

NO. 67

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

THURSDAY, MAY 2, 2019

Thursday, May 2, 2019
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 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:

Deuteronomy 26:11

“So you shall rejoice in every good thing which the Lord your God has given you.”

Let us pray. Blessed be the Lord our God; king of both heaven and earth, and giver of our unalienable rights, to life, liberty and the pursuit of happiness. We ask that You would give us courage, wisdom and strength; that we might rise to the challenge of our day, and prevail over evil in our time, that thy kingdom will come to this world, and thy will be done on earth as it is in heaven.

We offer our prayers at this time, for the millions of people who now live under systems that do not allow them to worship thee without fear of persecution from their fellow men. We ask that You would be with them and comfort them, and give them peace in their times of terrible suffering. And we ask that You would give us the courage to make the sacrifices that we must now make, in order to even be worthy of being spared the same type of fate. Blessed be the name of God, our only king, in heaven or on earth. Amen.

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

Point of Quorum

At 11:04 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Doctor of the Day

Senator NICHOLSON introduced Dr. Robert Bryant of Greenwood, S.C., Doctor of the Day.

THURSDAY, MAY 2, 2019

Leave of Absence

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

Leave of Absence

On motion of Senator SHEHEEN at 12:24 P.M., was granted a leave of absence until Tuesday, May 7, 2019.

CO-SPONSORS ADDED

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

S. 112 Sen. Cromer
S. 125 Sens. Cromer and Peeler
S. 534 Sen. Senn
S. 799 Sens. Gambrell and Cash

RECALLED

H. 3205 -- Rep. B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-16-150 SO AS TO PROVIDE THAT THE TRIBE IS NOT REQUIRED TO PAY ANY FEE IN LIEU OF SCHOOL TAXES BEGINNING WITH SCHOOL YEARS AFTER 2007-2008; AND TO AMEND SECTION 27-16-130, RELATING TO THE TAXATION OF THE TRIBE, SO AS TO DELETE A CONTRARY PROVISION.

Senator GREGORY asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

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

RECALLED AND ADOPTED

H. 4481 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan,

THURSDAY, MAY 2, 2019

D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE THOUSANDS OF SOUTH CAROLINIANS WHO VOLUNTEER THEIR TIME THROUGH THE ADOPT-A-HIGHWAY PROGRAM TO KEEP MILES OF STATE ROADS LITTER FREE AND TO PROCLAIM THE MONTH OF MAY 2019 AS ADOPT-A-HIGHWAY MONTH IN THE STATE OF SOUTH CAROLINA.

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

The Resolution was recalled from the Committee on Transportation.

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

There was no objection.

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

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

RECALLED

H. 4276 -- Rep. Hayes: A BILL TO AMEND SECTION 7-7-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DILLON COUNTY, SO AS TO ELIMINATE THE GADDY'S MILL PRECINCT AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator RANKIN 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.

THURSDAY, MAY 2, 2019

RECALLED

H. 4330 -- Rep. McCravy: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator RANKIN 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. 4384 -- Reps. Herbkersman and W. Newton: A BILL TO AMEND SECTION 7-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN JASPER COUNTY, SO AS TO ADD TWO PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator RANKIN 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. 4411 -- Reps. Clemmons, Anderson, Crawford, McGinnis, Hardee, Bailey and Fry: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO DELETE FOUR PRECINCTS, TO ADD EIGHT PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

THURSDAY, MAY 2, 2019

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

RECALLED

H. 3012 -- Reps. McDaniel, S. Williams, Moore, Brawley and Gilliard: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT THE SCHOOLS AND SCHOOL DISTRICTS OF THIS STATE SHOULD UTILIZE THE EDUCATION RATE PROGRAM OF THE FEDERAL COMMUNICATIONS COMMISSION (E-RATE) ESTABLISHED BY THE TELECOMMUNICATIONS ACT OF 1996 WHICH PROVIDES DISCOUNTS ON INTERNET ACCESS AND TELECOMMUNICATIONS SERVICES FOR SCHOOLS AND SCHOOL DISTRICTS WITH HIGHER POVERTY LEVELS IN THEIR STUDENT POPULATION THAT WOULD BE OF GREAT BENEFIT TO THESE STUDENTS.

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

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

Motion Adopted

Senator JOHNSON asked unanimous consent that the veto of the Governor regarding S. 735 be taken up for consideration.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

MESSAGE FROM THE GOVERNOR

State of South Carolina
Office of the Governor
P. O. Box 11369
Columbia, SC 29211

May 1, 2019

The Honorable Harvey S. Peeler, Jr.
President of the Senate
State House, Second Floor

[SJ]

THURSDAY, MAY 2, 2019

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-35, S. 735, which seeks to abolish the Clarendon County Board of Education and alter the manner in which certain members are appointed to the Boards of Trustees of Clarendon County School District Nos. 1 and 2. For the reasons set forth below, I must veto S. 735.

The South Carolina Constitution expressly prohibits the General Assembly from enacting legislation “for a specific county” and “where a general law can be made applicable.” S.C. Const. art VIII, § 7; S.C. Const. art. III, § 34(IX). Although our courts have held that greater deference is warranted when local legislation relates to the General Assembly’s article XI authority to establish, organize, and support a system of public schools, I believe that S. 735 is problematic for reasons unrelated to this threshold constitutional inquiry. For example, Section 1 of S. 735 purports to abolish the Clarendon County Board of Education; yet, Section 2 of the Bill refers to the terms of office of “the members [of the Board of Trustees of Clarendon County School District No. 1] appointed by the county board of education.”

To the extent that S. 735 is intended to increase accountability and advance the conversation regarding school district consolidation in Clarendon County, I applaud this effort. However, such legislation should be free of internal inconsistencies and should take care to avoid unnecessary legislative entanglement in the affairs of local schools. Moreover, I encourage the General Assembly to begin addressing such matters by passing laws of uniform, statewide application, rather than by repeatedly resorting to local or special legislation.

For the foregoing reasons, I am respectfully vetoing R-35, S. 735 and returning the same without my signature.

Yours very truly,

Henry McMaster

VETO OVERRIDDEN

(R35, S735) -- Senator Johnson: AN ACT TO ABOLISH THE CLARENDON COUNTY BOARD OF EDUCATION; TO AMEND ACT 593 OF 1986, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 1 AND SCHOOL DISTRICT NO. 2 IN CLARENDON COUNTY, SO AS TO PROVIDE THAT THE CLARENDON COUNTY LEGISLATIVE DELEGATION MAKES FOUR APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 1 IN CLARENDON COUNTY AND

[SJ]

THURSDAY, MAY 2, 2019

NINE APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 2 IN CLARENDON COUNTY; AND TO REPEAL CERTAIN LOCAL PROVISIONS INCONSISTENT WITH THIS ACT.

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

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

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

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

Ayes 34; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpootlian	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rankin	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner
Young		

Total--34

NAYS

Total--0

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

THURSDAY, MAY 2, 2019

Privilege of the Chamber

On motion of Senator PEELER, on behalf of Senator SETZLER, the Privilege of the Chamber, to that area behind the rail, was extended to Dr. and Mrs. Harris Pastides in recognition of his retirement from the University of South Carolina and to honor the numerous contributions he has made to our community and state.

Privilege of the Chamber

On motion of Senator PEELER, on behalf of Senator NICHOLSON, the Privilege of the Chamber, to that area behind the rail, was extended to Brigadier General Farris "Carlos" Hill in honor and recognition of his retirement from the United States Air Force.

Privilege of the Chamber

On motion of Senator PEELER, on behalf of Senator McLEOD, the Privilege of the Chamber, to that area behind the rail, was extended to Hima Dalal in recognition of "Peace, Harmony and Wellness Day" in South Carolina.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 817 -- Senator Reese: A BILL TO AMEND SECTION 50-25-1320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROHIBIT DUCK HUNTING IN A CERTAIN AREA OF THE LAKE.
l:\council\ills\nbd\11291cz19.docx

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 818 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 FROM ITS INTERSECTION WITH THE ORANGEBURG/DORCHESTER COUNTY LINE TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 15 "COUNCILMAN WILLIE RICHARD DAVIS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

l:\council\ills\gt\5724cm19.docx

THURSDAY, MAY 2, 2019

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

S. 819 -- Senator Alexander: A BILL TO AMEND SECTION 56-3-627, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INFRASTRUCTURE MAINTENANCE FEE, SO AS TO PROVIDE THE FEE FOR REGISTERING AN ITEM IN THIS STATE THAT WAS FIRST REGISTERED IN ANOTHER STATE DOES NOT APPLY IF THE OWNER WAS PREVIOUSLY A RESIDENT OF THIS STATE AND REGISTERED ITEMS OTHERWISE SUBJECT TO THE FEE.

l:\council\bill\ncbd\11270dg19.docx

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

S. 820 -- Senator Reese: A BILL TO AMEND SECTION 50-25-1320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROVIDE THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, THE GOVERNING BODY OF A MUNICIPALITY, COUNTY, SPECIAL PURPOSE DISTRICT, OR ANY POLITICAL SUBDIVISION THEREOF MAY NOT ENACT OR ENFORCE ANY ORDINANCE, RESOLUTION, OR REGULATION THAT LIMITS, RESTRICTS, OR CURTAILS THE RIGHTS OF LAKE BOWEN ADJOINING PROPERTY OWNERS TO BOAT, FISH, ACT AS CARETAKERS OF CERTAIN PROPERTY, OR OTHERWISE ENJOY MAXIMUM RECREATIONAL OPPORTUNITIES THAT DO NOT CONFLICT WITH STATE OR FEDERAL LAW.

l:\council\bill\cc\15594zw19.docx

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 821 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE SEPTEMBER 8, 2019 AS "LISSENCEPHALY AWARENESS DAY" IN SOUTH CAROLINA AND TO URGE ALL CITIZENS OF THIS STATE TO SUPPORT THE SEARCH FOR A CURE AND ASSIST THOSE INDIVIDUALS AND FAMILIES WHO DEAL WITH THE CONDITION ON A DAILY BASIS.

l:\s-res\dbv\010we a.kmm.dbv.docx

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

THURSDAY, MAY 2, 2019

S. 822 -- Senators M. B. Matthews and Davis: A SENATE RESOLUTION TO CONGRATULATE GRAYS GIRLS FROM RIDGELAND FOR BEING NAMED ADOPT-A-HIGHWAY DISTRICT SIX GROUP OF THE YEAR AND STATE GROUP OF THE YEAR AND TO COMMEND THE GROUP FOR ITS SIGNIFICANT CONTRIBUTIONS TO REDUCING LITTER THROUGHOUT THE PALMETTO STATE.

I:\s-res\mbm\015gray.kmm.mbm.docx

The Senate Resolution was adopted.

S. 823 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE CHERYL H. FRALICK OF LEXINGTON COUNTY ON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER YEARS OF DEDICATED SERVICE TO THE CHILDREN OF SOUTH CAROLINA AS AN EDUCATOR AND ADMINISTRATOR, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

I:\council\ills\agm\19614wab19.docx

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

H. 3915 -- Reps. Kimmons, Davis, Mace, Murphy, Rutherford, Trantham, Rose, Caskey, Felder, Simmons, Ott, Weeks, Erickson, Henegan, Norrell, Gilliard, S. Williams and Bannister: A BILL TO AMEND SECTIONS 63-7-10 AND 63-7-1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRINCIPLES OF THE STATE'S CHILD WELFARE SYSTEM AND LEGAL REPRESENTATION OF THE DEPARTMENT OF SOCIAL SERVICES IN CHILD ABUSE AND NEGLECT PROCEEDINGS, RESPECTIVELY, SO AS TO CLARIFY THAT LEGAL REPRESENTATIVES OF THE DEPARTMENT MUST ENSURE THAT CHILD WELFARE AND SAFETY ARE THE SOLE BASIS OF DEPARTMENT RECOMMENDATIONS AND DECISIONS IN SUCH PROCEEDINGS AND THAT THE LEGAL REPRESENTATIVES HAVE THE SOLE DISCRETION ON BEHALF OF THE DEPARTMENT OVER ANY DECISIONS PERTAINING TO SUCH PROCEEDINGS.

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

H. 3970 -- Reps. Finlay and Rutherford: A BILL TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REASSIGN TO RICHLAND

THURSDAY, MAY 2, 2019

COUNTY SCHOOL DISTRICT ONE CERTAIN PARCELS OF RICHLAND COUNTY REAL PROPERTY PRESENTLY ZONED FOR RICHLAND COUNTY SCHOOL DISTRICT TWO; AND TO REAPPORTION THE FOUR SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

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

H. 4105 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 3 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO THE HAMPTON/JASPER COUNTY LINE "CHARLIE I. CREWS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4107 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF S-25-345 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 3 TO THE HAMPTON/JASPER COUNTY LINE "DEACON WILLINGHAM COHEN, SR. ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4428 -- Rep. Brawley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 48 IN RICHLAND COUNTY FROM ITS INTERSECTION WITH AVALON STREET TO ITS INTERSECTION WITH PINEVIEW ROAD "REVEREND JAMES JEFFCOAT MEMORIAL HIGHWAY" AND

THURSDAY, MAY 2, 2019

TO ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4456 -- Reps. Howard, Bernstein, Bales, Ballentine, Brawley, Finlay, Garvin, Hart, McDaniel, Rutherford, Rose, Thigpen and Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ALPINE ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH POLO ROAD TO ITS INTERSECTION WITH JACKSON CREEK "JACQUALINE KASPROWSKI WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

H. 4515 -- Reps. Brown, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND ROBERT JAMES STOKES, PASTOR OF MT. HERR AFRICAN METHODIST EPISCOPAL CHURCH ON YONGES ISLAND, AS HE RETIRES AFTER YEARS OF EXEMPLARY MINISTRY AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

THURSDAY, MAY 2, 2019

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

REPORTS OF STANDING COMMITTEES

Senator PEELER from the Committee on Operations and Management polled out S. 785 favorable:

S. 785 -- Senators Peeler, Leatherman, Setzler and Massey: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 9, 2019, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON MONDAY, MAY 20, 2019, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON WEDNESDAY, MAY 22, 2019, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY RECEDE ON WEDNESDAY, MAY 22, 2019, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND IN RECESS SUBJECT TO THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN TUESDAY, JANUARY 14, 2020, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

**Poll of the Operations and Management Committee
Polled 7; Ayes 7; Nays 0; Not Voting 2**

AYES

Peeler	Leatherman	Setzler
Malloy	Massey	Shealy
Turner		

Total--7

THURSDAY, MAY 2, 2019

NAYS

Total--0

NOT VOTING

Reese

Rankin

Total--2

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs polled out H. 3621 favorable:

H. 3621 -- Reps. V.S. Moss, D.C. Moss, Erickson and W. Cox: A BILL TO AMEND SECTION 44-75-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE ATHLETIC TRAINERS' ACT OF SOUTH CAROLINA, SO AS TO CHANGE THE DEFINITION OF "ATHLETIC TRAINER"; TO AMEND SECTION 44-75-50, RELATING TO CERTIFICATION OF ATHLETIC TRAINERS, SO AS TO REVISE THE NAME OF THE REQUIRED EXAMINATION; TO AMEND SECTION 44-75-100, RELATING TO EMPLOYEES OF ORGANIZATIONS THAT ARE CONSIDERED ATHLETIC TRAINERS, SO AS TO ADD CERTAIN ORGANIZATIONS; AND TO AMEND SECTION 44-75-120, RELATING TO PENALTIES FOR VIOLATING A PROVISION OF THE ACT, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO TAKE CERTAIN DISCIPLINARY ACTIONS, INCLUDING THE IMPOSITION OF MONETARY PENALTIES.

**Poll of the Medical Affairs Committee
Polled 15; Ayes 14; Nays 1**

AYES

Verdin	Peeler	Jackson
Nicholson	Scott	Alexander
Davis	Johnson	Campbell
Kimpson	<i>Margie Matthews</i>	Gambrell
Senn	Cash	

[SJ]

THURSDAY, MAY 2, 2019

Total--14

NAYS

Martin

Total--1

NOT VOTING

Total--0

Ordered for consideration tomorrow.

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

H. 3728 -- Reps. Fry, Alexander, Dillard, Erickson, Hewitt, Huggins, Norrell, Pendarvis, Ridgeway, Rutherford, Spires, Trantham, Weeks, West, Wooten, Yow, Henegan, Cogswell, Mack, R. Williams, Gilliard, Govan and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-80 SO AS TO REQUIRE HOSPITAL EMERGENCY DEPARTMENT PHYSICIANS AND PHARMACISTS TO SUBMIT CERTAIN INFORMATION TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM WHEN A PERSON IS ADMINISTERED AN OPIOID ANTIDOTE; TO AMEND SECTION 44-130-60, RELATING TO THE AUTHORITY OF FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES, SO AS TO REQUIRE FIRST RESPONDERS TO SUBMIT CERTAIN INFORMATION TO DHEC FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM; TO AMEND SECTION 44-53-1640, RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE THE PROGRAM TO MONITOR THE ADMINISTERING OF OPIOID ANTIDOTES BY FIRST RESPONDERS AND IN EMERGENCY HEALTH CARE SETTINGS; AND TO AMEND SECTION 44-53-1645, RELATING TO THE REQUIREMENT OF PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, SO AS TO ALSO REQUIRE A REVIEW OF ANY INCIDENTS IN WHICH THE PATIENT HAS

[SJ]

THURSDAY, MAY 2, 2019

BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING.

Ordered for consideration tomorrow.

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

H. 4119 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO GENERAL LICENSING PROVISIONS; SPEECH-LANGUAGE PATHOLOGY ASSISTANTS; AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4858, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

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

H. 4120 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF OCCUPATIONAL THERAPY, RELATING TO REACTIVATION OF INACTIVE OR LAPSED LICENSES; AND CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4854, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

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

H. 4121 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS TO TAKE STEP 3 OF THE UNITED STATES MEDICAL LICENSING EXAMINATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4853, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

[SJ]

THURSDAY, MAY 2, 2019

Ordered for consideration tomorrow.

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

H. 4123 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO LONG TERM HEALTH CARE ADMINISTRATORS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4844, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

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

H. 4124 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF PHARMACY, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4822, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

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

H. 4365 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4841, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

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

H. 4370 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING CRISIS

[SJ]

THURSDAY, MAY 2, 2019

STABILIZATION UNIT FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4809, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

Appointments Reported

Senator HEMBREE from the Committee on Education submitted a favorable report on:

Initial Appointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2019, and to expire April 1, 2024

At-Large:

Gary J. Coleman, 1230 Highway 187 S, Anderson, SC 29626-5630
VICE Steven Lieze

Received as information.

Reappointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2019, and to expire April 1, 2024

At-Large:

Alton O. Smith, Jr., 164 Cardinal Court, Chesnee, SC 29323-9686

Received as information.

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

Statewide Appointment

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2017, and to expire December 31, 2021

General Public:

Robert J. Wolff, 104 Cyclamen Court, Columbia, SC 29212-2052
VICE James E. Mallory

Received as information.

Call of the Senate

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

THURSDAY, MAY 2, 2019

Bennett	Campbell	Campsen
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gregory	Grooms	Harpootlian
Hutto	Kimpson	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Young

A quorum being present, the Senate resumed.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS

**COMMITTEE AMENDMENT WITHDRAWN,
AMENDED, CARRIED OVER,
DISCHARGED FROM SPECIAL ORDER STATUS**

S. 678 -- Senators Peeler, Climer, Davis and Fanning: A JOINT RESOLUTION TO PROVIDE THAT THE GOVERNOR SHALL UTILIZE THE DEPARTMENT OF ADMINISTRATION TO CONDUCT A COMPETITIVE BIDDING PROCESS FOR THE SALE OF SANTEE COOPER, TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL EVALUATE BIDS, TO PROVIDE THAT THE GOVERNOR SHALL EXECUTE THE SALE OF SANTEE COOPER TO THE BIDDER WHOSE BID BEST PROTECTS THE INTERESTS OF SANTEE COOPER'S RATEPAYERS AND THE STATE'S TAXPAYERS, AND TO TRANSMIT THE PUBLIC SERVICE AUTHORITY EVALUATION AND RECOMMENDATION COMMITTEE'S WORK PRODUCT TO THE DEPARTMENT OF ADMINISTRATION.

The Senate proceeded to the consideration of the Resolution.

The Committee on Finance proposed the following amendment (678R001.KMM.HSP), which was withdrawn:

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting:

/A JOINT RESOLUTION

TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL CONDUCT A COMPETITIVE

[SJ]

THURSDAY, MAY 2, 2019

BIDDING PROCESS FOR THE SALE OF SANTEE COOPER, TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL EVALUATE BIDS, TO PROVIDE THAT THE DEPARTMENT OF ADMINISTRATION SHALL MAKE A RECOMMENDATION CONCERNING THE SALE AND FORWARD THE RECOMMENDATION TO THE SENATE FINANCE COMMITTEE AND HOUSE OF REPRESENTATIVES WAYS AND MEANS COMMITTEE FOR REVIEW, TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL BE CONVENED TO CONSIDER LEGISLATION CONCERNING THE SALE, TO PROVIDE THAT A SALE OF SANTEE COOPER MAY NOT BE FINALIZED UNTIL AFTER A JOINT RESOLUTION AUTHORIZING THE SALE IS ENACTED, TO PROVIDE THAT SANTEE COOPER MUST PROVIDE ANY AND ALL RESOURCES NECESSARY TO EFFECTUATE A SALE, AND TO PROVIDE THAT THE WORK PRODUCT OF THE PUBLIC SERVICE AUTHORITY EVALUATION AND RECOMMENDATION COMMITTEE MUST BE TURNED OVER TO THE DEPARTMENT OF ADMINISTRATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) The Department of Administration shall conduct a competitive bidding process for the sale of some or all of the Public Service Authority (“Santee Cooper”). The department shall procure such professional services, including, but not limited to, financial institutions, legal counsel, and industry consultants, as are necessary to conduct the sale, the evaluation of bids received, and related activities.

(B) Staff from the State Fiscal Accountability Authority’s Procurement Services Division shall assist the department in conducting the competitive bidding process and procuring necessary professional services.

SECTION 2. The department shall conduct a thorough evaluation of all bids received through the competitive bidding process. The evaluation must take into account at least the following:

- (1) the financial capability of each bidder;
- (2) the bidder’s complete defeasement of all of Santee Cooper’s bonds and other indebtedness;
- (3) the bidder’s agreement to provide meaningful short-term and long-term rate relief for all customer classes;
- (4) the bidder’s provision of reasonable financial and other protections for Santee Cooper employees and retirees in a manner that would not impact South Carolina’s pension system liability or the

THURSDAY, MAY 2, 2019

liability associated with providing health insurance coverage to employees who have retired from employment at Santee Cooper;

(5) the bidder's proposed location for its headquarters post-acquisition;

(6) the bidder's agreement to comply with all applicable federal and state environmental protections regarding Lakes Marion and Moultrie, their rivers and tributaries, and other recreational assets of Santee Cooper, including a covenant to maintain the present status quo regarding these lakes and other resources and the quality of and access to them; and

(7) the bidder's agreement to partner with the State for future economic development projects.

At the conclusion of its evaluation of the bids, the department shall make a recommendation regarding the bid that the department considers to be in the best interest of the State, its taxpayers, and the ratepayers of Santee Cooper.

SECTION 3. The department shall present to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee its full evaluation of each bid and its recommendation for a proposed purchaser for Santee Cooper, justifications for its recommendation, a proposed contract to execute the sale, and any supporting documents. The Finance Committee and the Ways and Means Committee shall each meet as soon as practicable to review and make a recommendation regarding the proposed sale. Upon receipt of the recommendation from their respective committees, the President of the Senate and the Speaker of the House of Representatives shall convene their respective bodies to consider any legislation concerning the sale.

The department must execute any documents necessary in order to effectuate the sale upon the enactment of a joint resolution approving the sale. The net proceeds of the sale shall be deposited in the State Retirement Systems Group Trust.

SECTION 4. Santee Cooper is directed to provide any and all resources necessary to conduct the competitive bidding process and evaluation of the bids received.

SECTION 5. The Public Service Authority Evaluation and Recommendation Committee, as created pursuant to Proviso 117.162 of Act 264 of 2018, shall provide to the department all of the committee's work product.

SECTION 6. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

THURSDAY, MAY 2, 2019

Amend title to conform.

Senator SETZLER spoke on the amendment.

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

Amendment No. 9

Senators GROOMS, RANKIN, GOLDFINCH, and McELVEEN proposed the following amendment (678R031.SP.LKG), which was tabled:

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

/SECTION 1. The Department of Administration shall conduct an evaluation of the Public Service Authority (“Santee Cooper”), including, but not limited to, Santee Cooper’s executive management, rate structure, operations, bonded indebtedness, and board structure, and shall conduct a performance audit. The evaluation shall also include an assessment of privatization of Santee Cooper in part or in whole. The department shall conduct a valuation of Santee Cooper’s customer base and assets, including, but not limited to, its transmission, generation, and distribution assets. In addition, the department shall study the value of the components of V.C. Summer Nuclear Units 2 and 3 and the feasibility of restarting the project. The department shall procure such professional services as are necessary to conduct the evaluation and performance audit. These professional services shall include, but may not be limited to, financial institutions, legal counsel, and industry consultants. Santee Cooper is directed to provide any and all resources necessary to conduct the evaluation. At the conclusion of its evaluation, and no later than December 31, 2019, the department shall present its findings to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee.

SECTION 2. This joint resolution takes effect upon approval of the Governor. /

Re-number sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

ACTING PRESIDENT PRESIDES

Senator DAVIS assumed the Chair.

THURSDAY, MAY 2, 2019

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Senators HUTTO, CLIMER and GOLDFINCH were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator GROOMS continued speaking on the amendment.

PRESIDENT PRESIDES

At 2:04 P.M., the PRESIDENT assumed the Chair.

Senator GROOMS continued speaking on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 33; Nays 10

AYES

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gregory	Harpootlian
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Reese	Rice	Senn
Setzler	Shealy	Talley
Turner	Verdin	Young

Total--33

NAYS

Campbell	Goldfinch	Grooms
Hembree	<i>Matthews, John</i>	McElveen
Rankin	Sabb	Scott
Williams		

Total--10

The amendment was laid on the table.

THURSDAY, MAY 2, 2019

Amendment No. 10A

Senators SETZLER, LEATHERMAN, RANKIN, HUTTO, MALLOY, CAMPSSEN, MASSEY, DAVIS, and McELVEEN proposed the following amendment (JUD0678.018), which was adopted:

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

/ SECTION 1. (A)(1) The Department of Administration shall establish a process to conduct a competitive bidding process for the sale of some or all of the electric utility portion of the Public Service Authority (“Santee Cooper”) and to receive management proposals that do not involve a sale of Santee Cooper but are designed to improve the efficiency and cost-effectiveness of Santee Cooper’s electric operations, including but not limited to, a management arrangement, joint venture or alternative arrangement. This process shall not be limited to the individuals or entities that responded to ICF’s Requests for Expressions of Interest for its February 1, 2019 report to the Public Service Authority Evaluation and Recommendation Committee. Santee Cooper shall also submit a proposal to the department, as an alternative to a sale or management proposal, setting forth its plans for reform, restructuring and changes in operation. This process must be established in accordance with commercially reasonable terms that are customary in connection with bids and proposals of this type. Nothing in this joint resolution precludes the department, through its professional services experts, from negotiating with entities offering bids, management proposals or Santee Cooper to improve their proposal.

The department shall determine the date when the bids and proposals must be received; however, the process to receive bids, management proposals and Santee Cooper’s proposal shall be concurrent.

(2)(a) The department shall procure such professional services that are necessary to qualify bids and proposals; conduct a sale; evaluate bids received for a sale, management proposals, and Santee Cooper’s proposal; and, negotiate contracts for the consummation of a sale or a management proposal, and related activities. These professional services shall include, but may not be limited to, financial institutions, investment bankers, legal counsel, industry consultants and utility consultants.

(b) The department must not utilize the professional services of an entity with whom the House of Representatives, the Senate, or the Governor has previously engaged to consider the possible sale of Santee Cooper. In addition, the department must not utilize the professional services of an individual or entity that would have a financial interest in the outcome of this process, nor may the department contract or

THURSDAY, MAY 2, 2019

otherwise employ an individual or entity based upon a contingency fee due to the outcome of this process.

(B) Staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist the department in conducting the competitive bidding process and reviewing management proposals and procuring necessary professional services.

(C) Santee Cooper is directed to provide any and all resources necessary to assist in the process for competitive bids and management proposals, as well as the evaluation of the bids and management agreement proposals received by the department. The department shall have the authority to consult with Santee Cooper's bondholders, underwriters, financial institutions, and any other advisors to gather information to assist the department in carrying out its responsibilities, and Santee Cooper shall be cooperative in providing the department with access to the bondholders, underwriters, financial institutions, and other advisors. Santee Cooper shall ensure that the bidders have full access to due diligence materials and fair opportunity for access to Santee Cooper staff, and shall ensure that its responses to any inquiries are timely.

SECTION 2. (A) The department shall conduct a thorough evaluation of all bids for the sale of Santee Cooper received through the competitive bidding process. The evaluation must take into account at least the following:

- (1) the financial capability of each bidder;
- (2) the bidder's plan to address Santee Cooper's bonds and other indebtedness, to include but not be limited to:
 - (a) satisfaction of any or all of Santee Cooper's existing debt, to include an opinion letter from a bond attorney as to whether or not the bidder's plan to satisfy the existing debt would violate any bond provisions or otherwise impact the State;
 - (b) issuance of new bonds and plans to finance other indebtedness;
 - (c) the projected financial impact on all customer classes of Santee Cooper's retail customers for the satisfaction of existing debt and issuance of new bonds and finance of other indebtedness; and
 - (d) the bidder's projected capital to debt ratio for the five years following the acquisition of Santee Cooper.
- (3) consideration, in cash, to be paid by the bidder to the State for the benefit of South Carolina and its taxpayers.
- (4) the amount of projected rates for each customer class of Santee Cooper's retail customers over the next 20 years and plans demonstrating

THURSDAY, MAY 2, 2019

how these rates can be achieved, and the bidder's willingness to contractually agree to those rates;

(5) the bidder's plans for generation, power purchases, and other resources over the next 20 years, including but not limited to:

(a) the forecasted demand;

(b) a timeline of when those plans would be put in place;

(c) the projected financial impact to Santee Cooper's retail customers; and

(d) the assumptions underlying its plans, including but not limited to, additional infrastructure required to support any generating unit, the projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes and projected GAAP accounting financial statements of the rate projections;

(6) the bidder's plans for transmission investment over the next 20 years, including but not limited to:

(a) a timeline of when those investments will be needed;

(b) the projected financial impact to Santee Cooper's retail customers; and

(c) the assumptions underlying those plans, including but not limited to, projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

(7) a wholesale market power analysis for Santee Cooper's current wholesale customers, applying the methodology currently prescribed by the Federal Energy Regulatory Commission;

(8) the bidder's provision of reasonable financial and other protections for Santee Cooper employees and retirees in a manner that would not impact South Carolina's pension system liability or the liability associated with providing health insurance coverage to employees who have retired from employment at Santee Cooper;

(9) a projection of the jobs the bidder expects to eliminate within five years if it acquires Santee Cooper;

(10) the bidder's proposed location for its headquarters post-acquisition;

(11) the bidder's agreement that the bid excludes the assets collectively included under FERC License 199, the wholesale water systems operated by Santee Cooper, undeveloped lands, other natural resources and recreational assets of Santee Cooper. Each bidder shall provide for revenue streams, including the purchase of hydroelectric

THURSDAY, MAY 2, 2019

power generated from Project 199, to provide for the continued operation Lakes Marion and Moultrie with no loss of quality or access;

(12) the bidder's capacity and willingness to partner with the State for future economic development projects;

(13) a comparison of the bidder's service territory in South Carolina, if the bid is successful, with investor-owned utilities serving South Carolina; and

(14) any terms or conditions the bidder would require to complete the purchase of Santee Cooper.

The bidder must also submit its regulatory filings within the past seven years from each state where the bidder provides electric service that are related to the bidder's forecasts for electric generation, transmission, and distribution; requests for generation and/or transmission projects; electric rate requests made by the bidder; and requests to acquire, merge with, or manage another electric utility, and the final disposition of each request.

(B) The department must:

(1) verify the information provided by the bidder, to the extent possible, and may request additional information from the bidder if needed to conduct its verification;

(2) establish a list of items that would be excluded from the sale of Santee Cooper's electric utility assets, including but not limited to, the wholesale water systems operated by Santee Cooper, undeveloped lands, other natural resources and recreational assets of Santee Cooper;

(3) conduct an analysis as to the potential risks to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders, that could result from the sale of Santee Cooper, either in whole or in part. This analysis must include, but is not limited to, the loss of tax-exempt status of a buyer, impact on economic development, and whether the bid would preclude South Carolina from recovering the full value of Santee Cooper;

(4) compare the bidder's financing options for anticipated projects with the financing options currently available to Santee Cooper;

(5) require that the bidder's projected ratebase for all of Santee Cooper's retail customers exclude any portion of debt attributed to V.C. Summer nuclear units 2 and 3 that is not considered to be used and useful, as determined by the professional services experts and the Office of Regulatory Staff;

(6) consider if the bidder is committed to keeping its headquarters in South Carolina post-acquisition; and

THURSDAY, MAY 2, 2019

(7) consider if the bidder intends to, and has the capability to, provide electric services in South Carolina for at least 20 years.

SECTION 3. (A) The department shall conduct a thorough evaluation of all management proposals for Santee Cooper. The evaluation must take into account at least the following:

(1) terms and conditions of the proposal, including the proposed time period for the management proposal;

(2) the amount of projected rates for each customer class of Santee Cooper's retail customers over the next 20 years and plans demonstrating how these rates can be achieved;

(3) fees and costs to be paid by Santee Cooper retail customers for the management proposal, as well as any other benefits to that entity resulting from the proposal;

(4) projected needs for generation, transmission and distribution during the period of the proposal and how those needs would be met;

(5) an opinion letter from a bond attorney that the management proposal would neither violate nor alter the terms of Santee Cooper's bonds and other indebtedness;

(6) an opinion letter from a tax attorney that the proposal would not impact Santee Cooper's current tax status;

(7) the proposer's experience with the type of arrangement as proposed with an investor-owned utility and a publicly owned utility;

(8) the impact the management proposal would have on Santee Cooper's employees, including but not limited to, any projected elimination of positions within the next five years, if any;

(9) the financial capability of the entity offering the proposal;

(10) a comparison of the service territory in South Carolina of the entity offering the proposal, if the proposal is successful, with investor-owned utilities serving South Carolina; and

(11) an agreement that if the management proposal is awarded, the entity offering the proposal will submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the implementation of the management plan, including but not limited to, plans for the next calendar year and accomplishments and challenges for the prior calendar year.

(B) The department must:

(1) verify the information provided by the entity submitting the management proposal, to the extent possible, and may request additional information if needed to conduct its verification;

THURSDAY, MAY 2, 2019

(2) conduct an analysis as to the potential risks to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders, that could result from the management proposal;

(3) compare the proposing entity's financing options for anticipated projects with the financing options currently available to Santee Cooper; and

(4) consider if the proposing entity offers to pay a franchise fee or another form of consideration to the State of South Carolina as a condition of the management proposal.

SECTION 4. Santee Cooper must submit a proposal to the department for reform, restructuring and changes in operation that must include, but is not limited to:

(1) its plans for generation, power purchases, and other resources over the next 20 years, including but not limited to:

(a) the forecasted demand;

(b) a timeline of when those plans would be put in place;

(c) the projected financial impact to all customer classes of ratepayers; and

(d) the assumptions underlying its plans, including but not limited to, additional infrastructure required to support any generating unit, the projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes and projected GAAP accounting financial statements of the rate projections;

(2) its plans for transmission investment over the next 20 years, including but not limited to:

(a) a timeline of when those investments will be needed;

(b) the projected financial impact to all classes of its retail customers; and

(c) the assumptions underlying those plans, including but not limited to, projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

(3) its plans to address the V.C. Summer debt and the projected impact to all customer classes of its ratepayers;

(4) a proposal for Santee Cooper reform, restructuring and operational changes; and

(5) any other information Santee Cooper deems relevant as to future operations as a state asset.

THURSDAY, MAY 2, 2019

The department must verify the information provided by Santee Cooper, to the extent possible, and may request additional information if needed to conduct its verification. The department must also conduct an analysis to determine if the proposal is feasible.

SECTION 5. The department shall establish a process in which its professional services experts conduct confidential negotiations between Central Electric Power Cooperative, Inc. ("Central") and each entity that submitted a bid or proposal after all the bids and proposals have been submitted. No negotiations or any form of discussion regarding potential terms or conditions for an agreement with Central can occur outside of the process established by the department. The department shall require that the parties enter into a contract to negotiate in good faith, as well as any other conditions for negotiation as determined by the department. Each entity that submitted a bid or proposal, including Santee Cooper, must individually negotiate with Central to determine terms for a binding contract between Central and that entity in the event the entity's bid or proposal is successful. If the professional services experts conducting the negotiations determine that one or more parties, including Central, is not negotiating in good faith, that negotiation shall be terminated and the professional services experts may submit terms they determine to be reasonable and in the best interests of Santee Cooper's customers and of the State of South Carolina and its taxpayers to the General Assembly. The General Assembly may consider a party's failure to negotiate in good faith as a disqualification of the bid or proposal.

SECTION 6. During the negotiations described in SECTION 5 and upon completion thereof, the Office of Regulatory Staff shall provide commentary as to the impact on the retail customer for each bid and proposal. This commentary shall be submitted to the department and its professional services experts, and must be considered in the recommendation to be made to the General Assembly.

SECTION 7. To protect the integrity of the process, information received during this process and ensuing negotiations must be confidential prior to the department providing its professional services experts' recommendations to the General Assembly. Each individual and entity involved in the process shall handle the information with sufficient care to prevent disclosure of information submitted, received or reviewed during the process. After the department has provided its professional services experts' recommendations to the General Assembly, only information regarding those recommendations shall be released in accordance with the provisions of the Freedom of Information Act, provided that information described in Section 30-4-40

THURSDAY, MAY 2, 2019

must not be released without the written permission of the entity whose bid or proposal was recommended. In order to effectuate the purposes of this section, the department shall require non-disclosure agreements which must be entered into by each individual or entity involved in the process, including but not limited to, an individual or entity that submits a bid or proposal, or receives or reviews any part of the submission. The non-disclosure agreement must also contain a provision in which the signer agrees to not advocate for or against, directly or indirectly, a recommendation provided by the department to the General Assembly pursuant to SECTION 8. Members of the General Assembly, the Governor, and their respective staff must not be provided with, or have access by any means to, the information obtained during this process except as provided in this section.

SECTION 8. (A)(1) At the conclusion of the evaluation of the bids and proposals, and negotiations, as required by this joint resolution, the department shall concurrently present a recommendation by its professional service experts of one bid for sale and one management proposal that the professional service experts consider to be in the best interests of the State, its taxpayers, and the customers of Santee Cooper, as well as the recommendation for Santee Cooper's proposal. Each recommendation must include justifications for the recommendation; also, the recommendations in regard to the sale and management proposals must include a contract for each recommended bidder obligating the bidder to comply with terms of its bid in the event it is approved by the General Assembly, along with a proposed contract to execute the sale or management proposal, and any supporting documents. The proposed contracts must include covenants that the bidder will abide by the terms of its bid for sale or its proposal, as applicable. The department must also present a full evaluation of each recommendation and for Santee Cooper's proposal. An evaluation must include, but not be limited to: (a) a description of each item listed in SECTIONS 2, 3 or 4, as applicable, along with a copy of an opinion letter submitted by a bond attorney and/or tax attorney; (b) a proposed contract with Central Power Electric Cooperative, Inc., including a statement from the professional service experts involved in the negotiations that each party did or did not negotiate in good faith; (c) the Office of Regulatory Staff's commentary; (d) any recommendations or concerns from the department's professional services; and (e) any supporting documents.

(2) The department must enter into a contract with each entity that submitted a bid for sale or management proposal that establishes

THURSDAY, MAY 2, 2019

penalties for failure to proceed with finalizing the sale or management proposal in the event the bid or proposal is selected by the General Assembly. This contract must include, but is not limited to, earnest money to be paid upon a recommendation of that entity being made to the General Assembly and penalties for failure to finalize the terms of the bid or proposal upon selection by the General Assembly.

(B) The department shall present to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee the documents described in (A). The Finance Committee and the Ways and Means Committee shall each meet as soon as practicable to review each recommendation presented by the department. Upon receipt of the recommendation from their respective committees, the President of the Senate and the Speaker of the House shall convene their respective bodies to consider any legislation to effectuate the sale or management agreement proposal or to implement reform, restructuring and changes in operation at Santee Cooper.

(C)(1) In the event that the General Assembly approves the sale of Santee Cooper, the department must execute any documents necessary in order to effectuate the sale upon the enactment of a joint resolution approving the sale. The net proceeds of the sale shall be deposited in the State Retirement Systems Group Trust.

(2) In the event that the General Assembly approves a management agreement proposal, the department must execute any documents necessary in order to effectuate the proposal upon the enactment of a joint resolution approving the proposal.

SECTION 9. The provisions of the Consolidated Procurement Code in Chapter 35, Title 11 of the 1976 Code and any other provisions of the general law of this State in conflict with the provisions of this Act, are hereby suspended.

SECTION 10. This act takes effect upon approval by the Governor.
Renumber sections to conform.
Amend title to conform.

Senator MASSEY spoke on the amendment.
Senator CAMPSEN spoke on the amendment.
Senator RANKIN spoke on the amendment.
Senator McELVEEN spoke on the amendment.

The amendment was adopted.

THURSDAY, MAY 2, 2019

Motion Adopted

Senator SETZLER asked unanimous consent to withdraw the Committee Amendment.

There was no objection.

Amendment No. 8

Senator HARPOOTLIAN proposed the following amendment (678R007.KMM.RAH), which was carried over and subsequently withdrawn:

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

/SECTION __. (A) In the event that Santee Cooper is sold, the Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, a director or deputy director of a state department appointed by the Governor, and a member of the immediate family of any of these public officials may not be employed by Santee Cooper's purchaser and may not serve on the purchaser's board of directors for five years after the sale is closed.

(B) The five-year prohibition on employment and service on the board of directors contained in subsection (A) also applies to employees of the Governor, Lieutenant Governor, any statewide constitutional officer, and the General Assembly. (C) The five-year prohibition does not apply to former Santee Cooper employees retained by the purchaser.

(D) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than ten years, a fine of not more than ten thousand dollars, or both./

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN spoke on the amendment.

The amendment was carried over.

Motion Adopted

Senator HARPOOTLIAN asked unanimous consent to withdraw Amendment No. 8.

Amendment No. 11

Senator GOLDFINCH, RANKIN, HEMBREE, and GROOMS proposed the following amendment (JUD0678.020), which was adopted:

[SJ]

THURSDAY, MAY 2, 2019

Amend the joint resolution, as and if amended, by adding a SECTION before SECTION 6 to read:

/ SECTION __. Following the negotiations between Central and each entity which submitted a bid or proposal, the professional services experts shall review the projected financial impact on Santee Cooper's retail customers to ensure that any increases or decreases to current rates for the retail and wholesale customers are initially proportionate. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH spoke on the amendment.

The amendment was adopted.

Amendment No. 7

Senator BENNETT proposed the following amendment (678R022.KMM.SMB), which was tabled:

Amend the joint resolution, as and if amended, by striking SECTION 6 in its entirety and inserting:

/SECTION 6. (A) If the General Assembly fails to enact a joint resolution approving the department's recommendation, then Santee Cooper's property and business is transferred to the South Carolina retirement systems, with the exclusive authority to manage Santee Cooper's property and business as an asset of the retirement systems vested in the South Carolina Retirement System Investment Commission ("RSIC"), upon RSIC's written certification to the Department of Administration of the following:

(1) that Santee Cooper's property and business may be held as an asset of the retirement systems in a manner and structure that does not impact the tax exempt status of Santee Cooper's property and outstanding bonded indebtedness, or Santee Cooper's ability to continue to issue tax exempt debt;

(2) that Santee Cooper's property and business may be held as an asset of the retirement systems in a manner and structure that does not impact the tax exempt status of the South Carolina Retirement Systems Group Trust and in a manner and structure by which Santee Cooper's outstanding and future bonded indebtedness continues to be secured by Santee Cooper's revenue and does not become a liability of the retirement systems;

THURSDAY, MAY 2, 2019

(3) that the transfer of Santee Cooper's property and business to the retirement systems will positively impact the systems' unfunded liability;

(4) that RSIC's management of Santee Cooper's property and business will result in meaningful short-term and long-term rate relief for all electric service customer classes;

(5) that Santee Cooper's employees will continue to be eligible to participate in the South Carolina Retirement System and the State Health Plan or that reasonable financial and other protections for Santee Cooper employees will be provided in a manner that would not impact South Carolina's pension system liability or the liability associated with providing health insurance coverage to employees who have retired from employment at Santee Cooper;

(6) that RSIC's management of Santee Cooper will comply with all applicable federal and state environmental protections regarding Lakes Marion and Moultrie, their rivers and tributaries, and other recreational assets of Santee Cooper, including a covenant to maintain the present status quo regarding these lakes and other resources and the quality of and access to them; and

(7) that under RSIC's management, Santee Cooper will continue to partner with the State for future economic development projects.

(B) RSIC's written certification required by subsection (A) must include a detailed description of:

(1) the means, methods, terms, and conditions by which RSIC will manage Santee Cooper's property and business to meet the certification requirements of subsection (A);

(2) Santee Cooper's governance structure, as well as the nature and extent to which RSIC intends to enter into a management or partnership agreement with any third-party entity to ensure that the requirements of subsection (A) are complied with and that Santee Cooper is professionally managed in conformity with the highest levels of best practice; and

(3) the rate-setting policy by which the requirement of providing meaningful short-term and long-term rate relief for all customer classes is met, and the means by which the policy will provide for enhanced transparency and greater customer participation in the rate-setting process.

(C) RSIC's exclusive authority to manage Santee Cooper's property and business specifically includes the authority to sell, lease, or dispose of any portion of Santee Cooper's property and business. If any sale, lease, or disposal of any portion of Santee Cooper's property or business

THURSDAY, MAY 2, 2019

would impair Santee Cooper's ability to pay the principal of and interest on any portion of its notes, bonds, evidences of indebtedness, or other obligations, then a corresponding portion of Santee Cooper's bonds and other indebtedness must be defeased to the extent necessary to ensure that Santee Cooper's ability to pay the principal of and interest on any remaining bonds or other indebtedness is not impaired. Any sale of all or a controlling interest in Santee Cooper's property or business must not only comply with the requirements of this subsection, but also with subsection (A)(4) through (7).

(D) The portion of Santee Cooper's property held and managed as an asset of the retirement systems shall continue to be exempt from taxation and assessment, however, the corresponding portion of any fee in lieu of payments required by Article 1, Chapter 31, Title 58 on any exempt property must continue in accordance with the provisions of Article 1, Chapter 31, Title 58.

(E) The Department of Administration must execute any documents necessary to effectuate a transfer upon receipt of RSIC's certification pursuant to subsection (A).

(F) Santee Cooper is directed to provide any and all resources necessary to effectuate the transfer required herein.

SECTION 7. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator BENNETT spoke on the amendment.

Point of Order

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

Senator GROOMS moved to lay the amendment on the table.
The amendment was laid on the table.

Amendment No. 12

Senators DAVIS, CAMPSER and RANKIN proposed the following amendment (JUD0678.021), which was adopted:

Amend the joint resolution, as and if amended, by striking the last 4 lines in SECTION 7 on page 8 and inserting:

/ agreement must also contain a provision in which the signer agrees that neither it nor its agents, servants, officers, directors or employees

THURSDAY, MAY 2, 2019

shall advocate for or against, directly or indirectly, a recommendation provided by the department to the General Assembly pursuant to SECTION 8. Members of the General Assembly, the Governor, and their respective staff must not be provided with, or have access by any means to, the information obtained during this process except as provided in this section. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

The amendment was adopted.

On motion of Senator SETZLER, with unanimous consent, the Resolution was carried over and the Special Order status was discharged.

AMENDED, READ THE SECOND TIME

H. 4287 -- Reprs. Lucas, G.M. Smith, Simrill, Rutherford, McCoy, Ott, Stavrinakis, Gilliard and Caskey: A JOINT RESOLUTION TO PROVIDE THAT THE PUBLIC SERVICE AUTHORITY EVALUATION AND RECOMMENDATION COMMITTEE MAY UTILIZE STATE APPROPRIATED OR AUTHORIZED FUNDS, INCLUDING THE USE OF THOSE FUNDS TO RETAIN NECESSARY EXPERTS, LEGAL COUNSEL, BANKING INSTITUTION, OR ANY OTHER FINANCIAL ENTITY, TO EVALUATE AND REVIEW A POTENTIAL, COMPLEX FINANCIAL TRANSACTION FOR THE POTENTIAL SALE OF SANTEE COOPER AND ANY OR ALL OTHER RELATED FINANCIAL TRANSACTIONS NECESSARY FOR USE IN THIS FINANCIAL EVALUATION, WHICH THE COMMITTEE CONSIDERS TO BE IN THE BEST INTERESTS OF THIS STATE AND ITS TAXPAYERS AND RATEPAYERS, TO PROVIDE THAT THE ACTIONS OF THE COMMITTEE ARE SUBJECT TO FINAL APPROVAL BY THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE MANNER IN WHICH THIS OFFER IS TRANSMITTED TO AND APPROVED OR DISAPPROVED BY THE GENERAL ASSEMBLY, INCLUDING A TIMELINE REQUIREMENT.

On motion of Senator SETZLER, with unanimous consent, the Senate proceeded to a consideration of the Resolution, the question being the second reading of the Resolution.

[SJ]

THURSDAY, MAY 2, 2019

Amendment No. 2

Senators SETZLER, LEATHERMAN, RANKIN, HUTTO, MALLOY, CAMPSÉN, MASSEY, DAVIS, and MCELVEEN proposed the following amendment (JUD4287.002), which was adopted:

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

/ SECTION 1. (A)(1) The Department of Administration shall establish a process to conduct a competitive bidding process for the sale of some or all of the electric utility portion of the Public Service Authority (“Santee Cooper”) and to receive management proposals that do not involve a sale of Santee Cooper but are designed to improve the efficiency and cost-effectiveness of Santee Cooper’s electric operations, including but not limited to, a management arrangement, joint venture or alternative arrangement. This process shall not be limited to the individuals or entities that responded to ICF’s Requests for Expressions of Interest for its February 1, 2019 report to the Public Service Authority Evaluation and Recommendation Committee. Santee Cooper shall also submit a proposal to the department, as an alternative to a sale or management proposal, setting forth its plans for reform, restructuring and changes in operation. This process must be established in accordance with commercially reasonable terms that are customary in connection with bids and proposals of this type. Nothing in this joint resolution precludes the department, through its professional services experts, from negotiating with entities offering bids, management proposals or Santee Cooper to improve their proposal. The department shall determine the date when the bids and proposals must be received; however, the process to receive bids, management proposals and Santee Cooper’s proposal shall be concurrent.

(2)(a) The department shall procure such professional services that are necessary to qualify bids and proposals; conduct a sale; evaluate bids received for a sale, management proposals, and Santee Cooper’s proposal; and, negotiate contracts for the consummation of a sale or a management proposal, and related activities. These professional services shall include, but may not be limited to, financial institutions, investment bankers, legal counsel, industry consultants and utility consultants.

(b) The department must not utilize the professional services of an entity with whom the House of Representatives, the Senate, or the Governor has previously engaged to consider the possible sale of Santee Cooper. In addition, the department must not utilize the professional services of an individual or entity that would have a financial interest in the outcome of this process, nor may the department contract or

THURSDAY, MAY 2, 2019

otherwise employ an individual or entity based upon a contingency fee due to the outcome of this process.

(B) Staff from the State Fiscal Accountability Authority's Procurement Services Division shall assist the department in conducting the competitive bidding process and reviewing management proposals and procuring necessary professional services.

(C) Santee Cooper is directed to provide any and all resources necessary to assist in the process for competitive bids and management proposals, as well as the evaluation of the bids and management proposals received by the department. The department shall have the authority to consult with Santee Cooper's bondholders, underwriters, financial institutions, and any other advisors to gather information to assist the department in carrying out its responsibilities, and Santee Cooper shall be cooperative in providing the department with access to the bondholders, underwriters, financial institutions, and other advisors. Santee Cooper shall ensure that the bidders have full access to due diligence materials and fair opportunity for access to Santee Cooper staff, and shall ensure that its responses to any inquiries are timely.

SECTION 2. (A) The department shall conduct a thorough evaluation of all bids for the sale of Santee Cooper received through the competitive bidding process. The evaluation must take into account at least the following:

- (1) the financial capability of each bidder;
- (2) the bidder's plan to address Santee Cooper's bonds and other indebtedness, to include but not be limited to:
 - (a) satisfaction of any or all of Santee Cooper's existing debt, to include an opinion letter from a bond attorney as to whether or not the bidder's plan to satisfy the existing debt would violate any bond provisions or otherwise impact the State;
 - (b) issuance of new bonds and plans to finance other indebtedness;
 - (c) the projected financial impact on all customer classes of Santee Cooper's retail customers for the satisfaction of existing debt and issuance of new bonds and finance of other indebtedness; and
 - (d) the bidder's projected capital to debt ratio for the five years following the acquisition of Santee Cooper.
- (3) consideration, in cash, to be paid by the bidder to the State for the benefit of South Carolina and its taxpayers.
- (4) the amount of projected rates for each customer class of Santee Cooper's retail customers over the next 20 years and plans demonstrating

THURSDAY, MAY 2, 2019

how these rates can be achieved, and the bidder's willingness to contractually agree to those rates;

(5) the bidder's plans for generation, power purchases, and other resources over the next 20 years, including but not limited to:

(a) the forecasted demand;

(b) a timeline of when those plans would be put in place;

(c) the projected financial impact to Santee Cooper's retail customers; and

(d) the assumptions underlying its plans, including but not limited to, additional infrastructure required to support any generating unit, the projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes and projected GAAP accounting financial statements of the rate projections;

(6) the bidder's plans for transmission investment over the next 20 years, including but not limited to:

(a) a timeline of when those investments will be needed;

(b) the projected financial impact to Santee Cooper's retail customers; and

(c) the assumptions underlying those plans, including but not limited to, projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

(7) a wholesale market power analysis for Santee Cooper's current wholesale customers, applying the methodology currently prescribed by the Federal Energy Regulatory Commission;

(8) the bidder's provision of reasonable financial and other protections for Santee Cooper employees and retirees in a manner that would not impact South Carolina's pension system liability or the liability associated with providing health insurance coverage to employees who have retired from employment at Santee Cooper;

(9) a projection of the jobs the bidder expects to eliminate within five years if it acquires Santee Cooper;

(10) the bidder's proposed location for its headquarters post-acquisition;

(11) the bidder's agreement that the bid excludes the assets collectively included under FERC License 199, the wholesale water systems operated by Santee Cooper, undeveloped lands, other natural resources and recreational assets of Santee Cooper. Each bidder shall provide for revenue streams, including the purchase of hydroelectric

THURSDAY, MAY 2, 2019

power generated from Project 199, to provide for the continued operation Lakes Marion and Moultrie with no loss of quality or access;

(12) the bidder's capacity and willingness to partner with the State for future economic development projects;

(13) a comparison of the bidder's service territory in South Carolina, if the bid is successful, with investor-owned utilities serving South Carolina; and

(14) any terms or conditions the bidder would require to complete the purchase of Santee Cooper.

The bidder must also submit its regulatory filings within the past seven years from each state where the bidder provides electric service that are related to the bidder's forecasts for electric generation, transmission, and distribution; requests for generation and/or transmission projects; electric rate requests made by the bidder; and requests to acquire, merge with, or manage another electric utility, and the final disposition of each request.

(B) The department must:

(1) verify the information provided by the bidder, to the extent possible, and may request additional information from the bidder if needed to conduct its verification;

(2) establish a list of items that would be excluded from the sale of Santee Cooper's electric utility assets, including but not limited to, the wholesale water systems operated by Santee Cooper, undeveloped lands, other natural resources and recreational assets of Santee Cooper;

(3) conduct an analysis as to the potential risks to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders, that could result from the sale of Santee Cooper, either in whole or in part. This analysis must include, but is not limited to, the loss of tax-exempt status of a buyer, impact on economic development, and whether the bid would preclude South Carolina from recovering the full value of Santee Cooper;

(4) compare the bidder's financing options for anticipated projects with the financing options currently available to Santee Cooper;

(5) require that the bidder's projected ratebase for all of Santee Cooper's retail customers exclude any portion of debt attributed to V.C. Summer nuclear units 2 and 3 that is not considered to be used and useful, as determined by the professional services experts and the Office of Regulatory Staff;

(6) consider if the bidder is committed to keeping its headquarters in South Carolina post-acquisition; and

THURSDAY, MAY 2, 2019

(7) consider if the bidder intends to, and has the capability to, provide electric services in South Carolina for at least 20 years.

SECTION 3. (A) The department shall conduct a thorough evaluation of all management proposals for Santee Cooper. The evaluation must take into account at least the following:

(1) terms and conditions of the proposal, including the proposed time period for the management proposal;

(2) the amount of projected rates for each customer class of Santee Cooper's retail customers over the next 20 years and plans demonstrating how these rates can be achieved;

(3) fees and costs to be paid by Santee Cooper retail customers for the management proposal, as well as any other benefits to that entity resulting from the proposal;

(4) projected needs for generation, transmission and distribution during the period of the proposal and how those needs would be met;

(5) an opinion letter from a bond attorney that the management proposal would neither violate nor alter the terms of Santee Cooper's bonds and other indebtedness;

(6) an opinion letter from a tax attorney that the proposal would not impact Santee Cooper's current tax status;

(7) the proposer's experience with the type of arrangement as proposed with an investor-owned utility and a publicly owned utility;

(8) the impact the management proposal would have on Santee Cooper's employees, including but not limited to, any projected elimination of positions within the next five years, if any;

(9) the financial capability of the entity offering the proposal;

(10) a comparison of the service territory in South Carolina of the entity offering the proposal, if the proposal is successful, with investor-owned utilities serving South Carolina; and

(11) an agreement that if the management proposal is awarded, the entity offering the proposal will submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the implementation of the management plan, including but not limited to, plans for the next calendar year and accomplishments and challenges for the prior calendar year.

(B) The department must:

(1) verify the information provided by the entity submitting the management proposal, to the extent possible, and may request additional information if needed to conduct its verification;

THURSDAY, MAY 2, 2019

(2) conduct an analysis as to the potential risks to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders, that could result from the management proposal;

(3) compare the proposing entity's financing options for anticipated projects with the financing options currently available to Santee Cooper; and

(4) consider if the proposing entity offers to pay a franchise fee or another form of consideration to the State of South Carolina as a condition of the management proposal.

SECTION 4. Santee Cooper must submit a proposal to the department for reform, restructuring and changes in operation that must include, but is not limited to:

(1) its plans for generation, power purchases, and other resources over the next 20 years, including but not limited to:

(a) the forecasted demand;

(b) a timeline of when those plans would be put in place;

(c) the projected financial impact to all customer classes of ratepayers; and

(d) the assumptions underlying its plans, including but not limited to, additional infrastructure required to support any generating unit, the projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes and projected GAAP accounting financial statements of the rate projections;

(2) its plans for transmission investment over the next 20 years, including but not limited to:

(a) a timeline of when those investments will be needed;

(b) the projected financial impact to all classes of its retail customers; and

(c) the assumptions underlying those plans, including but not limited to, projected rate base, debt-to-equity ratios, authorized return on equity, inflation and cost escalation rates, fuel costs, tax rates, assumed tax abatements, credits and payments in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

(3) its plans to address the V.C. Summer debt and the projected impact to all customer classes of its ratepayers;

(4) a proposal for Santee Cooper reform, restructuring and operational changes; and

(5) any other information Santee Cooper deems relevant as to future operations as a state asset.

THURSDAY, MAY 2, 2019

The department must verify the information provided by Santee Cooper, to the extent possible, and may request additional information if needed to conduct its verification. The department must also conduct an analysis to determine if the proposal is feasible.

SECTION 5. The department shall establish a process in which its professional services experts conduct confidential negotiations between Central Electric Power Cooperative, Inc. (“Central”) and each entity that submitted a bid or proposal after all the bids and proposals have been submitted. No negotiations or any form of discussion regarding potential terms or conditions for an agreement with Central can occur outside of the process established by the department. The department shall require that the parties enter into a contract to negotiate in good faith, as well as any other conditions for negotiation as determined by the department. Each entity that submitted a bid or proposal, including Santee Cooper, must individually negotiate with Central to determine terms for a binding contract between Central and that entity in the event the entity’s bid or proposal is successful. If the professional services experts conducting the negotiations determine that one or more parties, including Central, is not negotiating in good faith, that negotiation shall be terminated and the professional services experts may submit terms they determine to be reasonable and in the best interests of Santee Cooper’s customers and of the State of South Carolina and its taxpayers to the General Assembly. The General Assembly may consider a party’s failure to negotiate in good faith as a disqualification of the bid or proposal.

SECTION 6. During the negotiations described in SECTION 5 and upon completion thereof, the Office of Regulatory Staff shall provide commentary as to the impact on the retail customer for each bid and proposal. This commentary shall be submitted to the department and its professional services experts, and must be considered in the recommendation to be made to the General Assembly.

SECTION 7. Following the negotiations between Central and each entity which submitted a bid or proposal, the professional services experts shall review the projected financial impact on Santee Cooper’s retail customers to ensure that any increases or decreases to current rates for the retail and wholesale customers are initially proportionate.

SECTION 8. To protect the integrity of the process, information received during this process and ensuing negotiations must be confidential prior to the department providing its professional services experts’ recommendations to the General Assembly. Each individual and entity involved in the process shall handle the information with sufficient care to prevent disclosure of information submitted, received or

THURSDAY, MAY 2, 2019

reviewed during the process. After the department has provided its professional services experts' recommendations to the General Assembly, only information regarding those recommendations shall be released in accordance with the provisions of the Freedom of Information Act, provided that information described in Section 30-4-40 must not be released without the written permission of the entity whose bid or proposal was recommended. In order to effectuate the purposes of this section, the department shall require non-disclosure agreements which must be entered into by each individual or entity involved in the process, including but not limited to, an individual or entity that submits a bid or proposal, or receives or reviews any part of the submission. The non-disclosure agreement must also contain a provision in which the signer agrees that neither it nor its agents, servants, officers, directors or employees shall advocate for or against, directly or indirectly, a recommendation provided by the department to the General Assembly pursuant to SECTION 9. Members of the General Assembly, the Governor, and their respective staff must not be provided with, or have access by any means to, the information obtained during this process except as provided in this section.

SECTION 9. (A)(1) At the conclusion of the evaluation of the bids and proposals, and negotiations, as required by this joint resolution, the department shall concurrently present a recommendation by its professional service experts of one bid for sale and one management proposal that the professional service experts consider to be in the best interests of the State, its taxpayers, and the customers of Santee Cooper, as well as the recommendation for Santee Cooper's proposal. Each recommendation must include justifications for the recommendation; also, the recommendations in regard to the sale and management proposal must include a contract for each recommended bidder obligating the bidder to comply with terms of its bid in the event it is approved by the General Assembly, along with a proposed contract to execute the sale or management proposal, and any supporting documents. The proposed contracts must include covenants that the bidder will abide by the terms of its bid for sale or its proposal, as applicable. The department must also present a full evaluation of each recommendation and for Santee Cooper's proposal. An evaluation must include, but not be limited to: (a) a description of each item listed in SECTIONS 2, 3 or 4, as applicable, along with a copy of an opinion letter submitted by a bond attorney and/or tax attorney; (b) a proposed contract with Central Power Electric Cooperative, Inc., including a statement from the professional service experts involved in the negotiations that

THURSDAY, MAY 2, 2019

each party did or did not negotiate in good faith; (c) the Office of Regulatory Staff's commentary; (d) any recommendations or concerns from the department's professional services; and (e) any supporting documents.

(2) The department must enter into a contract with each entity that submitted a bid for sale or management proposal that establishes penalties for failure to proceed with finalizing the sale or management proposal in the event the bid or proposal is selected by the General Assembly. This contract must include, but is not limited to, earnest money to be paid upon a recommendation of that entity being made to the General Assembly and penalties for failure to finalize the terms of the bid or proposal upon selection by the General Assembly.

(B) The department shall present to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee the documents described in (A). The Finance Committee and the Ways and Means Committee shall each meet as soon as practicable to review each recommendation presented by the department. Upon receipt of the recommendation from their respective committees, the President of the Senate and the Speaker of the House shall convene their respective bodies to consider any legislation to effectuate the sale or management proposal or to implement reform, restructuring and changes in operation at Santee Cooper.

(C)(1) In the event that the General Assembly approves the sale of Santee Cooper, the department must execute any documents necessary in order to effectuate the sale upon the enactment of a joint resolution approving the sale. The net proceeds of the sale shall be deposited in the State Retirement Systems Group Trust.

(2) In the event that the General Assembly approves a management proposal, the department must execute any documents necessary in order to effectuate the proposal upon the enactment of a joint resolution approving the proposal.

SECTION 10. The provisions of the Consolidated Procurement Code in Chapter 35, Title 11 of the 1976 Code and any other provisions of the general law of this State in conflict with the provisions of this Act are hereby suspended with regard to the activities undertaken pursuant to this joint resolution.

SECTION 11. 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,

THURSDAY, MAY 2, 2019

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 12. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The question then was second reading of the Resolution.

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Harpootlian	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Grooms

Total--1

THURSDAY, MAY 2, 2019

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

Recorded Vote

Senator GAMBRELL desired to be recorded as voting in favor of the third reading of the Resolution.

H. 4287--Ordered to a Third Reading

On motion of Senator SETZLER, with unanimous consent, H. 4287 was ordered to receive a third reading on Friday, May 3, 2019.

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

SECOND READING BILL

H. 3346 -- Reps. Yow, Lucas and Henegan: A BILL TO AMEND ACT 205 OF 1993, AS AMENDED, RELATING TO THE DISTRICT BOARD OF EDUCATION OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY.

On motion of Senator SHEHEEN.

CARRIED OVER

S. 534 -- Senators Hutto, Hembree, Shealy, Climer, Rice, Bennett and Senn: A BILL TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

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

ORDERED ENROLLED FOR RATIFICATION

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

H. 3698 -- Reps. Bailey, Hewitt, Hardee and Clemmons: A BILL TO AMEND SECTION 48-39-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEVELOPMENT OF THE COASTAL MANAGEMENT PROGRAM, SO AS TO EXEMPT

THURSDAY, MAY 2, 2019

CERTAIN PERMITS FROM REVIEW BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

H. 3699 -- Reps. Bailey, Hewitt and Hardee: A BILL TO AMEND SECTION 48-39-145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATION FEES FOR PERMITS TO ALTER CRITICAL AREAS, SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEFER TO THE UNITED STATES ARMY CORPS OF ENGINEERS IN DETERMINING THE SIZE OF A PRIVATE RECREATIONAL DOCK CONSTRUCTED ON THE ATLANTIC INTRACOASTAL WATERWAY FEDERAL NAVIGATION PROJECT.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3700 -- Reps. Bailey, Hewitt, Hardee and Clemmons: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES.

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

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 506 -- Senator Jackson: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 31 OF THE 1976 CODE, RELATING TO CITY HOUSING AUTHORITIES, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH A COUNTY LEGISLATIVE DELEGATION MAY DECLARE A STATE OF EMERGENCY, TO PROVIDE THAT A STATE OF EMERGENCY RESULTS IN THE SUSPENSION OF HOUSING AUTHORITY COMMISSIONERS, TO PROVIDE FOR A REVIEW OF THE SUSPENSION BY THE MAYOR OF THE MUNICIPALITY IN WHICH THE HOUSING AUTHORITY EXISTS, TO PROVIDE FOR THE PERMANENT REMOVAL FROM OFFICE OF THE COMMISSIONERS UNDER

THURSDAY, MAY 2, 2019

CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR NEW COMMISSIONERS WHEN NECESSARY.

AMENDED, HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3951 -- Reps. Clary, McCoy, Tallon, Bryant, Elliott, Martin, Gagnon, Thayer, McCravy, B. Newton, Jefferson and R. Williams: A BILL TO AMEND SECTION 23-11-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

The Senate proceeded to the consideration of the Bill.

Senators HUTTO and MALLOY proposed the following amendment (3951R001.SP.ASM), which was adopted:

Amend the bill, as and if amended, page 2, line 31, by adding appropriately numbered new SECTIONS to read:

/SECTION __. Section 23-11-40 of the 1976 Code is amended to read:

“Section 23-11-40. (A) If any vacancy occurs in the office of sheriff in any county of this State less than one year prior to the next general election for county sheriffs, the Governor may appoint some suitable person who must be an elector of the county and who, upon qualifying and upon the advice and consent of the Senate, according to law, is entitled to enter upon and hold the office until a sheriff is elected and qualifies in the election and is subject to all the duties and liabilities incident to the officer during the term of his service in the office.

(B) If any vacancy occurs in the office more than one year prior to the next general election for county sheriffs, the Governor shall appoint some suitable person as provided in subsection (A) until a special election is held to elect a sheriff to hold the office until a sheriff is elected and qualifies in the next general election for county sheriffs.

(C) If any vacancy occurs in the office at any time and is created by suspension by the Governor upon any sheriff’s indictment, the Governor shall appoint some suitable person, as provided for in subsection (A), to hold the office until the suspended sheriff is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first.

THURSDAY, MAY 2, 2019

(D) The chief deputy or second-in-command of the sheriff's office shall act as sheriff until the vacancy is filled, except in the case when a vacancy occurs as a result of an indictment, where the vacancy will be filled as provided in Section 23-11-50. While acting as sheriff, the chief deputy or second-in-command is subject to the duties and liabilities incident to the office of sheriff.

(E) In the event that a vacancy occurs in the office of sheriff in any county of this State during the interim period between legislative sessions, the office may be filled by an interim appointment pursuant to Section 1-3-210."

SECTION __. Section 1-3-210 of the 1976 Code is amended to read:

"Section 1-3-210. ~~(A)(1) During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee's formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

~~(2) If the Senate does not advise and consent thereto to the formal appointment prior to sine die adjournment the second Thursday in May following the interim period during which the interim appointment was made of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor's authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant." /

THURSDAY, MAY 2, 2019

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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 Bill was read the third time and ordered sent to the House of Representatives:

S. 613 -- Senator Malloy: A BILL TO AMEND SECTION 59-48-70 OF THE 1976 CODE, RELATING TO THE SCHOOL OF SCIENCE AND MATHEMATICS' ENDOWMENT FUND, TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE SCHOOL'S BOARD, TO REQUIRE THAT THE ENDOWMENT FUND BE ORGANIZED AS A NONPROFIT ENTITY, TO PROVIDE THAT THE ENDOWMENT FUND MUST ADOPT AN ANNUAL BUDGET THAT IS UNDER THE OVERSIGHT OF THE SCHOOL, TO PROVIDE THAT THE SCHOOL'S BOARD AND THE ENDOWMENT FUND MUST ENTER INTO AN OPERATING AGREEMENT, AND TO PROVIDE THAT THE ENDOWMENT FUND MAY NOT TAKE ANY ACTION UNLESS AUTHORIZED PURSUANT TO THE OPERATING AGREEMENT APPROVED BY THE SCHOOL'S BOARD.

READ THE SECOND TIME

H. 3659 -- Reps. McCoy, Rose, Ballentine, Wooten, W. Newton, Mack, Sottile, Clary, Erickson, Herbkersman, Pendarvis, Stavrinakis, Ott, Gilliard, Bennett, Caskey, Murphy, Bernstein, Mace, Young, Garvin, Cobb-Hunter, Norrell, Thigpen, Hyde, Jefferson, R. Williams, Funderburk, Huggins, Anderson, Hardee, Cogswell, Tallon, Sandifer, West, Gagnon, Forrester, Blackwell, Spires, Calhoon, B. Cox, Elliott, Morgan, Loftis, Bradley, Willis, Toole, Henderson-Myers, Daning and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA ENERGY FREEDOM ACT" BY ADDING SECTION 58-27-845 SO AS TO ENUMERATE SPECIFIC RIGHTS OWED TO EVERY

[SJ]

THURSDAY, MAY 2, 2019

ELECTRICAL UTILITY CUSTOMER IN SOUTH CAROLINA; BY ADDING SECTION 58-27-2350 SO AS TO PROVIDE FOR JUDICIAL REVIEW OF VIOLATIONS OF AN ELECTRICAL UTILITY CUSTOMER'S RIGHTS; BY ADDING CHAPTER 41 TO TITLE 58 SO AS TO DEFINE RELEVANT TERMS, TO REQUIRE PERIODIC HEARINGS TO REVIEW AND APPROVE ELECTRICAL UTILITIES' AVOIDED COST METHODOLOGIES, STANDARD OFFERS, FORM CONTRACTS, AND COMMITMENT TO SELL FORMS, AND TO ESTABLISH POLICIES AND PROCEDURES FOR THESE HEARINGS, TO REQUIRE EACH ELECTRICAL UTILITY TO FILE A VOLUNTARY RENEWABLE ENERGY PROGRAM FOR THE COMMISSION'S REVIEW AND APPROVAL AND TO ENUMERATE PROGRAM REQUIREMENTS, TO REQUIRE EACH ELECTRICAL UTILITY TO ESTABLISH A NEIGHBORHOOD COMMUNITY SOLAR PROGRAM PLAN WITH A GOAL TO EXPAND ACCESS TO SOLAR ENERGY TO LOW-INCOME COMMUNITIES AND CUSTOMERS, AND TO ENUMERATE PROGRAM REQUIREMENTS; TO AMEND SECTION 58-4-10, AS AMENDED, RELATING TO THE OFFICE OF REGULATORY STAFF, SO AS TO REVISE THE DEFINITION OF "PUBLIC INTEREST"; TO AMEND SECTION 58-27-460, RELATING TO THE PROMULGATION OF STANDARDS FOR INTERCONNECTION OF RENEWABLE ENERGY, SO AS TO, AMONG OTHER THINGS, INCREASE THE MAXIMUM GENERATION CAPACITY OF THOSE RENEWABLE ENERGY FACILITIES FOR WHICH THE PUBLIC SERVICE COMMISSION SHALL PROMULGATE INTERCONNECTION STANDARDS; TO AMEND SECTION 58-27-2610, RELATING TO LEASES OF RENEWABLE ELECTRIC GENERATION FACILITIES, SO AS TO, AMONG OTHER THINGS, REMOVE THE SOLAR LEASING CAP; TO AMEND SECTION 58-33-110, RELATING TO REQUIRED PRECONSTRUCTION CERTIFICATIONS FOR MAJOR UTILITY FACILITIES, SO AS TO PROVIDE THAT A PERSON MAY NOT BEGIN CONSTRUCTION OF A MAJOR UTILITY FACILITY WITHOUT FIRST HAVING MADE A DEMONSTRATION THAT THE FACILITY HAS BEEN SELECTED THROUGH AN INDEPENDENTLY MONITORED, ALL-SOURCE, PROCUREMENT PROCESS OVERSEEN BY AN INDEPENDENT EVALUATOR CHOSEN BY THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-33-140, RELATING TO THE PARTIES TO CERTIFICATION PROCEEDINGS, SO AS TO

[SJ]

THURSDAY, MAY 2, 2019

PROVIDE THAT THE PARTIES SHALL INCLUDE ANY INDEPENDENT POWER PRODUCER THAT IS PROPOSING AN ALTERNATIVE TO THE MAJOR UTILITY FACILITY; TO AMEND SECTION 58-37-40, RELATING TO INTEGRATED RESOURCE PLANS, SO AS TO PROVIDE FOR THE EVALUATION OF THE ADOPTION OF RENEWABLE ENERGY, ENERGY EFFICIENCY, AND DEMAND RESPONSE IN INTEGRATED RESOURCE PLANS AND TO PROVIDE FOR CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 58-40-10, RELATING TO DEFINITIONS APPLICABLE TO NET ENERGY METERING, SO AS TO REVISE THE DEFINITION OF "CUSTOMER-GENERATOR"; AND TO AMEND SECTION 58-40-20, RELATING TO NET ENERGY METERING, SO AS TO REQUIRE ELECTRICAL UTILITIES TO MAKE NET ENERGY METERING AVAILABLE TO CUSTOMER-GENERATORS UNTIL THE TOTAL INSTALLED NAMEPLATE GENERATING CAPACITY OF NET ENERGY METERING SYSTEMS EQUALS AT LEAST TWO PERCENT OF THE PREVIOUS FIVE-YEAR AVERAGE OF THE ELECTRICAL UTILITY'S SOUTH CAROLINA RETAIL PEAK DEMAND AND TO PROVIDE FOR A SUCCESSOR NET ENERGY METERING TARIFF.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

Motion under Rule 26B

Motion under Rule 26B Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading and to take up further amendments pursuant to the provisions of Rule 26B.

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

ADOPTED

S. 781 -- Senator McLeod: A SENATE RESOLUTION TO ENCOURAGE PUBLIC AWARENESS ABOUT THE CONTINUING BENEFITS AND VALUE OF MEDITATION AND SELF-CARE AND TO DECLARE MAY 2, 2019, AS "PEACE, HARMONY & WELLNESS DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

THURSDAY, MAY 2, 2019

Recorded Vote

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

ADOPTED

S. 365 -- Senators Jackson, Setzler, Peeler, Leatherman, Massey, Reese, Hutto, Malloy, Sheheen, Williams, Nicholson, Scott, Allen, Johnson, McElveen, Kimpson, Sabb, M.B. Matthews, Fanning, McLeod, Harpootlian, Alexander, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Martin, Rankin, Rice, Senn, Shealy, Talley, Turner, Verdin and Young: A SENATE RESOLUTION TO AUTHORIZE THE COMMISSIONING OF A PORTRAIT TO BE PLACED IN THE SENATE CHAMBER OF THE HONORABLE JOHN WESLEY MATTHEWS, JR., OF BOWMAN IN ORANGEBURG COUNTY, A SELFLESS AND DEDICATED SENATOR FROM THE THIRTY-NINTH SENATORIAL DISTRICT AND A DISTINGUISHED STATESMAN DESERVING PROPER RECOGNITION BY THE SENATE AND THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

AMENDED, ADOPTED

S. 799 -- Senators Alexander, Gambrell and Cash: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF INTERSTATE-85 IN ANDERSON AND OCONEE COUNTY "CHRISTINA ADAMS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Senate proceeded to the consideration of the Resolution.

Senator ALEXANDER proposed the following amendment (799R001.SP.TCA), which was adopted:

Amend the concurrent resolution, as and if amended, page 1, by striking lines 12 through 13 and inserting:

/TRANSPORTATION NAME TWO MILES ON INTERSTATE-85 IN ANDERSON COUNTY AND TWO MILES ON INTERSTATE-85 IN OCONEE COUNTY FROM THE ANDERSON-OCONEE COUNTY LINE "CHRISTINA /

Amend the concurrent resolution further, as and if amended, page 2, by striking lines 29 through 30 and inserting:

THURSDAY, MAY 2, 2019

/resolution, request that the Department of Transportation name two miles on Interstate-85 in Anderson County and two miles on Interstate-85 in Oconee County from the Anderson-Oconee County line “Christina/ Renumbr sections to conform.
Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

There being no further amendments, the Resolution, as amended was adopted, ordered sent to the House.

ADOPTED

S. 801 -- Senators Sabb, Leatherman, Johnson and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE UNITED STATES HIGHWAY 378 BYPASS OVER UNITED STATES HIGHWAY 52 IN LAKE CITY “FARRAH TURNER MEMORIAL BYPASS” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 802 -- Senator Sabb: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 512 AND COUNTY ROAD S-45-159 IN WILLIAMSBURG COUNTY “PEARL R. BROWN INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

S. 676 -- Senator M.B. Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME MITCHELLVILLE ROAD IN JASPER COUNTY “COUNCILMAN LEROY SNEED ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Resolution was adopted, ordered sent to the House.

THURSDAY, MAY 2, 2019

H. 4106 -- Rep. S. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 321 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH HOPEWELL ROAD TO ITS INTERSECTION WITH ZEIGLER STREET "VIRGIN JOHNSON, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet Tuesday, May 7, 2019, at Noon.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Rivers Lynch of Myrtle Beach, S.C. Rivers graduated from Appalachian State University with a degree in physical education. He coached many sports including basketball, volleyball, track baseball and tennis. Rivers was inducted into the National Athletic Coaches Association Hall of Fame in 2007. Rivers was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 4:50 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.

* * *

THURSDAY, MAY 2, 2019
SENATE JOURNAL INDEX

S. 365.....	55	H. 3699.....	49
S. 506.....	49	H. 3700.....	49
S. 534.....	48	H. 3728.....	15
S. 613.....	52	H. 3915.....	10
S. 676.....	56	H. 3951.....	50
S. 678.....	19	H. 3970.....	10
S. 735.....	6	H. 4105.....	11
S. 781.....	54	H. 4106.....	57
S. 785.....	13	H. 4107.....	11
S. 799.....	55	H. 4119.....	16
S. 801.....	56	H. 4120.....	16
S. 802.....	56	H. 4121.....	16
S. 817.....	8	H. 4123.....	17
S. 818.....	8	H. 4124.....	17
S. 819.....	9	H. 4276.....	3
S. 820.....	9	H. 4287.....	37
S. 821.....	9	H. 4330.....	4
S. 822.....	10	H. 4365.....	17
S. 823.....	10	H. 4370.....	17
		H. 4384.....	4
H. 3012.....	5	H. 4411.....	4
H. 3205.....	2	H. 4428.....	11
H. 3346.....	48	H. 4456.....	12
H. 3621.....	14	H. 4481.....	2
H. 3659.....	52	H. 4515.....	12
H. 3698.....	48		