

NO. 64

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

THURSDAY, MAY 1, 2025

Thursday, May 1, 2025
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:45 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Psalm 54:2

We yet again turn to the Psalmist, hearing his proclamation: "Hear my prayer, O God; listen to the words of my mouth."

Join your heart with mine as we pray: Eternal Father, heavenly Lord, today on this National Day of Prayer we can't help but muse upon one of the rich blessings we relish here in the United States: the freedom to pray. And so we pray, O God, finding comfort, hope, peace and renewal in our moments of personal and corporate prayer, even here within this Chamber, here at this state government complex, here in this State and in this Nation we love. And my prayer is that none of us in this place will ever be foolishly complacent or overly casual about our opportunities to bow before You whenever we can -- seeking Your guidance, offering thanksgiving, desperate for comfort. Truly, thank You for calling us to pray; may we never fail to do so. In Your wondrous and loving name we do pray, O Lord. Amen.

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

RECESS

At 10:55 A.M., The Senate receded from business for the purpose of attending the Joint Assembly.

JOINT ASSEMBLY

Elections

At 11:00 A.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

H. 4348 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO FIX ELEVEN O'CLOCK A.M. ON MAY 1, 2025, AS THE TIME

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TO ELECT A MEMBER TO THE PUBLIC SERVICE COMMISSION FOR THE SECOND CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2026; TO ELECT A MEMBER TO THE PUBLIC SERVICE COMMISSION FOR THE FOURTH CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2026; AND TO ELECT A MEMBER TO THE PUBLIC SERVICE COMMISSION FOR THE SIXTH CONGRESSIONAL DISTRICT FOR A TERM EXPIRING ON JUNE 30, 2026.

Election to the Public Service Commission, Seat 2

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 2.

Representative Herbkersman, Chairman of the Screening Committee, indicated that Florence P. Belser and Richard N. McIntyre had been screened and found qualified to serve and placed their names in nomination.

On motion of Representative Herbkersman, the name of Richard N. McIntyre was withdrawn from consideration.

Representative Herbkersman moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Florence P. Belser was elected to the Public Service Commission, Seat 2 for the term to expire June 30, 2026.

Election to the Public Service Commission, Seat 4

The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 4.

Representative Herbkersman, Chairman of the Screening Committee, indicated that H. David Britt had been screened and found qualified to serve and placed his name in nomination.

Representative Herbkersman moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable H. David Britt was elected to the Public Service Commission, Seat 4 for the term to expire June 30, 2026.

Election to the Public Service Commission, Seat 6

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The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Seat 6.

Representative Herbkersman, Chairman of the Screening Committee, indicated that Justin T. Williams had been screened and found qualified to serve and placed his name in nomination.

Representative Herbkersman moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Justin T. Williams was elected to the Public Service Commission, Seat 6 for the term to expire June 30, 2026.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 11:15 A.M., the Senate resumed.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Elliott	Garrett	Goldfinch
Graham	Grooms	Hutto
Johnson	Kennedy	Kimbrell
Leber	Massey	Nutt
Ott	Peeler	Rankin
Reichenbach	Rice	Sabb
Stubbs	Sutton	Tedder
Turner	Verdin	Young
Zell		

A quorum being present, the Senate resumed.

REGULATION WITHDRAWN AND RESUBMITTED

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The following was received:

Document No. 5342

Agency: Department of Public Health

Chapter: 60

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

SUBJECT: Residential Treatment Facilities for Children and Adolescents

Received by President of the Senate January 14, 2025

Referred to Medical Affairs Committee

Legislative Review Expiration January 18, 2026

Withdrawn and Resubmitted May 1, 2025

Leave of Absence

On motion of Senator BENNETT, at 11:40 A.M., Senator HEMBREE was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator GOLDFINCH, at 11:40 A.M., Senator GAMBRELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator DAVIS, at 11:42 A.M., Senator MARTIN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 11:42 A.M., Senator MATTHEWS was granted a leave of absence until 12:42 P.M.

Leave of Absence

On motion of Senator SABB, at 12:24 P.M., Senator WALKER was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

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

S. 143 Sens. Hutto, Jackson and Graham

S. 439 Sens. Climer, Adams and Zell

S. 632 Sen. Jackson

RECALLED

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H. 4231 -- Rep. Mitchell: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME KEYS LANE IN KERSHAW COUNTY FROM OLD GEORGETOWN ROAD TO PROVIDENCE ROAD "LEONARD L. PRICE MEMORIAL LANE" 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. 4243 -- Reps. Anderson and Hewitt: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF EXODUS DRIVE IN GEORGETOWN COUNTY (SOUTH CAROLINA HIGHWAY #S-264), BEGINNING WITH ITS INTERSECTION AT NORTH FRASER STREET (UNITED STATES HIGHWAY 701), SPANNING APPROXIMATELY 7.97 MILES, AND ENDING AT A SECOND INTERSECTION WITH UNITED STATES HIGHWAY 701 "JOHNNY MORANT HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

RECALLED

H. 4296 -- Reps. Mitchell, Gilliam, Yow and T. Moore: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-1-90, RELATING TO SERVICE WITHIN THE STATE OF MILITARY FORCES FROM ANOTHER STATE, SO AS TO REMOVE A REFERENCE TO THE UNITED STATES ARMY; BY AMENDING SECTION 25-1-510, RELATING TO SOUTH CAROLINA NATIONAL GUARD APPOINTMENTS, SO AS TO REMOVE CERTAIN AGE REQUIREMENTS; BY AMENDING

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SECTION 25-1-1330, RELATING TO ANNUAL SETTLEMENTS FOR FEDERAL AND STATE PROPERTY, SO AS TO REMOVE REFERENCES TO FEDERAL PROPERTY; BY AMENDING SECTION 25-1-1370, RELATING TO ALLOWANCES FOR MAINTENANCE, SO AS TO REMOVE A REQUIREMENT THAT UNITS ARE ENTITLED TO CERTAIN MAINTENANCE FUND ALLOWANCES; BY AMENDING SECTION 42-7-40, RELATING TO APPLICATION TO THE STATE, SO AS TO PROVIDE FOR OTHER PERSONS CALLED INTO ACTIVE MILITARY SERVICE; BY AMENDING SECTION 42-7-65, RELATING TO AVERAGE WEEKLY WAGES DESIGNATED FOR CERTAIN CATEGORIES OF EMPLOYEES, SO AS TO PROVIDE FOR OTHER PERSONS CALLED INTO ACTIVE MILITARY SERVICE; BY AMENDING SECTION 42-7-75, RELATING TO STATE AGENCIES' REQUIREMENT TO PAY WORKERS' COMPENSATION PREMIUMS, SO AS TO PROVIDE THAT THE ADJUTANT GENERAL MAY USE CERTAIN METHODS FOR PAYING WORKERS' COMPENSATION PREMIUMS IN CERTAIN CASES; BY REPEALING SECTION 25-1-360 RELATING TO RULES AND REGULATIONS; BY REPEALING SECTION 25-1-380 RELATING TO THE ASSISTANT ADJUTANT GENERAL FOR ARMY; BY REPEALING SECTION 25-1-390 RELATING TO THE ASSISTANT ADJUTANT GENERAL FOR AIR; BY REPEALING SECTION 25-1-410 RELATING TO AUDITS AND ALLOWANCES OF DEPARTMENT EXPENSES; BY REPEALING SECTION 25-1-560 RELATING TO PUBLICATIONS OF RELATIVE RANK LIST OF OFFICERS; BY REPEALING SECTION 25-1-580 RELATING TO OFFICERS IN COMMAND OF SUBORDINATE OR DETACHED UNITS OR DIFFERENT UNITS ON DUTY TOGETHER; BY REPEALING SECTION 25-1-810 RELATING TO PROMOTIONS UNDER THE FEDERAL PERSONNEL ACT; BY REPEALING SECTION 25-1-830 RELATING TO OFFICER SELECTION BOARDS; BY REPEALING SECTION 25-1-860 RELATING TO VACANCIES IN STAFF OF HEADQUARTERS AND HEADQUARTERS DETACHMENT; BY REPEALING SECTION 25-1-870 RELATING TO VACANCIES IN GRADE OF MAJOR GENERAL; BY REPEALING SECTION 25-1-880 RELATING TO VACANCIES IN GRADE OF BRIGADIER GENERAL; BY REPEALING SECTION 25-1-890 RELATING TO VACANCIES IN GRADE OF COLONEL; BY REPEALING SECTION 25-1-930 RELATING TO VACANCIES IN GRADE OF WARRANT OFFICER;

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BY REPEALING SECTION 25-1-1350 RELATING TO REQUIREMENTS FOR SHARING IN APPROPRIATIONS; AND BY REPEALING SECTION 25-1-3105 RELATING TO MEMBERS OF THE MILITARY FORCES TO SERVE AT THE PLEASURE OF THE ADJUTANT GENERAL.

Senator YOUNG asked unanimous consent to make a motion to recall the Bill from the Committee on Family and Veterans' Services.

The Bill was recalled from the Committee on Family and Veterans' Services and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4307 -- Rep. B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-350, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO COMBINE CERTAIN PRECINCTS AND REDESIGNATE MAP NUMBERS ON WHICH THESE PRECINCTS ARE DESIGNATED.

Senator BLACKMON asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4322 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF THE INTERSTATE HIGHWAY 26/UNITED STATES HIGHWAY 76 BRIDGE THAT CROSSES INTERSTATE HIGHWAY 20 IN RICHLAND COUNTY "SOLOMON-GIBBONS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE 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

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H. 4402 -- Rep. Herbkersman: A JOINT RESOLUTION TO SUSPEND THE PROVISION IN SECTION 58-3-20(C) THAT PROHIBITS THE GENERAL ASSEMBLY FROM HOLDING AN ELECTION UNTIL A FINAL DETERMINATION IS MADE BY THE COURTS REGARDING ITS REVIEW OF CONGRESSIONAL DISTRICTS FOR CALENDAR YEARS 2025 AND 2026; AND TO SUSPEND SECTION 2-20-15 FOR ELECTIONS BY THE GENERAL ASSEMBLY FOR MEMBERS OF THE PUBLIC SERVICE COMMISSION DURING CALENDAR YEARS 2025 AND 2026.

Senator RANKIN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Judiciary.

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

Privilege of the Chamber

On motion of Senator GROOMS, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Ms. Carolyn Mitchum Umphlett for a presentation of the Order of the Palmetto in recognition of her exemplary service to the State of South Carolina upon her retirement.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 631 -- Senator Walker: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-535, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE OF CERTAIN SEX OFFENDERS, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A SEX OFFENDER TO RESIDE WITHIN ONE THOUSAND FEET OF A BUS STOP; AND TO PROVIDE THAT OWNERS OR RENTERS OF IMPACTED PROPERTY NOT BE REQUIRED TO RELOCATE IF THEY OWNED OR RENTED THE PROPERTY BEFORE THE EFFECTIVE DATE OF THIS ACT.

smin-0010kr25.docx

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

S. 632 -- Senators Bennett, Alexander, Peeler, Rankin, Williams, Grooms and Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-17-10, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITIONS OF

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"LOBBYING," "LOBBYIST," "PUBLIC BODY," "PUBLIC EMPLOYEE," AND "PUBLIC OFFICIAL," AND TO ADD THE DEFINITIONS OF "COVERED LOCAL GOVERNING BODY ACTIONS" AND "LOCAL GOVERNING BODY"; BY AMENDING SECTION 2-17-15, RELATING TO PERSONS PROHIBITED FROM SERVING AS LOBBYISTS, SO AS TO INCLUDE MEMBERS OF LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-20, RELATING TO REGISTRATION OF LOBBYISTS, SO AS TO INCLUDE COVERED LOCAL GOVERNING BODY ACTIONS AND TO REQUIRE THE STATE ETHICS COMMISSION TO PUBLISH AN ONLINE LIST OF REGISTERED LOBBYISTS; BY AMENDING SECTION 2-17-25, RELATING TO REGISTRATION OF LOBBYISTS' PRINCIPALS, SO AS TO INCLUDE COVERED LOCAL GOVERNING BODY ACTIONS AND TO REQUIRE THE STATE ETHICS COMMISSION TO PUBLISH AN ONLINE LIST OF REGISTERED LOBBYISTS' PRINCIPALS; BY AMENDING SECTION 2-17-30, RELATING TO REPORTING OF LOBBYISTS' ACTIVITIES, SO AS TO INCLUDE LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-35, RELATING TO LOBBYISTS' PRINCIPALS' REPORTING OF LOBBYING EXPENDITURES, SO AS TO INCLUDE LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-40, RELATING TO STATE AGENCY OR DEPARTMENT REPORTING OF LOBBYING ACTIVITIES, SO AS TO INCLUDE LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-45, RELATING TO REPORTS REQUIRED OF CERTAIN ENTITIES, SO AS TO INCLUDE LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-80, RELATING TO PROHIBITED ACTS FOR LOBBYISTS, PUBLIC OFFICIALS, AND EMPLOYEES, SO AS TO INCLUDE LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-90, RELATING TO ACTS PROHIBITED OF LOBBYISTS' PRINCIPALS, PUBLIC OFFICIALS, AND EMPLOYEES AND DISCLOSURE REQUIREMENTS, SO AS TO INCLUDE LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-100, RELATING TO PUBLIC OFFICIALS AND EMPLOYEES SPEAKING ENGAGEMENTS, SO AS TO INCLUDE THE CHAIRMEN OF LOCAL GOVERNING BODIES; BY AMENDING SECTION 2-17-110, RELATING TO ADDITIONAL ACTS PROHIBITED OF LOBBYISTS AND LOBBYISTS' PRINCIPALS, PUBLIC OFFICIALS, AND PUBLIC EMPLOYEES, SO AS TO INCLUDE LOCAL GOVERNING BODIES; AND BY AMENDING SECTION 2-17-130, RELATING TO PENALTIES FOR

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VIOLATIONS OF PROVISIONS OF THIS CHAPTER, SO AS TO INCLUDE LOCAL GOVERNING BODIES.

lc-0151ha25.docx

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

S. 633 -- Senators Bennett, Adams, Alexander, Allen, Blackmon, Campsen, Cash, Chaplin, Climer, Corbin, Cromer, Davis, Devine, Elliott, Fernandez, Gambrell, Garrett, Goldfinch, Graham, Grooms, Hembree, Hutto, Jackson, Johnson, Kennedy, Kimbrell, Leber, Martin, Massey, Matthews, Nutt, Ott, Peeler, Rankin, Reichenbach, Rice, Sabb, Stubbs, Sutton, Tedder, Turner, Verdin, Walker, Williams, Young and Zell: A CONCURRENT RESOLUTION TO DECLARE NOVEMBER 2025 AS "LUNG CANCER AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA.

lc-0272vr-rm25.docx

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

S. 634 -- Senator Adams: A SENATE RESOLUTION TO RECOGNIZE AND THANK LANIESHA WILLIAMS-FLOOD FOR IMPLEMENTING THE LIKE A BOSS MENTORING PROGRAM AT SANGAREE MIDDLE SCHOOL IN LADSON.

lc-0328sa-rm25.docx

The Senate Resolution was adopted.

S. 635 -- Senator Corbin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. KEVIN P. LEWIS FOR HIS CONTRIBUTIONS TO THE FIELD OF CHIROPRACTIC CARE.

sr-0346km-hw25.docx

The Senate Resolution was adopted.

S. 636 -- Senator Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-645, RELATING TO ROAD USE FEES FOR VEHICLES POWERED BY ELECTRICITY, HYDROGEN, AND FUELS OTHER THAN MOTOR FUEL, SO AS TO INCREASE THE BIENNIAL ROAD USE FEES FOR ALTERNATIVE FUEL AND HYBRID VEHICLES.

sf-0022aa25.docx

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

S. 637 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-36-330,

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RELATING IN PART TO A STATEWIDE PLAN ON ADDRESSING ALZHEIMER'S DISEASE, SO AS TO REQUIRE THE USE OF CERTAIN DATA IN THE STATEWIDE PLAN AND TO PROVIDE FOR FUNDING.

lc-0265vr25.docx

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

H. 3089 -- Rep. Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-7-395 SO AS TO REQUIRE HOSPITALS AND OTHER MEDICAL PROVIDERS TO FILE AN INSURANCE CLAIM WITH A PATIENT'S HEALTH INSURER FOR REIMBURSEMENT OF MEDICAL COSTS AND EXPENSES.

lc-0042vr25.docx

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

H. 3214 -- Reps. Chumley, Magnuson, Taylor, Forrest, Hixon, Cromer and Gilreath: A JOINT RESOLUTION TO PROVIDE A THREE-YEAR PILOT PROGRAM ESTABLISHING PUBLIC SCHOOL-BASED COMMUNITY CANNERIES WHERE MEMBERS OF THE GENERAL PUBLIC MAY BRING LOCALLY GROWN PRODUCE TO BE CANNED FOR THEIR PERSONAL USE, AND TO PROVIDE RELATED RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION AND CLEMSON EXTENSION AGENCY.

lc-0067wab25.docx

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

H. 3223 -- Rep. Bailey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 69, TITLE 40 SO AS TO PROVIDE DEFINITIONS AND REQUIREMENTS CONCERNING THE USE OF TELEHEALTH FOR VETERINARY SERVICES; AND BY AMENDING SECTION 40-69-20, RELATING TO DEFINITIONS CONCERNING THE BOARD OF VETERINARY MEDICAL EXAMINERS, SO AS TO REMOVE AN OBSOLETE DEFINITION.

lc-0021wab25.docx

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

H. 3758 -- Reps. Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-1-435, RELATING TO THE RELIGIOUS VIEWPOINTS

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ANTIDISCRIMINATION ACT, SO AS TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT AND IMPLEMENT CERTAIN POLICIES CONCERNING LIMITED PUBLIC FORUMS AND VOLUNTARY STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS BEFORE THE 2026-2027 SCHOOL YEAR, AND TO PROVIDE A MODEL POLICY THAT SCHOOLS MAY ADOPT AND IMPLEMENT TO ENSURE COMPLIANCE WITH THESE POLICY REQUIREMENTS.

lc-0179wab25.docx

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

H. 3949 -- Reps. King, Duncan and Garvin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-614 SO AS TO DESIGNATE "DUM SPIRO SPERO" TRANSLATED AS "WHILE I BREATHE, I HOPE" AS THE OFFICIAL CHORAL ANTHEM OF THE STATE.

lc-0238sa25.docx

Read the first time and referred to the Committee on Family and Veterans' Services.

H. 3950 -- Reps. Hixon and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-65-40, RELATING TO PERSONS EXEMPT FROM LICENSURE AS PROFESSIONAL SOIL CLASSIFIERS, SO AS TO EXEMPT LICENSED PROFESSIONAL ENGINEERS PERFORMING SOIL EVALUATIONS IN CONNECTION WITH CONVENTIONAL ONSITE WASTEWATER SYSTEMS, AND TO PROVIDE THESE ENGINEERS MUST HAVE CERTAIN TRAINING, BONDING, AND INSURANCE.

lc-0282wab25.docx

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3967 -- Reps. Haddon, Ligon, Brewer, Bannister, Forrest, Herbkersman, Hixon, Duncan and Sanders: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-23-185 SO AS TO DEFINE "BIOMASS" AND OTHER RELEVANT TERMS; TO REQUIRE THAT ENERGY PRODUCED FROM CERTAIN SOURCES BE CONSIDERED CARBON NEUTRAL AND FROM OTHER SOURCES CARBON NEGATIVE; AND FOR OTHER PURPOSES.

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lc-0155vr25.docx

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

H. 4257 -- Reps. J. E. Johnson, Lowe, Mitchell, Yow, Brittain, Jordan, B. Newton, Caskey, Gilliam, Rankin, Schuessler, Hayes, Guest, Crawford, Gagnon, McCabe, Pedalino and Hiott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-5-65, RELATING TO THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION SHALL ESTABLISH A UNIFORM SYSTEM OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT, SO AS TO PROVIDE THIS SYSTEM MUST REQUIRE SCHOOL ADMINISTRATORS TO APPROVE STUDENT ABSENCES FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES AUTHORIZED BY THE SCHOOL OR SCHOOL DISTRICT REGARDLESS OF WHETHER THE ACTIVITY IS SANCTIONED BY THE SOUTH CAROLINA HIGH SCHOOL LEAGUE OR OTHER INTERSCHOLASTIC SANCTIONING ORGANIZATION; AND BY AMENDING SECTION 59-65-90, RELATING TO RULES AND REGULATIONS THAT THE STATE BOARD OF EDUCATION SHALL ESTABLISH TO DEFINE LAWFUL AND UNLAWFUL ABSENCES UNDER COMPULSORY ATTENDANCE STATUTES, SO AS TO MAKE CONFORMING CHANGES.

lc-0354wab25.docx

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

H. 4474 -- Reps. Jordan, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor,

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Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF THE HONORABLE RALPH KING ANDERSON JR. OF FLORENCE COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

lc-0239dg-rm25.docx

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

REPORT OF STANDING COMMITTEE

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3292 -- Reps. Hixon, Pedalino, W. Newton, Forrest, B.L. Cox, Erickson, Taylor, Hartz, Atkinson and Pace: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-2-105, RELATING TO GOLF CART PERMITS AND THE OPERATION OF GOLF CARTS, SO AS TO PROVIDE CERTAIN MUNICIPALITIES AND COUNTIES MAY ENACT ORDINANCES TO ALLOW GOLF CARTS TO OPERATE IN DESIGNATED AREAS WITHIN THEIR JURISDICTIONS AT NIGHT.

Ordered for consideration tomorrow.

Appointments Reported

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2024, and to expire June 9, 2027

Proprietary Nursing Home Administrator:

Dennis Lofe, 41 Fernie Lane, Rembert, SC 29128 *VICE* Julius B. Kinney, Jr.

Received as information.

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Initial Appointment, State Board of Examiners in Speech-Language Pathology and Audiology, with the term to commence June 1, 2022, and to expire June 1, 2026

Public:

Michael Leonard, 519 Capital Place, Columbia, SC 29205-2611 *VICE*
Elizabeth Bunge

Received as information.

Initial Appointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2023, and to expire September 30, 2026

Occupational Therapist:

Megan Dubose, 21 Calhoun Street, Sumter, SC 29150 *VICE* Todd A. Laliberte

Received as information.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2025, and to expire June 30, 2031

7th Congressional District - Pharmacist:

Jarrod Tippins, PharmD, 524 Ridgewood Dr., Florence, SC 29501
VICE Archie L. McKnight II

Received as information.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2025, and to expire June 30, 2031

5th Congressional District - Pharmacist:

Larry Meek, R.Ph., 1313 Yellowwood Court, Rock Hill, SC 29732
VICE Heather C. Harris

Received as information.

Appointment Reported

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable report on:

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Statewide Appointment

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2025, and to expire March 15, 2031

4th Congressional District:

Reno R. Boyd, 107 Nightingale Lane, Greenville, SC 29607-5539

Received as information.

Message from the House

Columbia, S.C., April 30, 2025

Mr. President and Senators:

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

H. 3196 -- Reps. Erickson, G.M. Smith, B. Newton, Wooten, Mitchell, Pope, Martin, Spann-Wilder, McCravy, Chumley, W. Newton, Gilliam, Collins, Vaughan, Caskey, Terribile, Kilmartin, Magnuson, Haddon, Wetmore, M.M. Smith, Schuessler, Stavrinakis, Sanders, Duncan, Teeple, Grant, Hartnett, Pedalino, Taylor, Hixon, Govan, Calhoon, Ligon, Lawson, Yow, Edgerton, Cromer, Reese, Gilliard, Alexander, Rivers, Oremus, Hartz and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "EDUCATOR ASSISTANCE ACT" BY ADDING SECTION 59-25-112 SO AS TO PROVIDE PROFESSIONAL CERTIFICATES ISSUED BY THE STATE BOARD OF EDUCATION ARE PERMANENT UNLESS REVOKED OR SUSPENDED AND ARE NOT SUBJECT TO RENEWAL, TO PROVIDE NO TEACHER MAY BE REQUIRED TO RENEW A PROFESSIONAL CERTIFICATE ISSUED BY THE BOARD, AND TO PROVIDE A TEACHER WITH A PROFESSIONAL CERTIFICATE SHALL CONTINUE TO COMPLETE ONGOING PROFESSIONAL LEARNING AND DEVELOPMENT; BY ADDING SECTION 59-101-145 SO AS TO AUTHORIZE THE USE OF DATA BEING COLLECTED UNDER CURRENT PROCEDURES TO REPORT ON CERTAIN POSTSECONDARY MATTERS CONCERNING GRADUATES OF SOUTH CAROLINA PUBLIC SCHOOLS, AND TO REQUIRE THE STREAMLINING OF DATA COLLECTION TIMELINES AND PROCESSES; BY AMENDING SECTION 59-25-47, RELATING TO POLICIES AUTHORIZING PAYMENTS FOR UNUSED TEACHER LEAVE, SO AS TO REQUIRE ADDITIONAL POLICIES THAT

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ALLOW TEACHERS TO DONATE SUCH UNUSED LEAVE TO A LEAVE BANK FOR OTHER EMPLOYEES, AND TO PROVIDE REQUIREMENTS FOR THE POLICIES; BY AMENDING SECTION 59-25-410, RELATING TO ANNUAL NOTIFICATION OF SCHOOL TEACHER EMPLOYMENT AND ASSIGNMENTS, SO AS TO PROVIDE THE NOTIFICATION MUST INCLUDE CERTAIN SALARY INFORMATION REQUIREMENTS IN THE REQUIRED NOTICE, TO PROVIDE NOTICE OF TENTATIVE TEACHER ASSIGNMENTS MUST BE PROVIDED NO LATER THAN FOURTEEN CALENDAR DAYS BEFORE THE START OF THE SCHOOL YEAR, AND TO PROHIBIT LIMITATIONS ON TEACHER REASSIGNMENTS; BY AMENDING SECTION 59-25-420, RELATING TO NOTICES CONCERNING ANNUAL TEACHER EMPLOYMENT CONTRACTS, SO AS TO PROVIDE CONTRACT ACCEPTANCES SUBMITTED BEFORE THE STATUTORY NOTIFICATION DEADLINE MAY BE WITHDRAWN BY SUBMISSION OF WRITTEN NOTICE TO THE SCHOOL DISTRICT WITHIN TEN DAYS AFTER PUBLICATION OF THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE UPCOMING SCHOOL YEAR, AND TO PROVIDE SCHOOL DISTRICTS MAY NOT REPORT SUCH WITHDRAWALS AS A BREACH OF CONTRACT; BY AMENDING SECTION 59-1-425, RELATING TO REQUIRED DAYS FOR COLLEGIAL PROFESSIONAL DEVELOPMENT IN THE ANNUAL SCHOOL CALENDAR, SO AS TO INCREASE THE NUMBER OF DAYS TO FOUR, TO PROVIDE DISTRICTS MUST VERIFY COMPLETING OF THE REQUIRED COLLEGIAL PROFESSIONAL DEVELOPMENT IN A CERTAIN MANNER, TO PROVIDE TEACHERS AND INSTRUCTIONAL ASSISTANTS MUST BE PROVIDED SELF-DIRECTED FREE TIME TO EVALUATE STUDENT ACADEMIC DATA, INSTRUCTIONAL PLANNING, AND CLASSROOM PREPARATION, AND TO REMOVE A TWO-DAY MAXIMUM LIMITATION ON USE OF THESE COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS FOR PREPARATION AND OPENING OF SCHOOLS; BY AMENDING SECTION 59-25-530, RELATING TO UNPROFESSIONAL CONDUCT AND BREACH OF CONTRACT BY TEACHERS, SO AS TO RECHARACTERIZE CERTAIN ACTIONS AS BEING BREACH OF CONTRACT INSTEAD OF UNPROFESSIONAL CONDUCT, TO REVISE THE PENALTIES AND CONSEQUENCES FOR SUCH BREACHES OF CONTRACT, AMONG OTHER THINGS; BY

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REPEALING SECTION 59-101-130 RELATING TO HIGH SCHOOLS REPORTING TO THE SUPERINTENDENT OF EDUCATION; INSTITUTIONS OF HIGHER LEARNING REPORTING TO HIGH SCHOOLS; AND BY REPEALING SECTION 59-101-140 RELATING TO TABULATION OF REPORTS. and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 1, 2025

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Hixon, Hiott and McDaniel to the Committee of Conference on the part of the House on:

H. 3813 -- Rep. Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-430, RELATING TO BEAR HUNTING, SO AS TO REMOVE REFERENCES TO A REGISTERED PARTY DOG HUNT IN GAME ZONE 1.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 633 -- Senators Bennett, Adams, Alexander, Allen, Blackmon, Campsen, Cash, Chaplin, Climer, Corbin, Cromer, Davis, Devine, Elliott, Fernandez, Gambrell, Garrett, Goldfinch, Graham, Grooms, Hembree, Hutto, Jackson, Johnson, Kennedy, Kimbrell, Leber, Martin, Massey, Matthews, Nutt, Ott, Peeler, Rankin, Reichenbach, Rice, Sabb, Stubbs, Sutton, Tedder, Turner, Verdin, Walker, Williams, Young and Zell: A CONCURRENT RESOLUTION TO DECLARE NOVEMBER 2025 AS "LUNG CANCER AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

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

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

S. 618 -- Senator Peeler: A BILL TO AMEND ACT 389 OF 1907, AS AMENDED, SO AS TO RESTATE THE COMPOSITION OF THE BOARD OF PUBLIC WORKS FOR THE CITY OF GAFFNEY, TO ADD TWO ADDITIONAL MEMBERS, AND TO SPECIFY THE MANNER OF ELECTION AND OF ELECTIONS; AND TO REPEAL ACT 205 OF 1953 AND ACT 128 OF 1967 RELATED TO THE BOARD.

S. 623 -- Senator Goldfinch: A BILL TO EXEMPT GEORGETOWN COUNTY FROM CERTAIN BUILDING REQUIREMENTS AND TO ALLOW THE COUNTY TO INSTEAD ENFORCE AE STANDARDS IN GEORGETOWN COUNTY'S FLOOD DAMAGE PREVENTION ORDINANCE.

HOUSE BILL RETURNED

H. 3175 -- Reps. Collins, Mitchell, Forrest and Calhoon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-1230, RELATING TO SPECIFICATIONS OF LICENSE PLATES, THE PERIODIC ISSUANCE OF NEW PLATES, AND THE ISSUANCE OF REVALIDATION STICKERS, SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE LICENSE PLATES COMMEMORATING THE TWO HUNDRED FIFTIETH ANNIVERSARY OF THE AMERICAN REVOLUTION.

The Senate proceeded to the consideration of the Bill.

Senators VERDIN, CAMPSSEN, MARTIN and LEBER proposed the following amendment (SEDU-3175.KG0002S), which was adopted:

Amend the bill, before the enacting words, by striking the fourth paragraph and inserting:

Whereas, the State of South Carolina is indebted to war heroes such as Thomas Sumter, Andrew Pickens, Daniel Morgan, Frederick Hambright, Peter Horry, James Williams, William Thompson, and Francis Marion, also known as the "Swamp Fox"; and

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Whereas, during the Revolutionary War, South Carolina witnessed more than two hundred skirmishes and battles, including battles at Stono Ferry, Eutaw Springs, Parker's Ferry, Fort Motte, as well as backcountry victories at Williamson's Plantation, Cedar Springs, Cowpens, Hammond's Store, Blackstock's Farm, King's Mountain, Earle's Ford, Flat Rock, Thicketty Fort, Hanging Rock, and more; and

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question being third reading of the Bill.

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

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

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

S. 214 -- Senators Massey and Jackson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-31-10, RELATING TO THE CREATION OF THE COMMISSION FOR MINORITY AFFAIRS, ITS COMPOSITION, AND THE REQUIREMENT THAT A MAJORITY OF THE COMMISSION BE AFRICAN AMERICAN, SO AS TO REMOVE THE REQUIREMENT THAT A MAJORITY OF THE COMMISSION MUST BE AFRICAN AMERICAN.

S. 268 -- Senators Bennett, Leber and Kennedy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 80 TO TITLE 39 SO AS TO PROVIDE THAT A COVERED ONLINE SERVICE SHALL TAKE CARE IN THE USE OF A MINOR'S PERSONAL DATA AND IN THE DESIGN AND IMPLEMENTATION OF THE SERVICE TO PREVENT HARM TO MINORS, TO PROVIDE THAT THE ONLINE SERVICE MUST PROVIDE MINORS WITH EASILY ACCESSIBLE TOOLS TO LIMIT TIME SPENT ON THE SERVICE AND PROTECT PERSONAL DATA, TO PROVIDE LIMITS ON HOW MUCH OF A

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MINOR'S DATA THE SERVICE MAY COLLECT AND RESTRICT THE USE OF SUCH DATA, TO PROVIDE THAT ONLINE SERVICES MUST OFFER PARENTS TOOLS TO HELP THEM PROTECT MINORS USING THE SERVICE AND TO ENABLE THEM TO REPORT HARMS TO MINORS ON ONLINE SERVICES, TO PROVIDE THAT ONLINE SERVICES MUST ISSUE A PUBLIC REPORT ON THE SERVICE'S PRACTICES PERTAINING TO MINORS, AND TO DEFINE NECESSARY TERMS.

AMENDMENT PROPOSED, CARRIED OVER

S. 143 -- Senators Devine, Zell, Hutto, Jackson and Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS PERTAINING TO DOMESTIC ABUSE, SO AS TO INCLUDE PERSONS WHO ARE OR WERE DATING TO THE LIST OF PERSONS DEFINED AS "HOUSEHOLD MEMBER"; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITIONS FOR AN ORDER OF PROTECTION, SO AS TO INCLUDE A PARENT, GUARDIAN, LEGAL COUNSEL, OR OTHER APPROPRIATE ADULT AS A PERSON WHO CAN PETITION ON BEHALF OF MINORS IN THE PERSON'S HOUSEHOLD.

The Senate proceeded to the consideration of the Bill.

Senator DEVINE proposed the following amendment (SJ-143.SW0001S), which was proposed:

Amend the bill, as and if amended, SECTION 1, by striking Section 20-4-20(b)(iii) and inserting:

(iii) persons who have a child in common; or

Amend the bill further, SECTION 1, by striking Section 20-4-20(b)(iv) and (v) and inserting:

(iv) persons who are cohabitating or formerly have cohabitated; ~~or~~
~~—(v) persons who are presently in or have formerly been in a dating relationship together.~~

Amend the bill further, SECTION 1, by striking Section 20-4-20(f) and inserting:

(f) "Order of protection" means an order of protection issued to protect the petitioner or minor household members from the abuse of another household member or to protect a person who is presently in or has formerly been in a dating relationship with another person where the respondent has received notice of the proceedings and has had an opportunity to be heard.

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Amend the bill further, SECTION 2, by striking Section 20-4-40(A), (B), and (C) and inserting:

(A) There is created an action known as a “Petition for an Order of Protection” in cases of abuse to a household member or person who is presently in or has formerly been in a dating relationship with the respondent.

~~(a)(B)~~ A petition for relief under this section may be made by any household members or persons who are currently in or have formerly been in a dating relationship with the respondent and who are in need of protection or by ~~any household members~~ a parent, guardian, custodian, legal counsel, or other appropriate adult on behalf of minor household members.

~~(b)(C)~~ A petition for relief must allege the existence of abuse to a household member or to a person who is currently in or has formerly been in a dating relationship with the respondent. It must state the specific time, place, details of the abuse, and other facts and circumstances upon which relief is sought and must be verified.

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

SECTION X. Section 20-4-60(B) of the S.C. Code is amended to read:

(B) Every order of protection issued pursuant to this chapter shall conspicuously bear the following language:

(1) Violation of this order is a criminal offense punishable by thirty days in jail or a fine of two hundred dollars or may constitute contempt of court punishable by up to one year in jail and/or a fine not to exceed fifteen hundred dollars. and

(2) Pursuant to Section 16-25-125 of the South Carolina Code of Laws, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person's household member or person with whom they were in a dating relationship resides or the domestic violence shelter's administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

Renumber sections to conform.

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Amend title to conform.

Senator DEVINE explained the amendment.

The question being the adoption of the amendment.

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

READ THE SECOND TIME

S. 163 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROHIBIT A GOVERNING AUTHORITY FROM ACCEPTING OR REQUIRING PAYMENT USING CENTRAL BANK DIGITAL CURRENCY OR PARTICIPATING IN A TEST OF CENTRAL BANK DIGITAL CURRENCY; TO PERMIT INDIVIDUALS OR BUSINESSES USING DIGITAL CURRENCY FOR TRANSACTIONS; TO PROVIDE THAT DIGITAL ASSETS MAY NOT BE SINGLED OUT FOR DISPARATE TAX TREATMENT; TO PROVIDE THAT DIGITAL CURRENCY TRANSACTION MAY BE TAXED IF THE TAXATION IS THE SAME AS IF THE TRANSACTION USED UNITED STATES LEGAL TENDER; TO PROVIDE THAT DIGITAL CURRENCY OPERATIONS MAY BE NOT BE SUBJECTED TO DISPARATE ZONING TREATMENT; TO PROVIDE THAT DIGITAL ASSET MINING BUSINESS OPERATIONS SHALL NOT PLACE ANY ADDITIONAL STRESS ON THE ELECTRICAL GRID FOR WHICH THEY ARE CONNECTED AND TO PROVIDE THAT DIGITAL MINING BUSINESSES MUST PROVIDE CERTAIN INFORMATION TO THE PUBLIC SERVICE COMMISSION UPON REQUEST; TO PROVIDE THAT THOSE ENGAGED IN DIGITAL MINING OPERATIONS DO NOT HAVE TO OBTAIN CERTAIN LICENSES AND THAT THOSE WHO PROVIDE CERTAIN SERVICES RELATED TO DIGITAL MINING OR STAKING ARE NOT OFFERING A SECURITY; TO PROVIDE THAT THE ATTORNEY GENERAL CAN PROSECUTE AN INDIVIDUAL WHO OR BUSINESS THAT FRAUDULENTLY CLAIM TO BE OFFERING DIGITAL ASSET MINING AS SERVICE OR STAKING AS A SERVICE; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN 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 38; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Cromer	Davis	Devine
Elliott	Garrett	Goldfinch
Graham	Grooms	Hutto
Johnson	Kennedy	Kimbrell
Leber	Massey	Nutt
Ott	Peeler	Rankin
Reichenbach	Rice	Sabb
Stubbs	Sutton	Tedder
Turner	Verdin	Williams
Young	Zell	

Total--38

NAYS

Corbin

Total--1

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 454 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS PERTAINING TO CHARTER SCHOOLS, SO AS TO CHANGE REFERENCES FROM “SPONSOR” TO “AUTHORIZER” AND TO PROVIDE OTHER DEFINITIONS; BY AMENDING SECTION 59-40-50, RELATING TO EXEMPTIONS, SO AS TO REQUIRE A CHARTER SCHOOL TO POST THEIR ANNUAL AUDIT ON THEIR WEBSITE AND TO NOTIFY AND PROVIDE A COPY OF ANY EDUCATION

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MANAGEMENT CONTRACTS TO THE AUTHORIZER; BY AMENDING SECTION 59-40-55, RELATING TO AUTHORIZER POWERS AND DUTIES AND THE RETENTION OF FUNDS, SO AS TO REQUIRE THE AUTHORIZER TO ADOPT AND IMPLEMENT POLICIES, PROCEDURES, AND PRACTICES THAT ENSURE GOOD GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-60, RELATING TO CHARTER APPLICATIONS AND COMMITTEES, SO AS TO EXPAND THE CHARTER SCHOOL APPLICATION TO INCLUDE ANY PROPOSED CHARTER OR EDUCATION MANAGEMENT CONTRACTS CONTEMPLATED BY THE CHARTER SCHOOL; BY AMENDING SECTION 59-40-70, RELATING TO APPLICATION REQUIREMENTS AND PROCEDURES, SO AS TO SET A TIME FRAME TO HOLD A PUBLIC HEARING ON THE APPLICATION FOR A CHARTER SCHOOL; BY AMENDING SECTION 59-40-75, RELATING TO THE REMOVAL OF AN AUTHORIZER OR MEMBER OF A DISTRICT OR GOVERNING BOARD, SO AS TO REQUIRE THE GOVERNOR TO VACATE THE SEAT OF A MEMBER OF AN AUTHORIZER OR CHARTER SCHOOL GOVERNING BOARD WHO IS INDICTED FOR A CRIME; AND TO ALLOW THE GOVERNOR TO REMOVE A MEMBER FOR CHRONIC UNEXCUSED ABSENTEEISM, MEDICAL INCOMPETENCY, OR MEDICAL INCAPACITY; BY AMENDING SECTION 59-40-90, RELATING TO APPEALS TO THE ADMINISTRATIVE LAW COURT, SO AS TO ALLOW AN APPEAL FOR ANY FINAL DECISION MADE PURSUANT TO THIS CHAPTER BE MADE TO THE ADMINISTRATIVE LAW COURT; BY AMENDING SECTION 59-40-115, RELATING TO TERMINATION OF A CONTRACT WITH AN AUTHORIZER, SO AS TO ALLOW A CHARTER SCHOOL TO TERMINATE ITS CHARTER AND CONTRACT WITH AN AUTHORIZER UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 59-40-150, RELATING TO THE DUTIES OF THE DEPARTMENT OF EDUCATION, SO AS TO ESTABLISH THE DUTIES OF THE DEPARTMENT OF EDUCATION TO SERVE AS THE STATE EDUCATION AGENCY FOR EACH AUTHORIZER AND ANNUALLY REVIEW THE POLICIES, PROCEDURES, AND PERFORMANCE OF EACH AUTHORIZER FOR COMPLIANCE; AND BY AMENDING SECTION 59-40-180, RELATING TO REGULATIONS AND GUIDELINES, SO AS TO CLARIFY THAT

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GUIDELINES WILL BE APPLICABLE TO NEW AUTHORIZERS AND CHARTER SCHOOLS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-454.KG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-40-40(4) and inserting:

(4) “~~Sponsor~~Authorizer” means the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, as provided by law, a public institution of higher learning or a nonprofit association directly affiliated with a public institution of higher learning as defined in Section 59-103-5, or an independent institution of higher learning or a nonprofit association directly affiliated with an independent institution of higher learning as defined in Section 59-113-50, from which the charter school applicant requested its charter and which granted approval for the charter school's existence. Only those public or independent institutions of higher learning, as defined in this subsection, who register and apply with the ~~South Carolina~~ Department of Education may serve as charter school ~~sponsors~~authorizers, and the ~~department~~ Department of Education shall maintain a directory of those institutions. The ~~sponsor~~ authorizer of a charter school is the charter school's Local Education Agency (LEA), and a charter school is a school within that LEA. The ~~sponsor-authorizer~~ retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law.

Amend the bill further, SECTION 1, by striking Section 59-40-40(6) and (7) and inserting:

(6) “Noncertified teacher” means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59-25-115. An individual whose South Carolina educator certificate has been suspended or revoked shall not be employed as a noncertified teacher during the term of suspension or revocation.

(7) “Charter committee” means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the charter application is approved by the authorizer~~election~~, the board of directors

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of the corporation must be organized as the governing body and the charter committee ~~is~~ shall be dissolved within six months of the school opening for students to attend.

Amend the bill further, SECTION 1, by striking Section 59-40-40(11), (12), and (13) and inserting:

~~—(11) “Charter management company” means any not for profit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended, and contracts with a charter school for educational design, implementation, or whole school management services.~~

~~—(12) “Education management company” means any for profit organization that contracts with a charter school for educational design, implementation, or whole school management services.~~

~~—(13) “Whole school management services” means the financial, business, operation, and administrative functions for a school.~~

(11) “Management organization” means a corporation, business, organization, or other entity, whether conducted for profit or not-for-profit, with whom the governing body of a charter school contracts to operate, manage, or oversee the operation, management, or provision and implementation of educational services and programs to the charter school. This includes a corporation, business, organization, or other entity that directly employs the administrator or any of the educational personnel, or both.

(12) “Replication” means the approval of a charter school application based on the same model as an existing charter school.

(13) “Virtual charter school” means a charter school whereby students are taught primarily through online methods, provided, however, that at least twenty-five percent of the instruction in core areas must be provided pursuant to South Carolina Regulation 43-601. Any student enrolled in a virtual charter school shall be a resident of a South Carolina school district as provided for in Sections 59-63-30, 59-63-31, 59-63-32, and 59-63-33.

Amend the bill further, SECTION 2, by striking Section 59-40-50(B)(3) and inserting:

(3) adhere to the same financial laws and regulations, financial audits, audit procedures, and audit requirements as are applied to public schools, and post ~~their~~ its annual budget and audit ~~in a prominent location~~ on its website with other financial information required to be posted by law or regulation;

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Amend the bill further, SECTION 2, by striking Section 59-40-50(B)(7), (8), and (9) and inserting:

(7) admit all children eligible to attend public school to a charter school, subject to space limitations, except in the case of an application to create a single gender charter school, or, in the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, with an explicit mission and purpose of specializing in providing evidence-based, specific educational or behavioral health services for educationally disadvantaged students with a demonstrated need for such services. Demonstrated need may include, but not be limited to, as documented in an Individualized Education Program (IEP), 504 plan, a medical or psychological diagnosis, or documentation that the student is not meeting grade-specific standards in literacy as documented by the student's school. For purposes of this section, educationally disadvantaged students are those students as defined by the Every Student Succeeds Act (ESSA) or other subsequent federal law. Evidence-based services must include, but are not limited to, services to students who need evidence-based, specialized, multi-sensory instruction in literacy or other services included in the students' IEP or 504 plan. This specialized mission and purpose must be defined in the school's charter and charter contract as approved by the ~~sponsor~~ authorizer and as allowed by ESSA or other federal law. However, it is required that the racial composition of the charter school enrollment reflect that of the local school district in which the charter school is located or that of the targeted student population of the local school district that the charter school proposes to serve, to be defined for the purposes of this chapter as differing by no more than twenty percent from that population. This requirement is also subject to the provisions of Section 59-40-70(D). If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the ~~sponsor~~ authorizer. In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, that is serving educationally disadvantaged students, if the number of applicants exceeds the capacity of a program, class, grade level, or building, students may be accepted by weighted lot as allowed by ESSA or other federal law with mission-aligned preference and the process clearly described in their charter and charter contract approved by their ~~sponsor~~ authorizer, and there is no appeal to the ~~sponsor~~ authorizer;

(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of

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an application to create a single gender charter school, in which case gender may be the only reason to show preference or deny admission to the school; a charter school may give enrollment priority to a sibling of a pupil currently enrolled and attending, or who, within the last six years, attended the school for at least one complete academic year. A public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year. An enrollment preference for returning students excludes those students from entering into a lottery. A charter school also may give priority to children of a charter school employee and children of the charter committee, if priority enrollment for children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school. In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, mission-aligned preference may be given to educationally disadvantaged students as specifically defined in their charter and charter contract approved by their ~~sponsor~~ authorizer and as allowed by ESSA or other federal law. In addition, a charter school located on a federal military installation or base where the appropriate authorities have made buildings, facilities, and grounds on the installation or base available for use by the charter school as its principal location also may give enrollment priority to otherwise eligible students who are dependents of military personnel living in military housing on the base or installation or who are currently stationed at the base or installation not to exceed fifty percent of the total enrollment of the charter school. This priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;

(9) consist of a board of directors of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. A choice of the membership of the board must take place every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K-12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the charter ~~school~~ schools governed by the board. Parents or guardians shall have one vote for each student enrolled in the charter school. All members must be residents of the State of South

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Carolina. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K-12 education or in business. Notice of the election must be posted on its website at least thirty days in advance of the election;

Amend the bill further, SECTION 2, by striking Section 59-40-50(B)(12) and inserting:

(12) notify and provide a copy of any executed or amended ~~charter or education~~ management organization contracts to the authorizer. Contracts must also be posted in a prominent location on its website.

Amend the bill further, SECTION 3, by striking Section 59-40-55(A) and inserting:

(A) In order to promote the quality of charter school outcomes and oversight, the ~~State Board of Education shall adopt policies, procedures and practices that ensure good governance and accountability and that define the roles and responsibilities of the authorizer consistent with this Chapter. A~~ charter school sponsor ~~authorizer~~ shall adopt ~~national industry standards of quality charter schools and shall authorize and implement practices and implement the~~ policies, procedures, and practices consistent with this chapter. ~~established by the State Board of Education consistent with those standards.~~

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(6), (7), and (8) and inserting:

(6) collect, in accordance with Section 59-40-140(H), an annual report from each of its ~~sponsored~~ authorized charter schools and submit ~~the reports to the Department of Education~~ the report on the performance of each of its authorized charter schools and authorizers performance to the State Board of Education before ~~December~~ January thirtieth;

(7) notify the charter school in writing of ~~perceived problems~~ noncompliance if its with the school's ~~academic performance, fiscal performance, general accounting principles performance or legal compliance appears to be unsatisfactory~~ charter or contract and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation and revocation timeframes apply. ~~¶The school shall have up to twenty~~ thirty calendar days to respond, in writing, describing how the issue will be remedied. If the problem warrants revocation, then the authorizer shall notify the school in writing and provide a copy to the State Superintendent of Education at the same time the school is notified and revocation timeframes apply;

(8) develop a corrective action plan and take appropriate corrective actions or exercise sanctions short of revocation in response to apparent

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deficiencies as documented pursuant to item (7) in charter school performance or legal compliance. If the corrective action plan or corrective actions relate to special education services, then the authorizer shall provide a copy of the letter denoting the deficiencies and the corrective action plan to the Department of Education. ~~The authorizer shall provide technical assistance and support at no cost to the charter school in developing and executing the corrective action plan.~~ These actions or sanctions may include requiring ~~a~~ the school to develop and execute ~~a~~ the corrective action plan within a specified timeframe;

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(11), (12), (13), and (14) and inserting:

(11) permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the state and federal accountability ~~system~~ systems for three consecutive years in accordance with Section 59-40-110(E);

(12) post in a prominent location on its website all charter school applications, renewal applications, and any ~~charter or education~~ management organization contracts associated with the charter schools;

(13) post in a prominent location on its website their budget as an authorizer, including revenues, source of revenue, and expenditures. If the authorizer has charged fees to a charter school for services, then those fees must be listed by individual school; ~~and~~

(14) review and notify the charter schools of any ~~perceived problems~~ noncompliance related to ~~on all charter or education~~ management organization contracts; and

(15) be subject to the ethics and government accountability requirements for public members and public employees in Chapter 13, Title 8. For purposes of this subsection, members of the authorizer's governing boards are considered public members, and employees of the authorizer's governing board are considered public employees.

Amend the bill further, SECTION 3, by striking Section 59-40-55(C) and (D) and inserting:

(C) The South Carolina Public Charter School District ~~A charter school authorizer may~~ shall retain ~~no more than~~ two percent of the total non-restricted state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. A public or independent institution of higher learning authorizer shall retain or contract to retain two percent of the total non-restricted state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. An authorizer may offer additional services to charter schools it ~~sponsors~~ authorizes, however the charter

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school shall be under no obligation to purchase those services from the authorizer. A charter school may not be penalized or have its charter revoked based upon their failure to purchase offered services from the authorizer. A charter authorizer offering such services shall post a list of those services and the cost of the service in a prominent place on the authorizer's website. ~~The amount retained by the authorizer does not include costs incurred in delivering services that a charter school may purchase at its discretion from the authorizer. The sponsor's fee is not applicable to federal money or grants received by the charter school.~~ The amount authorizers may charge for administration of federal funded programs or grants is subject to the terms and conditions of the federal program or grant. The sponsor-authorizer shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor-authorizer obligations in accordance with this chapter.

(D) The Department of Education shall conduct annual reviews aligned to the current state school district accreditation timeline, to monitor and evaluate the performance of all charter school authorizers, informed by the annual report provided for in this section. The review process must include an examination of how authorizers meet standards and practices, an evaluation of each authorizer's charter school's performance, and review of each authorizer's record of renewal, revocation, and authorization decisions. The Department of Education shall issue ~~citations~~ notices of concern, in writing, to the authorizer that must include descriptions of all performance concerns and establish a timeline by which the authorizer must correct any issues or deficiencies. In the case of continuous poor performance over a period of three years by a public or independent institution of higher learning authorizer, the Department of Education may terminate a charter school authorizer's registration. The State Board of Education shall allow ~~an~~ a public or independent institution of higher learning authorizer the opportunity to have a hearing before registration termination. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the administrative law court. If a public or independent institution of higher learning authorizer's registration is terminated, the Department of Education shall develop a streamlined transfer application for charter schools to apply to a new authorizer for the remainder of the charter school's contract term.

Amend the bill further, SECTION 4, by striking Section 59-40-60(F)(17) and inserting:

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(17) a copy of any proposed ~~charter or education~~ management organization contracts contemplated by the charter school. The contract must include a term sheet that sets forth the length of the contract, the roles and responsibilities of the governing board of the charter school, the staff of the charter school, the staff of the management ~~company~~ organization, the scope of services and resources to be provided by the management ~~company~~ organization, the performance evaluation measures and timelines, the compensation structure, including clear identification of all fees to be paid to the ~~charter~~ management organization, the methods of contract oversight and enforcement, the conditions of renewal and termination of the contract and assurances that the governing board of the charter school, at all times, maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school's performance.

(G) The Department of Education may develop a separate application for replication to encourage creation of additional charter schools that fulfill the purpose and mission of this chapter.

Amend the bill further, SECTION 4, Section 59-40-60, by adding a subsection to read:

(G) The Department of Education may develop a separate application for replication to encourage creation of additional charter schools that fulfill the purpose and mission of this chapter.

Amend the bill further, SECTION 5, by striking Section 59-40-70(B) and inserting:

(B) The board of trustees or area commission from which the applicant is seeking ~~sponsorship~~ authorization shall rule on the application for a charter school in a public hearing, upon reasonable public notice, ~~within not less than forty five days nor more than~~ ninety days after receiving the application. If there is no ruling within ninety days, the application is ~~considered approved~~. Once the application has been approved by the board of trustees or area commission, the charter school may open at the beginning of the following year. However, before a charter school may open, the State Department of Education shall verify the accuracy of the financial data for the school within forty-five days after approval.

Amend the bill further, SECTION 6, by striking Section 59-40-75(D) and inserting:

(D)(1) An individual is prohibited from serving as a member of the governing board or employee of either a charter school or charter school authorizer if the individual, an immediate family member, or the individual's spouse is a full or part owner or principal with an entity with whom the charter school or authorizer contracts, directly or indirectly.

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for professional services, management organization services, goods, or facilities or is an employee of the charter school authorizer.

(2) An individual is prohibited from serving as a member of the governing board of either a charter school or charter school authorizer if the individual, an immediate family member, or the individual's spouse is a full or part owner, principal owner, or employee of a management organization.

Amend the bill further, SECTION 7, by striking Section 59-40-90 and inserting:

~~Section 59-40-90. A final decision of the school district or a public or independent institution of higher learning sponsor may be appealed by any party to the Administrative Law Court as provided in Sections 1-23-380(B) and 1-23-600(D). An appeal of any final decision made by an authorizer pursuant to this chapter must be made to the administrative law court~~ provided in Sections 1-23-380(B) and 1-23-600(D).

Amend the bill further, SECTION 8, by striking Section 59-40-115(A) and inserting:

(A) A charter school may voluntarily terminate its charter and contract with a sponsor, the authorizer before the expiration of the ten-year term of the contract if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application for the length of time remaining on its original contract from another sponsor by a majority vote of the charter school board, which constitutes a dissolution event of the corporation and the charter school.

Amend the bill further, SECTION 8, by striking Section 59-40-115(B)(2) and (3) and inserting:

(2) The proposed new authorizer shall issue a written final decision approving or denying the request to transfer before October thirty-first. The request to transfer may be denied by the proposed new authorizer for any reason; however, if the proposed authorizer determines the charter school's request to transfer is, to avoid accountability, prohibited by law or untimely, then the transfer must be denied. A copy of the final decision must be served on the charter school applying to transfer, the current authorizer, and the ~~State~~ Department of Education before November fifth. The decision of the proposed new authorizer to deny the request is not appealable.

(3) If the proposed new authorizer approves the request to transfer, then the current authorizer shall issue a final decision approving or denying the request to transfer before December thirty-first. The authorizer must permit the charter school to submit materials or

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information to support its transfer request, all of which must be submitted at least five business days before the board meeting. A charter school who makes a written request at least five business days before the board meeting must be given an opportunity to appear and present information regarding their request. If an authorizer fails to comply with this section items (1) through (4), then the State-Department of Education may compel the authorizer to comply ~~with this section~~ by withholding the authorizer's fees related to the charter school seeking to transfer until a final decision is issued the authorizer complies.

Amend the bill further, SECTION 8, by striking Section 59-40-115(B)(6)(c) and inserting:

(c) more than ~~two~~ one transfer requests by the charter school within a ten-year period; or

Amend the bill further, SECTION 8, Section 59-40-115(B), by adding an item to read:

(8) A charter school renewal application shall not be subject to the provisions of this section and is deemed not to be a transfer request.

Amend the bill further, SECTION 9, by striking Section 59-40-150(C) and inserting:

(C) The Department of Education shall fulfill all duties of the State Education Agency (SEA) for each authorizer and shall provide technical assistance, oversight, and guidance to authorizers for compliance with LEA responsibilities to the same extent as other LEAs in this State. Sanctions issued by the ~~department~~-Department of Education against an authorizer may be appealed to the administrative law court and must be stayed pending resolution of the appeal.

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

SECTION X. Section 59-40-155 of the S.C. Code is amended to read:

Section 59-40-155. (A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees after July 1, 2006, shall complete successfully an orientation program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, instructional programs, school finance, school law, ethics, and community relations. The orientation must be provided at no charge by the ~~State~~-Department of Education or an association approved by the department.

(B) The Department of Education shall develop an application and approval process to allow authorizers the ability to implement board training programs that meet the requirements provided for in Section 59-40-155(A).

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~~(B)~~(C) Within ninety days of employment, an administrator employed by the charter school, who is not certified, shall complete successfully an orientation program in the powers, duties, and responsibilities of a school administrator including, but not limited to, topics on personnel, instructional programs, school finance, school law, ethics, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an association approved by the department.

(D) Authorizers may require members of a charter school board of trustees to complete governance training programs as specified and agreed upon in a charter school contract.

Renumber sections to conform.

Amend title to conform.

Senator TURNER 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 33; Nays 4

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Cromer
Davis	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Kennedy	Leber
Massey	Nutt	Ott
Peeler	Reichenbach	Rice
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Williams	Young	Zell

Total--33

NAYS

Climer	Corbin	Johnson
Kimbrell		

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Total--4

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

AMENDED, READ THE SECOND TIME

S. 316 -- Senator Elliott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR THE ATTORNEY GENERAL WHEN BRINGING AN ENFORCEMENT ACTION IN THE NAME OF THE STATE; BY ADDING SECTION 39-5-55 SO AS TO PROVIDE THE ATTORNEY GENERAL WITH THE REMEDY OF DISGORGEMENT; AND BY ADDING SECTION 39-5-85 SO AS TO PROVIDE PRIVILEGE TO MATERIALS PREPARED OR DRAFTED WHILE INVESTIGATING POTENTIAL VIOLATIONS OF THIS ARTICLE.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-316.MW0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 1-7-95(A) and inserting:

(A) Notwithstanding any other provision of law, when the Attorney General brings or defends an action in the name of the State of South Carolina pursuant to any power granted by common law, the Constitution of this State, or any provision of law, the Attorney General acts in the public interest of the State of South Carolina and not as the legal representative or attorney of any department or agency of state government, including the executive, legislative, and judicial branches or any of the boards connected therewith. Such departments, agencies, or boards are not parties to these actions, and the documents or electronically stored information of such departments, agencies, or boards are not in the possession, custody, or control of the Attorney General. However, when documents in the possession, custody, or control of any department, agency, or board of state government are requested in discovery in such an action, the Attorney General shall identify the department, agency, or board and their counsel and facilitate the production of such documents from the department, agency, or board of state government in response to a subpoena.

Renumber sections to conform.

Amend title to conform.

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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 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Johnson	Kennedy
Kimbrell	Leber	Massey
Nutt	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Williams	Young	Zell

Total--39

NAYS

Total--0

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

CARRIED OVER

S. 399 -- Senators Elliott, Hembree and Reichenbach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-11-635 SO AS TO PROVIDE THAT A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A TRANSPORTATION FACILITY, INCLUDING ANY PUBLIC TRANSPORTATION AND ANY PUBLIC TRANSPORTATION SYSTEM, AFTER HAVING BEEN WARNED NOT TO DO SO BY

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THE TRANSIT DIRECTOR OR HIS DESIGNEE, IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, TO PROVIDE PROCEDURES FOR A WRITTEN WARNING AND FOR APPEALING THE WARNING, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.

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

OBJECTION

H. 3650 -- Reps. G.M. Smith, Wooten, Pope, Chapman, W. Newton, Bailey, Robbins, Crawford, Guest, Caskey, Forrest, B. Newton, Hixon and Taylor: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-1-60, RELATING TO OFFENSES DEFINED AS VIOLENT CRIMES, SO AS TO INCLUDE THE OFFENSE OF DISCHARGING FIREARMS AT OR INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT; AND BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT, SO AS TO CREATE A TIERED PENALTY STRUCTURE.

Senator CORBIN objected to consideration of the Bill.

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

H. 3431 -- Reps. W. Newton, Wooten, Pope, Martin, Pedalino, McCravy, Bernstein, Guffey, Govan, T. Moore, Erickson, Bradley, Robbins, Calhoun, M.M. Smith and Crawford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 9 TO CHAPTER 5, TITLE 39 SO AS TO PROVIDE DEFINITIONS; TO PROVIDE THAT A SOCIAL MEDIA COMPANY MAY NOT PERMIT CERTAIN MINORS TO BE ACCOUNT HOLDERS; TO PROVIDE REQUIREMENTS FOR SOCIAL MEDIA COMPANIES; TO PROVIDE THAT A SOCIAL MEDIA COMPANY SHALL PROVIDE CERTAIN PARENTS OR GUARDIANS WITH CERTAIN INFORMATION; TO PROVIDE THAT A SOCIAL MEDIA COMPANY SHALL RESTRICT SOCIAL MEDIA ACCESS TO

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MINORS DURING CERTAIN HOURS; TO PROVIDE FOR CONSUMER COMPLAINTS; TO PROVIDE THAT THE CONSUMER SERVICES DIVISION HAS AUTHORITY TO ADMINISTER AND ENFORCE CERTAIN REQUIREMENTS; TO PROVIDE FOR AN ANNUAL REPORT; TO PROVIDE FOR A CAUSE OF ACTION; AND TO PROVIDE THAT CERTAIN WAIVERS AND LIMITATIONS ARE VOID.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-3431.HDB0001S), which was adopted:

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

SECTION 1. Title 39 of the S.C. Code is amended by adding:

CHAPTER 80

Age-Appropriate Code Design

Section 39-80-10. As used in this chapter:

(1) “Child” means a consumer who is less than thirteen years of age.

(2) “Compulsive usage” means the persistent and repetitive use of a covered online service that substantially limits one or more of a child’s major life activities including, but not limited to, sleeping eating, learning, reading, concentrating, communicating, or working.

(3) “Covered design feature” means any feature or component of a covered online service that will encourage or increase a child’s frequency, time-spent, or activity on a covered online service including, but not limited to:

(a) infinite scroll;

(b) rewards or incentives for the frequency of visits, time spent on, or participation in activities on the covered online service;

(c) notifications and push alerts;

(d) in-game purchases; or

(e) appearance altering filters.

(4)(a) “Covered online service” means:

(i) a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that owns, operates, controls, or provides an online service that conducts business in this State, is reasonably likely to be accessed by a child, determines the purposes and means of the processing of a consumer’s personal data alone, or jointly with its affiliates, subsidiaries, or parent company;

(ii) the online service conducts business in the State;

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(iii) the online service is reasonably likely to be accessed by minors;

(iv) alone, or jointly with its affiliates or subsidiaries or parent companies, the online service determines the purposes and means of the processing of consumers' personal data; and

(v) the online service either:

(A) has annual gross revenues in excess of twenty-five million dollars, adjusted every odd-numbered year to reflect changes in the Consumer Price Index;

(B) annually buys, receives, sells, or shares the personal data of fifty thousand or more consumers, households, or devices alone or in combination with its affiliates, subsidiaries, or parent company; or

(C) derives at least fifty percent of its annual revenue from the sale or sharing of consumers' personal data; and

(b) "Covered online services" include:

(i) an entity that controls or is controlled by a business that shares a name, service mark, or trademark that would cause a reasonable consumer to understand that two or more entities are commonly owned; and

(ii) a joint venture or partnership composed of businesses in which each business has at least a forty percent interest in the joint venture or partnership.

(5) "Educational entity" means a South Carolina public school, charter school, the South Carolina School for the Deaf and Blind, a private school, a community college, a state college, a state university, or a non-public postsecondary educational institution.

(6) "Interactive gaming platform" means a platform that is predominantly or exclusively designed to allow consumers to play or create video games. An interactive gaming platform must comply with the requirements of the Children's Online Privacy Protection Act, 15 U.S.C. Section 6501, and the regulations, rules, guidance, and exemptions under that act.

(7) "Know to be a minor" means the covered online service has actual knowledge that a particular consumer is a minor. For purposes of this act, actual knowledge includes all information and inferences known to the covered online service relating to the age of the individual including, but not limited to, self-identified age, and including any age the covered online service has attributed or associated with the individual for any purpose including, but not limited to, marketing advertising, or product development purposes.

(8) "Minor" means a consumer who is less than eighteen years of age.

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(9) “Online service” means a digital product that is accessible to the public on the internet including, but not limited to, a website or application. An online service may include a digital product that is based in part or in whole on artificial intelligence. “online service” does not mean any of the following:

(a) a telecommunications service, as defined in 47 U.S.C. Section 153;

(b) a broadband internet access service as defined in 47 C.F.R. Section 54.400;

(c) the sale, delivery, or use of a physical product;

(d) an online service, website, or application used under the direction of an educational entity that is predominately or exclusively designed for educational purposes, including a learning management system, a student engagement program, or a subject or skill-specific program, where the majority of the content is created and posted by the provider of the online service, website, or application and the ability to chat, comment, or interact with other users is directly related to the provider’s content;

(e) an online service, website, or application where the predominant or exclusive function is career development opportunities, including professional networking, job skills, learning certifications, and job posting and application services;

(f) an interactive gaming platform with a primary function of consumers playing or creating video games that complies with the requirements of the Children’s Online Privacy Protection Act, 15 U.S.C. Section 6501, and the regulations, rules, guidance, and exemptions under that act; or

(g) a broadcast television service, cable service, satellite service, streaming media service, or other service offering video programming described in section 713(h)(2) of the Communications Act of 1934, 47 U.S.C. Section 613(h)(2).

(10) “Personal data” means any information, including derived data and unique identifiers, that is linked or reasonably linkable, alone or in combination with other information, to an identified or identifiable individual or to a device that identifies, is linked to, or is reasonably linkable to one or more identified or identifiable individuals in a household.

(11) “Personalized recommendation system” means a fully or partially automated system used to suggest, promote, or rank content, including other users, hashtags, or posts, based on the users’ personal data.

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(12)(a) “Precise geolocation information” means any data that accurately identifies a minor’s present or past location within a radius of one thousand one hundred eighty feet, the present or past location of a device that links or is linkable to a minor, or any data that is derived from a device that is used or intended to be used to locate a minor within a radius of one thousand one hundred eighty feet by means of technology that includes a global positioning system that provides latitude and longitude coordinates.

(b) “Precise geolocation information” does not include the content of communications or any data generated or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

(13) “Process” means the performance of an operation, or a set of operations, by manual or automated means on personal data including, but not limited to, collecting, using, storing, disclosing, analyzing, deleting, or modifying personal data.

(14) “Profile” means any form of automated processing of personal data to evaluate, analyze, or predict certain aspects relating to a minor including, but not limited to, a minor’s economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(15)(a) “Publicly available data” means data that is lawfully made available from federal, state, or local government records, or data that a business has a reasonable basis to believe is lawfully made available to the general public by the individual or from widely distributed media; or data made available by a person to whom the individual has disclosed the data if the individual has not restricted the data to a specific audience.

(b) “Publicly available data” does not mean biometric data collected by a covered online service about a minor without the minor’s knowledge.

(16)(a) “Reasonably likely to be accessed by a minor” means it is reasonable to expect that the covered online service would be accessed by an individual minor or by minors based on the covered online service’s reasonable knowledge that:

(i) the individual is known to the covered online service to be a minor; or

(ii) the covered online service is directed to minors as defined by the Children’s Online Privacy Protection Act, 15 U.S.C. Sections 6501-6506 and the Federal Trade Commission rules implementing that act.

(b) Where subitem (a)(i) is met, the covered online service must treat the particular individual as a minor. Where subitem (a)(ii) is met,

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the covered online service must treat all individuals using or visiting the covered online service as minors, except where the covered online service has actual knowledge, as defined in subsection (5), that the individual is not a minor.

(17) “Sensitive personal data” means personal data that reveals:

- (a) an individual’s social security number, driver’s license, state identification card, or passport number;
- (b) an individual’s account login, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account;
- (c) an individual’s racial or ethnic origin, citizenship or immigration status, religious or philosophical beliefs, or union membership;
- (d) the contents of an individual’s mail, email, and text messages unless the business is the intended recipient of the communication;
- (e) an individual’s genetic data;
- (f) biometric data for the purpose of uniquely identifying an individual;
- (g) personal data collected and analyzed concerning an individual’s health; or
- (h) personal data collected and analyzed concerning an individual’s sex life, gender identity, or sexual orientation.

(18)(a) “Targeted advertising” means displaying advertisements to an individual where the advertisement is selected based on personal data obtained or inferred from that individual’s activities over time and across nonaffiliated websites or online applications to predict the individual’s preferences or interest.

(b) “Targeted advertising” does not include:

- (i) advertisements based on activities within a covered online service’s own internet websites or online applications;
- (ii) advertisements based on the context of an individual’s current search query, visit to an internet website, or use of an online application;
- (iii) advertisements directed to an individual in response to the individual’s request for information or feedback; or
- (iv) processing personal data solely to measure or report advertising frequency, performance, or reach.

(19) “User” means an individual who registers an account or creates a profile on a covered online service.

Section 39-80-20. (A) A covered online service shall exercise reasonable care in the use of a minor’s personal data and the design and operation of the covered online service including, but not limited to, covered design features, to prevent the following harms to minors:

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- (1) compulsive usage of the covered online service;
- (2) severe psychological harm including, but not limited to, anxiety, depression, self harm, and suicidal ideations;
- (3) severe emotional distress;
- (4) highly offensive intrusions on the minor's reasonable privacy expectations;
- (5) identity theft;
- (6) discrimination against the minor on the basis of race, ethnicity, sex, disability, sexual orientation, gender identity, gender expression, or national origin; and
- (7) material financial or physical injury.

(B) Harms defined in this section are limited to those for which liability is permitted under 47 U.S.C Section 230, including as that provision is amended or repealed in the future.

(C) Nothing in this section shall be construed to require a covered online service to prevent or preclude any user from deliberately and independently searching for or specifically requesting content, or accessing resources and information, regarding the prevention or mitigation of the harms described in this section.

(D) The provisions contained in this chapter do not apply to:

- (1) a federal, state, tribal, or local government entity in the ordinary course of its operations;
- (2) personal data that a covered online service is required to collect in order to comply with:
 - (a) Title V of the federal Gramm-Leach-Bliley Act;
 - (b) the federal Health Information Technology for Economic and Clinical Health Act; or
 - (c) regulations promulgated pursuant to Section 264(C) of the Health Insurance Portability and Accountability Act of 1996;
- (3) information including, but not limited to, personal data collected as part of a clinical trial subject to the federal policy for the protection of human subjects pursuant to human subject protection requirements of the U.S. Food and Drug Administration.

Section 39-80-30. (A) A covered online service must provide a user or visitor to the service with easily accessible and easy to use tools to:

- (1) limit other users or visitors to the service to communicate with the minor;
- (2) prevent other users from viewing the minor's personal data;
- (3) control the operation of covered design features by allowing minors to opt out of the use of all covered design features or entire categories of covered designed features;

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(4) control personalized recommendation systems by allowing minors to opt-in to a chronological feed or by preventing entire categories of content from being recommended;

(5) control the use of in-game purchases and other transactions by allowing minors to opt-out of all purchases and transactions or to place limits on purchases and transactions; and

(6) restrict the sharing of the minor's precise geolocation information and provide notice when the minor's precise geolocation information is being tracked.

(B) A covered online service must provide accessible, easy to use options to limit the amount of time a minor spends on the covered online service to each user that the covered online service knows to be a minor.

(C) A covered online service must establish, implement, and maintain default settings for the safeguards described in subsection (A) that provide the most protection available for the safety of a user or visitor that the covered online service knows is a minor.

Section 39-80-40. (A) Covered online services shall only collect the minimum amount of a minor's personal data necessary to provide the covered online service with which a minor has knowingly engaged. Such personal data may not be used for reasons other than those for which it was collected. Minors' personal data collected for age verification or estimation cannot be used for other purposes and must be deleted after use.

(B) Covered online services may not facilitate targeted advertising to minors.

(C) Precise geolocation information of minors cannot be collected by default unless necessary to the provision of the covered online service. An obvious notice to the minor must be provided when precise geolocation information is being collected or used.

(D) The use of notifications and push alerts to an individual the covered online service knows is a minor by covered online services is prohibited between the hours of ten p.m. and six a.m. seven days a week year-round and between the months of August and May between the hours of eight o'clock a.m. and three o'clock p.m. Monday through Friday in the minor's local time zone.

(E) A covered online service shall not profile a minor, unless:

(1) it can demonstrate that it has appropriate safeguards in place to prevent profiling that would violate the covered online service's minimum duty of care; or

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(2) profiling is necessary to the provision of the covered online service with which a minor has knowingly engaged and is limited to only that profiling that is necessary.

(F) Settings for the protections required under this section must be set at the highest level of protection by default.

(G) If a covered online service allows parental monitoring, then it must provide obvious notice to the minor when they are being monitored.

Section 39-80-50. (A) Covered online services must provide parents with tools to help parents protect and support minors using the covered online services and these shall be on by default where the user is a child.

(B) The parental tools provided by the covered online services shall provide to the parents the ability to:

(1) manage the child's account settings and change and control the child's privacy and account settings; and

(2) restrict a minor's purchases and other financial transactions.

(C) Among the parental tools provided by covered online services shall be one to enable parents to view the total time spent on a covered online service by a user the covered online service knows is a minor and allow the parent to place reasonable limits on the minor's use of the covered online service. The parental tools provided by covered online services must also offer parents the ability to restrict a child's use of the covered online service during times of day specified by the parents, including during school hours and at night.

(D) Covered online services must notify a minor when any of the tools described in this section are in effect and what settings have been applied.

Section 39-80-60. (A) Covered online services shall establish mechanisms for parents, minors, and schools to report harms to minors on covered online services, especially those harms that pose an imminent threat to a minor.

(B) Covered online services are prohibited from facilitating ads directed to minors for products prohibited for minors including, but not limited to, narcotic drugs, tobacco products, gambling, and alcohol to users the covered online services know are minors.

(C) Covered online services are prohibited from using dark patterns to obscure, subvert, or impair user autonomy, decision-making, or choice with respect to the safeguards or parental controls in this chapter.

(D) Each covered online service that utilizes personalized recommendation systems is required to describe in its terms and conditions, in a clear, conspicuous, and easy to understand manner, how the systems are used to provide information to minors and information

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regarding how minors or their parents can opt out of or control the systems.

(E) Covered online services are required to provide comprehensive, clear, conspicuous, and easy to understand information in a prominent location describing the design safety for minors, the privacy protections for minors, and the parental tools that the covered online service has adopted pursuant to this chapter. Such disclosure must also include a clear, conspicuous, and easy to understand explanation of how minors and parents may utilize those design safety measures, privacy protections, and tools.

Section 39-80-70. (A) Annually, on or before July first, the covered online service must issue a public report prepared by an independent third-party auditor that contains a detailed description of the covered online service as it pertains to minors, including its covered design features, its use of personal data, and its business practices as they pertain to minors. The public report must be submitted to the Attorney General who shall post it in a prominent place on his internet website. Each report must include:

- (1) the purpose of the covered online service;
- (2) the extent to which the covered online service is likely to be accessed by minors and accessed by a child;
- (3) an accounting of the number of users the covered online service knows to be minors and an accounting of how much time the minors spend on the covered online service. The accounting must be in the aggregate for all minors and also divided into one category for children and one category for minors between the ages of thirteen and eighteen;
- (4) an accounting of the total number and types of reports generated pursuant to Section 39-80-60(A) and assessment of how those reports were handled, if known;
- (5) whether, how, and for what purpose the covered online services collects or processes minors' sensitive personal data;
- (6) the design safety for minors, the privacy protections for minors, and the parental tools that the covered online entity has adopted;
- (7) whether and how the covered online service uses covered designed features;
- (8) the covered online service's process for handling data access, deletion, and correction requests for a minor's data;
- (9) age verification or estimation methods used; and
- (10) description of algorithms used by the covered online service.

(B) Independent auditors that prepare reports required under this section are required to follow inspection and consultation practices

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designed to ensure that reports are comprehensive and accurate, and that the reports are to be prepared in consultation with experts on minors' use of covered online services.

(C) Covered online services are required to provide independent auditors that prepare reports required under this section full and complete cooperation, access to information, and operations required to ensure that the report is comprehensive and accurate.

Section 39-80-80. (A) The Attorney General shall enforce the provisions contained in this chapter.

(B) A covered online service shall be liable for treble the financial damages incurred as a result of a violation of this chapter.

(C) The officers and employees of a covered online service may be held personally liable for willful and wonton violations of this chapter.

Section 39-80-90. (A)(1) By March 1, 2026, the Department of Education shall develop model programs for educating students regarding online safety while using the internet, taking into consideration educational materials on this topic developed by other states as well as any other materials suggested by educational experts, child psychologists, and technology companies that promote child online safety issues.

(2) The model programs provided for in this subsection must include one or more model programs for students in grades six through twelve which include instruction regarding the negative effects of social media on the mental health of users including addiction; the ability of social media to manipulate and influence thoughts and behaviors; the permanency and risks of sharing materials online; ways to maintain personal security and identify cyberbullying, predatory behavior, and human trafficking on the internet and social media; and ways to report suspicious behavior encountered on the internet and social media to appropriate persons and authorities.

(3) The Department of Education shall periodically update the model programs provided for in this subsection to reflect changes in internet and social media use, emergent technologies, social and psychological research, and information concerning new threats to teenagers and young adults using social media platforms and other online communication technologies.

(4) The Department of Education shall publish on its website information relating to the model programs provided for in this section, including recommended curricula and instructional materials.

(B) Each local board of education may incorporate into its instructional program a component on online internet safety, including

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social media safety, to be taught on a schedule as determined by the local board of education.

SECTION 2. The requirements of this act are in addition to and shall not limit or restrict in any way the application of other laws including, but not limited to, statutes, regulations, and common law of this State. In the event of a conflict between this act and one or more other laws, the law that affords the greatest protection to minors shall control.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator BENNETT proposed the following amendment (LC-3431.HDB0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by deleting Section 39-80-90 from the bill.

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.

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

Ayes 39; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Johnson	Kennedy
Kimbrell	Leber	Massey
Nutt	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Williams	Young	Zell

Total--39

NAYS

Total--0

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

CARRIED OVER

S. 59 -- Senators Bennett and Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-440, RELATING TO PENALTIES FOR DRIVING WITHOUT A LICENSE, SO AS TO INCREASE THE PENALTIES FOR DRIVING WITHOUT A LICENSE AND MAKE CONFORMING CHANGES.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 102 -- Senators Gambrell and Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-320, RELATING TO MILLAGE RATE INCREASE LIMITATIONS, SO AS TO ALLOW A MUNICIPALITY WITHOUT

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AN OPERATING MILLAGE ON JANUARY 1, 2025, OR A MUNICIPALITY THAT INCORPORATES AFTER JANUARY 1, 2025, TO IMPOSE AN OPERATING MILLAGE AND TO IMPOSE LIMITATIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (LC-102.DG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-320(3)(a) and inserting:

(a) A municipality without an operating millage on January 1, 2025, or a municipality that incorporates after January 1, 2025, may impose an operating millage sufficient to generate one-third of the municipality's general fund expenses in the previous fiscal year, or in the case of a newly incorporated municipality, one-third of the general fund expenses indicated in the proposed budget for the fiscal year submitted pursuant to South Carolina State Code of Regulations 113-200.

Amend the bill further, SECTION 1, Section 6-1-320(3), by adding an item to read:

(d) A municipality may not impose or reimpose an operating millage pursuant to this item unless approved by a majority of the qualified voters of the municipality voting in a referendum. The referendum must be held at the time of the general election. If approved, the operating millage may be imposed in the next fiscal year.

Renumber sections to conform.

Amend title to conform.

Senator VERDIN 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 37; Nays 2

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Climer	Corbin
Cromer	Davis	Devine

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Elliott	Garrett	Goldfinch
Graham	Grooms	Hutto
Johnson	Kennedy	Kimbrell
Leber	Massey	Nutt
Ott	Peeler	Rankin
Reichenbach	Rice	Sabb
Sutton	Tedder	Turner
Verdin	Williams	Young
Zell		

Total--37

NAYS

Chaplin	Stubbs
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Total--2

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

CARRIED OVER

S. 369 -- Senator Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 39-73-10, RELATING TO STATE COMMODITY CODE DEFINITIONS, SO AS TO PROVIDE THAT THE ADMINISTRATOR OF THE STATE COMMODITY CODE BE THE SOUTH CAROLINA ATTORNEY GENERAL; BY AMENDING SECTION 39-73-40, RELATING TO TRANSACTIONS WHERE PROHIBITION IS NOT APPLICABLE, SO AS TO ADD AN AGENT OR INVESTMENT ADVISOR REPRESENTATIVE AS INDIVIDUALS SUBJECT TO AN ORDER TO DENY, SUSPEND, OR REVOKE A PERSON'S LICENSE; BY AMENDING SECTION 39-73-60, RELATING TO PROHIBITED ACTS, SO AS TO REPLACE SECTION 39-73-310 WITH SECTION 39-73-30; BY AMENDING SECTION 39-73-80, RELATING TO STATE SECURITIES LAWS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 39-73-315, RELATING TO ADMINISTRATOR ACTIONS TO PREVENT VIOLATIONS OR IMMINENT VIOLATIONS, SO AS TO PROVIDE THAT THE ADMINISTRATOR CAN ISSUE AN ORDER RELATED TO ANY ACTION THAT MAY VIOLATE THIS CHAPTER; BY AMENDING SECTION 39-73-320, RELATING TO LEGAL, EQUITABLE, AND

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SPECIAL REMEDIES AVAILABLE TO A COURT FOR ENFORCEMENT, SO AS TO PROVIDE THAT THE ADMINISTRATOR MAY MAINTAIN AN ACTION IN THE RICHLAND COUNTY COURT OF COMMON PLEAS; BY AMENDING SECTION 39-73-325, RELATING TO PENALTIES FOR VIOLATIONS, SO AS TO PROVIDE THAT THE ADMINISTRATOR MAY REFER VIOLATIONS TO THE APPROPRIATE DIVISION OF THE ATTORNEY GENERAL'S OFFICE OR OTHER AUTHORITY; BY AMENDING SECTION 39-73-330, RELATING TO THE ADMINISTRATION OF THIS CHAPTER, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 39-73-340, RELATING TO THE AUTHORITY TO PROMULGATE REGULATIONS, FORMS, AND ORDERS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 39-73-350, RELATING TO THE APPLICABILITY OF SECTIONS 39-73-20, 39-73-50, AND 39-73-60 TO PERSONS WHO SELL, BUY, OR OFFER TO SELL OR BUY COMMODITIES IN THIS STATE, SO AS TO PROVIDE GUIDELINES FOR APPLICABLE RADIO AND TELEVISION COMMUNICATIONS; BY AMENDING SECTION 39-73-360, RELATING TO JUDICIAL REVIEW, SO AS TO PROVIDE GUIDELINES; BY AMENDING SECTION 39-73-370, RELATING TO DEFENSE IN A CASE BASED ON FAILURE TO MAKE PHYSICAL DELIVERY, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTION 39-73-375 SO AS TO PROVIDE THAT THE ATTORNEY GENERAL MAY RETAIN FUNDS FROM FINES AND PENALTIES TO OFFSET RELEVANT EXPENSES; BY ADDING SECTION 39-73-400 SO AS TO PROVIDE FOR SEVERABILITY OF THIS CHAPTER; AND BY REPEALING SECTION 39-73-355 RELATING TO ADMINISTRATIVE PROCEEDINGS.

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

READ THE SECOND TIME

S. 439 -- Senators Peeler, Turner, Davis, Bennett, Verdin, Alexander, Grooms, Kimbrell, Johnson, Jackson, Corbin, Sutton, Climer, Adams and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO THE PROPERTY TAX EXEMPTIONS, SO AS TO INCREASE THE MAXIMUM REIMBURSEMENT AMOUNT FOR THE EXEMPTION ON CERTAIN MANUFACTURING PROPERTY.

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The Senate proceeded to the 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 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Massey	Nutt	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Williams	Young
Zell		

Total--40

NAYS

Total--0

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

OBJECTION

S. 455 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-605 SO AS TO DEFINE THE TERM "STRANGULATION," CREATE THE OFFENSES OF STRANGULATION AND AGGRAVATED STRANGULATION, PROVIDE PENALTIES FOR THE OFFENSES, AND PROVIDE AN EXCEPTION.

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Senator HEMBREE objected to consideration of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3058 -- Reps. Wooten, Pope, Spann-Wilder, McCravy, Taylor, Cobb-Hunter, Govan, Erickson, Bradley, Guffey, W. Newton, B. Newton and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-330 SO AS TO DEFINE NECESSARY TERMS FOR THE OFFENSE OF INTENTIONALLY DISSEMINATING INTIMATE IMAGES OR DIGITALLY FORGED INTIMATE IMAGES WITHOUT EFFECTIVE CONSENT; AND BY ADDING SECTION 16-15-332 SO AS TO CREATE THE OFFENSE OF INTENTIONALLY DISSEMINATING INTIMATE IMAGES OR DIGITALLY FORGED INTIMATE IMAGES WITHOUT EFFECTIVE CONSENT, TO PROVIDE GRADUATED PENALTIES, AND TO PROVIDE AN EXCEPTION FOR LAW ENFORCEMENT UNDER CERTAIN CIRCUMSTANCES.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3058.MB0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-15-330(4) and inserting:

(4) "Intimate image" means any still or videographic image of an identifiable individual that depicts wholly or partially uncovered genitals, pubic area, anus, or postpubescent female nipple or areola of an individual, the display or transfer of semen or vaginal secretion, ~~or sexually explicit conduct~~ sexual activity, as defined in Section 16-15-375, or sexually explicit nudity, as defined in Section 16-15-375.

Amend the bill further, SECTION 2, by striking Section 16-15-332(B)(2) and inserting:

(2) second or subsequent offense, after an intervening conviction or adjudication for a previous violation of the provisions of this section, must be fined not more than ten thousand dollars or imprisoned not less than one year but not more than ten years, or both. No part of the minimum sentence may be suspended nor probation granted.

Amend the bill further, SECTION 2, by striking Section 16-15-332(C)(2) and inserting:

(2) second or subsequent offense, after an intervening conviction or adjudication for a previous violation of the provisions of this section, is

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guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

Renumber sections to conform.

Amend title to conform.

Senator ADAMS 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 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Massey	Nutt	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Williams	Young
Zell		

Total--40

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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OBJECTION

H. 3222 -- Reps. Bailey and Chapman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-9-145, RELATING TO LITTER CONTROL OFFICERS, SO AS TO REVISE THE MEANS FOR DETERMINING THE LIMIT ON THE NUMBER OF LITTER CONTROL OFFICERS THAT A COUNTY MAY APPOINT AND COMMISSION, AND TO CORRECT AN INCORRECT REFERENCE.

Senator MARTIN objected to consideration of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3305 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 7 TO CHAPTER 3, TITLE 15 SO AS TO ESTABLISH THE "SOUTH CAROLINA PUBLIC EXPRESSION PROTECTION ACT," REGARDING A CAUSE OF ACTION ASSERTED IN A CIVIL ACTION BASED UPON A PERSON'S COMMUNICATION IN CERTAIN CIRCUMSTANCES, AND TO ESTABLISH REQUIREMENTS FOR THESE PROCEEDINGS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3305.PB0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 15-3-910(C) and inserting:

(C) This article does not apply to a cause of action asserted:

~~—(1) against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity; or,~~

~~—(2) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety.~~

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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Motion Adopted

Senator HUTTO 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.

CARRIED OVER

H. 3569 -- Reps. M.M. Smith, Pope, Davis, Cobb-Hunter, Wetmore, Henderson-Myers, Erickson, Rivers and Gilliard: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-40-350 SO AS TO PROVIDE THAT RESIDENTIAL TENANTS WHO ARE VICTIMS OF CERTAIN DOMESTIC VIOLENCE OFFENSES MAY TERMINATE A RENTAL AGREEMENT AND TO PROVIDE FOR NECESSARY REQUIREMENTS; AND BY AMENDING SECTION 27-40-210, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS.

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

COMMITTEE AMENDMENT ADOPTED

AMENDMENT PROPOSED, READ THE SECOND TIME

H. 3571 -- Reps. Hiott, Guffey, J.L. Johnson, Pedalino, Neese and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-36-20, RELATING TO DEFINITIONS, SO AS TO ADD DEFINITIONS FOR "LARGE PROJECT," "NOTICE," "PRE-MARKING," "PRIVATE FACILITY," "PROJECT INITIATOR," AND "SOFT DIGGING" AND TO AMEND THE DEFINITIONS OF "EXCAVATE," "EXCAVATOR," AND "OPERATOR"; BY AMENDING SECTION 58-36-50, RELATING TO THE OPERATORS ASSOCIATION NOTIFICATION CENTER, SO AS TO CLARIFY OPERATOR PENALTY FOR FAILURE TO BE A MEMBER OF THE ASSOCIATION, THE NOTIFICATION CENTER'S DUTIES, AND OTHER CHANGES; BY AMENDING SECTION 58-36-60, RELATING TO THE NOTICE OF INTENT TO EXCAVATE OR DEMOLISH, SO AS TO PROVIDE ADDITIONAL TIME FOR NOTICE FOR CERTAIN EXCAVATIONS OR DEMOLITIONS AND OTHER CHANGES; BY AMENDING SECTION 58-36-70, RELATING TO INFORMATION SUPPLIED BY

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OPERATORS, SO AS TO REQUIRE QUARTERLY REPORTS OF DAMAGE CAUSED BY AN EXCAVATION OR DEMOLITION AND TO CLARIFY PAYMENT OF A CIVIL PENALTY IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 58-36-80, RELATING TO EMERGENCY EXCAVATIONS OR DEMOLITIONS EXEMPT FROM NOTICE REQUIREMENTS AND LIABILITY FOR DAMAGES, SO AS ESTABLISH ADDITIONAL NOTIFICATION AND RESPONSE REQUIREMENTS IN THE EVENT OF AN EMERGENCY AND TO MAKE A FALSE CLAIM OF AN EMERGENCY A VIOLATION OF THIS CHAPTER; BY AMENDING SECTION 58-36-90, RELATING TO NOTICE OF DAMAGES, SO AS TO REQUIRE AN EXCAVATOR TO IMMEDIATELY REPORT ANY KNOWN DAMAGE TO THE NOTIFICATION CENTER AND FACILITY OPERATOR; BY AMENDING SECTION 58-36-100, RELATING TO DESIGN REQUESTS AND OPERATOR RESPONSE, SO AS TO ADD A REFERENCE TO LARGE PROJECTS; BY AMENDING SECTION 58-36-110, RELATING TO EXEMPTION FROM NOTICE REQUIREMENTS, SO AS TO STRIKE CURRENT PROVISIONS; BY AMENDING SECTION 58-36-120, RELATING TO PENALTIES AND CIVIL REMEDIES, SO AS TO PROVIDE FOR A COMPLAINT PROCESS THROUGH THE ATTORNEY GENERAL'S OFFICE AND TO PROVIDE FOR PENALTIES; AND BY ADDING SECTION 58-36-75, SO AS TO PROVIDE A PROCESS FOR LARGE PROJECTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3571.MF0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 58-36-20(4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), and (29) and inserting:

(4) "Commencement date" means the date that an excavator provides to the notification center of the excavator's intent to begin the excavation or demolition for which notice is being given;

(5) "Damage" means the substantial weakening of structural or lateral support of a facility, penetration or destruction of protective coating, housing, or other protective device of a facility and the partial or complete severance of a facility.

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~~(5)~~(6) “Demolish” or “demolition” means any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment, or discharge of explosives.

~~(6)~~(7) “Designer” means any architect, engineer, or other person who prepares or issues a drawing or blueprint for a construction or other project that requires excavation or demolition work.

~~(7)~~(8) “Design request” means a communication to the notification center in which a request for identifying existing facilities for advance planning purposes is made. A design request may not be used for excavation purposes.

~~(8)~~(9) “Emergency” means a sudden or unforeseen event involving a clear and imminent danger to life, health, or property; the interruption of essential existing utility services; or the blockage of transportation facilities, including highway, rail, water, and air, which require immediate action.

~~(9)~~(10)(A) “Excavate” or “excavation” means an operation for the purpose of the displacement, movement, or removal of soil, earth, rock, or other materials in or on the ground by use of hand digging, mechanized equipment, or by discharge of explosives, and including This includes, but is not limited to, augering, blasting, boring, backfilling, digging, ditching, drilling to include directional, horizontal, and vertical, well drilling, driving, grading, marine construction, partial- and full depth patching, piling, plowing-in, pulling-in, ripping, scraping, soft digging, spudding, staking, trenching, and tunneling.

(B) “Excavate” or “excavation” shall not include:

(1) activity by the owner of a single-family residential property on their own land when the excavation:

(a) does not encroach on any operator’s known right of way, easement, or permitted use;

(b) is performed with nonmechanized equipment; and

(c) is less than twelve inches in depth;

(2) tilling or plowing of soil when less than twelve inches in depth for agricultural purposes;

(3) activity by an operator or an agent of an operator with nonmechanized equipment for the following purposes:

(a) locating for a valid notification request; or

(b) for the minor repair, connecting, or routine maintenance of an existing facility;

(4) road and right-of-way maintenance activities limited to resurfacing, milling, or emergency replacement of signs critical for maintaining safety.

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~~(10)~~(11) “Excavator” means any entity or person engaged in excavation or demolition.

~~(11)~~(12) “Extraordinary circumstances” means circumstances which make it impractical or impossible for the operator to comply with the provisions of this chapter. Extraordinary circumstances may include hurricanes, tornadoes, floods, ice, snow, and acts of God.

~~(12)~~(13) “Facility” means any underground line, underground system, or underground infrastructure used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, potable and non-potable water, steam, or sewerage. Provided there is no encroachment on any operator’s right of way, easement, or permitted use and for purposes of this ~~act~~chapter, the following are not considered as an underground “facility”: petroleum storage systems subject to regulation pursuant to Chapter 2, Title 44; septic tanks as regulated by Chapter 55, Title 44; swimming pools and irrigation systems. For purposes of this ~~act~~chapter, and provided there is no encroachment on any operator’s right of way, easement, or permitted use, liquefied petroleum gas “systems” as defined in Section 40-82-20(8) do not constitute an underground “facility” unless such a system is subject to Title 49 C.F.R. Part 192.

~~(13)~~(14) “Large project” means excavation or demolition that:

(a) involves more work to locate underground facilities than can reasonably be completed within the requirements of Section 58-36-70;

(b) is reasonably expected to take more than ninety days to complete; and

(c) is either a:

(i) highway infrastructure project that is:

(A) greater than one mile measured linearly or encompasses more than a two-square-mile polygon; and

(B) proposed for areas in which existing underground facilities are located;

(ii) a development project that is located in areas in which existing underground facilities are located; or

(iii) utility infrastructure project that is:

(A) greater than one mile measured linearly or encompasses a two-square-mile polygon; and

(B) proposed for areas in which existing underground facilities are located.

~~(14)~~(15) “Large project facility location agreement” means an agreement between the excavators, locators, and facility owners

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involved in a large project that meets the requirements in Section 58-36-75.

~~(13)(15)~~~~(16)~~ “Locator” means a person that identifies and marks facilities for operators.

~~(14)(16)~~~~(17)~~ “Mechanized equipment” means equipment operated by means of mechanical power, including, but not limited to, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, and other equipment used for plowing-in or pulling-in cable or pipe.

~~(15)(17)~~~~(18)~~ “Non-mechanized equipment” means hand tools.

~~(18)~~~~(19)~~ “Notice” means the provision by an excavator of information to the notification center as required by Section 58-36-60(A).

~~(16)(19)~~~~(20)~~ “Notification center” means an entity that administers a system through which a person can notify operators of proposed excavations or demolitions.

~~(17)(20)~~~~(21)~~ “Operator” means any person, public utility, communications and cable service provider, provider of interactive fiber, municipality, electrical utility, electric and telephone cooperatives, and the South Carolina Public Service Authority as defined in Titles 5, 6, 33, and 58, ~~Code of Laws of South Carolina, 1976~~ of the S.C. Code of Laws, who owns or operates a facility for commercial purposes in the State of South Carolina. The term “operator” includes entities that own, maintain, or operate a facility that is used to provide utility service to third parties for commercial or multi-family residential purposes, even where no separate charge is imposed for such utility service.

~~(18)(21)~~~~(22)~~ “Person” means any individual, owner, corporation, partnership, association, or any other entity organized under the laws of any state; any subdivision or instrumentality of a state; and any authorized representative thereof.

~~(19)(22)~~~~(23)~~ “Positive response” means an automated information system that allows excavators, locators, operators, and other interested parties to determine the status of a locate request until excavation or demolition is complete.

~~(23)~~~~(24)~~ “Pre-marking” means identifying the proposed excavation or demolition site by using APWA uniform color code rules for the proposed excavation. This includes, but is not limited to, utilization of white paint, flags, whisksers, stakes, digital or virtual drawings, prints, and other elements identifying the proposed excavation visually. If the locate notice indicates the existence of pre-marks, the location of those marks must be described on the notice.

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~~(24)~~(25) “Private facility” is a facility owned and operated by a person or entity that is not an operator.

~~(25)~~(26) “Project initiator” means the person or entity that causes a large project to be initiated. The project initiator for large projects for highway infrastructure shall be the South Carolina Department of Transportation; the project initiator for large projects for development shall be the development owner; and the project initiator for a utility infrastructure project shall be the utility infrastructure project owner.

~~(26)~~(27) “Soft digging” means any excavation using tools or equipment that utilize air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation.

~~(20)~~~~(27)~~(28) “Subaqueous” means a facility that is under a body of water, including rivers, streams, lakes, waterways, swamps, and bogs.

~~(21)~~~~(28)~~(29) “Tolerance zone” means:

(a) if the diameter of the facility is known, the distance of one-half of the known diameter plus twenty-four inches on either side of the designated center line;

(b) if the diameter of the facility is not marked, twenty-four inches on either side of the outside edge of the mark indicating a facility; or

(c) for subaqueous facilities, a clearance of fifteen feet on either side of the indicated facility.

~~(22)~~~~(29)~~(30) “Working day” means every day, except Saturday, Sunday, and legal holidays as defined by South Carolina law.

Amend the bill further, SECTION 1, by striking Section 58-36-60(A)(1) and inserting:

(1) Before commencing any excavation or demolition, the ~~person responsible for the excavation or demolition shall provide, or cause to be provided,~~ excavator must provide timely notice to the notification center of his intent to excavate or demolish. Notice for any excavation or demolition that does not involve a subaqueous facility must be given within three to ~~twelve~~~~forty-five~~ full working days, ~~not including the day upon which notice is given,~~ before the proposed commencement date of the excavation or demolition. Notice for any excavation or demolition in the vicinity of a subaqueous facility must be made within ten to twenty full working days, ~~not including the day upon which notice is given,~~ before the proposed commencement date of the excavation or demolition.

Amend the bill further, SECTION 1, by striking Section 58-36-60(B) and inserting:

(B) Notice given pursuant to subsection (A) shall expire within fifteen working days after the date and time for commencement of work as

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provided in the notice. No excavation or demolition may continue after this fifteen-day period unless the person responsible for the excavation or demolition provides a subsequent notice using the same method as provided in pursuant to subsection (A). This subsequent notice only extends the commencement date and does not require operators to re-mark facilities unless otherwise required pursuant to subsection (F)(E)(8)(7). ~~Excavation or demolition may not commence prior to the commencement date provided in the notice required in this section.~~

Amend the bill further, SECTION 1, by striking Section 58-36-60(C)(5) and inserting:

(5) the location of the proposed excavation or demolition, not to exceed one-quarter mile in geographical length, or five adjoining addresses, whichever is less; and

Amend the bill further, SECTION 1, by striking Section 58-36-60(E) and inserting:

(E) For projects that do not meet the requirements of large projects as defined in Section 58-36-20(14), a notice must not cover an area greater than one linear mile. Notice for projects less than one linear mile but greater than one quarter mile must be reduced to sections not greater than one quarter mile or five adjoining addresses, whichever is less, for purposes of transmitting notice to operators. Notice for projects that do qualify as large projects must be provided as required by Section 58-36-75.

~~(E)~~(F) An excavator must comply with the following:

(1) When the excavation site cannot be clearly and adequately identified within the area described in the notice, the excavator must designate the route, specific area to be excavated, or both, by pre-marking before the operator performs a locate. ~~Premarking must be made with white paint, flags, or stakes.~~

(2) Check the notification center's positive response system prior to excavating or demolishing to ensure that all operators have responded and that all facilities that may be affected by the proposed excavation or demolition have been marked.

(3) Plan the excavation or demolition to avoid damage to or minimize interference with facilities in and near the construction area.

(4) Excavation or demolition may ~~begin~~ commence prior to the ~~specified~~ commencement date provided in the notice required in this section ~~waiting period~~ if the excavator has confirmed that all operators responded with an appropriate positive response.

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(5) If an operator declares extraordinary circumstances, the excavator must not excavate or demolish until after the time and date that the operator provided in its response.

(6)(a) An operator's failure to respond to the positive response system does not prohibit the excavator from proceeding, provided there are no visible indications of a facility, such as a pole where an aerial facility transitions to underground, marker, pedestal, or valve at the proposed excavation or demolition site. However, if the excavator is aware of or observes indications of an unmarked facility, the excavator must not begin excavation or demolition until an additional ~~call~~notice is ~~made~~provided to the notification center detailing the facility, and an arrangement is made for the facility to be marked by the operator within three hours from the time the additional ~~call~~notice is received by the notification center.

(b) If the three-hour notice is made pursuant to item (a) and an operator failed to give a positive response within the timeframe required in this section and the excavator has fully complied with this section, the excavator shall not be deemed liable for any damages to an underground facility that would have been located if the operator had complied with its duties as an operator. This item shall not apply to any underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety laws.

(7) Beginning on the date provided in the excavator's notice to the notification center, the excavator shall preserve the staking, marking, or other designation until no longer required. When a mark is no longer visible, but the work continues in the vicinity of the facility, the excavator must request a re-mark from the notification center to ensure the protection of the facility.

(8) The excavator shall notify the notification center's positive response system when the excavation or demolition is complete.

(9) An excavator may not perform any excavation or demolition within the tolerance zone, including work done in the tolerance zone below or above an existing facility, unless the following conditions are met:

(a) no use of mechanized equipment, except ~~non-invasive~~soft digging equipment specifically designed or intended to protect the integrity of the facility, within the marked tolerance zone of an existing facility until:

(i) the excavator has visually identified the precise location of the facility, or has visually confirmed that no facility is present up to the depth of excavation; and

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(ii) reasonable precautions are taken to avoid any substantial weakening of the facility's structural or lateral support, or both, or penetration or destruction of the facilities or their protective coatings.

Mechanical means may be used, as necessary, for initial penetration and removal of pavement or other materials requiring use of mechanical means of excavation and then only to the depth of the pavement or other materials. For parallel type excavations within the tolerance zone, the existing facility shall be visually identified at intervals not to exceed fifty feet along the line of excavation to avoid damages. When excavation involves crossing an existing marked facility, the excavator must visually verify minimum clearance of the tolerance zone above or below the existing facility using appropriate methods, such as hand digging or soft digging techniques to visually identify and protect existing facilities where the excavation crossing occurs. The excavator shall exercise due care at all times to protect the facilities when exposing these facilities;

(b) maintain clearance between a facility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such facility; and

(c) provide support for facilities in and near the excavation or demolition area, including backfill operations, as may be reasonably required by the operator for the protection of such facilities.

Amend the bill further, SECTION 1, by striking Section 58-36-70(B) and inserting:

(B) The information in subsection (A) must be provided to the excavator prior to the commencement date provided in the notice or within:

~~—(1) three full working days, not including the day the notice was made, for a facility after notice of the proposed excavation or demolition to the notification center;~~

~~—(2) ten full working days, not including the day the notice was made, for a subaqueous facility after notice of the proposed excavation or demolition to the notification center; or~~

~~—(3) as otherwise provided by written agreement by between the excavator and the operator or designated representative of the operator.~~

These ~~time lines~~ timelines do not apply in the event the operator declares an extraordinary circumstance, pursuant to subsection (F) below, or for a large project in which these timelines are modified in a large project facility location agreement.

Amend the bill further, SECTION 1, by striking Section 58-36-120(A) and inserting:

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(6) An employee of the notification center who participated in the investigation of the complaint as provided in Sections 58-36-120(A)(1) and 58-36-50(L) may be called to testify in a proceeding brought to impose penalties pursuant to this section. However, that person may not testify to settlement discussions that would be protected by Rule 408 of the S.C. Rules of Evidence.

(7) Upon the finding by the court of a violation of this chapter, the court shall award the person bringing such action under this section reasonable attorney's fees and costs.

Amend the bill further, SECTION 2, by striking Section 58-36-75(A), (B), (C), (D), (E), (F), and (G) and inserting:

(A) All project initiators and affected operators, excavators, and locators must comply with the provisions of this section for large projects.

(B) Notwithstanding the notice timelines provided in Section 58-36-60, the project initiator or designee for a large project must provide notice to the notification center at least thirty days prior to the commencement of the large project.

~~(B)~~(C) Within three days from receipt of a notice of a large project, the notification center must provide:

(1) a list of all operators of facilities in the large project area to the project initiator or its designee; and

(2) notice to all of the operators of the proposed large project.

~~(C)~~(D) Within fifteen days of the notification of the proposed large project, the project initiator or its designee must provide notice through the notification center of a planning meeting of all affected facility operators, locators, and excavators known by the project initiator or its designee to be involved in any excavation or demolition work on the large project.

~~(D)~~~~(1)~~(E)(1) At the planning meeting, the project initiator or its designee must provide:

(a) an overview of the proposed large project;

(b) contact information for the project initiator and, if applicable, the project initiator's designee for the initial planning meeting; however, after the initial planning meeting, the contact information for each excavator, locator, facility operator, and their respective agents, involved in the proposed large project must be updated in a timely manner;

(c) expected timelines for the work to be concluded, including descriptions of phases if appropriate; and

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(d) a proposed large project facility location agreement which must include, but not be limited to, proposed timelines of notices of excavation, marking of facilities, and positive responses to notices.

(2) The project initiator or its designee and all excavators, locators, and facility operators involved in the large project must negotiate in good faith to reach an agreement on notice and response procedures that will be reasonable for all entities involved in the large project. A large project facility location agreement must include provisions to address the notice and response requirements in Section 58-36-60(A), (B), (C), and (E) and Section 58-36-70(B), (D), (E), and (F); these provisions must meet or exceed the standards in these subsections to protect underground facilities.

~~(E)~~(F) All large project facility location agreements must be submitted to the notification center by the project initiator or its designee. The notification center shall be responsible for maintaining records of these agreements and must provide copies of these agreements, upon request, to any of the excavators, locators, facility operators, or any of their respective agents of subcontractors identified on the notification sheet.

~~(F)~~(G) All excavators, locators, and facility operators that comply with the provision of a large project facility location agreement are relieved of the notice, pre-marking, marking, and response requirements in Section 58-36-60(A), (B), (C), and (E) and Section 58-36-70(B), (D), (E), and (F).

~~(G)~~(H) In the event any excavator, locator, or facility operator is unable or unwilling to attend the planning meeting or meetings conducted pursuant to this section, that excavator, locator, or operator must comply with the notice and location requirements agreed to in the large project facility location agreement that is a result of the meeting or meetings required under this section.~~involved in a large project either refuses or fails to enter into a large project facility location agreement pursuant to this section, that excavator, locator, or facility operator must comply with all provisions of Sections 58-36-60 and 58-36-70.~~

(I) The notification center must make available to any such excavator, locator, or operator a copy of the large project facility location agreement. Nothing in this section will prevent such excavator, locator, or operator from requesting adjustments to the agreement and nothing will prevent the parties to such agreement from agreeing to the requested adjustments. Any such modifications to the large project facility location agreement must be submitted by the project initiator to the notification center and maintained by it as part of its responsibilities pursuant to Section 58-36-50(L)(2) and (3).

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Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

The amendment was adopted.

Senator KENNEDY proposed the following amendment (SJ-3571.MF0002S), which was proposed:

Amend the bill, as and if amended, SECTION 1, by striking Section 58-36-30(B) and inserting:

(B) Nothing in this chapter shall supersede or preempt any ordinance enacted by a municipality that purports to regulate the permitting and inspection of utility work being conducted within the public right of way.

(C) A permit issued pursuant to law authorizing an excavation or demolition shall not be deemed to relieve a person from the responsibility for complying with the provisions of this chapter.

Renumber sections to conform.

Amend title to conform.

Senator KENNEDY explained the amendment.

The question being the adoption of the amendment.

Motion Adopted

Senator JOHNSON 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.

READ THE SECOND TIME

H. 3800 -- Reps. W. Newton, Bannister, Herbkersman, White, Kilmartin and Frank: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO THE SALES TAX EXEMPTION ON DURABLE MEDICAL EQUIPMENT, SO AS TO DELETE AN ELIGIBILITY

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REQUIREMENT THAT THE SELLER HAVE A PRINCIPAL PLACE OF BUSINESS IN THIS STATE.

The Senate proceeded to the consideration of the Bill.

Senator TURNER explained the Bill.

The question being the second reading of the Bill.

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

Ayes 39; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Nutt	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Williams	Young	Zell

Total--39

NAYS

Massey

Total--1

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 3910 -- Reps. Davis, G.M. Smith and B.J. Cox: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 3-1-150 AND 63-3-510, RELATING TO

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JURISDICTION OVER CERTAIN LANDS RELINQUISHED BY THE UNITED STATES AND THE EXCLUSIVE ORIGINAL JURISDICTION OF THE FAMILY COURT, RESPECTIVELY, BOTH SO AS TO PROVIDE FOR CONCURRENT JURISDICTION WITH THE UNITED STATES IN CERTAIN MATTERS INVOLVING JUVENILES WITHIN A MILITARY INSTALLATION.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3910.MB0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 3-1-150(B)(1) and inserting:

(B)(1) Notwithstanding any other provision of this title, the State shall exercise concurrent jurisdiction with the United States over any military installation of the United States Department of Defense located or established within the State in the matter relating to a violation of federal law by a juvenile within the boundaries of that military installation if:

(a) the United States Attorney, or the United States District Court, for the applicable district in South Carolina, waives exclusive jurisdiction; and

(b) the violation of federal law is also a crime or infraction under state law.

Amend the bill further, SECTION 1, Section 3-1-150, by adding a subsection to read:

(C) Upon the establishment of concurrent jurisdiction, any state or local agency may enter into a reciprocal agreement with any agency of the United States for coordination and designation of responsibilities related to the concurrent jurisdiction.

Amend the bill further, SECTION 2, by striking Section 63-3-510(5) and inserting:

(5) When concurrent jurisdiction has been established pursuant to Section 3-1-150(B), the court has exclusive original jurisdiction over any case involving a juvenile who is alleged to be delinquent as the result of an act committed within the boundaries of a military installation that is a crime or infraction under state law, except as provided in Section 63-19-1210 as it relates to waiver procedures to the circuit court.

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

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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 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Massey	Nutt	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Williams	Young
Zell		

Total--40

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. 4160 -- Reps. W. Newton, G.M. Smith, Jordan, Caskey, Bannister, Pope, Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-5-610, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, THE NUMBER OF JUDGES TO BE ELECTED FROM EACH CIRCUIT, AND THE ELECTION OF AT-LARGE JUDGES WITHOUT REGARD TO COUNTY OR CIRCUIT OF RESIDENCE, SO AS TO CONVERT FIVE AT-LARGE

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CIRCUIT COURT SEATS TO RESIDENT SEATS IN THE THIRD, SEVENTH, NINTH, ELEVENTH, AND TWELFTH CIRCUITS.

The Senate proceeded to the consideration of the Bill.

Senator KIMBRELL explained the Bill.

The question being the second reading of the Bill.

Motion Adopted

Senator HUTTO 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.

POINT OF ORDER

S. 256 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCE ACT" BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO PROVIDE DEFINITIONS, CREATE AND ESTABLISH THE PROGRAM, PROVIDE FOR APPLICATION AND ADMINISTRATION, ESTABLISH A PROCESS FOR ASSESSING AND COLLECTING LIENS, PROVIDE FINANCING, AND TO DEVELOP STANDARDS, AMONG OTHER THINGS.

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 383 -- Senators Davis, Goldfinch, Graham, Zell and Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROTHONOTARY WARBLER RECOGNITION ACT" BY ADDING SECTION 1-1-613 SO AS TO DESIGNATE THE PROTHONOTARY WARBLER (PROTONOTARIA CITREA) AS

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THE OFFICIAL STATE MIGRATORY BIRD OF SOUTH CAROLINA.

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

OBJECTION

S. 428 -- Senators Allen and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; BY AMENDING SECTION 17-22-910, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT; AND BY ADDING SECTION 17-1-43 SO AS TO REQUIRE THE DESTRUCTION OF ARREST RECORDS OF PERSONS MADE AS A RESULT OF MISTAKEN IDENTITY UNDER CERTAIN CIRCUMSTANCES.

Senator HEMBREE objected to consideration of the Bill.

POINT OF ORDER

S. 499 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - STATE ATHLETIC COMMISSION, RELATING TO STATE ATHLETIC COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5351, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 477 -- Senators Davis and Ott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-210, RELATING TO THE DEFINITION OF A “SELF-ADMINISTERED HORMONAL CONTRACEPTIVE” IN THE PHARMACY PRACTICE ACT, SO AS TO REVISE THE DEFINITION; BY AMENDING SECTION 40-43-230, RELATING TO PHARMACISTS PERMITTED TO DISPENSE SELF-ADMINISTERED HORMONAL CONTRACEPTIVES IN CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE SUCH DISPENSATIONS MAY BE MADE PURSUANT TO CERTAIN WRITTEN JOINT PROTOCOLS; AND BY AMENDING SECTION 40-43-240, RELATING TO WRITTEN JOINT PROTOCOLS BY THE BOARD OF MEDICAL EXAMINERS AND THE BOARD OF PHARMACY TO AUTHORIZE PHARMACISTS TO DISPENSE SELF-ADMINISTERED HORMONAL CONTRACEPTIVES WITHOUT PATIENT-SPECIFIC WRITTEN ORDERS, SO AS TO INSTEAD PROVIDE THE DISPENSATIONS MAY BE MADE UNDER STANDING ORDERS OR WITHOUT STANDING ORDERS WHEN DISPENSED OR ADMINISTERED PURSUANT TO CERTAIN WRITTEN JOINT PROTOCOLS.

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 585 -- Senators Tedder and Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SAFEGUARDING AMERICAN FAMILIES EVERYWHERE (SAFE) ACT” AND BY ADDING SECTION 56-3-125 SO AS TO PROVIDE APPLICATIONS FOR MOTOR VEHICLE REGISTRATIONS MUST INCLUDE LANGUAGE ALLOWING APPLICANTS TO VOLUNTARILY INDICATE THEY OR THEIR FAMILY MEMBERS HAVE BEEN DIAGNOSED WITH CERTAIN DISABILITIES OR DISORDERS, AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO INCLUDE THE DESIGNATION “SAFE” IN THE MOTOR VEHICLE’S RECORDS.

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Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3632 -- Reps. Erickson, Spann-Wilder and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-149-15, RELATING TO REQUIREMENTS FOR ADDITIONAL LIFE SCHOLARSHIP STIPENDS, AND SECTION 59-104-25, RELATING TO REQUIREMENTS FOR ADDITIONAL PALMETTO FELLOWS SCHOLARSHIP STIPENDS, BOTH SO AS TO PROVIDE THAT CERTAIN COURSEWORK IN ECONOMICS AND BUSINESS STATISTICS MUST COUNT TOWARDS CERTAIN REQUIRED FRESHMAN YEAR COURSEWORK IN MATHEMATICS AND SCIENCE, AND TO CLARIFY THESE PROVISIONS APPLY BEGINNING WITH ACCOUNTING MAJORS WHO COMPLETED SUCH COURSEWORK AS FRESHMEN IN THE 2024-2025 SCHOOL YEAR.

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3752 -- Reps. Gilliam, Lawson, Pope, Mitchell, Guffey, Oremus, Brewer, Chapman, M.M. Smith, B.L. Cox, W. Newton and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOCIAL WORK INTERSTATE COMPACT ACT" BY ADDING ARTICLE 3 TO CHAPTER 63, TITLE 40 SO AS TO PROVIDE THE PURPOSE, FUNCTIONS, OPERATIONS, AND DEFINITIONS CONCERNING THE COMPACT; BY ADDING SECTION 40-63-32 SO AS TO PROVIDE APPLICANTS FOR INITIAL LICENSURE AS A SOCIAL WORKER SHALL UNDERGO CERTAIN CRIMINAL RECORDS CHECKS, AND TO PROVIDE FOR THE CONFIDENTIALITY AND PERMITTED USES OF THE RESULTS OF THESE CRIMINAL

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RECORDS CHECKS; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 63, TITLE 40 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS."

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 4067 -- Reps. Davis, Sessions, Forrest and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-7-268 SO AS TO REQUIRE ALL HOSPITALS WITH EMERGENCY DEPARTMENTS TO HAVE AT LEAST ONE PHYSICIAN PHYSICALLY PRESENT ON SITE WHO IS RESPONSIBLE FOR THE EMERGENCY DEPARTMENT AT ALL TIMES THE EMERGENCY DEPARTMENT IS OPEN.

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 4261 -- Reps. G.M. Smith, J. Moore, Rivers and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-320 SO AS TO DESIGNATE THE MONTH OF SEPTEMBER AS "BLOOD CANCER AWARENESS MONTH."

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order

ADOPTED

S. 614 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME HOLLY HALL ROAD IN BEAUFORT COUNTY

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“REVEREND JEANNINE R. SMALLS ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 620 -- Senator Corbin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE STRETCH OF HIGHWAY 276 AT 35°5'30" N BY 82°36' 53" W IN GREENVILLE COUNTY “ALAMO COVE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 625 -- Senators Chaplin and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SC 340 AND I-20 IN DARLINGTON COUNTY “GOVERNOR DAVID M. BEASLEY INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 627 -- Senators Chaplin and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE LAKE PRESTWOOD BRIDGE IN DARLINGTON COUNTY “SPEAKER JAY LUCAS BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

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

MOTION UNDER RULE 32B ADOPTED

Senator MASSEY, Chairman of the Committee on Rules, moved under the provisions of Rule 32B to call H. 3008 from the Contested Calendar.

The motion under Rule 32B was adopted.

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MOTION ADOPTED

At 1:27 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 74 -- Senators Hembree, Leber, Elliott, Garrett, Ott, Kimbrell, Graham, Zell, Kennedy and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-13-142 SO AS TO AUTHORIZE A LAW ENFORCEMENT OFFICER, A CIRCUIT SOLICITOR, OR THE ATTORNEY GENERAL TO REQUIRE THE DISCLOSURE OF ELECTRONIC COMMUNICATIONS AND OTHER RELATED RECORDS BY A PROVIDER OF AN ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE UNDER CERTAIN CIRCUMSTANCES.

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

THE SENATE PROCEEDED TO THE ADJOURNED DEBATE.

READ THE SECOND TIME

H. 3996 -- Reps. Sessions and Chapman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-1250, RELATING TO SUPERVISION OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO INCREASE THE NUMBER OF ANESTHESIOLOGIST'S ASSISTANTS THAT AN ANESTHESIOLOGIST MAY SUPERVISE; AND BY AMENDING SECTION 40-47-1240, RELATING TO LICENSURE OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO REMOVE THE REQUIREMENT THAT LICENSURE APPLICANTS MUST APPEAR BEFORE A MEMBER OF THE BOARD OF MEDICAL EXAMINERS AND PRESENT EVIDENCE OF CERTAIN RELEVANT ACADEMIC CREDENTIALS AND KNOWLEDGE.

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

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Amendment No. 1

Senator HUTTO proposed the following amendment (SMIN-3996.MW0001S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 40-47-1250 and inserting:

Section 40-47-1250. (A) An anesthesiologist's assistant shall practice only under the supervision of a physician who is actively and directly engaged in the clinical practice of medicine and meets the definition of being a supervising anesthesiologist. An anesthesiologist may not supervise more than ~~two~~ four anesthesiologist's assistants at any one time.

(B) An anesthesiologist's assistant student may not be supervised, proctored, or trained by a CRNA, regardless of whether a physician anesthesiologist is involved in the case.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator VERDIN spoke on the amendment.

ACTING PRESIDENT PRESIDES

Senator TURNER assumed the Chair.

Senator KIMBRELL spoke on the amendment.

Senator KIMBRELL moved to lay the amendment on the table.

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

Ayes 24; Nays 14

AYES

Adams	Alexander	Bennett
Blackmon	Cash	Climer
Corbin	Cromer	Elliott
Garrett	Grooms	Johnson
Kennedy	Kimbrell	Leber
Massey	Nutt	Peeler
Reichenbach	Rice	Turner
Verdin	Young	Zell

Total--24

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NAYS

Allen	Chaplin	Davis
Devine	Graham	Hutto
Jackson	Matthews	Ott
Sabb	Stubbs	Sutton
Tedder	Williams	

Total--14

The amendment was laid on the table.

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Goldfinch	Graham	Grooms
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Massey	Matthews	Nutt
Ott	Peeler	Rankin
Reichenbach	Rice	Sabb
Stubbs	Sutton	Tedder
Turner	Verdin	Williams
Young	Zell	

Total--41

NAYS

Total--0

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

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PRESIDENT PRESIDES

At 2:55 P.M., the PRESIDENT assumed the Chair.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**READ THE THIRD TIME
RETURNED TO THE HOUSE**

H. 3127 -- Reps. Robbins, Wooten, Lawson, Pope, Chapman, Pedalino, W. Newton, Sanders, Duncan, Hixon, Taylor, Gagnon, Oremus, Hartz, Davis, M.M. Smith, Vaughan, Williams, Erickson, Bradley, Cromer and Gilreath: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-750, RELATING TO FAILURE TO STOP MOTOR VEHICLES WHEN SIGNALLED BY LAW ENFORCEMENT VEHICLES, SO AS TO PROVIDE THAT WHERE CERTAIN AGGRAVATING CIRCUMSTANCES OCCUR THE OFFENDER IS GUILTY OF A FELONY, AND TO PROVIDE PENALTIES.

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

Amendment No. 5

Senator TEDDER proposed the following amendment (SR-3127.CEM0005S), which was tabled:

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

Section 56-5-750 of the S.C. Code is amended by adding:

(H)(1) A law enforcement officer may not engage in vehicle pursuits with a motor vehicle driver that fails to stop when signaled by the officer unless:

(a) there is probable cause to believe that a person in the vehicle has committed a crime of violence as defined in Section 16-23-10;

(b) there is probable cause to believe that a person in the vehicle has escaped from a state or local detention facility; or

(c) the officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The supervisor must consider alternatives to the pursuit before permitting authorization.

(2) A pursuing officer or supervisor must consider safety hazards including, but not limited to, speed, weather, traffic, road conditions, and if minors are present in the vehicles while in pursuit or supervising a pursuit.

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(3) No later than January 1, 2026, the South Carolina Law Enforcement Training Council shall establish supplemental statewide policies, procedures, and training courses that may further advise upon or restrict the circumstances under which a law enforcement officer is authorized to engage in vehicle pursuit. State and local law enforcement agencies must abide by all vehicle pursuit policies, procedures, and training requirements adopted by the training council.

Renumber sections to conform.

Amend title to conform.

Senator TEDDER explained the amendment.

Senator ADAMS moved to lay the amendment on the table.

The amendment was laid on the table.

The question then was third reading of the Bill.

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

Ayes 35; Nays 5

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Garrett
Graham	Grooms	Jackson
Johnson	Kennedy	Kimbrell
Leber	Massey	Nutt
Peeler	Rankin	Reichenbach
Rice	Stubbs	Sutton
Turner	Verdin	Williams
Young	Zell	

Total--35

NAYS

Hutto	Matthews	Ott
Sabb	Tedder	

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Total--5

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**READ THE THIRD TIME
RETURNED TO THE HOUSE**

H. 3276 -- Reps. Pope, Robbins, Chapman, W. Newton, Taylor, Forrest, McGinnis, Calhoon, Bernstein, Wooten, Hart, Erickson, Bradley, Ligon, Anderson, Schuessler, Hixon, M.M. Smith and Hartnett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA HANDS-FREE AND DISTRACTED DRIVING ACT"; BY AMENDING SECTION 56-5-3890, RELATING TO UNLAWFUL USE OF A WIRELESS ELECTRONIC COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE, SO AS TO PROVIDE THE CIRCUMSTANCES UNDER WHICH IT IS UNLAWFUL TO USE A WIRELESS MOBILE ELECTRONIC DEVICE, TO CREATE THE OFFENSE OF DISTRACTED DRIVING AND PROVIDE PENALTIES, AND TO MAKE TECHNICAL REVISIONS; AND BY AMENDING SECTION 56-1-720, RELATING TO POINTS THAT MAY BE ASSESSED AGAINST A PERSON'S DRIVING RECORD FOR MOTOR VEHICLE DRIVING VIOLATIONS, SO AS TO PROVIDE THAT A SECOND OR SUBSEQUENT OFFENSE OF DISTRACTED DRIVING IS A TWO-POINT VIOLATION.

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

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

Motion Adopted

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

ADJOURNMENT

At 3:17 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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