from using his name, image, or likeness for compensation ~~if the proposed use of his name, image, or likeness conflicts with institutional values as defined by the institution of higher learning with any of the following:~~

- (1) alcohol and alcoholic beverages;
- (2) adult entertainment;
- (3) cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;
- (4) controlled substances as defined in Section 44-53-110;
- (5) performance enhancing drugs or substances such as steroids or human growth hormone;
- (6) drug paraphernalia, as defined in Section 44-53-110;
- (7) tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices;
- (8) weapons, including firearms and ammunition for firearms; and
- (9) casinos or gambling, including sports betting.

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~~—(2) An intercollegiate athlete may not earn compensation for the use of his name, image, or likeness for the endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or gambling including, but not limited to, sports betting.~~

~~—(C) An institution of higher learning must disclose known prohibitions for the use of an intercollegiate athlete's name, image, or likeness at the time that an intercollegiate athlete is admitted to the institution of higher learning or when the intercollegiate athlete signs a financial aid agreement or team contract.~~

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was carried over and subsequently adopted.

### **Recorded Vote**

Senators MARTIN, CORBIN and CLIMER desired to be recorded as voting against the adoption of the amendment.

Senator MALLOY proposed the following amendment (SMIN-4957.AA0005S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, Section 59-158-20(4), by adding an item to read:

(D) Compensation earned by an intercollegiate athlete for the use of his name, image, or likeness must represent a genuine payment for the use of his name, image or likeness, independent of, rather than as a payment for, his athletic participation or performance.

Renumber sections to conform.

Amend title to conform.

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

Senator MALLOY proposed the following amendment (SMIN-4957.AA0011S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, Section 59-158-20(4), by adding an item to read:

(D) Compensation earned by an intercollegiate athlete for the use of his name, image, or likeness must represent payment for the use of his

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name, image or likeness, independent of, rather than as a payment for, his athletic participation or performance.

Renumber sections to conform.

Amend title to conform.

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

Senator TALLEY proposed the following amendment (SEDU-4957.DB0013S), which was withdrawn:

Amend the bill, as and if amended, SECTION 4, by striking Section 59-158-40(7)(B) and inserting:

~~—(C) An institution of higher learning must disclose known prohibitions for the use of an intercollegiate athlete's name, image, or likeness at the time that an intercollegiate athlete is admitted to the institution of higher learning or when the intercollegiate athlete signs a financial aid agreement or team contract.~~ (B) An institution of higher learning or any officers, trustees, directors, employees, including athletics coaching staff, may not be liable for any damages to an intercollegiate athlete's ability to earn compensation for the use of the intercollegiate athlete's name, image, or likeness resulting from decisions or actions routinely taken in the course of intercollegiate athletics.

Renumber sections to conform.

Amend title to conform.

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

Senators MALLOY, TALLEY and SETZLER proposed the following amendment (SEDU-4957.DB0014S), which was adopted:

Amend the bill, as and if amended, SECTION 2, Section 59-158-20(4)(C), by adding an item to read:

(D) Compensation earned by an intercollegiate athlete for the use of his name, image or likeness must represent payment for the use of his name, image or likeness, independent of, rather than as payment for, his athletic participation or performance unless otherwise permitted or authorized by a collegiate athletic association and institution of higher learning policy, a court order or a settlement agreement.

Renumber sections to conform.

Amend title to conform.

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Senator MALLOY explained the amendment.

Senator TALLEY spoke on the Bill.

The amendment was adopted.

Senator MARTIN spoke on the Bill.

Senator MARTIN proposed the following amendment (SR-4957.JG0019S), with was ruled out of order:

Amend the bill, as and if amended, SECTION 4, by striking Section 59-158-40(2)(A) and inserting:

(A) An institution of higher learning may prohibit an intercollegiate athlete from using his name, image, or likeness for compensation ~~if the proposed use of his name, image, or likeness conflicts with institutional values as defined by the institution of higher learning with any of the following:~~

- (1) alcohol and alcoholic beverages;
- (2) adult entertainment;
- (3) cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;
- (4) controlled substances as defined in Section 44-53-110;
- (5) performance enhancing drugs or substances such as steroids or human growth hormone;
- (6) drug paraphernalia, as defined in Section 44-53-110;
- (7) tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices; and
- (8) casinos or gambling, including sports betting.

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

#### **Point of Order**

Senator MALLOY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MARTIN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

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The amendment was ruled out of order.

Senator BENNETT spoke on the Bill.

Senator HARPOOTLIAN spoke on the Bill.

Having voted on the prevailing side of the amendment by Senator MALLOY (SMIN-4957.AA0008S) previously adopted, Senator TALLEY moved to reconsider the vote whereby the amendment was adopted.

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

**Ayes 35; Nays 10**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

**Total--35**

**NAYS**

Allen	Devine	Hutto
Jackson	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Stephens
Tedder		

**Total--10**

The motion to reconsider was adopted.

The question was the adoption of the amendment.

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Senator HUTTO spoke on the amendment.

Senator TALLEY moved to lay the amendment on the table.

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

**Ayes 30; Nays 12**

**AYES**

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

**Total--30**

**NAYS**

Allen	Devine	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Matthews	McElveen	McLeod
Sabb	Stephens	Tedder

**Total--12**

The amendment was laid on the table.

Senator JACKSON objected to further consideration of the Bill.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4594 -- Reps. Ballentine, Pope, Clyburn, West, Elliott and T. Moore: 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

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STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2023 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.

**RECOMMITTED**

S. 88 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-671 SO AS TO PROVIDE FOR THE DESIGN, COLOR, AND OTHER ELEMENTS OF THE SOUTH CAROLINA STATE FLAG AND TO DESIGNATE THE FLAG OF THIS DESIGN, COLOR, AND ELEMENTS AS THE OFFICIAL SOUTH CAROLINA STATE FLAG.

On motion of Senator HUTTO, the Bill was recommitted to Committee on Family and Veterans' Services.

**RECOMMITTED**

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

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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 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.

On motion of Senator HUTTO, the Bill was recommitted to Committee on Judiciary.

**RECOMMITTED**

S. 244 -- Senator Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-19-40, RELATING TO CERTAIN SPECIAL PROVISIONS FOR THE ELECTION OR APPOINTMENT OF SCHOOL TRUSTEES, SO AS TO PROVIDE THAT ELECTIONS FOR SCHOOL TRUSTEES MUST BE HELD AT THE SAME TIME AS THE GENERAL ELECTION IN EVEN-NUMBERED YEARS.

On motion of Senator MASSEY, the Bill was recommitted to Committee on Education.

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

H. 3682 -- Reps. Murphy, Wetmore, Bailey, Rose, Crawford, Brewer, Taylor, Hardee, Wooten, Pope, McDaniel, Hewitt, Bauer, Yow, J.E. Johnson, Willis, Ligon, Lawson, Robbins, Schuessler, Guest, Henegan, Williams, M.M. Smith and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 47-1-140, RELATING TO THE CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO REMOVE PROVISIONS REGARDING A LIEN ON THE SEIZED ANIMAL; BY AMENDING SECTION 47-1-145, RELATING TO CUSTODY AND CARE OF ANIMALS AFTER THE ARREST OF THE OWNER, SO AS TO OUTLINE HEARING PROCEDURES FOR ORDERING THE COST OF CARE OF THE SEIZED ANIMALS; AND BY AMENDING

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**SECTION 47-1-170, RELATING TO PENALTIES FOR ANIMAL CRUELTY, SO AS TO MAKE CONFORMING CHANGES.**

The Senate proceeded to a consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (SR-3682.JG0009S), which was adopted:

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

SECTION 1. Section 47-1-140 of the S.C. Code is amended to read:

Section 47-1-140. The law enforcement officer making the arrest, with or without warrant, shall use reasonable diligence to give notice to the owner of the animals found in the charge or custody of the person arrested, if the person is not the owner, and shall care and provide properly for the animals. ~~The law enforcement officer making the arrest shall have a lien on the animals for the expense of such care and provision unless the charge is dismissed or nol prossed or the person is found not guilty, then the lien is extinguished. The lien also may be extinguished by an agreement between the person charged and the prosecuting agency or the law enforcement agency in custody of the animal.~~ Notwithstanding any other provision of law, an animal may be seized preceding an arrest and pursuant to Section 47-1-150.

SECTION 2. Section 47-1-145 of the S.C. Code is amended to read:

Section 47-1-145. ~~(A)(1) Any person, organization~~ Notwithstanding another provision of law, any sheriff, deputy sheriff, deputy state constable, constable, law enforcement officer, or other entity that is awarded custody of an animal under the provisions of Section 47-1-150 or who has seized an animal because of the arrest of a defendant for a violation of any provision of Chapter 1, Title 47 or Chapter 27, Title 16 and that provides services to the animal without compensation may file a petition with the a court of competent jurisdiction to hear civil cases requesting that the defendant, if found guilty, be ordered the court to require the owner of the animal or animals to deposit funds at specified intervals in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal anticipated costs of the seizure and care of the animals pending the disposition of the litigation. In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, "court" refers to municipal or magistrates court, and "reasonable expenses" includes the cost of providing food, water, shelter, and care, including medical care, but does not include extraordinary medical procedures.

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~~—(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal that the custodian incurred pursuant to subsection (A). Either party may demand that the trial be given priority over other cases.~~

~~—(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.~~

(2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture or if the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

~~—(D) Within thirty days of an animal's impoundment, the animal's custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:~~

~~—(1) an estimate of the daily custodial costs required to care for the animal;~~

~~—(2) a statement that the defendant, if found guilty, shall be required to pay for the animal's care during impoundment; and~~

~~(3) a statement that the defendant, At any time prior to final adjudication, the owner has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care but not costs already accrued, beginning with the date of the seizure.~~

(4) If the charge is dismissed, nol prossed, or the defendant is found not guilty, then the petitioner must reimburse the defendant the amount of all costs of seizure and care of the animal imposed by the court paid by the defendant, plus interest and court costs.

(B)(1) Every petition filed pursuant to subsection (A) shall contain a description of the time, place, and circumstances of the seizure, the legal authority for the seizure, and the name and address of the owner of the animal seized.

(2) Any sheriff, deputy sheriff, deputy state constable, constable, or other law enforcement officer shall personally serve written process of the petition on the owner of the animal. If the officer is unable to personally serve written process of the petition on the owner of the animal within thirty days of the filing of the petition, the officers shall, within ten days thereafter, post a copy of the petition on the door of the

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residence of the owner or in another conspicuous place at the location where the animal was seized.

(C)(1)(a) Upon the court's receipt of return of process of the petition on the owner, the court shall set a hearing on the petition to determine the need to care for and provide for the animal pending the final disposition of the animal. The hearing shall be conducted no less than ten days and no more than fifteen business days after the court's receipt of return of service of process of the petition on the owner. Any sheriff, deputy sheriff, deputy state constable, constable, or other law enforcement officer is authorized to serve written notice on the owner of the date, time, and location of the hearing. If no name and address for the owner are set forth in the petition, then such notice shall be posted in a conspicuous place at the location where the animal or animals were seized.

(b) If the owner is financially unable to retain counsel then counsel shall be provided upon order of the appropriate judge pursuant to Chapter 3, Title 17, unless the owner voluntarily and intelligently waives court appointed counsel.

(c) The court may waive or reduce the requirement for the owner to pay the costs of seizure and care pursuant to this section if the owner is indigent.

(2) The scope of the hearing is limited to whether probable cause existed to seize the animal. Upon such a showing, the court shall require payment into the registry of the court of an amount sufficient to cover all costs of seizure and care, as determined by the court, for a period beginning as of the date of seizure and ending thirty days after the date of the order. Neither the result of a hearing provided for under this section nor a statement of an owner made at any such hearing shall be admissible in any criminal prosecution related to the seizure of the animal.

(3) The owner shall be ordered to deposit an amount equal to the portion of the original deposit amount attributable to the first thirty days after the date of the initial order and every thirty days thereafter until the owner relinquishes the animal or until the final disposition of the animal. If the required funds are not deposited within five days of the original order setting the amount of funds, or within five days after the expiration of each applicable subsequent thirty-day period, then the animal shall be forfeited to the petitioning agency by operation of law and may, with the consent or any prosecutor prosecuting charges against the owner regarding the owner's animal, be disposed of via transfer to another person or entity capable of providing care or other humane disposition.

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(4) The court may correct, alter, or otherwise adjust the owner's thirty-day obligation of payment upon a motion made by the owner of the petition agency at least five days before the expiration date of the then current thirty-day payment period. The hearing shall be held within ten days of service of the motion on the opposing party, and any adjustment to the thirty-day payment amount shall become effective five days after the court orders, or refuses to order, an adjustment.

(D)(1) Upon the deposit of funds with the court in accordance with this section, the petitioning agency may immediately begin to draw from those funds for payment of the actual costs incurred by the petitioning agency in keeping and caring for the animal from the date of seizure to the date of the final disposition of the underlying criminal action regarding the owner and the animal.

(2) Upon final disposition of the animal, remaining funds deposited with the court shall be refunded to the owner.

(E) The remedy provided for in this section is in addition to any other remedy provided by law.

SECTION 3. Section 47-1-170 of the S.C. Code is amended to read:

Section 47-1-170. The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter ~~must~~ may be ordered, if not previously ordered, to pay costs incurred to care for the animal and related expenses.

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator MATTHEWS moved to lay the amendment on the table.

The Senate refused to lay the amendment on the table.

The question then was the adoption of the amendment.

The amendment was adopted.

Senators HEMBREE and RANKIN proposed the following amendment (SEDU-3682.DB0019S), which was adopted:

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Amend the bill, as and if amended, SECTION 2, by striking Section 47-1-145~~(C)~~(2) and inserting:

(2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption or rescue and if adoption or rescue can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption or rescue can be arranged after the forfeiture or if the animal is unsuitable for adoption or rescue, then the custodian shall humanely euthanize the animal.

Amend the bill further, SECTION 2, by striking Section 47-1-145~~(D)~~(4) and inserting:

(4) In the event that an owner is adjudicated not guilty of all charges related to the animal seizure or all charges are dismissed not pursuant to plea negotiations or an intervention program, the owner shall receive from the filing agency a refund of all costs paid by the owner pursuant to the petition. The court may award interest on the amount refunded to an owner under this subsection.

(B)(1) Every petition filed pursuant to subsection (A) shall contain a description of the time, place, and circumstances of the seizure, the legal authority for the seizure, and the name and address of the owner of the animal seized.

(2) Any sheriff, deputy sheriff, deputy state constable, constable, or other law enforcement officer shall personally service written process of the petition on the owner of the animal . If the officer is unable to personally serve written process of the petition on the owner of the animal within thirty days of the filing of the petition, the officers shall, within ten days thereafter, post a copy of the petition on the door of the residence of the owner or in another conspicuous place at the location where the animal were seized.

(C)(1)(a) Upon the court's receipt of return of process of the petition on the owner, the court shall set a hearing on the petition to determine the need to care for and provide for the animal pending the final disposition of the animal . The hearing shall be conducted no less than ten days and no more than fifteen business days after the court's receipt of return of service of process of the petition on the owner. Any sheriff, deputy sheriff, deputy state constable, constable, or other law enforcement officer is authorized to serve written notice on the owner of the date, time, and location of the hearing. If no name and address for the owner are set forth in the petition, then such notice shall be posted in a conspicuous place at the location where the animal or animals were seized.

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(b) If the owner is financially unable to retain counsel then counsel shall be provided upon order of the appropriate judge pursuant to Chapter 3, Title 17, unless the owner voluntarily and intelligently waives court appointed counsel.

(c) The court may reduce the amount the owner is required to pay under this section if the owner is indigent.

(2) The scope of the hearing is limited to whether probable cause existed to seize the animal. Upon such a showing, the court shall require payment to the clerk of court of an amount sufficient to cover reasonable costs of seizure and care, as determined by the court, for a period beginning as of the date of seizure and ending thirty days after the date of the order. Neither the result of a hearing provided for under this section nor a statement of an owner made at any such hearing shall be admissible in any criminal prosecution related to the seizure of the animal.

(3) The owner shall be ordered to deposit an amount equal to the portion of the original deposit amount attributable to the first thirty days after the date of the initial order and every thirty days thereafter until the owner relinquishes the animal or until the final disposition of the animal . If the required funds are not deposited within five days of the original order setting the amount of funds, or within five days after the expiration of each applicable subsequent thirty-day period, then the animal shall be forfeited to the petitioning agency by operation of law and may be disposed of via transfer to another person or entity capable of providing care or other humane disposition.

(4) The court may correct, alter, or otherwise adjust the owner's thirty-day obligation of payment upon a motion made by the owner or the petitioning agency at least five days before the expiration date of the then current thirty-day payment period. The hearing shall be held within ten days of service of the motion on the opposing party, and any adjustment to the thirty-day payment amount shall become effective five days after the court orders, or refuses to order, an adjustment.

(D)(1) Upon the deposit of funds with the court in accordance with this section, the entity incurring the costs of care may immediately begin to draw from those funds for payment of the actual costs incurred by the petitioning agency in keeping and caring for the animal from the date of seizure to the date of the final disposition of the underlying criminal action regarding the owner and the animal.

(2) Upon final disposition of the animal, remaining funds deposited with the court shall be refunded to the owner.

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

SECTION X. Nothing in this act may be applied in contradiction to the exemptions and protections provided to hunting dogs, sporting dogs or working dogs under Section 47-1-40, Section 16-27-60, and Section 16-27-80.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

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

**Total--45**

**NAYS**

**Total--0**

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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.

**OBJECTION**

S. 650 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-150-70, RELATING TO TEMPORARY REGULATIONS OF THE SOUTH CAROLINA EDUCATION LOTTERY, INITIAL AVAILABILITY OF TICKETS, AND ALTERNATE USE FOR NONWINNING TICKETS, SO AS TO ALLOW PAYMENT BY DEBIT CARD; AND BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS.

Senator SHEALY objected to consideration of the Bill.

**RECOMMITTED**

S. 543 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-11-140, RELATING TO AUTHORIZATION OF FISCAL ACCOUNTABILITY AUTHORITY THROUGH THE OFFICE OF INSURANCE RESERVE FUND, SO AS TO PROVIDE FOR EXTENSION OF COVERAGE TO EMPLOYEES OF ENTITIES INSURED BY THE INSURANCE RESERVE FUND PROVIDED THAT EMPLOYEES ACTED IN GOOD FAITH AND WITHIN THE SCOPE OF EMPLOYMENT.

On motion of Senator MASSEY, the Bill was recommitted to Committee on Judiciary.

**RECOMMITTED**

S. 1175 -- Senator Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-3-800 SO AS TO PROVIDE DEFINITIONS FOR THE SOUTH CAROLINA DRAM SHOP ACT; BY ADDING SECTION 15-3-810 SO AS TO PROVIDE THAT AN INDIVIDUAL WHO SUFFERS DEATH, BODILY INJURY, OR PROPERTY DAMAGE BY AN INTOXICATED PERSON HAS A CAUSE OF ACTION FOR

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DAMAGES AGAINST THE HOLDER OF A PERMIT TO SELL BEER, WINE, OR LIQUOR IF THE PERMIT HOLDER KNOWINGLY SOLD, FURNISHED, OR SERVED ALCOHOL TO THE INTOXICATED PERSON AND THE SALE, FURNISHMENT, OR SERVICE WAS THE PROXIMATE CAUSE OF THE INJURY GIVING RISE TO THE CLAIM; AND BY ADDING SECTION 15-3-820 SO AS TO PROVIDE THAT AN INDIVIDUAL WHO SUFFERS DEATH, BODILY INJURY, OR PROPERTY DAMAGE BY A PERSON UNDER THE LAWFUL DRINKING AGE HAS A CAUSE OF ACTION FOR DAMAGES AGAINST THE HOLDER OF A PERMIT TO SELL BEER, WINE, OR LIQUOR IF THE PERMIT HOLDER KNOWINGLY SOLD, FURNISHED, OR SERVED ALCOHOL TO THE PERSON UNDER THE LAWFUL DRINKING AGE AND THE SALE, FURNISHMENT, OR SERVICE WAS THE PROXIMATE CAUSE OF THE INJURY GIVING RISE TO THE CLAIM.

On motion of Senator MALLOY, the Bill was recommitted to Committee on Judiciary.

**CARRIED OVER**

H. 4029 -- Reps. Dillard, Hyde, Bailey, Brittain, Weeks and Schuessler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-1-103, RELATING TO DESIGNATION OF REPRESENTATION IN MAGISTRATES COURT, SO AS TO INCLUDE HOUSING AUTHORITIES.

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

**RECOMMITTED**

S. 1158 -- Senator Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE, SO AS TO PROVIDE THAT THE VIOLATIONS SUBSEQUENT TO THE FIRST VIOLATION MUST OCCUR WITHIN TWENTY YEARS OF THE FIRST OFFENSE TO QUALIFY FOR GRADUATED PENALTIES; BY AMENDING SECTION 16-23-420, RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT EXPRESS AUTHORIZATION TO CARRY THE FIREARM ON SCHOOL PROPERTY MAY NOT BE PROVIDED TO A STUDENT ENROLLED IN A PUBLIC SCHOOL; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING

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A WEAPON ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT STUDENTS ENROLLED IN A PUBLIC SCHOOL MAY NOT POSSESS WEAPONS EVEN IF THEY ARE SECURED WITHIN A VEHICLE; BY AMENDING SECTION 23-31-245, RELATING TO REASONABLE SUSPICION OR PROBABLE CAUSE TO SEARCH, DETAIN, OR ARREST, SO AS TO CLARIFY THAT THE PROVISIONS IN THE SECTION APPLY TO A PERSON CARRYING A WEAPON IN ACCORDANCE WITH THE ARTICLE WHETHER OR NOT THE WEAPON IS CONCEALED; AND BY AMENDING SECTION 16-23-20, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO CLARIFY WHEN CARRYING A HANDGUN IS IMPERMISSIBLE IN A PUBLICLY OWNED BUILDING OTHER THAN A COURTHOUSE WHERE COURT IS HELD.

On motion of Senator MASSEY, the Bill was recommitted to Committee on Judiciary.

**CARRIED OVER**

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.

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

**AMENDED, READ THE SECOND TIME**

H. 5118 -- Reps. G.M. Smith, West, Davis, Hager, Hewitt, Kirby, Long, M.M. Smith, B. Newton, Pendarvis, Sandifer, Hiott, Landing, Crawford, Brittain, Lawson, Williams, Whitmire, Jefferson, Bustos, Hartnett, Carter, Blackwell, Neese, W. Newton, Bradley, Erickson, Murphy, Brewer, Yow, Mitchell, Connell, Jordan, Thayer, Elliott, Wooten, Pedalino, Bailey, T. Moore, McGinnis, Gatch, Ligon, Gagnon, Hardee, B.L. Cox, Chapman, Leber, Anderson, Bannister, Calhoon, Felder, Hixon, Lowe, Taylor, Thigpen, Willis and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TEN-YEAR ENERGY TRANSFORMATION ACT"; BY AMENDING SECTION 58-3-20, RELATING TO THE MEMBERSHIP, ELECTION, AND QUALIFICATIONS OF THE PUBLIC SERVICE COMMISSION, SO

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AS TO CHANGE THE NUMBER OF COMMISSIONERS FROM SEVEN TO THREE TO BE ELECTED BY THE GENERAL ASSEMBLY FROM THE STATE AT LARGE; BY AMENDING SECTION 58-3-140, RELATING TO THE PUBLIC SERVICE COMMISSION'S POWERS TO REGULATE PUBLIC UTILITIES, SO AS TO ESTABLISH CONSIDERATIONS AND STATE POLICY FOR THE COMMISSION'S DECISION-MAKING PROCESS, TO ESTABLISH A SCHEDULE FOR CERTAIN TESTIMONY AND DISCOVERY IN CONTESTED PROCEEDINGS, TO PERMIT ELECTRICAL UTILITY CUSTOMERS TO ADDRESS THE COMMISSION AS PUBLIC WITNESSES, AND TO ESTABLISH REQUIREMENTS FOR AN INDEPENDENT THIRD PARTY CONSULTANT HIRED BY THE COMMISSION; BY AMENDING SECTION 58-3-250, RELATING TO SERVICE OF ORDERS AND DECISIONS ON PARTIES, SO AS TO MAKE A TECHNICAL CHANGE; BY AMENDING SECTION 58-4-10, RELATING TO THE OFFICE OF REGULATORY STAFF AND ITS REPRESENTATION OF PUBLIC INTEREST BEFORE THE COMMISSION, SO AS TO ESTABLISH ITS CONSIDERATIONS FOR PUBLIC INTEREST; BY ADDING SECTION 58-4-150 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF TO PREPARE A COMPREHENSIVE STATE ENERGY ASSESSMENT AND ACTION PLAN AND TO ESTABLISH REQUIREMENTS FOR THIS PLAN; BY ADDING CHAPTER 38 TO TITLE 58 SO AS TO ESTABLISH THE SOUTH CAROLINA ENERGY POLICY INSTITUTE; BY ADDING SECTION 58-33-195 SO AS TO ENCOURAGE DOMINION ENERGY, THE PUBLIC SERVICE AUTHORITY, DUKE ENERGY CAROLINAS, AND DUKE ENERGY PROGRESS TO EVALUATE CERTAIN ELECTRICAL GENERATION FACILITIES AND PROVIDE FOR CONSIDERATIONS RELATED TO THESE FACILITIES; BY ADDING SECTION 58-31-205 SO AS TO PERMIT THE PUBLIC SERVICE AUTHORITY TO JOINTLY OWN ELECTRICAL GENERATION AND TRANSMISSION FACILITIES WITH INVESTOR-OWNED ELECTRIC UTILITIES, AND TO PROVIDE REQUIREMENTS FOR JOINT OWNERSHIP; BY AMENDING SECTION 58-27-650, RELATING TO REASSIGNMENT OF ELECTRIC SUPPLIERS' SERVICE AREAS, SO AS TO PERMIT THE COMMISSION TO APPROVE A REQUEST FOR ANY ELECTRIC SUPPLIER TO SERVE ANY TRANSFORMATIONAL ECONOMIC DEVELOPMENT PROJECT CUSTOMER UNDER CERTAIN CONDITIONS; BY AMENDING

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ARTICLE 9 OF CHAPTER 7, TITLE 13, RELATING TO THE GOVERNOR'S NUCLEAR ADVISORY COUNCIL, SO AS TO AS ESTABLISH THE COUNCIL IN THE OFFICE OF REGULATORY STAFF, TO PROVIDE FOR ITS DUTIES AND MEMBERSHIP, AND TO PROVIDE FOR THE COUNCIL'S DIRECTOR; BY AMENDING SECTION 37-6-604, RELATING TO THE CONSUMER ADVOCATE'S INTERVENTION ON MATTERS FILED AT THE COMMISSION, SO AS TO TRANSFER THESE DUTIES TO THE OFFICE OF REGULATORY STAFF; BY ADDING SECTION 58-33-196 SO AS TO ENCOURAGE CONSIDERATION OF DEPLOYMENT OF NUCLEAR FACILITIES AND TO PROVIDE RELATED REQUIREMENTS; BY ADDING SECTION 58-37-70 SO AS TO PERMIT A SMALL MODULAR NUCLEAR PILOT PROGRAM AND TO ESTABLISH REQUIREMENTS; BY ADDING ARTICLE 3 TO CHAPTER 37, TITLE 58 SO AS TO PROVIDE FOR STATE AGENCY REVIEW OF ENERGY INFRASTRUCTURE PROJECT APPLICATIONS AND TO PROVIDE A SUNSET; BY AMENDING SECTION 58-40-10, RELATING TO THE DEFINITION OF "CUSTOMER-GENERATOR", SO AS TO ESTABLISH CHARACTERISTICS FOR A "CUSTOMER-GENERATOR"; BY AMENDING SECTION 58-41-30, RELATING TO VOLUNTARY RENEWABLE ENERGY PROGRAMS, SO AS TO PROVIDE ADDITIONAL REQUIREMENTS AND CONSIDERATIONS FOR THESE PROGRAMS; BY AMENDING SECTION 58-41-10, RELATING TO DEFINITIONS, SO AS TO ADD THE DEFINITION OF "ENERGY STORAGE FACILITIES"; BY AMENDING SECTION 58-41-20, RELATING TO PROCEEDINGS FOR ELECTRICAL UTILITIES' AVOIDED COST METHODOLOGIES AND RELATED PROCESSES, SO AS TO AUTHORIZE COMPETITIVE PROCUREMENT PROGRAMS FOR RENEWABLE ENERGY, CAPACITY, AND STORAGE, TO PERMIT COMPETITIVE PROCUREMENT OF NEW RENEWABLE ENERGY CAPACITY AND ESTABLISH REQUIREMENTS FOR NON-COMPETITIVE PROCUREMENT PROGRAMS, AND TO DELETE LANGUAGE REGARDING THE COMMISSION HIRING THIRD-PARTY EXPERTS FOR THESE PROCEEDINGS; BY ADDING SECTION 58-41-25 SO AS TO PROVIDE FOR A PROCESS FOR COMPETITIVE PROCUREMENT OF RENEWABLE ENERGY FACILITIES; BY AMENDING SECTION 58-33-20, RELATING TO DEFINITIONS, SO AS TO ADD THE DEFINITION "LIKE FACILITY"; BY AMENDING ARTICLE 3 OF CHAPTER 33, TITLE 58, RELATING TO

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CERTIFICATION OF MAJOR UTILITY FACILITIES, SO AS TO PROVIDE FOR A LIKE FACILITY, TO ESTABLISH REQUIREMENTS AND CONSIDERATIONS FOR PROPOSED FACILITIES, TO PROVIDE WHAT ACTIONS MAY BE TAKEN WITHOUT PERMISSION FROM THE COMMISSION, AND TECHNICAL CHANGES; BY AMENDING SECTION 58-37-40, RELATING TO INTEGRATED RESOURCES PLANS, SO AS TO ADD CONSIDERATION OF A UTILITY'S TRANSMISSION AND DISTRIBUTION RESOURCE PLAN, TO ESTABLISH PROCEDURAL REQUIREMENTS AND EVALUATION BY THE COMMISSION, AND REQUIRE PARTIES TO BEAR THEIR OWN COSTS; BY AMENDING SECTION 58-3-260, RELATING TO COMMUNICATIONS BETWEEN THE COMMISSION AND PARTIES, SO AS TO MODIFY REQUIREMENTS FOR ALLOWABLE EX PARTE COMMUNICATIONS AND BRIEFINGS, AND TO PERMIT COMMISSION TOURS OF UTILITY PLANTS OR OTHER FACILITIES UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 58-3-270, RELATING TO EX PARTE COMMUNICATION COMPLAINT PROCEEDINGS AT THE ADMINISTRATIVE LAW COURT, SO AS TO PERMIT AN ORDER TOLLING ANY DEADLINES ON A PROCEEDING SUBJECT TO A COMPLAINT TO THE EXTENT THE PROCEEDING WAS PREJUDICED SO THAT THE COMMISSION COULD NOT CONSIDER THE MATTER IMPARTIALLY; BY ADDING CHAPTER 43 TO TITLE 58 SO AS TO ESTABLISH ECONOMIC DEVELOPMENT RATES FOR ELECTRICAL UTILITIES; BY AMENDING SECTION 58-33-310, RELATING TO AN APPEAL FROM A FINAL ORDER OR DECISION OF THE COMMISSION, SO AS TO REQUIRE A FINAL ORDER ISSUED PURSUANT TO CHAPTER 33, TITLE 58 BE IMMEDIATELY APPEALABLE TO THE SOUTH CAROLINA SUPREME COURT AND TO PROVIDE FOR AN EXPEDITED HEARING; BY AMENDING SECTION 58-33-320, RELATING TO JOINT HEARINGS AND JOINT INVESTIGATIONS, SO AS TO MAKE A CONFORMING CHANGE; BY ADDING SECTION 58-4-160 SO AS TO REQUIRE THE OFFICE OF REGULATORY STAFF TO CONDUCT A STUDY TO EVALUATE ESTABLISHING A THIRD-PARTY ADMINISTRATOR FOR ENERGY EFFICIENCY AND DEMAND-SIDE MANAGEMENT PROGRAMS; BY AMENDING SECTION 58-37-10, RELATING TO DEFINITIONS, SO AS TO ADD A REFERENCE TO "DEMAND-SIDE MANAGEMENT PROGRAM"

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AND PROVIDE DEFINITIONS FOR “COST-EFFECTIVE” AND “DEMAND-SIDE MANAGEMENT PILOT PROGRAM”; BY AMENDING SECTION 58-37-20, RELATING TO COMMISSION PROCEDURES ENCOURAGING ENERGY EFFICIENCY PROGRAMS, SO AS TO EXPAND COMMISSION CONSIDERATIONS FOR COST-EFFECTIVE DEMAND-SIDE MANAGEMENT PROGRAMS, AND REQUIRE EACH INVESTOR-OWNED ELECTRICAL UTILITY TO SUBMIT AN ANNUAL REPORT TO THE COMMISSION REGARDING ITS DEMAND-SIDE MANAGEMENT PROGRAMS; BY AMENDING SECTION 58-37-30, RELATING TO REPORTS ON DEMAND-SIDE ACTIVITIES, SO AS TO MAKE A CONFORMING CHANGE; BY ADDING SECTION 58-37-35 SO AS TO PERMIT PROGRAMS AND CUSTOMER INCENTIVES TO ENCOURAGE OR PROMOTE DEMAND-SIDE MANAGEMENT PROGRAMS FOR CUSTOMER SITED DISTRIBUTION RESOURCES, AND TO PROVIDE CONSIDERATIONS FOR THESE PROGRAMS; BY AMENDING SECTION 58-37-50, RELATING TO AGREEMENTS FOR ENERGY EFFICIENCY AND CONSERVATION MEASURES, SO AS TO ESTABLISH CERTAIN TERMS AND RATE RECOVERY FOR AGREEMENTS FOR FINANCING AND INSTALLING ENERGY EFFICIENCY AND CONSERVATION MEASURES, AND FOR APPLICATION TO A RESIDENCE OCCUPIED BEFORE THE MEASURES ARE TAKEN; BY ADDING SECTION 58-31-215 SO AS TO AUTHORIZE THE PUBLIC SERVICE AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT OF COMMERCE, TO SERVE AS AN ANCHOR SUBSCRIBER OF NATURAL GAS AND PIPELINE CAPACITY FOR THIS STATE, TO ESTABLISH THE “ENERGY INVESTMENT AND ECONOMIC DEVELOPMENT FUND”, AND TO PROVIDE FOR RELATED REQUIREMENTS; BY AMENDING SECTION 58-3-70, RELATING TO COMPENSATION OF PUBLIC SERVICE COMMISSION MEMBERS, SO AS TO ESTABLISH SALARIES IN AMOUNTS EQUAL TO NINETY-SEVEN AND ONE-HALF PERCENT OF SUPREME COURT ASSOCIATE JUSTICES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-5118.BJ0052S), which was carried over:

Amend the bill, after the title but before the enacting words, by striking the twenty eighth paragraph and inserting:

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Whereas, the South Carolina General Assembly recognizes the strategic importance of investigating in and pursuing fusion energy and advanced nuclear technologies such as small modular reactors and molten salt reactors at this time, understanding that proactive engagement in research and development positions the state to capitalize on future opportunities when SMRs become economically and technologically viable; and

Amend the bill further, by deleting SECTION 2.

Amend the bill further, SECTION 5, by striking Section 58-4-10(B) and inserting:

(B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission as it pertains to the matters below: ~~For purposes of this chapter only, “public interest” means~~

(1) the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;

(2) economic development and job attraction and retention in South Carolina; and

(3) preservation of the of continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

Amend the bill further, SECTION 6, by striking Section 58-4-150(A) and inserting:

(A) To further advance and expand upon Executive Order 2023-18 which established the PowerSC Energy Resources and Economic Development Interagency Working Group, the Office of Regulatory Staff, in consultation with a stakeholder group that includes representatives of consumer, environmental, manufacturing, forestry, and agricultural organizations, natural gas and electrical utilities, the South Carolina Public Service Authority, and other affected state agencies, shall prepare a comprehensive South Carolina energy assessment and action plan, hereinafter referred to as “the plan”. This plan must identify recommended actions over a ten-year period to ensure the availability of adequate, reliable, and economical supply of electric power and natural gas to the people and economy of South Carolina. For purposes of this section, natural gas and electrical utilities also includes any investor-owned electrical utility, a public utility as defined in Section 58-5-10, electric cooperatives, and any consolidated political subdivision that owns or operates in this State equipment or facilities for

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generating, transmitting, delivering, or furnishing electricity, but does not include an entity that furnishes electricity only to itself, its residents, or tenants when such current is not resold or used by others.

Amend the bill further, SECTION 7, by striking Section 58-38-20(7) and inserting:

(7) The EPI shall collaborate across South Carolina in coordination with SC Nexus, Savannah River National Laboratory, energy utility providers, private industry, and workforce development to deliver advice on policy creation aligned with the state's distinctive needs and opportunities. EPI shall support and collaborate with SC Nexus, a consortium of public and private entities, formed within the South Carolina Department of Commerce concerning power generation, transmission, and storage.

(8) The EPI shall collaborate with the Energy Center at Clemson University to identify research funding opportunities to meet the urgent needs for energy technology innovation in South Carolina, develop curriculum to ensure relevant academic programming for the future jobs and leadership roles in the new energy industry, provide energy-related training programs to meet the increasing demand for skilled workers in the new energy industry, and promote technology innovation, translational research, and rapid technology transfer from research labs to industry.

Amend the bill further, SECTION 8, by striking Section 58-33-195(A)(2) and inserting:

(2) The General Assembly encourages Dominion Energy South Carolina, Inc. and the Public Service Authority to jointly complete evaluations related to the Joint Resource and to use such information as may be necessary from such evaluations to make a filing as soon as practicable with the commission to obtain a certificate pursuant to Article 3 of this chapter. The General Assembly instructs all governmental agencies to provide accelerated consideration of any action required to permit or authorize construction and operation of the facilities subject to this section in preference to all other pending nonemergency applications or requests. The General Assembly finds adding natural gas generation capacity at the retired Canadys coal site would advance the economy and general welfare of the State based on current conditions and information as of the effective date of this Act. However, this subsection does not exempt the entities from complying with the requirements of the Utility Facility Siting and Environmental Protection Act, including the requirement to seek commission approval for a certificate of environmental compatibility and public convenience

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and necessity nor does this subsection limit the commission's independent decision-making authority. The entities are further encouraged to use existing rights of way for new natural gas lines to the Canadys site to the greatest extent practicable.

Amend the bill further, SECTION 10, by striking Section 13-7-820(5) and inserting:

(5) to engage stakeholders and develop a strategic plan to advance the development of advanced nuclear generation including small modular reactors, molten salt reactors, fusion energy, and spent nuclear fuel recycling facilities to serve customers in this State in the most economical manner at the earliest reasonable time possible.

Amend the bill further, SECTION 12, by striking Section 58-33-196 and inserting:

Section 58-33-196. Electrical utilities and the Public Service Authority are encouraged to explore the potential for deploying fusion energy and advanced nuclear facilities including, but not limited to, small modular nuclear facilities at suitable sites. Suitable sites may include sites of current nuclear facilities, sites where nuclear facilities have been proposed but not constructed, and other brownfield sites, such as coal-generation sites. Any utility pursuing deployment of such nuclear facilities must provide annual progress reports to the commission and the Public Utilities Review Committee; this report may be in writing or in the form of testimony in an appropriate proceeding. A utility whose rates are regulated by the commission must provide estimates of the cost of the studies including, but not limited to, planning, licensing, and project development to the commission. If the commission finds such estimated costs are reasonable, prudent, and in the public interest, such costs may be recoverable through rates as they are incurred. Nothing in this section relieves an electrical utility of the burden of filing for a certificate under this article and obtaining appropriate approvals from the commission before commencing construction.

Amend the bill further, SECTION 13, by striking Section 58-37-70(B)(1) and inserting:

(1) "Electrical utility" has the same meaning as provided in Section 58-27-10(7).

Amend the bill further, SECTION 13, by striking Section 58-37-70(F)(3) and inserting:

(3) In the event the commission finds cost estimates provided by an electrical utility pursuant to item (2) are reasonable and prudent, the costs may be recoverable through rates, even if an application for a certificate of environmental compatibility and public convenience and necessity

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have not been filed. However, these costs shall not include a rate of return.

Amend the bill further, SECTION 14, by striking Section 58-37-130 and inserting:

Section 58-37-130. The applicant or any person whose private rights are affected by an agency decision or action on an application for a permit for any energy infrastructure project may appeal that decision or action to the South Carolina Supreme Court. The Supreme Court shall hear these appeals as a direct appeal in accordance with South Carolina Appellate Court Rule 203. The Court shall provide for an expedited briefing and hearing of the appeal, in preference to all other nonemergency matters on its docket, and decide such appeals on an expedited basis. Any agency decision or action that is subject to a contested case review before the Administrative Law Court, pursuant to Section 1-23-600 et seq., shall be appealable under this section upon issuance of an appealable order by the Administrative Law Court.

Amend the bill further, SECTION 22, by striking Section 58-37-40(B)(1)(j) and inserting:

(j) -a report addressing updates to the utility's transmission plan under the utility's open access transmission tariff pursuant to the federal jurisdictional planning process. In this report, the utility shall, when applicable, describe planned transmission improvements specific to siting of new resources expected to impact interconnection constraints or other operations of the systems. The utility shall also describe how it evaluated alternate transmission technologies when developing solutions for identified transmission needs for interconnecting resources. The utility's transmission report must include how the utility evaluates transmission investments, including:

(i) a description of how the utility evaluated a range of transmission solutions, including non-wires alternatives, joint projects with neighboring and other regional utilities, other upgrades to existing facilities, and other best practices. Modeling may consider, as appropriate, grid-enhancing technologies and alternate transmission technologies such as static synchronous compensators, static Volt-Ampere Reactive (VAR) compensators, advanced power flow control devices, transmission switching, synchronous condensers, voltage source converters, advanced conductors, switchable reactors, and tower lifting in a manner consistent with common utility practice;

(ii) a description of how transmission factored into the utility's evaluation of the range of future scenarios included in the fifteen-year

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time period of the utility's resource plan, including significant continued economic growth and the retirement of the utility's coal generation;

(iii) a discussion of transmission considerations for facilities included in the utility's preferred resource plan for which there are particular sites specified;

(iv) information such that intervenors and stakeholders can pursue participation in local transmission planning collaborative activities which are held pursuant to orders from the Federal Energy Regulatory Commission; and

(v) any other information that the utility believes is relevant to its resource plan or future transmission investments.

Amend the bill further, SECTION 22, by striking Section 58-37-40(C)(1) and inserting:

(C)(1) The commission shall have a proceeding to review each electrical utility subject to subsection (A)(1) and the Public Service Authority's integrated resource plan. As part of the integrated resource plan filing, the commission shall allow intervention by interested parties. The procedural schedule shall include dates for completion of each phase of discovery, including discovery related to the integrated resource plan as filed, direct testimony of the applicant, direct testimony of the Office of Regulatory Staff and other parties and intervenors, and rebuttal testimony of the applicant. Except upon showing exceptional circumstances, all discovery shall be served in time to allow its completion, but not less than ten days prior to the hearing. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. No later than three hundred days after an electrical utility or the Public Service Authority files an integrated resource plan, the commission shall issue a final order approving, modifying, or denying the plan filed by the electrical utility or the Public Service Authority.

Amend the bill further, SECTION 23, by striking Section 58-3-260(H)(2) and inserting:

(2) conducting a site visit of a utility or Public Service Authority facility under construction or attending educational tours of utility or Public Service Authority plants or other facilities provided:

(a) the Executive Director of the Office of Regulatory Staff or his designee also attends the site visit or educational tour;

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(b) a summary of the discussion is produced and posted on the commission's website, along with copies of any written materials utilized, referenced, or distributed; and

(c) each party, person, commission, and commission employee who participated in the site visit or educational tour, within forty-eight hours of the site visit or educational tour, files a certification with the Executive Director of the Office of Regulatory Staff that no commitment, predetermination, or prediction of any commissioner's action as to any ultimate or penultimate issue or any commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party, nor any commitment, predetermination, or prediction was given by any commissioner or commission employee as to any commission action or commission employee opinion or recommendation on any ultimate or penultimate issue.

Amend the bill further, SECTION 26, by striking Sections 58-33-310 and 58-33-320 and inserting:

Section 58-33-310. Any party may appeal, in accordance with Section 1-23-380, from all or any portion of any final order or decision of the commission, including conditions of the certificate required by a state agency under Section 58-33-160 as provided by Section 58-27-2310. ~~Any appeals may be called up for trial out of their order by either party.~~ The commission shall issue all orders on rehearing or reconsideration within thirty days of the date the petition is filed. Any final order on the merits issued pursuant to this chapter shall be immediately appealable to the Supreme Court of South Carolina in accordance with South Carolina Appellate Court Rule 203. The commission must not be a party to an appeal.

Section 58-33-320. Except as expressly set forth in Section 58-33-310, no court of this State shall have jurisdiction to hear or determine any issue, case, or controversy concerning any matter which was or could have been determined in a proceeding before the commission under this chapter or to stop or delay the construction, operation, or maintenance of a major utility facility, except to enforce compliance with this chapter or the provisions of a certificate issued hereunder, and any such action shall be brought only by the Office of Regulatory Staff. Provided, however, nothing herein contained shall be construed to abrogate or suspend the right of any individual or corporation not a party to maintain any action which he might otherwise have been entitled.

Amend the bill further, SECTION 33, by striking Section 58-31-215(C) and inserting:

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(C) There is hereby established the “Energy Investment and Economic Development Fund” to be held in an operating account by the Public Service Authority to further the provisions of this section and other energy investment needs. Subject to the approval of the Joint Bond Review Committee, the Energy Investment and Economic Development Fund may be funded by the amount required to be paid to the State pursuant to Section 58-31-110 less the annual costs billed by the Office of Regulatory Staff and the South Carolina Public Service Commission. The South Carolina Department of Commerce shall report, at least once annually and no later than September first, to the Joint Bond Review Committee as to the level and need for funding to advance the provisions of this section. If sufficient funding is allocated to the Energy Investment and Economic Development Fund, the Public Service Authority may execute a binding precedent agreement on behalf of the State pursuant to this section, provided such action is approved by the Joint Bond Review Committee. In no event shall the costs associated with serving as an anchor affect the rates and charges for electric or water service for the Public Service Authority’s customers.

Amend the bill further, SECTION 34.A., by adding:  
Section 58-3-60(A) of the S.C. Code is amended to read:

(A) The commission is authorized and empowered to employ: a chief clerk and deputy clerk; a commission attorney and assistant commission attorneys; hearing officers; hearing reporters; and such other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities as provided by law. The chairman must organize and direct the work of the commission staff. The chief clerk shall receive a salary in an amount equal to ninety percent of the salary fixed for commission members, unless disapproved by the Public Utilities Review Committee. The salaries of the chairman, the commissioners, and the chief clerk shall not be construed as limiting the maximum salary which may be paid to other employees of the Public Service Commission. The commission staff shall not appear as a party in commission proceedings and shall not offer testimony on issues before the commission.

Amend the bill further, by striking SECTION 34.B and inserting:  
B. This section is effective beginning with the fiscal year immediately following the next Public Service Commission election after the effective date of this act.

Amend the bill further, SECTION 35, by striking Section 58-41-50(B)(1) and inserting:

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(B)(1) An electrical utility may file a proposed agreement regarding co-located resources between the utility and a customer or multiple customers with an electric load in excess of 25 megawatts for the commission's consideration. The proposed agreement must contain at least one of the following requirements:

(a) co-location of electric generation or storage on the customer's property provides bulk system benefits for all customers and benefits for the host customer;

(b) co-location of renewable electric generation resources on the customer's property provides bulk system benefits for all customers and the renewable attributes associated with such generation can be allocated to the host customer;

(c) co-location of electric generation on the customer's property would result in permitting and siting efficiencies to enable electric generation to come online earlier than otherwise could occur; or

(d) co-location of electric generation resources on the customer's property could be utilized as resiliency resources to serve the electric grid in times of need.

Amend the bill further, SECTION 35, by deleting Section 58-41-50(B)(2)(a).

Amend the bill further, SECTION 35, by striking Section 58-41-50(C)(1) and inserting:

(1) the proposed program was voluntarily agreed upon by the electrical utility and the customer or multiple customers,

Amend the bill further, SECTION 35, by striking Section 58-41-50(D) and inserting:

(D) For purposes of this section, "co-located" or "co-location" includes electric generation, storage, renewables, and associated facilities on a customer's site as well as any location where the connection to the electrical utility enables resilient power supply to support the development of power supply to meet the customer's needs. An agreement regarding co-location may also include potential co-ownership of the electric generation and associated facilities by the electrical utility and the customer. A customer participating in a co-location or co-ownership agreement shall not be considered an electrical utility.

Amend the bill further, by striking SECTION 37 and inserting:  
SECTION 37. (A) To foster economic development and future jobs in this State resulting from the supply-chains associated with the same while supporting the significant and growing energy and capacity needs of the State, enhance grid resiliency, and maintain reliability, the General

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Assembly finds that the State of South Carolina should take steps necessary to encourage the development of a diverse mix of long-lead, clean generation resources that may include advanced small modular reactors, biomass as defined in Section 12-63-20(B)(2) of the S.C. Code, hydrogen-capable resources, fusion energy and the Carolina Long Bay Project, and should preserve the option of efficiency development of such long-lead resources with timely actions to establish or maintain eligibility for or capture available tax or other financial incentives or address operational needs.

(B) For an electrical utility to capture available tax or other financial or operational incentives for South Carolina ratepayers in a timely manner, the commission may find that actions by an electrical utility in pursuit of the directives in Section 58-37-35(A) are in the public interest, provided that the commission determines that such proposed actions are in the public interest and reasonably balance economic development and industry retention benefits, capacity expansion benefits, resource adequacy and diversification, emissions reduction levels, and potential risks, costs, and benefits to ratepayers and otherwise comply with all other legal requirements applicable to the electrical utility's proposed action. For the South Carolina Public Service Authority, the Office of Regulatory Staff and the Public Service Authority's board of directors shall apply the same principles described in this subsection in evaluating and approving actions proposed by the management of the Public Service Authority to achieve the objectives of this section.

Amend the bill further, by deleting SECTION 39.

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

SECTION X. Chapter 33, Title 58 of the S.C. Code is amended by adding:

Section 58-33-200. For any construction project with a project budget of at least five hundred million dollars and in order to maintain the financial integrity of significant expenditures affecting ratepayers, the Office of Regulatory Staff shall retain an independent construction analyst who shall monitor the construction project on a regular basis and who shall provide to the Office of Regulatory Staff, the Public Service Commission, the Public Utilities Review Committee, and the Joint Bond Review Committee regular reports as to the status of the construction efforts as needed, but at least on a quarterly basis.

Renumber sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

On motion of Senator DAVIS, with unanimous consent, the amendment was carried over.

Senator DAVIS proposed the following amendment (SJ-5118.BJ0066S), which was withdrawn:

Amend the bill, by striking all after the title but before the enacting words and inserting:

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

SECTION 1. (A) The General Assembly finds that:

(1) South Carolina is achieving remarkable economic development success, which is bringing jobs and prosperity to its citizens.

(2) From January to December 2023, the State announced total capital investments of 9.22 billion dollars and over 14,000 jobs, the second largest amount in state history.

(3) In 2022, the state announced 120 projects creating over 14,000 new jobs with 10.27 billion dollars in new capital investment, the largest amount in State history.

(4) Since 2017, the State has announced over 36.4 billion dollars in new investments and 86,378 new jobs.

(5) Sustaining this success in economic development requires an electric system that can grow and modernize to meet the demands that a prosperous and developing economy places on it.

(6) According to the U.S. Census Bureau, South Carolina led the nation in population growth in 2023.

(7) The rapidly expanding population and record-breaking economic development successes necessitate a strategic and forward-thinking approach to developing new energy infrastructure capable of meeting the energy needs of South Carolina's residents and supporting the continued prosperity of the State.

(8) The urgency of addressing this situation is underscored by the interconnected challenges of meeting surging energy demand, ensuring grid reliability, and fortifying the state's resilience against potential disruptions, thereby compelling the imperative for the timely construction of new generation and transmission facilities to safeguard the continued well-being and economic vitality of South Carolina.

(9) The economic and financial well-being of South Carolina and its citizens depends upon continued economic development, industry retention, and opportunities for job attraction and retention.

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(10) Major commercial and industrial enterprises with the potential to bring substantial investments and employment opportunities are increasingly making decisions on the location of new facilities and investments in existing facilities based on the availability of safe, reliable, and affordable electricity generated from a diverse portfolio of resources.

(11) Electrical utilities, the South Carolina Public Service Authority, and electric cooperatives are critical economic development and industry retention partners for South Carolina by offering affordable power that has helped to attract jobs and associated development.

(12) Natural gas combined-cycle generation provides dispatchability and operating flexibility that will allow the state's electrical utilities and the South Carolina Public Service Authority to add large amounts of flexible resources to their systems without jeopardizing cost-efficient and reliable service to customers.

(13) Integrated resource planning by the state's electrical utilities and the South Carolina Public Service Authority consistently indicates the need for and benefit of additional combined-cycle natural gas resources under multiple planning scenarios.

(14) Cooperatively building new generation resources can enable the State's electrical utilities and the South Carolina Public Service Authority to benefit from economies of scale to reduce the capital cost of these units compared to building single, stand-alone units sized to meet their individual needs alone, while at the same time reducing the environmental and land-use impact of the natural gas pipeline and transmission infrastructure required to support separate units.

(15) Cooperatively building projects can provide a unique opportunity to anchor the expansion of natural gas pipelines serving certain coastal counties of South Carolina where economic development is currently hampered by the lack of such supplies, thereby increasing jobs, prosperity, and public welfare in those areas, and cooperatively built projects do so with minimal environmental disruption.

(16) The rates, services, and operations of electrical utilities are a matter of public interest, and the availability of an adequate, reliable, and economical supply of electric power and natural gas to the people and economy of South Carolina is a matter of public policy.

(17) Certain aspects of the current regulatory structure in South Carolina can be revised to reduce the cost, delay, and uncertainty of planning, siting, and constructing new generation and transmission resources serving customers in this State.

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(18) It is important that the General Assembly take action to ensure that generation and transmission providers are able to plan, site, and construct new and replacement generation and transmission resources in a timely and cost-effective manner, utilizing procedures that are fair, prompt, efficient, and guided by an informed Public Service Commission.

(19) It is important that the General Assembly take action to ensure that permitting and litigation processes for utility facilities are streamlined and do not cause unnecessary cost and delay.

(B) The General Assembly declares it is the policy of this State to:

(1) ensure South Carolina customers have access to an adequate, reliable, and economical supply of energy resources;

(2) sustain growth in industrial and economic development by ensuring an electric generation, transmission, and distribution system that can grow and modernize to meet the demands that a prosperous and developing economy places on it;

(3) provide fair regulation of electrical utilities in the interest of the public in a manner that maintains the financial integrity of the electrical utility by assuring a sufficient and fair rate of return, supports economic development and industry retention, and provides just and reasonable rates to be established for entities providing electrical utility services to customers in this State while promoting adequate, reliable, and economical utility service to all of the citizens and residents of this State;

(4) provide the State and the public with a well-regulated electrical utility environment;

(5) assure that resources necessary to meet future growth through the provision of adequate, reliable electrical utility and South Carolina Public Service Authority services include use of the entire spectrum of demand-side options including, but not limited to, conservation, load management, and energy efficiency programs as additional sources of energy supply and energy demand reduction;

(6) provide just and reasonable rates and charges for electrical utility and South Carolina Public Service Authority services without undue preferences or advantages, or unfair or destructive competitive practices, and consistent with long-term management and conservation of energy resources by avoiding wasteful, uneconomic generation and uses of energy;

(7) assure that facilities necessary to meet future growth can be financed by the utilities operating in this State on terms which are reasonable and fair to both the customers and existing investors of such utilities, and to that end, to authorize fixing of rates in such a manner as

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to result in lower costs of new facilities and lower rates over the operating lives of such new facilities;

(8) recognize the important role of utilities in economic development and industry retention, and the necessity for utilities to maintain the ability to finance continued investment in, and operation and maintenance of, the electric system, rapid restoration of power after major storms and outages, rate designs, and infrastructure necessary to attract and retain businesses and jobs to South Carolina, to maintain the ability to obtain financing at attractive rates, and to ensure a viable workforce for providing electricity and to attract such utility workers at market-competitive wages;

(9) seek to encourage and promote harmony between public utilities, their users, and the environment;

(10) foster the continued service of electrical utilities and the South Carolina Public Service Authority on a well-planned and coordinated basis that is consistent with the level of energy needed for the protection of public health and safety, and for the promotion of the general welfare, economic development, and industry retention;

(11) seek to adjust the rate of growth of regulated energy supply facilities serving the State to the policy requirements of statewide economic development and industry retention;

(12) encourage the continued study and research on new and innovative rate designs, which will protect the State, the public, the ratepayers, and the utilities;

(13) facilitate the construction of facilities in and the extension of natural gas service to unserved and underserved areas in order to promote the public welfare throughout the State;

(14) encourage electric providers to cooperate and collaborate on the development of new energy infrastructure where economies of scale and spreading of cost and risk bring benefit to consumers;

(15) further the development of cleaner energy technologies on a cost-effective basis to protect the natural resources of this State, promote the health and well-being of the people of this State, and attract investments, create employment opportunities, drive economic growth, and foster innovation in this State; and

(16) accomplish regulatory processes and issue orders in a timely manner.

(C) The General Assembly finds that comprehensive legislation is needed to promote the development of new and reliable energy infrastructure resources, fostering resilient and reliable energy

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infrastructure critical to the economic success of the State of South Carolina.

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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

Senators DAVIS, HARPOOTLIAN, BENNETT, CAMPSER, STEPHENS, ALLEN, DEVINE, SABB, MATTHEWS, LOFTIS, KIMBRELL, GROOMS, CROMER, RICE, ADAMS, K. JOHNSON, SETZLER, GUSTAFSON and M. JOHNSON proposed the following amendment (SJ-5118.BJ0068S), which was adopted:

Amend the bill, by striking all after the title but before the enacting words and inserting:

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

SECTION 1. (A) The General Assembly finds that:

(1) South Carolina is achieving remarkable economic development success, which is bringing jobs and prosperity to its citizens.

(2) From January to December 2023, the State announced total capital investments of 9.22 billion dollars and over 14,000 jobs, the second largest amount in state history.

(3) In 2022, the State announced 120 projects creating over 14,000 new jobs with 10.27 billion dollars in new capital investment, the largest amount in state history.

(4) Since 2017, the State has announced over 36.4 billion dollars in new investments and 86,378 new jobs.

(5) Sustaining this success in economic development requires an electric system that can grow and modernize to meet the demands that a prosperous and developing economy places on it.

(6) According to the U.S. Census Bureau, South Carolina led the nation in population growth in 2023.

(7) The rapidly expanding population and record-breaking economic development successes necessitate a strategic and forward-thinking approach to developing new energy infrastructure capable of meeting the energy needs of South Carolina's residents and supporting the continued prosperity of the State.

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(8) The urgency of addressing this situation is underscored by the interconnected challenges of meeting surging energy demand, ensuring grid reliability, and fortifying the state's resilience against potential disruptions, thereby compelling the imperative for the timely construction of new generation and transmission facilities to safeguard the continued well-being and economic vitality of South Carolina.

(9) The economic and financial well-being of South Carolina and its citizens depends upon continued economic development, industry retention, and opportunities for job attraction and retention.

(10) Major commercial and industrial enterprises with the potential to bring substantial investments and employment opportunities are increasingly making decisions on the location of new facilities and investments in existing facilities based on the availability of safe, clean, reliable, and affordable electricity generated from a diverse portfolio of resources.

(11) Electrical utilities, the South Carolina Public Service Authority, and electric cooperatives are critical economic development and industry retention partners for South Carolina by offering affordable power that has helped to attract jobs and associated development.

(12) Natural gas combined-cycle generation, combustion turbines, and battery storage provide dispatchability and operating flexibility that will allow the state's electrical utilities and the South Carolina Public Service Authority to add large amounts of flexible resources to their systems without jeopardizing cost-efficient and reliable service to customers.

(13) Integrated resource planning by the state's electrical utilities and the South Carolina Public Service Authority consistently indicates the need for and benefit of additional resources including, without limitation, combined-cycle natural gas, under multiple planning scenarios.

(14) Cooperatively building new generation resources may enable the state's electrical utilities and the South Carolina Public Service Authority to benefit from economies of scale to reduce the capital cost of these units compared to building single, stand-alone units sized to meet their individual needs alone, potentially reducing the environmental and land-use impact of the natural gas pipeline and transmission infrastructure required to support separate units.

(15) Cooperatively building projects can provide a unique opportunity to anchor the expansion of natural gas pipelines serving certain coastal counties of South Carolina where economic development is currently hampered by the lack of such supplies, thereby increasing

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jobs, prosperity, and public welfare in those areas, and cooperatively built projects do so with minimal environmental disruption.

(16) The rates, services, and operations of electrical utilities are a matter of public interest, and the availability of an adequate, reliable, clean, and economical supply of electric power and natural gas to the people and economy of South Carolina is a matter of public policy.

(17) Certain aspects of the current regulatory structure in South Carolina can be revised to reduce the cost, delay, and uncertainty of planning, siting, and constructing new generation and transmission resources serving customers in this State.

(18) It is important that the General Assembly take action to ensure that generation and transmission providers are able to plan, site, and construct new and replacement generation and transmission resources in a timely and cost-effective manner, utilizing procedures that are fair, prompt, efficient, and guided by an informed Public Service Commission.

(19) It is important that the General Assembly take action to ensure that permitting and litigation processes for utility facilities are streamlined and do not cause unnecessary cost and delay.

(B) The General Assembly declares it is the policy of this State to:

(1) ensure South Carolina customers have access to an adequate, reliable, clean, and economical supply of energy resources;

(2) sustain growth in industrial and economic development by ensuring an electric generation, transmission, and distribution system that can grow and modernize to meet the demands that a prosperous and developing economy places on it;

(3) provide fair regulation of electrical utilities in the interest of the public in a manner that maintains the financial integrity of the electrical utility by assuring a sufficient and fair rate of return, supports economic development and industry retention, and provides just and reasonable rates to be established for entities providing electrical utility services to customers in this State while promoting adequate, reliable, clean, and economical utility service to all of the citizens and residents of this State;

(4) provide the State and the public with a well-regulated electrical utility environment;

(5) assure that resources necessary to meet future growth through the provision of adequate, clean, and reliable electrical utility and South Carolina Public Service Authority services include use of the entire spectrum of demand-side options including, but not limited to, conservation, load management, and energy efficiency programs as additional sources of energy supply and energy demand reduction;

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(6) provide just and reasonable rates and charges for electrical utility and South Carolina Public Service Authority services without undue preferences or advantages, or unfair or destructive competitive practices, and consistent with long-term management and conservation of energy resources by avoiding wasteful, uneconomic generation and uses of energy;

(7) assure that facilities necessary to meet future growth can be financed by the utilities operating in this State on terms which are reasonable and fair to both the customers and existing investors of such utilities, and to that end, to authorize fixing of rates in such a manner as to result in lower costs of new facilities and lower rates over the operating lives of such new facilities;

(8) recognize the important role of utilities in economic development and industry retention, and the necessity for utilities to maintain the ability to finance continued investment in, and operation and maintenance of, the electric system, rapid restoration of power after major storms and outages, rate designs, and infrastructure necessary to attract and retain businesses and jobs to South Carolina, to maintain the ability to obtain financing at attractive rates, and to ensure a viable workforce for providing electricity and to attract such utility workers at market-competitive wages;

(9) seek to encourage and promote harmony between public utilities, their users, and the environment;

(10) foster the continued service of electrical utilities and the South Carolina Public Service Authority on a well-planned and coordinated basis that is consistent with the level of energy needed for the protection of public health and safety, and for the promotion of the general welfare, economic development, and industry retention;

(11) seek to adjust the rate of growth of regulated energy supply facilities serving the State to the policy requirements of statewide economic development and industry retention;

(12) encourage the continued study and research on new and innovative rate designs, which will protect the State, the public, the ratepayers, and the utilities;

(13) facilitate the construction of energy facilities in and the extension of natural gas service to unserved and underserved areas in order to promote the public welfare throughout the State;

(14) encourage electric providers to cooperate and collaborate on the development of new energy infrastructure where economies of scale and spreading of cost and risk bring benefit to consumers;

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(15) further the development of cleaner energy technologies on a cost-effective basis to protect the natural resources of this State, promote the health and well-being of the people of this State, and attract investments, create employment opportunities, drive economic growth, and foster innovation in this State; and

(16) accomplish regulatory processes and issue orders in a timely manner.

(C) The General Assembly finds that comprehensive legislation is needed to promote the development of new and reliable energy infrastructure resources, fostering resilient and reliable energy infrastructure critical to the economic success of the State of South Carolina.

SECTION 2. This act shall not affect the commission or any state agency's decision-making in any proceeding, pending the passage of comprehensive legislation as contemplated in this act.

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

**Motion Adopted**

Senator MASSEY 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.

There was no objection.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4386 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-13-647 SO AS TO PROHIBIT THE TAKING, HARMING, OR KILLING OF ROBUST REDHORSE.

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The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-4386.BC0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-13-647 and inserting:

Section 50-13-647. It is unlawful to take, harm, or kill robust redhorse (*moxostoma robustum*) from public waters. Any robust redhorse taken must be returned immediately to the water from which it was taken. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for a first offense and not more than one thousand dollars for each subsequent offense.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

### **Objection**

Senator CAMPSSEN 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 question being the second reading of the Bill.

### **Motion Adopted**

Senator CAMPSSEN 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.

There was no objection.

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

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**CARRIED OVER**

H. 4601 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4100, RELATING TO PREVENTING ESCAPE OF MATERIALS LOADED ON VEHICLES AND CLEANING THE HIGHWAYS OF ESCAPED SUBSTANCES OR CARGO, SO AS TO INCORPORATE THE PROVISIONS OF SECTION 56-5-4110 TO CLARIFY THE EXCEPTIONS FOR TRANSPORTATION OF CERTAIN FARM PRODUCTS AND MATERIALS; AND BY REPEALING SECTION 56-5-4110 RELATING TO THE REQUIREMENTS THAT LOADS AND COVERS MUST BE FIRMLY ATTACHED.

The Senate proceeded to a consideration of the Bill.

Senator CROMER spoke on the Bill.

Having voted on the prevailing side, Senator CROMER moved to reconsider the vote whereby Amendment No. 1A was adopted on Wednesday, May 1, 2024.

The motion was adopted.

Senator CROMER proposed the following amendment (SR-4601.KM0002S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-4100(D) and inserting:

(D) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway. Provisions of this subsection do not apply to motor vehicles with a curb weight of eight thousand two hundred pounds or less.

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

Senator CROMER moved to lay the amendment on the table.

The amendment was laid on the table.

The question being the second reading of the Bill.

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

**READ THE SECOND TIME**

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 Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

**Motion Adopted**

Senator DAVIS 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.

There was no objection.

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

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**OBJECTION**

H. 3424 -- Reps. T. Moore, Carter, McCravy, Lawson, Beach, Pope, Nutt, Oremus, Vaughan, Long, Haddon, Burns, Chumley, Kilmartin, Cromer, O'Neal, Yow, Gilliam, W. Newton, Guest, Schuessler, Moss, Magnuson, Harris, Pace, Brittain, Bailey, Robbins, Sessions, Ligon, Felder, B.L. Cox, Guffey, Bradley, Murphy, Brewer, Connell, Hiott, Mitchell, Hager, Erickson, B.J. Cox, Blackwell, Wooten, Ballentine, Hyde, Wheeler, Calhoon, M.M. Smith, Davis, B. Newton, Elliott, Forrest, Willis, Hixon, Taylor, J.E. Johnson, Chapman and Ott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 39-5-190 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT IT IS UNLAWFUL FOR AN OPERATOR TO MAKE A PORNOGRAPHIC WEBSITE AVAILABLE TO PERSONS UNDER THE AGE OF EIGHTEEN, TO PROVIDE THAT THE ATTORNEY GENERAL SHALL CREATE CERTAIN PROCEDURES, AND TO PROVIDE FOR A PRIVATE RIGHT OF ACTION.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The question being the second reading of the Bill.

Senator MATTHEWS objected to further consideration of the Bill.

**READ THE SECOND TIME**

H. 3988 -- Reps. Davis, M.M. Smith, B.J. Cox, Pedalino, Forrest, Wheeler, Kirby and Guffey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS IN THE PHARMACY PRACTICE ACT, SO AS TO PROVIDE ADDITIONAL ACTS THAT CONSTITUTE THE PRACTICE OF PHARMACY, TO PERMIT THE DELEGATION OF CERTAIN ACTS TO TRAINED PHARMACY TECHNICIANS AND PHARMACY INTERNS, AND TO DEFINE AN ADDITIONAL TERM; BY AMENDING SECTION 40-43-84, RELATING TO PHARMACY INTERNS AND EXTERNS, SO AS TO REMOVE CERTAIN DIRECT SUPERVISION REQUIREMENTS; BY AMENDING SECTION 40-43-190, RELATING TO PROTOCOL FOR PHARMACISTS TO ADMINISTER VACCINES WITHOUT PRACTITIONER ORDERS, SO AS TO INCLUDE THE DISPENSATION OF CERTAIN DRUGS AND DEVICES, TO

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LOWER THE VACCINATION RECIPIENT AGE TO TWELVE YEARS OF AGE, TO AUTHORIZE DIRECTLY SUPERVISED PHARMACY INTERNS TO ADMINISTER CERTAIN VACCINATIONS, AND TO PROVIDE WRITTEN PROTOCOL REQUIREMENTS, AMONG OTHER THINGS; BY AMENDING SECTION 40-43-200, RELATING TO THE JOINT PHARMACIST-ADMINISTERED VACCINES COMMITTEE, SO AS TO RENAME THE COMMITTEE AS THE "JOINT PHARMACIST ACCESS COMMITTEE" AND MAKE OTHER CONFORMING CHANGES; AND TO PROVIDE THE PHARMACIST ACCESS COMMITTEE MUST SUBMIT ITS INITIAL RECOMMENDATIONS TO THE BOARD OF PHARMACY NO LATER THAN FOUR MONTHS AFTER THE PASSAGE OF THIS ACT, AND PERIODICALLY THEREAFTER AS DETERMINED BY THE COMMITTEE.

The Senate proceeded to a consideration of the Bill.

Senator MARTIN proposed the following amendment (SR-3988.JG0019S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by deleting Section 40-43-30(73)(f).

Amend the bill further, SECTION 5, by striking Section 40-43-190(A) and inserting:

As used in this section:

(1)"gene therapy" means any product that mediates its effects by transcription or translation of transferred genetic material or by integrating into the host genome and that are administered as nucleic acids, viruses, or genetically engineered microorganisms;

(2) "vaccine" means a suspension of attenuated or killed microorganisms, or of antigenic proteins derived from them, that is administered for prevention, amelioration, or treatment of infectious diseases; and

(3) "novel vaccine" means a vaccine which has obtained Emergency Use Authorization by the U.S. Food and Drug Administration (FDA), or which has otherwise not been approved by the FDA, or which has been approved for use by the FDA for less than 5 years. The term "novel vaccine" does not include vaccines for which the contents have only been modified by antigenic subtype to address the most prevalent strain of virus including, but not limited to, the yearly influenza vaccine.

(B)(1) Upon recommendation of the Joint Pharmacist Administered Vaccines Committee, the Board of Medical Examiners shall determine

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whether a specific vaccine is appropriate for administration by a pharmacist without a written order or prescription of a practitioner pursuant to this section. If a vaccine is approved, the Board of Medical Examiners shall issue a written protocol for the administration of vaccines by pharmacists without an order or prescription of a practitioner.

Amend the bill further, SECTION 5, by striking Section 40-43-190(B) and inserting:

~~(B)~~(C) The written protocol must provide that:

(1) A pharmacist seeking authorization to administer a vaccine approved pursuant to this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners. Training must comply with current Centers for Disease Control guidelines and must include study materials, hands-on training, and techniques for administering vaccines and must provide instruction and experiential training in the following content areas:

- (a) mechanisms of action for vaccines, contraindications, drug interactions, and monitoring after vaccine administration;
- (b) standards for adult vaccination practices;
- (c) basic immunology and vaccine protection;
- (d) vaccine-preventable diseases;
- (e) recommended vaccination schedules;
- (f) vaccine storage management;
- (g) biohazard waste disposal and sterile techniques;
- (h) informed consent;
- (i) physiology and techniques for vaccine administration;
- (j) prevaccine and postvaccine assessment and counseling;
- (k) vaccination record management;
- (l) management of adverse events, including identification, appropriate response, emergency procedures, documentation, and reporting;
- (m) understanding of vaccine coverage by federal, state, and local entities;
- (n) needle stick management.

(2) A pharmacist administering vaccinations without an order or prescription of a practitioner pursuant to this section shall:

- (a) obtain the ~~signed written~~informed consent of the person being vaccinated or that person's guardian;

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(b) maintain a copy of the vaccine administration in that person's record and provide a copy to the person or the person's guardian;

(c) notify that person's designated physician or primary care provider of a vaccine administered;

(d) report administration of all vaccinations to the South Carolina Immunization Registry in compliance with regulations established by the Department of Health and Environmental Control as the department may require; provided, however, that the phase-in schedule provided in Regulation 61-120 for reporting vaccinations does not apply to vaccinations administered pursuant to this section;

(e) maintain a current copy of the written protocol at each location at which a vaccination is administered pursuant to this section.

(3) ~~A pharmacist may not delegate the administration of vaccines to a pharmacy technician or certified pharmacy technician.~~ For purposes of this section, "informed consent" means a written document that is signed and dated by an individual; or if the individual is a minor, by a parent or legal guardian; or if the individual is incapacitated or without sufficient mental capacity, by a designated health care agent pursuant to a health care power of attorney, that at a minimum includes:

(a) an explanation of the vaccine or treatment that is written in language that is understandable to the average lay person;

(b) a description of the potential risks and benefits resulting from vaccine or treatment, along with a realistic description of the most likely outcome;

(c) a statement acknowledging risks associated with the vaccine or treatment if the vaccine or treatment is an indemnified product as defined in Section 44-1-55(A)(7);

(d) language that clearly indicates that the individual agrees to the administration of the vaccine or treatment, that the individual has had time to thoughtfully and voluntarily accept or decline the vaccine or treatment free from coercion; and

(e) if the vaccine or treatment is an investigational medical product or is made available through an Emergency Use Authorization by the Federal Food and Drug Administration, a statement acknowledging its investigational nature and the civil liability protections afforded it by law.

(4) ~~A pharmacy intern, as defined in Section 40-43-84(C),~~ A pharmacy intern or pharmacy technician may administer vaccinations under the direct supervision, ~~as defined in Section 40-43-84(C),~~ of a pharmacist who has completed vaccination training as required by item (1) if the pharmacy intern or pharmacy technician:

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(a) is certified through a basic life support or CPR provider-level course that is ~~jointly~~ approved by the Board of Medical Examiners and the Board of Pharmacy; ~~Joint Pharmacy Access Committee~~ and completes a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE) which includes, at a minimum, hands-on injection technique and the recognition and treatment of emergency reactions to vaccines; and

(b) ~~completes this course of training described in item (1).~~ if a pharmacy technician, the pharmacy technician must be:

(i) state-certified; or

(ii) nonstate-certified but administered vaccinations and received training pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act prior to the effective date of this section and registers with the Board of Pharmacy as an authorized vaccination provider.

(5) A pharmacist or pharmacy technician administering vaccinations shall, as part of the current continuing education requirements ~~pursuant to Section 40-43-130~~, complete no less than one hour of continuing education each license year regarding administration of vaccinations.

~~(C)~~

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

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

Senator MARTIN proposed the following amendment (SR-3988.JG0021S:

Amend the bill, as and if amended, SECTION 1, by deleting Section 40-43-30(73)(f).

Amend the bill further, SECTION 5, by striking Section 40-43-190(A) and inserting:

As used in this section:

(1)"gene therapy" means any product that mediates its effects by transcription or translation of transferred genetic material or by integrating into the host genome and that are administered as nucleic acids, viruses, or genetically engineered microorganisms;

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(2) “vaccine” means a suspension of attenuated or killed microorganisms, or of antigenic proteins derived from them, that is administered for prevention, amelioration, or treatment of infectious diseases; and

(3) “novel vaccine” means a vaccine which has obtained Emergency Use Authorization by the U.S. Food and Drug Administration (FDA), or which has otherwise not been approved by the FDA, or which has been approved for use by the FDA for less than 5 years. The term “novel vaccine” does not include vaccines for which the contents have only been modified by antigenic subtype to address the most prevalent strain of virus including, but not limited to, the yearly influenza vaccine.

(B)(1) Upon recommendation of the Joint Pharmacist Administered Vaccines Committee, the Board of Medical Examiners shall determine whether a specific vaccine is appropriate for administration by a pharmacist without a written order or prescription of a practitioner pursuant to this section. If a vaccine is approved, the Board of Medical Examiners shall issue a written protocol for the administration of vaccines by pharmacists without an order or prescription of a practitioner.

Amend the bill further, SECTION 5, by striking Section 40-43-190(B) and inserting:

~~(B)~~(C) The written protocol must provide that:

(1) A pharmacist seeking authorization to administer a vaccine approved pursuant to this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners. Training must comply with current Centers for Disease Control guidelines and must include study materials, hands-on training, and techniques for administering vaccines and must provide instruction and experiential training in the following content areas:

- (a) mechanisms of action for vaccines, contraindications, drug interactions, and monitoring after vaccine administration;
- (b) standards for adult vaccination practices;
- (c) basic immunology and vaccine protection;
- (d) vaccine-preventable diseases;
- (e) recommended vaccination schedules;
- (f) vaccine storage management;
- (g) biohazard waste disposal and sterile techniques;
- (h) informed consent;

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- (i) physiology and techniques for vaccine administration;
- (j) prevaccine and postvaccine assessment and counseling;
- (k) vaccination record management;
- (l) management of adverse events, including identification, appropriate response, emergency procedures, documentation, and reporting;
- (m) understanding of vaccine coverage by federal, state, and local entities;
- (n) needle stick management.

(2) A pharmacist administering vaccinations without an order or prescription of a practitioner pursuant to this section shall:

- (a) obtain the ~~signed written~~ informed consent of the person being vaccinated or that person's guardian;
- (b) maintain a copy of the vaccine administration in that person's record and provide a copy to the person or the person's guardian;
- (c) notify that person's designated physician or primary care provider of a vaccine administered;
- (d) report administration of all vaccinations to the South Carolina Immunization Registry in compliance with regulations established by the Department of Health and Environmental Control as the department may require; provided, however, that the phase-in schedule provided in Regulation 61-120 for reporting vaccinations does not apply to vaccinations administered pursuant to this section;

(e) maintain a current copy of the written protocol at each location at which a vaccination is administered pursuant to this section.

(3) ~~A pharmacist may not delegate the administration of vaccines to a pharmacy technician or certified pharmacy technician.~~ For purposes of this section, "informed consent" means a written document that is signed and dated by an individual; or if the individual is a minor, by a parent or legal guardian; or if the individual is incapacitated or without sufficient mental capacity, by a designated health care agent pursuant to a health care power of attorney, that at a minimum includes:

- (a) an explanation of the vaccine or treatment that is written in language that is understandable to the average lay person;
- (b) a description of the potential risks and benefits resulting from vaccine or treatment, along with a realistic description of the most likely outcome;
- (c) a statement acknowledging risks associated with the vaccine or treatment if the vaccine or treatment is an indemnified product as defined in Section 44-1-55(A)(7);

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(d) language that clearly indicates that the individual agrees to the administration of the vaccine or treatment, that the individual has had time to thoughtfully and voluntarily accept or decline the vaccine or treatment free from coercion; and

(e) if the vaccine or treatment is an investigational medical product or is made available through an Emergency Use Authorization by the Federal Food and Drug Administration, a statement acknowledging its investigational nature and the civil liability protections afforded it by law.

(4) A pharmacist or pharmacy technician may administer vaccinations under the direct supervision, ~~as defined in Section 40-43-84(C),~~ of a pharmacist who has completed vaccination training as required by item (1) if the pharmacist or pharmacy technician:

(a) is certified through a basic life support or CPR provider-level course that is ~~jointly~~ approved by the Board of Medical Examiners and the Board of Pharmacy; ~~Joint Pharmacy Access Committee~~ and completes a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE) which includes, at a minimum, hands-on injection technique and the recognition and treatment of emergency reactions to vaccines; and

(b) ~~completes this course of training described in item (1);~~ if a pharmacy technician, the pharmacy technician must be:

(i) state-certified; or

(ii) nonstate-certified but administered vaccinations and received training pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act prior to the effective date of this section and registers with the Board of Pharmacy as an authorized vaccination provider.

(5) A pharmacist or pharmacy technician administering vaccinations shall, as part of the current continuing education requirements ~~pursuant to Section 40-43-130,~~ complete no less than one hour of continuing education each license year regarding administration of vaccinations.

~~(C)~~

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The question being the adoption of the amendment.

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**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MARTIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 20; Nays 22**

**AYES**

Allen	Bennett	Devine
Gambrell	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Malloy	Massey	Matthews
McElveen	McLeod	Sabb
Setzler	Stephens	Tedder
Turner	Williams	

**Total--20**

**NAYS**

Adams	Alexander	Campsen
Cash	Climer	Corbin
Cromer	Davis	Goldfinch
Grooms	Gustafson	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Peeler	Reichenbach	Rice
Senn	Shealy	Verdin
Young		

**Total--22**

The Senate refused to lay the amendment on the table.

The question being the second reading of the Bill.

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**Motion Adopted**

Senator CROMER 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.

There was no objection.

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

**READ THE SECOND TIME**

H. 3501 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-102-140, RELATING TO PROHIBITED ACTS OF ATHLETE AGENTS, SO AS TO PROVIDE CERTIFIED ATHLETE AGENTS MAY PAY CERTAIN EXPENSES INCURRED BEFORE THE SIGNING OF AGENCY CONTRACTS BY STUDENT ATHLETES, FAMILY MEMBERS OF STUDENT ATHLETES, AND INDIVIDUALS OR CLASSES OF INDIVIDUALS AUTHORIZED TO RECEIVE SUCH PAYMENTS.

The Senate proceeded to a consideration of the Bill.

Senator TURNER spoke on the Bill.

The question being the second reading of the Bill.

**Motion Adopted**

Senator SETZLER 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.

There was no objection.

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

**AMENDED, READ THE SECOND TIME**

H. 4843 -- Reps. Bailey, Brittain, Guest, J.E. Johnson, Sandifer and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-39-148 SO AS TO AUTHORIZE BUSINESSES WITH A DECK, DOCK, OR OTHER STRUCTURE

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LOCATED IN A CRITICAL AREA TO USE THE STRUCTURE FOR PURPOSES DIRECTLY RELATED TO THE OPERATION OF THE BUSINESS WITH LOCAL ZONING APPROVAL.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN proposed the following amendment (SFGF-4843.BC0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 48-39-148 and inserting:

Section 48-39-148. Notwithstanding any other provision of law to the contrary, a business that contains a grandfathered or permitted commercial deck or marina that is located in a critical area may utilize the deck or marina for the purpose of allowing patrons of the business to consume food and beverages. The provision of this section does not authorize a kitchen, food preparation area, or bar on the deck or marina.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Adams	Alexander	Campsen
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Tedder

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Turner  
Young

Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 5235 -- Reps. Bannister and Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 43-7-465, RELATING TO INSURERS PROVIDING COVERAGE TO PERSONS RECEIVING MEDICAID, SO AS TO COMPORT WITH THE FEDERAL CONSOLIDATED APPROPRIATIONS ACT OF 2022.

The Senate proceeded to a consideration of the Bill.

Senator VERDIN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Adams	Alexander	Campsen
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy

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Stephens  
Turner  
Young

Talley  
Verdin

Tedder  
Williams

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 5236 -- Reps. Bannister and Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-6-50, RELATING TO RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OR A SUCCESSOR AGENCY, SO AS TO MAKE CERTAIN CHANGES CONCERNING MEDICAID CLAIMS PROCESSING CONTRACTS.

The Senate proceeded to a consideration of the Bill.

Senator VERDIN explained the Bill.

The question being the second reading of the Bill.

**Motion Adopted**

Senator MALLOY 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.

There was no objection.

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

**CARRIED OVER**

H. 4189 -- Rep. Sandifer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-90-10, RELATING TO DEFINITIONS, SO AS TO INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY

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AMENDING SECTION 38-90-20, RELATING TO LICENSING AND FEES, SO AS TO AMEND MEETING REQUIREMENTS, REMOVE A CERTIFICATION FEE AND OUTLINE HOW TO MAKE PROPER PAYMENTS TO THE DEPARTMENT; BY AMENDING SECTION 38-90-40, RELATING TO CAPITALIZATION REQUIREMENTS, SO AS TO GIVE DISCRETION TO THE DIRECTOR; BY AMENDING SECTION 38-90-60, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS, SO AS TO INCLUDE FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-70, RELATING TO REPORTS, SO AS TO CHANGE A DEADLINE AND INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO ALLOW A SPONSORED CAPTIVE INSURANCE COMPANY TO FILE ONE ACTUARIAL OPINION; BY AMENDING SECTION 38-90-80, RELATING TO INSPECTIONS AND EXAMINATIONS, SO AS TO MAKE THE EXAMINATION OF SOME CAPTIVE INSURANCE COMPANIES OPTIONAL AND TO INCLUDE REFERENCES TO FOREIGN CAPTIVE INSURANCE COMPANIES; BY AMENDING SECTION 38-90-140, RELATING TO TAX PAYMENTS, SO AS TO AMEND REQUIRED TAX PAYMENTS FOR A SPONSORED CAPTIVE INSURANCE COMPANY; BY AMENDING SECTION 38-90-165, RELATING TO DECLARATION OF INACTIVITY, SO AS TO ALLOW FOR THE SUBMISSION OF A WRITTEN APPROVAL; BY AMENDING SECTION 38-90-175, RELATING TO THE CAPTIVE INSURANCE REGULATORY AND SUPERVISION FUND, SO AS TO CHANGE THE ALLOWED TRANSFER OF COLLECTED TAXES FROM TWENTY PERCENT TO FORTY PERCENT; AND BY AMENDING 38-90-215, RELATING TO PROTECTED CELLS, SO AS TO REMOVE LICENSING REQUIREMENTS.

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

**READ THE SECOND TIME**

H. 4436 -- Reps. Wooten, Ballentine, Long, Erickson, Caskey, Calhoon, Wetmore, Taylor, Forrest, Hiott, Davis, Pope, Herbkersman, M.M. Smith, Robbins, Lawson, Burns, Chumley, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE DRIVERS ARE RESPONSIBLE FOR MAINTAINING VEHICLE CONTROL IN

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CERTAIN EMERGENCY CIRCUMSTANCES TO AVOID INTERFERING WITH THE OPERATION OF AUTHORIZED EMERGENCY VEHICLES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

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

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**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4832 -- Reps. Hardee, Sandifer, Anderson, Ligon and Schuessler:  
A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY  
ENACTING THE "PAID FAMILY LEAVE INSURANCE ACT" BY  
ADDING CHAPTER 103 TO TITLE 38 SO AS TO DEFINE TERMS,  
ESTABLISH FAMILY LEAVE BENEFITS, OUTLINE  
REQUIREMENTS OF FAMILY LEAVE INSURANCE POLICIES,  
AND TO PROVIDE EXCLUSIONS, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

The Committee on Banking and Insurance proposed the following  
amendment (LC-4832.PH0004S), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 3.

ReNUMBER sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

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Young

**Total--43**

**NAYS**

**Total--0**

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

**OBJECTION**

H. 4869 -- Reps. Sandifer, Hardee, Ligon and Jefferson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-3-150, RELATING TO THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEES TO CONDUCT EXAMINATIONS, INVESTIGATIONS, AND HEARINGS, SO AS TO PROVIDE FOR THE CONFIDENTIALITY OF SUCH INVESTIGATIONS; BY AMENDING SECTION 38-9-200, RELATING TO CONDITIONS FOR ALLOWING REINSURANCE CREDITS, SO AS TO REVISE CERTAIN CONDITIONS; BY AMENDING SECTION 38-13-10, RELATING TO INSURER EXAMINATIONS, SO AS TO PROVIDE SUCH EXAMINATIONS ARE FINANCIAL EXAMINATIONS, TO APPLY THE PROVISIONS TO HEALTH MAINTENANCE ORGANIZATIONS AND OTHER LICENSEES OF THE DEPARTMENT, TO PROVIDE MARKET CONDUCT EXAMINATIONS, AND TO REMOVE OBSOLETE PROVISIONS, AMONG OTHER THINGS; BY AMENDING SECTION 38-13-70, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DIRECTOR OR HIS DESIGNEES MAY CONDUCT INVESTIGATIONS, TO PROVIDE FOR THE CONFIDENTIALITY OF INVESTIGATIONS, AND TO PROVIDE FINAL ORDERS DISCIPLINING LICENSEES ARE PUBLIC INFORMATION, AMONG OTHER THINGS; AND BY AMENDING SECTION 38-57-130, RELATING TO INSURANCE TRADE PRACTICES, SO AS TO PROVIDE REVISED EXEMPTIONS FROM PROVISIONS PROHIBITING MISREPRESENTATIONS, SPECIAL INDUCEMENTS, AND REBATES IN INSURANCE CONTRACTS.

Senator TURNER objected to consideration of the Bill.

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**RECOMMITTED**

S. 1301 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF MOTOR VEHICLE, RELATING TO BILLING ACCOUNTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5221, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Transportation.

**OBJECTION**

H. 3278 -- Reps. West, Ligon and Sandifer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 40-60-30, 40-60-31, AND 40-60-33, ALL RELATING TO REAL ESTATE APPRAISER LICENSURE REQUIREMENTS, SO AS TO MODIFY EXEMPTIONS, REVISE AND PROVIDE EDUCATION REQUIREMENTS AND ACCEPTABLE EQUIVALENCIES FOR APPRENTICE APPRAISERS; AND TO REVISE REQUIREMENTS AND QUALIFICATIONS FOR LICENSED MASS APPRAISERS; BY AMENDING SECTION 40-60-34, RELATING TO REQUIREMENTS RELATING TO APPRENTICE APPRAISERS AND APPRAISERS SUPERVISING APPRENTICES, SO AS TO REVISE REQUIREMENTS; BY AMENDING SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS TO IMPOSE REPORTING REQUIREMENTS UPON LICENSEES; BY ADDING SECTION 40-60-36 SO AS TO IMPOSE REPORTING REQUIREMENTS UPON PROVIDERS; BY AMENDING SECTION 40-60-37, RELATING TO RECIPROCAL APPLICATIONS FROM APPRAISERS FROM OTHER JURISDICTIONS, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-60-40, RELATING TO REQUIRED APPRAISER CONTACT INFORMATION, SO AS TO INCLUDE EMAIL ADDRESSES OF LICENSEES; BY AMENDING SECTION 40-60-320, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF APPRAISAL PANEL; BY AMENDING SECTION 40-60-330, RELATING TO REGISTRATION REQUIREMENTS, SO AS TO REVISE REQUIREMENTS CONCERNING CERTAIN FINANCIAL INFORMATION; BY AMENDING SECTION 40-60-360, RELATING TO PROMULGATION OF REGULATIONS, SO AS TO SPECIFY REQUIRED REGULATIONS; BY AMENDING SECTION 40-60-420,

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RELATING TO RECORD-KEEPING REQUIREMENTS FOR REGISTRATION RENEWAL, SO AS TO REVISE REQUIREMENTS CONCERNING RECORDS THAT APPRAISAL MANAGEMENT COMPANIES MUST PROVIDE; AND BY AMENDING SECTION 40-60-450, RELATING TO COMPENSATION, SO AS TO CLARIFY THE APPLICABLE GOVERNING FEDERAL REGULATIONS.

Senator MARTIN objected to consideration of the Bill.

**READ THE SECOND TIME**

H. 5008 -- Rep. W. Newton: A BILL TO ADOPT REVISED CODE VOLUME 17A OF THE SOUTH CAROLINA CODE OF LAWS, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2024.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

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**NAYS**

**Total--0**

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

**CARRIED OVER**

H. 5246 -- Reps. Wetmore, Brittain, M.M. Smith, Stavrinakis, Hartnett, Leber, Gilliard, Bustos, Pendarvis, Jefferson, Landing and Garvin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-612 SO AS TO PROVIDE THAT THE BLACK SKIMMER IS THE OFFICIAL SEABIRD OF THE STATE.

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

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

H. 3220 -- Reps. W. Newton, Carter, Mitchell, Haddon, Pope, Chumley and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 6 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE "UNIFORM CHILD ABDUCTION PREVENTION ACT", TO PROVIDE A LEGAL MECHANISM TO PROTECT CHILDREN FROM CREDIBLE RISKS OF ABDUCTION RELATED TO LEGAL CUSTODY OR VISITATION, AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3220.MB0010S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 63-15-630(A) and inserting:

(A) A petition under this article may be filed only in a court that has jurisdiction to make a child-custody determination with respect to the child at issue under S.C. Code Section 63-15-300, et seq.

Amend the bill further, SECTION 2, Section 63-15-640, by striking the first undesignated paragraph and inserting:

A petition under this article must be verified or supported by a sworn affidavit and include a copy of any existing child-custody determination, if available. The petition must specify the risk factors for abduction, including the relevant factors described in Section 63-15-650. Subject to

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Section 63-15-346(E), if reasonably ascertainable, the petition must contain:

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

SECTION X. Chapter 15, Title 63 of the S.C. Code is amended by adding:

Section 63-15-605. A court of this State shall treat a foreign country as it if were a state of the United States for the purpose of applying this article if its child-custody determination was made under factual circumstances in substantial conformity with the jurisdictional standards of this article and if the child custody laws of that foreign country do not violate fundamental principles of human rights.

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

SECTION X. After enactment of the provisions of this act, the Code Commissioner is authorized to insert the Reporter's Comments, as amended, provided by the Reporter for the South Carolina Law Initiative Council, into the annotated version of the provisions of this act, as contained in the South Carolina Code of Laws, after the appropriate provisions. The Reporter's Comments, prepared by the Reporter for the South Carolina Law Initiative Council with the intent of aiding the user in understanding the provisions to the Uniform Child Abduction Prevention Act, are not considered part of this act and do not indicate legislative intent. The official comments prepared by the Uniform Law Commissioner are not included in this act, but interested users may access these comments at the Uniform Law Commission's depository website: <https://uniformlaws.org>.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator SHEALY proposed the following amendment (SR-3220.JG0011S), which was adopted:

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

SECTION X. Sections 63-7-2340 through 63-7-2350 of the S.C. Code are amended to read:

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Section 63-7-2340. (A) A person applying for licensure as a foster parent or for approval for adoption placement, for approval as a prospective legal guardian for a child in the custody of DSS, or seeking employment or a volunteer role with direct, unsupervised contact with children under the age of eighteen in a Child Placing Agency, qualified residential treatment program or residential facility, or a contracted service provider, and a person eighteen years of age or older, residing in a home in which a person has applied to be licensed as a foster parent or an approved adoption placement, must undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprinting-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

(B) ~~Any fee charged by the Federal Bureau of Investigation for the fingerprint review must be paid by the individual.~~ The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information.

Section 63-7-2345. (A) Notwithstanding the provisions of Section 63-7-2350, the department is authorized to pay from funds appropriated for foster care the costs of Federal Bureau of Investigation fingerprint-based background checks ~~reviews~~ for foster care families recruited and selected as potential adoption and foster care providers for children in the custody of the department.

(B) Costs for Federal Bureau of Investigation fingerprint-based background checks required for prospective employees or volunteers of a qualified residential treatment program or residential facility, or prospective legal guardians or persons in a prospective placement household aged eighteen years and older, must be paid by the individual or entity requesting the background checks.

Section 63-7-2350. (A) No child in the custody of the Department of Social Services may be placed in a foster home, adoptive home, legal guardian's home, qualified residential treatment program, or residential facility with a person if the person or anyone eighteen years of age or

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older residing in the home or a person working or volunteering with direct unsupervised contact with children under the age of eighteen in the qualified residential treatment program or residential facility:

- (1) has a substantiated history of child abuse or neglect; or
- (2) has pled guilty or nolo contendere to or has been convicted of:
  - (a) an “Offense Against the Person” as provided for in Chapter 3, Title 16;
  - (b) an “Offense Against Morality or Decency” as provided for in Chapter 15, Title 16;
  - (c) contributing to the delinquency of a minor as provided for in Section 16-17-490;
  - (d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;
  - (e) criminal domestic violence as defined in Section 16-25-20;
  - (f) criminal domestic violence of a high and aggravated nature as defined in Section 16-25-65;
  - (g) a felony drug-related offense under the laws of this State;
  - (h) unlawful conduct toward a child as provided for in Section 63-5-70;
  - (i) cruelty to children as provided for in Section 63-5-80;
  - (j) child endangerment as provided for in Section 56-5-2947; or
  - (k) criminal sexual conduct with a minor in the first degree as provided for in Section 16-3-655(A).

(B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

(C) At a minimum, the department shall require that all persons referenced in subsection (A) undergo a fingerprint-based background check review to be conducted by the State Law Enforcement Division and a fingerprint-based background check review to be conducted by the Federal Bureau of Investigation. The department also shall check the State Central Registry of Child Abuse and Neglect, department records, the equivalent registry system for each state in which the person has resided for five years preceding an application for licensure as a foster parent, the National Sex Offender Public Website Registry, and the state sex offender registry for applicants and all persons twelve years of age and older residing in the home of an applicant.

(D) This section does not prevent placement in a foster home, adoptive home, qualified residential treatment program, legal guardian's home, or

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residential facility when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.

(E) For the purposes of this section, “residential facility” means a group home, residential treatment center, or other facility that, pursuant to a contract with or a license or permit issued by the department, provides residential services to children in the custody of the department. This includes, but is not limited to, child caring institutions, emergency shelters, group homes, wilderness therapeutic camps, and organizations with supervised individual living facilities.

(F) Notwithstanding the provisions in this section, in the discretion of the department when it is in a child’s best interest, a child may be placed in the home of a kin or fictive kin caregiver who has been convicted of or has plead guilty or nolo contendere to a criminal offense described in this section if more than five years have elapsed since the conviction, guilty plea, or nolo contendere plea and the criminal offense was not a violent crime as defined in Section 16-1-60 or a felony involving violence including, but not limited to, child abuse and neglect, domestic violence, or any crime against a child.

SECTION X. Sections 63-13-50 through 63-13-60 of the S.C. Code are amended to read:

Section 63-13-50. The fingerprint-based background checks ~~reviews~~ required by this chapter are not required of a certified education personnel who has undergone a fingerprint-based background check ~~review~~ pursuant to Section 59-26-40 or of a person licensed as a foster parent who has undergone a state and federal fingerprint-based background check ~~review~~ pursuant to Section 63-7-2340, and the results of these fingerprint-based background checks ~~reviews~~ have been submitted to the department and the person has remained employed since the fingerprint-based background check ~~review~~ in certified education or licensed as a foster parent or the fingerprint-based background checks ~~reviews~~ have been conducted within the preceding six months.

Section 63-13-60. For conducting a state fingerprint-based criminal history record check ~~review~~ as required by this chapter, the State Law Enforcement Division may not impose a fee greater than the fee imposed by the Federal Bureau of Investigation for conducting such a fingerprint-based background check ~~review~~.

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SECTION X. Section 63-13-190 of the S.C. Code is amended to read:

Section 63-13-190. (A)(1) Before the Department of Social Services employs a person in its childcare licensing or child protective services divisions, the person shall undergo a state fingerprint-based background ~~check review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint-based background ~~check review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history. No person may be employed in these divisions if the person has been convicted of or pled guilty or nolo contendere to any crime listed in Section 63-13-40(A).

(2) A volunteer or an employee of a contractor or subcontractor who contracts for delivery of protective services, family preservation services, foster care services, family reunification services, adoption services, and other related services or programs or a person who has direct unsupervised contact with a child in the custody of the Department of Social Services shall undergo a state fingerprint-based background check to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history. No person may be employed by a contractor or a subcontractor, act in a volunteer capacity, or have access to a child in the custody of the department if the person has been convicted of or pled guilty or nolo contendere to any crime listed in Section 63-13-40(A).

(3) Persons in subsection (A)(1) and (2) shall also submit to a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the state sex offender registry pursuant to Section 23-3-430.

~~(2)(4)~~ This section does not prohibit employment when a conviction or plea of guilty or nolo contendere for one of the crimes listed has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited for employment.

(B) Notwithstanding subsection (A) or any other provision of law, a person may be provisionally employed in the childcare licensing or child protective services divisions upon receipt and review of the results of the State Law Enforcement Division fingerprint-based background ~~check review~~ if the results show no convictions of the crimes referenced in subsection (A). Pending receipt of the results of the Federal Bureau of

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Investigation fingerprint-based background check ~~review~~, the department must obtain from the prospective employee a written affirmation on a form provided by the department that the employee has not been convicted of any crime referenced in ~~subSection 63-13-40(A)~~.

(C) A person who has been convicted of a crime referenced in subsection (A) who applies for employment with the childcare licensing or child protective services divisions, or with a contractor or subcontractor of DSS, or applies or seeks to act in a volunteer capacity for such entities, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(D) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information.

(E) The department shall be responsible for the costs of background checks for prospective employees of the childcare licensing and child protective services divisions. The costs for other fingerprints required under this section shall be the responsibility of the individual, contractor, or subcontractor. Fees shall not exceed the actual cost of processing and administration.

SECTION X. Sections 63-13-420(G), (H), (I), and (J) of the S.C. Code are amended to read:

(G) A person eighteen years of age or older living in a group family childcare home, and any person eighteen years of age or older who moves into a group family childcare home after an initial application for licensing is approved, shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be

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subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. The fingerprint-based background check ~~reviews~~ required by this subsection are required to be repeated every five years.

(H) A person fifteen through seventeen years of age living in a group family childcare home, and any person fifteen through seventeen years of age who moves into a group family childcare home after an initial application for licensing is approved, shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

(I) A person applying for a license as an operator under this section shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint-based background checks ~~reviews~~ must be repeated. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

(J) A person applying for a license as an operator under this section or seeking employment or seeking to provide caregiver services at a facility licensed under this section shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the

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National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint-based background checks ~~reviews~~ must be repeated. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

SECTION X. Section 63-13-430(F) of the S.C. Code is amended to read:

(F) A licensee seeking license renewal under this section, its employees, and its caregivers, who have not done so previously, on the first renewal after June 30, 1995, shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION X. Section 63-13-620(C) of the S.C. Code is amended to read:

(C) A person applying for approval under this section shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in

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the previous five years. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

SECTION X. Section 63-13-630(D)(1) of the S.C. Code is amended to read:

(D)(1) A person applying for approval renewal under this section, a person who will operate the facility, and its employees and caregivers, who have not done so previously, on the first approval renewal after June 30, 1995, shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION X. Sections 63-13-820(C) and (D) of the S.C. Code are amended to read:

(C) A person applying to become a registered operator of a family childcare home under this section, a person eighteen years of age or older living in the family childcare home, and any person eighteen years of age or older who moves into the family childcare home after the initial application for registration is approved shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

~~(D) A person applying to become the registered operator of a family childcare home under this section,~~ a person fifteen through seventeen years of age living in a family childcare home, and any person fifteen through seventeen years of age who moves into a family childcare home

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after an initial application for registration is approved shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

SECTION X. Section 63-13-830(C)(1) of the S.C. Code is amended to read:

(C)(1) A person applying for renewal of registration as an operator of a family childcare home registered under this article and a person employed or providing caregiver services at a family childcare home registered under this article, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION X. Section 63-13-1010(E), (G), and (H) of the S.C. Code is amended to read:

(E) A person applying for a license or registration as an operator of a church or religious childcare center shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in

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the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint-based background checks ~~reviews~~ must be repeated. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

(G) A person applying for a license or registration as an operator of a church or religious childcare center or seeking employment or seeking to provide caregiver services at a church or religious childcare center shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. The fingerprint-based background checks ~~reviews~~ required by this subsection are required to be repeated every five years.

(H) A person applying for renewal of a license or registration as an operator of a church or religious childcare center licensed or registered under this chapter and a person employed or registered under this chapter, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint-based background check ~~review~~ to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint-based background check ~~review~~ to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION X. Section 63-11-70 of the S.C. Code is amended to read:

Section 63-11-70. (A) A person seeking employment with a child welfare agency for a position with direct unsupervised contact with

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children must undergo a state fingerprint-based background check to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history. A person seeking to serve as a volunteer with a child welfare agency for a position with direct unsupervised contact with children must undergo a state fingerprint-based background check to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history. Additionally, the persons described in this section must also undergo a check of the State Central Registry of Child Abuse and Neglect, DSS department records, the equivalent registry system for each state in which the person has resided for five years preceding an application for employment or as a volunteer, the National Sex Offender Public Website, and the state sex offender registry.

(B) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information.

(C) Costs for Federal Bureau of Investigation fingerprint-based background checks required for prospective employees of a child welfare agency must be paid by the individual or entity requesting the background checks.

(D) When a provision of law or regulation provides for a criminal history background check in connection with licensing, placement, service as a volunteer, or employment with a child welfare agency, the provision of law or regulation may not operate to prohibit licensing, placement, service as a volunteer, or employment when a conviction or plea of guilty or nolo contendere has been pardoned. However, notwithstanding the entry of a pardon, the department, child welfare agency, or employer may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited for licensing, placement, service as a volunteer, or employment.

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SECTION X. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

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

**Total--45**

**NAYS**

**Total--0**

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

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**CARRIED OVER**

H. 3313 -- Rep. Jordan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-5-10, RELATING TO THE PERFORMANCE OF THE DUTIES OF A REGISTER OF DEEDS, SO AS TO ADD FLORENCE COUNTY TO THE COUNTIES EXEMPT FROM THE REQUIREMENT THAT THESE DUTIES BE PERFORMED BY THE CLERK OF COURT; AND BY AMENDING SECTION 30-5-12, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS FOR CERTAIN COUNTIES, SO AS TO ADD FLORENCE COUNTY TO THE COUNTIES WHERE THE GOVERNING BODY OF THE COUNTY APPOINTS THE REGISTER OF DEEDS.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS proposed the following amendment (SR-3313.JG0001S), which was tabled:

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

SECTION X. Article 1, Chapter 17, Title 14 of the S.C. Code is amended by adding:

Section 14-17-15. No person is eligible to hold the office of clerk of court who is not at the time of his election:

(1) a citizen of the United States and of this State;

(2) at least twenty-one years old;

(3) a qualified elector of the county in which he is to be clerk of court; and

(4)(a) a graduate from an accredited post-secondary institution with a bachelor's degree, or

(b) has at least eight years' experience as an employee in a county clerk of court's office in this State if he has not received a four-year bachelor's degree.

Amend the bill further, by striking SECTION and inserting:

SECTION X. The provisions contained in Section 14-17-15, as added to the S.C. Code by this act, do not apply to a person serving as county clerk on the effective date of this act for the remainder of his current term or any subsequent, consecutive term.

Re-number sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

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Senator REICHENBACH spoke on the amendment.

The question being the adoption of the amendment.

Senator REICHENBACH moved to lay the amendment on the table.

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

**Ayes 29; Nays 15**

**AYES**

Bennett	Cash	Corbin
Davis	Fanning	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Loftis	Malloy	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

**Total--29**

**NAYS**

Adams	Alexander	Allen
Climer	Cromer	Devine
Gambrell	Goldfinch	Grooms
Kimbrell	Matthews	McElveen
McLeod	Stephens	Tedder

**Total--15**

The amendment was laid on the table.

The question being the second reading of the Bill.

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

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COMMITTEE AMENDMENT ADOPTED  
AMENDED, OBJECTION

H. 3748 -- Reps. Caskey, Wooten, Wetmore, Hartnett, Erickson, W. Newton, Pope, Robbins, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-680, RELATING TO THE UNLAWFUL ALTERATION OR REMOVAL OF BOUNDARY LANDMARKS, SO AS TO CLARIFY THAT THE SECTION PROHIBITS MOVING, ALTERING, DESTROYING, OR REMOVING GEODETIC CONTROL MONUMENTS OR CERTAIN LAND SURVEYING MONUMENTS, TO UPDATE THE PENALTIES FOR VIOLATIONS OF THIS SECTION, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3748.PB0005S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-680(A)(1) and inserting:

(1) "Geodetic control monuments" means those land surveying monuments which are established by federal, state, and local governments, and private entities, the position of which monuments on the earth's surface has been fixed by high-order surveying and computation for use by the land surveyors. Such monuments may be in the form of, but are not limited to, metal, disks set in concrete, rock, or some other fixed permanent object, the horizontal and vertical positions of which have been published by the agency which established the monument and made available to the public as well as to land surveyors and engineers for public use.

Amend the bill further, SECTION 1, by striking Section 16-11-680(A)(2)(e) and inserting:

(e) and such other monuments as may be described in plats, instruments of record, and federal, state, and local law.

Amend the bill further, SECTION 1, by striking Section 16-11-680(B)(1) and inserting:

(B)(1) ~~If any~~ It is unlawful for a person ~~shall to~~ knowingly, wilfully, maliciously or fraudulently with wilful, malicious, or fraudulent intent, move, cut, fell, alter, destroy, or remove any certain boundary tree or other allowed landmark geodetic control monuments or property corner monuments. Proof that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the

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acting party. A such person so offending shall be who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceeding less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding more than thirty days.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (SJ-3748.PB0013S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-680(B)(1) and inserting:

(B)(1) If anyIt is unlawful for a person shall to knowingly, wilfully, maliciously or fraudulentlywith wilful, malicious, or fraudulent intent, move-out, fell, alter, destroy, or remove any certain boundary tree or other allowed landmarkgeodetic control monuments or property corner monuments. Proof that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the acting party. A such person so offending shall be who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one hundred dollars or imprisoned not exceeding thirty days.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The question being the adoption of the amendment.

Senator CASH moved to lay the amendment on the table.

The motion to lay the amendment on the table was withdrawn.

The amendment was carried over.

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Senators M. JOHNSON, CAMPSSEN, MASSEY and GARRETT proposed the following amendment (SJ-3748.PB0012S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-680(B)(1) and inserting:

(B)(1) If anyIt is unlawful for a person ~~shall to knowingly, wilfully,~~ maliciously or fraudulently ~~move-cut, fell,~~ alter, destroy, or remove any certain ~~boundary tree or other allowed landmark~~ geodetic control monuments or property corner monuments. Proof that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the acting party. ~~A such person so offending shall be who violates the provisions of this section is~~ guilty of a misdemeanor and, upon conviction, shall be fined not ~~exceeding~~less than one hundred dollars ~~nor more than five hundred dollars,~~ or imprisoned not ~~exceeding~~more than thirty days, and may be required by the court to make restitution. For the purpose of this section, "restitution" means payment for specific damages and economic losses and expenses sustained by a crime victim resulting from an offender's criminal conduct. Restitution orders do not limit any civil claims a crime victim may file. If the amount of restitution exceeds the magistrates court's limitation on ordering restitution as provided in Section 22-3-550, the court of general sessions has concurrent jurisdiction with the magistrates court and the case may be transferred to the court of general sessions.

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

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

Renumber sections to conform.

Amend title to conform.

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Senator M. JOHNSON explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (SJ-3748.PB0013S):

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-680(B)(1) and inserting:

(B)(1) If any ~~It is unlawful for a person shall to knowingly, wilfully, maliciously or fraudulently~~ with wilful, malicious, or fraudulent intent, move-cut, fell, alter, destroy, or remove any certain boundary tree or other allowed landmark geodetic control monuments or property corner monuments. Proof that a geodetic control device or property corner monument was unintentionally removed, altered, destroyed, or otherwise tampered with is prima facie evidence of non-criminal intent of the acting party. A such person so offending shall be who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one hundred dollars or imprisoned not exceeding thirty days.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The question being the adoption of the amendment.

Senator MALLOY objected to further consideration of the Bill.

**READ THE SECOND TIME**

H. 3776 -- Reps. Bannister, Bamberg, Caskey, Collins, Connell, Elliott, Garvin, Gatch, Guest, Hager, Hart, Henderson-Myers, Hyde, J.E. Johnson, Jordan, McCabe, McCravy, Mitchell, Pope, Robbins, Rose, Rutherford, Stavrinakis, T. Moore, Tedder, W. Newton, Weeks, Wetmore and Wheeler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 14-5-130 RELATING TO JUDGES ABSENTING THEMSELVES FROM THE STATE.

The Senate proceeded to a consideration of the Bill.

Senator TALLEY explained the Bill.

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The question being the second reading of the Bill.

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

**Ayes 45; Nays 0**

**AYES**

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

**Total--45**

**NAYS**

**Total--0**

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

**CARRIED OVER**

H. 3934 -- Rep. Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-29-1625, RELATING TO FEDERAL DEFENSE FACILITIES DEFINITIONS, SO AS TO ADD FORT GORDON TO THE DEFINITION OF "FEDERAL MILITARY INSTALLATIONS".

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

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**COMMITTEE AMENDMENT ADOPTED  
AMENDED, CARRIED OVER**

H. 4187 -- Reps. J.E. Johnson, W. Newton, Robbins, Haddon, Mitchell, Yow, Chapman, Gagnon, Ligon, O'Neal, B. Newton, Sessions, Felder, Blackwell, Oremus and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-13-135, RELATING TO THE OFFENSE OF RETAIL THEFT AND ASSOCIATED PENALTIES, SO AS TO DEFINE NECESSARY TERMS, TO REVISE THE PREVIOUS OFFENSE OF RETAIL THEFT TO CREATE THE OFFENSES OF FELONY ORGANIZED RETAIL CRIME AND FELONY ORGANIZED RETAIL CRIME OF AN AGGRAVATED NATURE, AND TO PROVIDE GRADUATED PENALTIES FOR THE OFFENSES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-4187.SW0006S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-13-135(F)(1)(b) and inserting:

(b) causes moderate bodily injury or great bodily injury to another person. "Moderate bodily injury" and "great bodily injury" have the same meanings as defined in Section 16-3-600.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (SJ-4187.SW0007S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-13-135(E) and inserting:

(E) A person who violates this section commits the offense of organized retail crime and, upon conviction:

(1) for a first offense:

~~(a) for a first offense,~~ is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years, or both; if the value of the retail property is more than two thousand dollars but less than ten thousand dollars and;

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(b) is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than five years, or both, if the value of the retail property is more than ten thousand dollars but less than twenty thousand dollars;

(c) is guilty of a felony and, upon conviction, must be fined not more than twenty thousand dollars or imprisoned for not more than ten years, or both, if the value of the retail property is more than twenty thousand dollars but less than fifty thousand dollars;

(d) is guilty of a felony and, upon conviction, must be fined not more than fifty thousand dollars or imprisoned for not more than twenty years, or both, if the value of the retail property is more than fifty thousand dollars;

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, regardless of the value of the retail property in any offense, must be fined not more than ~~ten~~<sup>ten</sup> fifty thousand dollars or imprisoned for not more than twenty years, or both.

(3) For purposes of this section, multiple offenses occurring within a ninety-day period may be aggregated into a single count with the aggregated value used to determine the total value of the property.

(4) Organized retail crime is a lesser-included offense of organized retail crime of an aggravated nature as provided in subsection (F).

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

### **OBJECTION**

H. 4231 -- Reps. M.M. Smith, Davis, Bernstein, Guest, Brittain, Henegan, B. Newton, Carter, B.L. Cox, Bannister, Herbkersman, Robbins, Schuessler, Hart and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-6-1155, RELATING TO MICRO-DISTILLERIES, SO AS TO PROVIDE THAT A MICRO-DISTILLERY MAY SELL CERTAIN LIQUORS DISTILLED ON THE PREMISES ON SUNDAYS; AND BY AMENDING SECTION 61-6-4160, RELATING TO THE

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PROHIBITION ON THE SALE OF ALCOHOLIC LIQUORS ON CERTAIN DAYS, SO AS TO PROVIDE THAT CERTAIN LOCAL GOVERNING BODIES MAY AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS ON SUNDAYS UNDER CERTAIN CIRCUMSTANCES.

Senator RICE objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION**

H. 4234 -- Reps. W. Newton, Bernstein and Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF "SUPPORTS AND ASSISTANCE"; BY AMENDING SECTION 62-5-103, RELATING TO FACILITY OF PAYMENT OR DELIVERY, SO AS TO CLARIFY THE NATURE OF THE FIFTEEN THOUSAND DOLLAR THRESHOLD; BY AMENDING SECTION 62-5-106, RELATING TO DUTIES OF GUARDIANS AD LITEM, SO AS TO INCREASE THE LENGTH OF TIME THE GUARDIAN AD LITEM HAS TO SUBMIT HIS REPORT PRIOR TO THE HEARING; BY AMENDING SECTION 62-5-108, RELATING TO EMERGENCY AND TEMPORARY ORDERS AND HEARINGS, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; BY AMENDING SECTIONS 62-5-303, 62-5-303A, 62-5-303B, 62-5-303C, AND 62-5-303D, ALL RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; BY AMENDING SECTION 62-5-307, RELATING TO INFORMAL REQUESTS FOR RELIEF, SO AS TO CLARIFY THE WARD'S ABILITY TO SUBMIT CERTAIN REQUESTS TO THE COURT; BY AMENDING SECTION 62-5-401, RELATING TO VENUES, SO AS TO CLARIFY, AMONG OTHER THINGS, THAT, IN THE CASE OF MINOR CONSERVATORSHIPS, PROPER VENUE IS THE COUNTY IN WHICH THE MINOR RESIDES OR OWNS PROPERTY; BY AMENDING SECTION 62-5-403A, RELATING TO SERVICE OF SUMMONS AND PETITIONS, SO AS TO INCLUDE CERTAIN OTHER AFFIDAVITS AND REPORTS AMONG THOSE THAT MUST BE FILED WITH THE PETITION; BY AMENDING SECTION 62-5-403B, RELATING TO THE APPOINTMENT OF COUNSEL AND GUARDIANS, SO AS TO APPOINT NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, NURSES, AND PSYCHOLOGISTS TO SERVE AS

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EXAMINERS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 62-5-403C, RELATING TO HEARINGS AND WAIVERS, SO AS TO REVISE, AMONG OTHER THINGS, CERTAIN PROCEDURES IF NO PARTY REQUESTS A HEARING OR IF THE ALLEGED INCAPACITATED INDIVIDUAL WAIVES HIS RIGHT TO A HEARING; BY AMENDING SECTION 62-5-405, RELATING TO PROTECTIVE ARRANGEMENTS, SO AS TO REVISE CERTAIN ACTS THAT MAY BE PERFORMED BY CONSERVATORS AND SPECIAL CONSERVATORS; BY AMENDING SECTION 62-5-422, RELATING TO POWERS OF CONSERVATORS IN ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES REGARDING THE PAYMENT OF CERTAIN FEES; BY AMENDING SECTION 62-5-426, RELATING TO CLAIMS AGAINST PROTECTED PERSONS, SO AS TO REQUIRE, AMONG OTHER THINGS, THAT THE CLAIMANT ALSO MUST FILE A WRITTEN STATEMENT OF THE CLAIM WITH THE PROBATE COURT IN WHICH THE CONSERVATORSHIP IS UNDER ADMINISTRATION; BY AMENDING SECTION 62-5-428, RELATING TO ACTIONS FOR REQUESTS SUBSEQUENT TO THE APPOINTMENT, SO AS TO, AMONG OTHER THINGS, REVISE CERTAIN ACTIONS THAT THE COURT MAY TAKE AFTER THE TIME FOR RESPONSE TO THE PETITION HAS ELAPSED TO ALL PARTIES SERVED; BY AMENDING SECTION 62-5-433, RELATING TO DEFINITIONS AND PROCEDURES FOR SETTLEMENT OF CLAIMS IN FAVOR OF OR AGAINST MINORS OR INCAPACITATED PERSONS, SO AS TO, AMONG OTHER THINGS, DEFINE “GUARDIAN AD LITEM”; BY AMENDING SECTION 62-5-715, RELATING TO CONFIRMATIONS OF GUARDIANSHIPS OR CONSERVATORSHIPS TRANSFERRED FROM OTHER STATES, SO AS TO ALLOW THE COURT MORE DISCRETION AS TO THE TYPE OF DOCUMENTS IT MAY REQUIRE IN THE TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIP FROM ANOTHER JURISDICTION; AND BY AMENDING SECTION 62-5-716, RELATING TO THE REGISTRATION OF ORDERS FROM ANOTHER STATE, SO AS TO, AMONG OTHER THINGS, ACKNOWLEDGE THAT IN CERTAIN OTHER JURISDICTIONS, A GUARDIAN MAY ALSO HOLD THE SAME POWERS AS A CONSERVATOR.

The Senate proceeded to a consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (SJ-4234.MF0004S), which was adopted:

Amend the bill, as and if amended, SECTION 8, by striking Section 62-5-303C(C) and inserting:

(C) If no party has requested a hearing, there is an agreement among all the parties and the guardian ad litem's report indicates that a hearing would not further the interests of justice, the alleged incapacitated individual may waive his right to a hearing. If the alleged incapacitated individual is unable to communicate to his guardian ad litem his wishes, interests, or preferences regarding the appointment of a guardian or the petition for appointment is not contested, either the attorney for the alleged incapacitated individual or the guardian ad litem, if the attorney has been relieved, shall be allowed to waive his right to a hearing. If the alleged incapacitated individual, his attorney, or his guardian ad litem waives his right to a hearing, the court may:

- (1) require a formal hearing;
- (2) require an informal proceeding as the court shall direct; or
- (3) proceed without a hearing.

~~(B)~~

~~Amend~~ the bill further, by striking SECTION 22 and inserting:

SECTION 22. This act takes effect upon approval by the Governor and its provisions shall apply to all applicable actions, proceedings, and matters filed on and after the effective date.

Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (SR-4234.JG0005S):

Amend the bill, as and if amended, SECTION 4, by striking Section 62-5-108(A)(1)(a) and inserting:

(a) If emergency relief is required to protect the welfare of an alleged incapacitated individual requested, the moving party must present evidence of the emergency and of the individual's incapacity to the court's satisfaction including, but not limited to, an affidavit from a physician or nurse practitioner, or at the discretion of the court, or a physician assistant who has performed an examination within thirty days prior to the filing of the action. Additionally, the moving party shall file

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a motion for the appointment of counsel if counsel has not been retained for an alleged incapacitated individual, and a motion for the appointment of a ~~proposed qualified individual to serve as guardian ad litem~~.

Amend the bill further, SECTION 4, by striking Section 62-5-108(B)(2)(a) and inserting:

(a) If temporary relief is ~~required to protect the welfare of an alleged incapacitated individual, in addition to the requirements set forth above in subsection (B)(2) requested~~, the moving party shall present evidence of the need for temporary relief and of incapacity, including without limitation, an affidavit from a physician or nurse practitioner, or, at the discretion of the court, or a physician assistant who has performed an examination within the previous forty-five days prior to the filing of the action, a motion for the appointment of counsel if counsel has not been retained, and a motion for appointment of a proposed qualified individual to serve as guardian ad litem.

Amend the bill further, SECTION 6, by striking Section 62-5-303A(A)(3) and inserting:

(3) any affidavits or physician's or nurse practitioner's reports, or, at the discretion of the court, the report of a physician assistant filed with the petition.

Amend the bill further, SECTION 7, by striking Section 62-5-303B(b) and inserting:

(b) one examiner, who must be a physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, to examine the alleged incapacitated individual and file a notarized report setting forth his evaluation of the condition of the alleged incapacitated individual in accordance with the provisions set forth in Section 62-5-303D. Unless the guardian ad litem or the alleged incapacitated individual objects, if a physician's or nurse practitioner's notarized report or, at the discretion of the court, or the report of a physician assistant is filed with the petition and served upon the alleged incapacitated individual and all interested parties with the petition, then the court may appoint such physician as the examiner. Upon the court's own motion or upon request of the initial examiner, the alleged incapacitated individual, or his guardian ad litem, the court may appoint a second examiner, who must be a physician, physician assistant, nurse, nurse practitioner, social worker, or psychologist.

Amend the bill further, SECTION 12, by striking Section 62-5-403A(3) and inserting:

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(3) any affidavits or physicians' or nurse practitioners' reports, at the discretion of the court, the report of a physician assistant, -filed with the petition.

Amend the bill further, SECTION 13, by striking Section 62-5-403B(b) and inserting:

(b) except in cases governed by Section 62-5-431 relating to benefits from the VA, one examiner, who must be a physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, -to examine the alleged incapacitated individual and file a notarized report setting forth his evaluation of the condition of the alleged incapacitated individual in accordance with the provisions set forth in Section 62-5-403D. Unless the guardian ad litem or the alleged incapacitated individual objects, if a physician's or nurse practitioner's notarized report, or, at the discretion of the court, may be a physician assistant, -is filed with the petition and served upon the alleged incapacitated individual and all interested parties with the petition, then the court may appoint that physician or nurse practitioner, or, at the discretion of the court, may be a physician assistant, -as the examiner. Upon the court's own motion or upon request of the initial examiner, the alleged incapacitated individual, or his guardian ad litem, the court may appoint a second examiner, who must be a physician, physician assistant, nurse practitioner, nurse, social worker, or psychologist. No appointment of examiners is required when the basis for the petition is that the individual is confined, detained, or missing.

Amend the bill further, SECTION 16, by striking Section 62-5-422(B)(11) and inserting:

(11) pay a reasonable fee to the conservator, special conservator, guardian ad litem, attorney, examiner, ~~or physician, physician assistant, or nurse practitioner~~-for services rendered;

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

Senator DEVINE spoke on the amendment.

Senator DEVINE moved to lay the amendment on the table.

The question being to lay the amendment on the table.

Senator MARTIN objected to further consideration of the Bill.

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**OBJECTION**

H. 4248 -- Reps. Rose and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-4-50, RELATING TO THE SALE OF BEER, ALE, PORTER, OR WINE TO UNDERAGED PERSONS, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE; AND BY AMENDING SECTION 61-6-4080, RELATING TO THE SALE OF ALCOHOLIC LIQUORS TO AN UNDERAGED PERSON, SO AS TO PROVIDE FOR A CONDITIONAL DISCHARGE.

Senator CASH objected to consideration of the Bill.

**OBJECTION**

H. 4304 -- Reps. Connell, Mitchell, Yow, Murphy, Elliott, Robbins, Collins, Pope and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-75-30 SO AS TO PERMIT PARENTAL AND FILIAL CONSORTIUM CLAIMS.

Senator TURNER objected to consideration of the Bill.

**OBJECTION**

H. 4563 -- Reps. Bernstein, J.L. Johnson and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-11-345 SO AS TO CLARIFY THE POWER OF SPECIAL PURPOSE DISTRICTS TO OWN, ACQUIRE, PURCHASE, HOLD, USE, LEASE, CONVEY, SELL, TRANSFER, OR OTHERWISE DISPOSE OF PROPERTY IN FURTHERANCE OF CERTAIN FUNCTIONS, TO PROVIDE THESE POWERS ARE IN ADDITION TO POWERS AND AUTHORIZATIONS PREVIOUSLY VESTED IN SUCH DISTRICTS, AND DEFINE NECESSARY TERMINOLOGY.

Senator ALEXANDER objected to consideration of the Bill.

**OBJECTION**

H. 4611 -- Reps. Hixon, Pope, Chapman, Taylor, Hardee, Brewer, Robbins, Gatch and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-11-785 SO AS TO PROHIBIT THE UNLAWFUL REMOVAL OR DESTRUCTION OF ELECTRONIC COLLARS OR OTHER ELECTRONIC DEVICES PLACED ON DOGS BY THEIR OWNERS AND TO PROVIDE PENALTIES.

Senator ALEXANDER objected to consideration of the Bill.

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**OBJECTION**

H. 4617 -- Reps. Hixon, Davis, M.M. Smith, Bannister, Pope, Wooten, Haddon, Brewer, Burns, Thayer, Kirby, Oremus, Hager, Hyde, Sessions, Carter, McDaniel, Magnuson, Hayes, W. Newton, Bauer, Trantham, J.L. Johnson, Henegan, Guffey, Chapman, Leber, Kilmartin, Robbins, Felder, Jefferson, Caskey, Ligon and Vaughan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-230, RELATING TO SCHEDULE III CONTROLLED SUBSTANCES, SO AS TO ADD XYLAZINE AS A SCHEDULE III CONTROLLED SUBSTANCE, WITH EXCEPTIONS; AND BY ADDING SECTION 44-53-372 SO AS TO PROHIBIT THE PRODUCTION, MANUFACTURE, DISTRIBUTION, OR POSSESSION OF XYLAZINE, WITH EXCEPTIONS, AND TO ESTABLISH ASSOCIATED CRIMINAL PENALTIES.

Senator ALEXANDER objected to consideration of the Bill.

**OBJECTION**

H. 4754 -- Reps. Sandifer and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 9 TO CHAPTER 57, TITLE 40 SO AS TO OUTLINE REQUIREMENTS FOR PROVIDERS OF PRELICENSING AND CONTINUING EDUCATION COURSES FOR REAL ESTATE BROKERS, BROKERS-IN-CHARGE, ASSOCIATES, AND PROPERTY MANAGERS; BY ADDING SECTION 40-57-725 SO AS TO ESTABLISH ADMINISTRATIVE CITATIONS AND PENALTIES AND APPEALS; AND BY AMENDING CHAPTER 57, TITLE 40, RELATING TO REAL ESTATE BROKERS, BROKERS-IN-CHARGE, ASSOCIATES, AND PROPERTY MANAGERS, SO AS TO, AMONG OTHER THINGS, DEFINE TERMS, MAKE CONFORMING CHANGES, DEFINE THE USE OF APPLICATION FEES, OUTLINE THE PROCEDURE FOR A LICENSE CLASSIFICATION CHANGE, ALLOW FOR RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS, PROHIBIT BAD FAITH AGREEMENTS, REDUCE THE AMOUNT OF REQUIRED CLASSROOM INSTRUCTION FOR BROKERS-IN-CHARGE, PROHIBIT ENGAGING IN, REPRESENTING OTHERS IN, OR ASSISTING OTHERS IN THE PRACTICE OF WHOLESALING, REGULATE TEAM MARKETING, AND ADDRESS LICENSING AFTER REVOCATION.

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Senators GUSTAFSON and SHEALY objected to consideration of the Bill.

**OBJECTION**

H. 4817 -- Reps. West and G.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-17-500, RELATING TO THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO MINORS WITHOUT PROOF OF AGE AND THE LOCATION OF VENDING MACHINES, SO AS TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS AND TO REQUIRE INDIVIDUALS SEEKING TO PURCHASE TOBACCO PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS TO PRESENT PROOF OF AGE UPON DEMAND, AND TO ALLOW THE PURCHASE OF TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS FROM VENDING MACHINES IN CERTAIN ESTABLISHMENTS.

Senator ALEXANDER objected to consideration of the Bill.

**OBJECTION**

H. 4820 -- Reps. Forrest, Hixon, Hayes, Chumley, Burns, Haddon, Magnuson, Chapman, McDaniel and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-580, RELATING TO THE SEASON FOR HUNTING AND TAKING MALE WILD TURKEYS, BAG LIMITS, TAKING FEMALE WILD TURKEYS, AND ANNUAL REPORTING, SO AS TO ADJUST THE HUNTING AND LIMIT FOR TAKING MALE WILD TURKEYS; AND TO PROVIDE A SUNSET PROVISION.

Senator ALEXANDER objected to consideration of the Bill.

**OBJECTION**

H. 4825 -- Reps. Hewitt, Murphy, W. Newton, Brewer, Gatch, Robbins, Kirby, Mitchell, Crawford, Yow, Bailey, Pope, Guest, Hartnett, West, Oremus, Leber, Williams, Jefferson, Gilliard, Schuessler, Landing, Bustos, Calhoon, Gilliam, Gibson, M.M. Smith, B. Newton and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-910, RELATING TO OFFENSES INVOLVING KIDNAPPING, SO AS TO INCLUDE UNLAWFULLY LURING ANOTHER PERSON, TO PROVIDE FOR A SENTENCING ENHANCEMENT WHEN THE VICTIM IS A MINOR, TO SPECIFICALLY PROVIDE FOR

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**PUNISHMENT FOR ATTEMPTED KIDNAPPING OFFENSES, AND TO DEFINE THE TERM “MINOR”.**

Senator MASSEY objected to consideration of the Bill.

**OBJECTION**

H. 4867 -- Reps. Lawson, Hayes, G.M. Smith, Moss, Hiott, Blackwell, B.L. Cox, Caskey, M.M. Smith, Hart, Sandifer, J.E. Johnson, Brittain and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-23-45 SO AS TO REQUIRE ALL 911 TELECOMMUNICATORS WHO PROVIDE DISPATCH FOR EMERGENCY MEDICAL CONDITIONS TO BE TRAINED IN HIGH-QUALITY TELECOMMUNICATOR CARDIOPULMONARY RESUSCITATION (T-CPR).

Senator MASSEY objected to consideration of the Bill.

**OBJECTION**

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

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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

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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

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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.

Senators GUSTAFSON and SHEALY objected to consideration of the Bill.

**OBJECTION**

H. 5042 -- Reps. B.L. Cox, J.L. Johnson, Murphy, Sessions, Cobb-Hunter, Kirby, Brewer, Garvin, Henegan, M.M. Smith, Jefferson, Rivers, McDaniel, Davis, Haddon, King, Gilliard, Stavrinakis, Bauer, West, Wetmore, T. Moore, Thigpen, Chapman, Schuessler, Pope, Guffey, Dillard, W. Jones, Pendarvis, G.M. Smith, Weeks, Wheeler, Williams, S. Jones, J. Moore, O'Neal, B. Newton, Neese, Lawson, Atkinson, Hayes, W. Newton, Bannister, Caskey, Hyde, J.E. Johnson, Hiott, Brittain, Hartnett, Mitchell, Yow, Gagnon, Carter, Guest, Gatch, Crawford, Ott, Rutherford, Leber, Hixon, Herbkersman, Anderson, Bailey, Elliott, Gilliam, Calhoon, Wooten, Forrest, Pedalino, Jordan, Bustos, Bamberg, Bernstein, Clyburn, Hosey, Henderson-Myers, Howard, Vaughan, Beach, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 10-1-185 SO AS TO ESTABLISH ON THE GROUNDS OF THE STATE HOUSE A ROBERT SMALLS MONUMENT, CREATE A COMMISSION TO DETERMINE THE DESIGN AND LOCATION OF THE MONUMENT, PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND SUNSET THE COMMISSION AT A DATE CERTAIN.

Senator TALLEY objected to consideration of the Bill.

**Motion Adopted**

On motion of Senator MASSEY, under Rule 32A, the Senate agreed to vary the order of the day.

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**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Chester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Michael H. Lifsey, 168 York Street, Chester, SC 29706-1487 *VICE*  
Angela Boyd

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Jason Thomas Wall, 180 Magnolia Street, Spartanburg, SC 29306-2359

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Kenneth Sanders, 619 Whitestone Road, Spartanburg, SC 29302-5322

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Timothy Jerome Hall, 145 Westmeath Dr., Moore, SC 29369-9023

Initial Appointment, Edgefield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Gladys Mason, P. O. Box 23, Trenton, SC 29847-0023

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Roderick Todd, P. O. Box 1528, Camden, SC 29021-8528

Reappointment, Kershaw County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James Davis, P.O. Box 1528, Camden, SC 29021-8528

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Roneeka Allyce Bailey, 208 Gadsden Street, Columbia, SC 29201-4214

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Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Keith Sherlin, 1305 North Blackstock Road, Landrum, SC 29356-9117

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 11:00 A.M.

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senators CROMER, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, DAVIS, DEVINE, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TEDDER, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Emily Crim Shuler of West Columbia, S.C. Emily was an active member of Broadacres Baptist Church where she was one of the founding members of the Super Seniors monthly program. She was an outstanding seamstress and an excellent cook who had a passion for helping seniors. Emily enjoyed visiting shut-ins, writing cards, hosting fellowships and making quilts. Emily was a loving sister and devoted grandmother who will be dearly missed.

and

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**MOTION ADOPTED**

On motion of Senators CROMER, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, DAVIS, DEVINE, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McELVEEN, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TEDDER, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael Don Wise of Orangeburg, S.C. Don was a graduate of Airport High School and earned a BS degree from the University of South Carolina. He retired from UPS after thirty-three years of service where he was inducted into the Circle of Honor. Don enjoyed hunting, fishing, flying radio-controlled airplanes, reading and listening to old gospel music. Don was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 6:45 P.M., on motion of Senator TEDDER, the Senate adjourned to meet tomorrow at 11:00 A.M.

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