

NO. 70

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

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WEDNESDAY, MAY 8, 2019

**Wednesday, May 8, 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:

I Corinthians 3:9

“For we are God’s servants, working together; You are God’s field, God’s building.”

Let us pray. Gracious God, You have created us to be useful and to live life with a purpose. Work is a privilege that is more available in this country than any other. All honest work is honorable and all workers are to be respected regardless of their station in life.

Today we remember all those who labor in a corporate effort to make the State House function efficiently in service to the people of this State. As this week comes to a close we express our gratitude to the Senators and their staff who worked many long hours to craft legislation to make our State a better place in which to live. In the ensuing months, as these Senators seek to serve You beyond this Chamber, may they experience Your grace and your strength in all they say and all they do each day. Through our Lord and Savior we pray, Amen.

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

**Point of Quorum**

At 11:05 A.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Davis	Fanning
Goldfinch	Grooms	Harpoottlian
Hembree	Johnson	Kimpson

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Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rice	Sabb	Senn
Setzler	Shealy	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

Reappointment, Aiken County Master-in-Equity, with the term to commence July 1, 2019, and to expire June 30, 2025

M. Anderson Griffith, 1397 Woodbine Road, Aiken, SC 29803

Reappointment, Georgetown County Master-in-Equity, with the term to commence January 1, 2019, and to expire January 1, 2025

Joe M. Crosby, 110 Cedar Grove Lane, Pawleys Island, SC 29585

Reappointment, Lee County Master-in-Equity, with the term to commence January 1, 2019, and to expire December 31, 2025

Stephen Bryan Doby, 321 Barnett Dr., Bishopville, SC 29010

Reappointment, Lexington County Master-in-Equity, with the term to commence January 1, 2019, and to expire January 1, 2025

James Otto Spence, 6521 Edmund Highway, Lexington, SC 29073

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Kela E. Thomas, 22 Sunturf Circle, Columbia, SC 29223-6717

*VICE* Caroline Streater

**Leave of Absence**

On motion of Senator MARTIN, at 11:15 A.M., Senator VERDIN was granted a leave of absence until 12:30 P.M.

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**Leave of Absence**

On motion of Senator SABB, at 3:18 P.M., Senator SCOTT was granted a leave of absence for 30 minutes.

**Expression of Personal Interest**

Senator McELVEEN rose for an Expression of Personal Interest.

**OBJECTION**

Senator McELVEEN asked unanimous consent to make a motion to give H. 4243 a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MARTIN objected.

**Remarks to be Printed**

On motion of Senator KIMPSON, with unanimous consent, the remarks of Senator McELVEEN, when reduced to writing and made available to the Desk, would be printed in the Journal.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 831 -- Senator Malloy: A SENATE RESOLUTION TO HONOR NUCOR STEEL-SOUTH CAROLINA'S DARLINGTON MILL AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY, TO CONGRATULATE THE MILL AND ITS OVER FIVE HUNDRED TEAMMATES AND FAMILIES ON A HALF-CENTURY OF MAKING AMERICA'S STEEL, AND TO EXTEND BEST WISHES FOR ITS CONTINUED SUCCESS IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 832 -- Senator J. Matthews: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH GORDON DRIVE TO THE BOWMAN TOWN LIMIT "COUNCILMAN NATHANIEL 'NAY' GAINES MEMORIAL

**WEDNESDAY, MAY 8, 2019**

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

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

S. 833 -- Senators Loftis, Corbin, Turner and Verdin: A BILL TO AMEND SECTION 6-29-1110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO LOCAL PLANNING, SO AS TO PROVIDE A DEFINITION FOR THE TERM "PLAT", TO REVISE THE DEFINITION OF "SUBDIVISION", AND TO PROVIDE THAT LAND SURVEYS, WHICH MEET THE EXISTING STATE SURVEYING STANDARDS, MUST BE FILED DIRECTLY WITH THE REGISTER OF DEEDS, REGISTER OF MESNE CONVEYANCES, CLERK OF COURT, OR OTHER OFFICES HOUSING SUCH DOCUMENTS AND ARE EXEMPT FROM ANY REVIEW, COMMENT, OR BEING APPROVED OR DENIED BY ANY POLITICAL SUBDIVISIONS OF THIS STATE INCLUDING ANY COUNTY OR MUNICIPAL GOVERNMENT OR ANY OF ITS DEPARTMENTS, DIVISIONS, BOARDS, OR COMMISSIONS.

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

S. 834 -- Senator Massey: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF DAVID S. PALMER, JR. AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 835 -- Senators Fanning, Gregory, McElveen and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-14-45 SO AS TO ESTABLISH CERTAIN STORMWATER AND SEDIMENT REDUCTION PERMIT REQUIREMENTS FOR AN ALL-TERRAIN VEHICLE PARK, TO DEFINE THE TERM ALL-TERRAIN VEHICLE PARK, AND TO PROVIDE A PENALTY.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 3757 -- Reps. Lucas, Collins and Calhoon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-1-2040 SO AS TO PROVIDE DEFINITIONS, TO ESTABLISH THE WORKFORCE AND EDUCATION DATA OVERSIGHT COMMITTEE; TO PROVIDE THE FUNCTIONS OF THE COMMITTEE, TO PROVIDE THAT CERTAIN DEPARTMENTS SHALL SUBMIT CERTAIN DATA TO THE REVENUE AND FISCAL AFFAIRS OFFICE, TO PROVIDE FOR THE USES OF THE DATA COLLECTED, TO PROVIDE FOR ADMINISTRATIVE OVERSIGHT, TO PROVIDE FOR AUDITS, AND TO PROVIDE THAT INDIVIDUAL LEVEL DATA MAY NOT BE RELEASED; AND TO AMEND SECTION 13-1-2030, RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT, SO AS TO DELETE REFERENCES TO DESIGNEES ON THE COORDINATING COUNCIL.

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

H. 4327 -- Reps. R. Williams, Jefferson, Ott, Magnuson, Chumley and Burns: A BILL TO AMEND SECTION 6-9-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INAPPLICABILITY OF CERTAIN BUILDING CODES ON FARM STRUCTURES, SO AS TO REVISE THE DEFINITION OF "FARM STRUCTURE" FOR PURPOSES OF THIS SECTION.

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

**RECALLED**

H. 3011 -- Rep. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES STORE CREEK ALONG SOUTH CAROLINA HIGHWAY 174 IN CHARLESTON COUNTY THE "REVEREND TONY L. DAISE BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THIS DESIGNATION.

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

**WEDNESDAY, MAY 8, 2019**

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

**RECALLED**

H. 3791 -- Reps. Brown, Bamberg, Kimmons and Rivers: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE CSX RAIL LINE ALONG THE ACE BASIN PARKWAY IN COLLETON COUNTY "MOLLY GRAHAM MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE CONTAINING THIS DESIGNATION.

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

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

**RECALLED**

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.

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

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

**Message from the House**

Columbia, S.C., May 7, 2019

Mr. President and Senators:

[SJ]

**WEDNESDAY, MAY 8, 2019**

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.35, S. 735 by a vote of 61 to 26:

(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 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.

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**LOCAL APPOINTMENT**

Reappointment, Lee County Master-in-Equity, with term to commence January 1, 2019, and to expire December 31, 2025:

Mr. Stephen Bryan Doby, 321 Barnett Drive, Bishopville, S.C. 29010

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

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

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY

[SJ]



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REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

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

S. 21 -- Senators Hutto, Shealy and Jackson: A BILL TO AMEND SECTION 63-17-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT ORDERS DETERMINING THAT A PUTATIVE FATHER IS THE LEGAL FATHER, SO AS TO REQUIRE THAT THE CHILD'S BIRTH CERTIFICATE BE AMENDED; AND TO AMEND SECTION 44-63-163, RELATING TO BIRTH CERTIFICATES PREPARED AFTER A PATERNITY DETERMINATION, SO AS TO MAKE CONFORMING CHANGES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

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

[SJ]

**WEDNESDAY, MAY 8, 2019**

WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

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

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.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**LOCAL APPOINTMENT**

Reappointment, Georgetown County Master-in-Equity, with term to commence January 1, 2019, and to expire January 1, 2025:

Mr. Joe M. Crosby, 110 Cedar Grove Lane, Pawleys Island, S.C. 29585

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**LOCAL APPOINTMENT**

Reappointment, Lexington County Master-in-Equity, with term to commence January 1, 2019, and to expire January 1, 2025:

Mr. James Otto Spence, 6521 Edmund Highway, Lexington, S.C. 29073

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 8, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**LOCAL APPOINTMENT**

Reappointment, Aiken County Master-in-Equity, with term to commence July 1, 2019, and to expire June 30, 2025:

Mr. M. Anderson Griffith  
Very respectfully,

[SJ]

**WEDNESDAY, MAY 8, 2019**

Speaker of the House

Received as information.

**RECESS**

At 11:56 A.M., The Senate recessed from business for the purpose of attending the Joint Assembly, with Senator DAVIS retaining the floor on H. 3659.

**JOINT ASSEMBLY**

**Elections**

At 12:00 P.M., the Senate appeared in the Hall of the House.

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

H. 4312 -- Reps. G.M. Smith, Rutherford and Murphy: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 1, 2019, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE FEBRUARY 28, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2022; AND AS THE DATE TO MEET IN JOINT SESSION FOR THE PURPOSE OF ELECTING SUCCESSOR MEMBERS TO THE SOUTH CAROLINA CONSUMER AFFAIRS COMMISSION FOR SEATS 1, 2, 3, AND 4, SO AS TO FILL THE TERMS WHICH EXPIRE APRIL 14, 2018, AND JUNE 2, 2018.

**Election to the Position of Judge, 2<sup>nd</sup> Judicial Circuit, Seat 1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, 2<sup>nd</sup> Judicial Circuit, Seat 1.

Representative G.M. Smith, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable M. Anderson Griffith, David W. Miller and Courtney Clyburn Pope had been screened and found qualified to serve.

On motion of Representative G.M. Smith, the names of the Honorable M. Anderson Griffith and David W. Miller were withdrawn from consideration.

Representative G.M. Smith placed the name of the Courtney Clyburn Pope in nomination, moved that the nominations be closed and, with

**WEDNESDAY, MAY 8, 2019**

unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Courtney Clyburn Pope was elected to the position of Judge, 2<sup>nd</sup> Judicial Circuit, Seat 1 for the term to expire June 20, 2022.

**Recorded Vote**

Senator MARTIN desired to be recorded as voting No.

**Election to the Consumer Affairs Commission  
Four At-Large Seats**

The PRESIDENT announced that nominations were in order to elect a successor to the four at-large positions on the Consumer Affairs Commission.

Senator J. MATTHEWS, Chairman of the Committee to Screen Candidates for the Consumer Affairs Commission, indicated that Jamie E. Borden, William K. Geddings, James E. Lewis, Jr. , Renee I. Madden, Jessica Monsell, Andrew Sims Radeker, Lawrence D. Sullivan and Robert Wells had been screened and found qualified to serve and placed their names in nomination.

On motion of Senator J. MATTHEWS, the names of Jamie E. Borden, Jessica Monsell and Robert Wells were withdrawn from consideration.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Geddings:

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Loftis	Malloy
<i>Matthews, John</i>	Nicholson	Peeler
Rice	Sabb	Scott
Setzler	Shealy	Talley
Turner	Williams	Young

**Total--33**

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The following named Senators voted for Lewis:

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Johnson	Kimpson	Leatherman
Loftis	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Shealy	Sheheen	Talley
Turner	Williams	Young

**Total--36**

The following named Senators voted for Madden:

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Loftis	Malloy
<i>Matthews, Margie</i>	Peeler	Reese
Rice	Setzler	Shealy
Sheheen	Turner	

**Total--29**

The following named Senators voted for Radeker:

Hutto	<i>Matthews, John</i>	<i>Matthews, Margie</i>
Nicholson	Reese	Sabb
Scott	Setzler	Sheheen
Talley	Williams	Young

**Total--12**

The following named Senators voted for Sullivan:

Alexander	Allen	Bennett
Campbell	Campsen	Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Loftis
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Williams
Young		

**Total--40**

The following named Senator voted present:  
Martin

**Total--1**

The Reading Clerk of the House called the roll of the House, and the Representatives voted *viva voce* as their names were called.

The following named Representatives voted for Geddings:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Blackwell	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clyburn	W. Cox
Dillard	Elliott	Finlay
Forrest	Forrester	Gagnon
Garvin	Gilliard	Hayes
Herbkersman	Hewitt	Hixon
Huggins	Hyde	Jefferson
Jordan	Kimmons	Kirby
Lowe	Lucas	Martin
McKnight	D. C. Moss	Murphy
B. Newton	W. Newton	Pope
Ridgeway	Rivers	Rose

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Rutherford	Sandifer	Simrill
Sottile	Spires	Weeks
West	White	Whitmire
Willis	Wooten	

**Total--62**

The following named Representatives voted for Lewis:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Chellis	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Collins	W. Cox	Crawford
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliard	Govan	Hayes
Herbkerman	Hewitt	Hixon
Howard	Huggins	Hyde
Jefferson	Johnson	Jordan
Kimmons	Kirby	Lucas
Mack	Martin	McGinnis
McKnight	Moore	Morgan
D. C. Moss	Murphy	B. Newton
W. Newton	Ott	Pope
Ridgeway	Rivers	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Spires	Stavrinakis
Tallon	Thayer	Thigpen
Weeks	West	Wheeler
White	Whitmire	R. Williams
S. Williams	Willis	Wooten

**Total--90**



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The following named Representatives voted for Madden:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clyburn	W. Cox
Dillard	Elliott	Erickson
Finlay	Forrest	Forrester
Funderburk	Gagnon	Garvin
Gilliard	Govan	Hayes
Herbkersman	Hewitt	Hixon
Howard	Huggins	Hyde
Jefferson	Jordan	Kimmons
King	Kirby	Lucas
Martin	McKnight	D. C. Moss
Murphy	B. Newton	W. Newton
Ott	Pope	Ridgeway
Rivers	Robinson	Rose
Rutherford	Sandifer	Simrill
Sottile	Spires	Thigpen
Weeks	West	Wheeler
White	Whitmire	R. Williams
S. Williams	Willis	Wooten

**Total--75**

The following named Representatives voted for Radeker:

Bernstein	Bradley	Brawley
Caskey	Cobb-Hunter	Erickson
Funderburk	Govan	Howard
King	Ott	Robinson
Rose	Rutherford	Stavrinakis
Thigpen	Wheeler	R. Williams

**Total--18**

The following named Representatives voted for Sullivan:

Alexander	Allison	Anderson
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Atkinson	Bailey	Bales
Ballentine	Bamberg	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brown
Bryant	Burns	Calhoon
Caskey	Chellis	Chumley
Clary	Clemmons	Clyburn
W. Cox	Davis	Dillard
Elliott	Erickson	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Garvin
Gilliam	Gilliard	Govan
Hayes	Herbkersman	Hewitt
Hiott	Hixon	Huggins
Hyde	Jefferson	Jones
Jordan	Kimmons	Kirby
Lucas	Magnuson	Martin
McCrary	McKnight	Morgan
D. C. Moss	Murphy	B. Newton
W. Newton	Ott	Pope
Ridgeway	Rivers	Robinson
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Stavrinakis
Tallon	Weeks	West
Wheeler	White	Whitmire
R. Williams	S. Williams	Willis
Wooten		

**Total--82**

**RECAPITULATION**

Total number of Senators voting .....	40
Total number of Representatives voting.....	<u>98</u>
Grand Total.....	138
Necessary to a choice .....	69
Of which Geddings received .....	95
Of which Lewis received .....	126
Of which Madden received .....	104
Of which Radeker received .....	30
Of which Sullivan received .....	122

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Whereupon, the PRESIDENT announced that the Honorable William K. Geddings, James E. Lewis, Jr., Renee I. Madden and Lawrence D. Sullivan were elected to the at-large positions on the Consumer Affairs Commission for the term to expire June 30, 2023.

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

At 12:55 P.M., the Senate resumed.

**Call of the Senate**

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

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

A quorum being present, the Senate resumed.

**Privilege of the Chamber**

On motion of Senator PEELER, on behalf of Senator CAMPSSEN, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Alvin Taylor in recognition and of his outstanding service with the Department of Natural Resources and to congratulate him on his retirement.

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

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**ORDERED ENROLLED FOR RATIFICATION**

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

H. 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 HUTTO, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

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, Calhoun, 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 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

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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 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

[SJ]

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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.

The Committee on Judiciary proposed the following amendment (JUD3659.019), which was adopted:

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

/ SECTION 1. Title 58 of the 1976 Code is amended by adding:  
“CHAPTER 41

Renewable Energy Programs

Section 58-41-05. The commission is directed to address all renewable energy issues in a fair and balanced manner, considering the costs and benefits to all customers of all programs and tariffs that relate to renewable energy and energy storage, both as part of the utility’s power system and as direct investments by customers for their own energy needs and renewable goals. The commission also is directed to ensure that the revenue recovery, cost allocation, and rate design of utilities that it regulates are just and reasonable and properly reflect changes in the industry as a whole, the benefits of customer renewable energy, energy efficiency, and demand response, as well as any utility or state-specific impacts unique to South Carolina which are brought about by the consequences of this act.

Section 58-41-10. As used in this chapter:

(1) ‘AC’ means alternating current as measured at the point of interconnection of the small power producer’s facility to the interconnecting electrical utility’s transmission or distribution system.

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(2) ‘Avoided costs’ means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

(3) ‘Commission’ means the South Carolina Public Service Commission.

(4) ‘Electrical utility’ is defined as set forth in Section 58-27-10(7), provided, however, that electrical utilities serving less than one hundred thousand customer accounts must be exempt from the provisions of this chapter. A renewable energy supplier participating in an electrical utility’s voluntary renewable energy program pursuant to this chapter must not be considered an electrical utility for purposes of this chapter.

(5) ‘Eligible customer’ means a retail customer with a new or existing contract demand greater than or equal to one megawatt at a single-metered location or aggregated across multiple-metered locations.

(6) ‘Generation credit’ means a credit applied by an electrical utility to the bill of a participating customer that is equal to the value of the energy and capacity avoided by the electrical utility as a result of procuring energy and capacity from a renewable energy facility.

(7) ‘Participating customer’ means an eligible customer that elects to have a portion or all of its electricity needs supplied by a voluntary renewable energy program.

(8) ‘Participating customer agreement’ means an agreement between a participating customer, its electrical utility, and the renewable energy supplier establishing each party’s rights and obligations under the electrical utility’s voluntary renewable energy program.

(9) ‘Power purchase agreement’ means an agreement between an electrical utility and a small power producer for the purchase and sale of energy, capacity, and ancillary services from the small power producer’s qualifying small power production facility.

(10) ‘PURPA’ means the Public Utility Regulatory Policies Act of 1978, as amended.

(11) ‘Renewable energy contract’ means a power purchase agreement between an electrical utility and a renewable energy supplier that commits the parties to participating in an electrical utility’s voluntary renewable energy program for the purchase and sale of energy and capacity.

(12) ‘Renewable energy facility’ means a facility for the production of electrical energy that utilizes a renewable generation resource as defined in Section 58-39-120(F), that is placed in service after the

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effective date of this chapter, and for which costs are not included in an electrical utility's rates.

(13) 'Renewable energy supplier' means the owner or operator of a renewable energy facility, including the affiliate of an electrical utility that contracts with a participating customer.

(14) 'Small power producer' means a person or corporation owning or operating a 'qualifying small power production facility' as defined in 16 U.S.C. Section 796, as amended.

(15) 'Standard offer' means the avoided cost rates, power purchase agreement, and terms and conditions approved by the commission and applicable to purchases of energy and capacity by electrical utilities as provided in this chapter from small power producers up to two megawatts AC in size.

(16) 'Voluntary renewable energy program' means a tariff filed with the commission by an electrical utility that enables a participating commercial or industrial customer to receive and pay for electric service, that reflects the program cost, and that includes the environmental attributes specified in the participating customer agreement and renewable energy contract, including a generation credit for such renewable energy, from the electrical utility pursuant to the terms of the tariff.

Section 58-41-20. (A) As soon as is practicable after the effective date of this chapter, the commission shall open a docket for the purpose of establishing each electrical utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement this section. Within six months after the effective date of this chapter, and at least once every twenty-four months thereafter, the commission shall approve each electrical utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement this section. Within such proceeding the commission shall approve one or more standard form power purchase agreements for use for qualifying small power production facilities not eligible for the standard offer. Such power purchase agreements shall contain provisions, including, but not limited to, provisions for force majeure, indemnification, choice of venue, and confidentiality provisions and other such terms, but shall not be determinative of price or length of the power purchase agreement. The commission may approve multiple form power purchase agreements to accommodate various generation technologies and other project specific characteristics. This provision shall not restrict the right of parties to



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enter into power purchase agreements with terms that differ from the commission-approved form(s). Any decisions by the commission shall be just and reasonable to the ratepayers of the electrical utility, in the public interest, consistent with PURPA and the Federal Energy Regulatory Commission's implementing regulations and orders, and nondiscriminatory to small power producers; and shall strive to reduce the risk placed on the using and consuming public.

(1) Proceedings conducted pursuant to this section shall be separate from the electrical utilities' annual fuel cost proceedings conducted pursuant to Section 58-27-865.

(2) Proceedings shall include an opportunity for intervention, discovery, filed comments or testimony, and an evidentiary hearing.

(B) In implementing this chapter, the commission shall treat small power producers on a fair and equal footing with electrical utility-owned resources by ensuring that:

(1) rates for the purchase of energy and capacity fully and accurately reflect the electrical utility's avoided costs;

(2) power purchase agreements, including terms and conditions, are commercially reasonable and consistent with regulations and orders promulgated by the Federal Energy Regulatory Commission implementing PURPA; and

(3) each electrical utility's avoided cost methodology fairly accounts for costs avoided by the electrical utility or incurred by the electrical utility, including, but not limited to, energy, capacity, and ancillary services provided by or consumed by small power producers including those utilizing energy storage equipment. Avoided cost methodologies approved by the commission may account for differences in costs avoided based on the geographic location and resource type of a small power producer's qualifying small power production facility.

(C) The avoided cost rates offered by an electrical utility to a small power producer not eligible for the standard offer must be calculated based on the avoided cost methodology most recently approved by the commission. In the event that a small power producer and an electrical utility are unable to mutually agree on an avoided cost rate, the small power producer shall have the right to have any disputed issues resolved by the commission in a formal complaint proceeding. The commission may require mediation prior to a formal complaint proceeding.

(D) A small power producer shall have the right to sell the output of its facility to the electrical utility at the avoided cost rates and pursuant to the power purchase agreement then in effect by delivering an executed notice of commitment to sell form to the electrical utility. The

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commission shall approve a standard notice of commitment to sell form to be used for this purpose that provides the small power producer a reasonable period of time from its submittal of the form to execute a power purchase agreement. In no event, however, shall the small power producer, as a condition of preserving the pricing and terms and conditions established by its submittal of an executed commitment to sell form to the electrical utility, be required to execute a power purchase agreement prior to receipt of a final interconnection agreement from the electrical utility.

(E)(1) Electrical utilities shall file with the commission power purchase agreements entered into pursuant to PURPA, resulting from voluntary negotiation of contracts between an electrical utility and a small power producer not eligible for the standard offer.

(2) The commission is authorized to open a generic docket for the purposes of creating programs for the competitive procurement of energy and capacity from renewable energy facilities by an electrical utility within the utility's balancing authority area if the commission determines such action to be in the public interest.

(3) In establishing standard offer and form contract power purchase agreements, the commission shall consider whether such power purchase agreements should prohibit any of the following:

(a) termination of the power purchase agreement, collection of damages from small power producers, or commencement of the term of a power purchase agreement prior to commercial operation, if delays in achieving commercial operation of the small power producer's facility are due to the electrical utility's interconnection delays; or

(b) the electrical utility reducing the price paid to the small power producer based on costs incurred by the electrical utility to respond to the intermittent nature of electrical generation by the small power producer.

(F)(1) Electrical utilities shall offer to enter into fixed price power purchase agreements with small power producers for the purchase of energy and capacity at avoided cost, with commercially reasonable terms. There is a rebuttable presumption that fixed price power purchase agreements with a minimum term of ten years are commercially reasonable and in the public interest. The avoided cost rates applicable to fixed price power purchase agreements entered into pursuant to this item shall be based on the avoided cost rates and methodologies as determined by the commission pursuant to this section. The terms of this item apply only to those small power producers whose qualifying small power production facilities have active interconnection requests on file

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with the electrical utility prior to the effective date of this act. The commission may determine any other necessary terms and conditions deemed to be in the best interests of the ratepayers. This item is not intended, and shall not be construed, to abrogate small power producers' rights under PURPA that existed prior to the effective date of the act.

(2) Once an electrical utility has executed interconnection agreements and power purchase agreements with qualifying small power production facilities with an aggregate nameplate capacity equal to twenty percent of the previous five-year average of the electrical utility's South Carolina retail peak load, that electrical utility shall offer to enter into fixed price power purchase agreements with small power producers for the purchase of energy and capacity at avoided cost, with the terms, conditions, rates, and terms of length for contracts as determined by the commission in a separate docket or in a proceeding conducted pursuant to Section 58-41-20(A). The commission is expressly directed to consider the potential benefits of terms with a longer duration to promote the state's policy of encouraging renewable energy.

(G) Nothing in this section prohibits the commission from adopting various avoided cost methodologies or amending those methodologies in the public interest.

(H) Unless otherwise agreed to between the electrical utility and the small power producer, a power purchase agreement entered into pursuant to PURPA may not allow curtailment of qualifying facilities in any manner that is inconsistent with PURPA or implementing regulations and orders promulgated by the Federal Energy Regulatory Commission.

(I) The commission is authorized to employ, through contract or otherwise, third-party consultants and experts in carrying out its duties under this section, including, but not limited to, evaluating avoided cost rates, methodologies, terms, calculations, and conditions under this section. The commission is exempt from complying with the State Procurement Code in the selection and hiring of a third-party consultant or expert authorized by this subsection. The commission shall engage, for each utility, a qualified independent third party to submit a report that includes the third party's independently derived conclusions as to that third party's opinion of each utility's calculation of avoided costs for purposes of proceedings conducted pursuant to this section. The qualified independent third party is subject to the same ex parte prohibitions contained in Chapter 3, Title 58 as all other parties. The qualified independent third party shall submit all requests for documents and information necessary to their analysis under the authority of the commission and the commission shall have full authority to compel

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response to the requests. The qualified independent third party's duty will be to the commission. Any conclusions based on the evidence in the record and included in the report are intended to be used by the commission along with all other evidence submitted during the proceeding, to inform its ultimate decision setting the avoided costs for each electrical utility. The utilities may require confidentiality agreements with the independent third party that do not impede the third-party analysis. The utilities shall be responsive in providing all documents, information, and items necessary for the completion of the report. The independent third party shall also include in the report a statement assessing the level of cooperation received from the utility during the development of the report and whether there were any material information requests that were not adequately fulfilled by the electrical utility. Any party to this proceeding shall be able to review the report including the confidential portions of the report upon entering into an appropriate confidentiality agreement. The commission and the Office of Regulatory Staff may not hire the same third-party consultant or expert in the same proceeding or to address the same or similar issues in different proceedings.

(J) Each electrical utility's avoided cost filing must be reasonably transparent so that underlying assumptions, data, and results can be independently reviewed and verified by the parties and the commission. The commission may approve any confidentiality protections necessary to allow for independent review and verification of the avoided cost filing.

Section 58-41-30. (A) Within one hundred and twenty days of the effective date of this chapter, subject to subsection (F), each electrical utility shall file a proposed voluntary renewable energy program for review and approval by the commission. The commission shall conduct a proceeding to review the program and establish reasonable terms and conditions for the program. Interested parties shall have the right to participate in the proceeding. The commission may periodically hold additional proceedings to update the program. At a minimum, the program shall provide that:

(1) the participating customer shall have the right to select the renewable energy facility and negotiate with the renewable energy supplier on the price to be paid by the participating customer for the energy, capacity, and environmental attributes of the renewable energy facility and the term of such agreement so long as such terms are consistent with the voluntary renewable program service agreement as approved by the commission;

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(2) the renewable energy contract and the participating customer agreement must be of equal duration;

(3) in addition to paying a retail bill calculated pursuant to the rates and tariffs that otherwise would apply to the participating customer, reduced by the amount of the generation credit, a participating customer shall reimburse the electrical utility on a monthly basis for the amount paid by the electrical utility to the renewable energy supplier pursuant to the participating customer agreement and renewable energy contract, plus an administrative fee approved by the commission; and

(4) eligible customers must be allowed to bundle their demand under a single participating customer agreement and renewable energy contract and must be eligible annually to procure an amount of capacity as approved by the commission.

(B) The commission may approve a program that provides for options that include, but are not limited to, both variable and fixed generation credit options.

(C) The commission may limit the total portion of each electrical utility's voluntary renewable energy program that is eligible for the program at a level consistent with the public interest and shall provide standard terms and conditions for the participating customer agreement and the renewable energy contract, subject to commission review and approval.

(D) A participating customer shall bear the burden of any reasonable costs associated with participating in a voluntary renewable energy program. An electrical utility may not charge any nonparticipating customers for any costs incurred pursuant to the provisions of this section.

(E) A renewable energy facility may be located anywhere in the electrical utility's service territory within the utility's balancing authority.

(F) If the commission determines that an electrical utility has a voluntary renewable energy program on file with the commission as of the effective date of this chapter, that conforms with the requirements of this section, the utility is not required to make a new filing to meet the requirements of subsection (A).

Section 58-41-40. (A) It is the intent of the General Assembly to expand the opportunity to support solar energy and support access to solar energy options for all South Carolinians, including those who lack the income to afford the upfront investment in solar panels or those who do not own their homes or have suitable rooftops. The General Assembly

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encourages all electric service providers in this state to consider offering neighborhood community solar programs.

(B)(1) Within sixty days after the effective date of this chapter, the commission shall open a docket for each electrical utility to review the community solar programs established pursuant to Act 236 of 2014 and to solicit status information on existing programs from the electrical utilities.

(2) Within one hundred and eighty days after the commission opens the docket pursuant to item (1), the electrical utilities shall update their report on their existing programs and may propose new programs.

(C) Subject to review by the commission, a public utility must be entitled to full and timely cost recovery for all reasonable and prudent costs incurred in implementing and complying with this section. Participating customers shall bear the burden of any reasonable and prudent costs associated with participating in a neighborhood community solar program; however, the commission shall nonetheless promote access to solar energy projects for low and moderate income customers. An electrical utility may not charge any nonparticipating customers for any costs incurred pursuant to the provisions of this section.”

SECTION 2. Article 7, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58-27-845. (A) The General Assembly finds that there is a critical need to:

- (1) protect customers from rising utility costs;
- (2) provide opportunities for customer measures to reduce or manage electrical consumption from electrical utilities in a manner that contributes to reductions in utility peak electrical demand and other drivers of electrical utility costs; and
- (3) equip customers with the information and ability to manage their electric bills.

(B) Every customer of an electrical utility has the right to a rate schedule that offers the customer a reasonable opportunity to employ such energy and cost saving measures as energy efficiency, demand response, or onsite distributed energy resources in order to reduce consumption of electricity from the electrical utility’s grid and to reduce electrical utility costs.

(C) In fixing just and reasonable utility rates pursuant to Section 58-3-140 and Section 58-27-810, the commission shall consider whether rates are designed to discourage the wasteful use of public utility services while promoting all use that is economically justified in view of the

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relationships between cost incurred and benefits received, and that no one class of customers are unduly burdening another, and that each customer class pays, as close as practicable, the cost of providing service to them.

(D) For each class of service, the commission must ensure that each electrical utility offers to each class of service a minimum of one reasonable rate option that aligns the customer's ability to achieve bill savings with long-term reductions in the overall cost the electrical utility will incur in providing electric service, including, but not limited to time-variant pricing structures.

(E) Every customer of an electrical utility has a right to obtain their own electric usage data in a machine-readable, accessible format to the extent such is readily available. Electrical utilities shall allow customers an electronic means to assent to share the customer's energy usage data with a third-party vendor designated by the customer."

SECTION 3. Section 58-40-10(C) of the 1976 Code is amended to read:

“(C) ‘Customer-generator’ means the owner, operator, lessee, or customer-generator lessee of an electric energy generation unit which:

(1) generates or discharges electricity from a renewable energy resource, including an energy storage device configured to receive electrical charge solely from an onsite renewable energy resource;

(2) has an electrical generating system with a capacity of:

(a) not more than the lesser of one thousand kilowatts (1,000 kW AC) or one hundred percent of contract demand if a nonresidential customer; or

(b) not more than twenty kilowatts (20 kW AC) if a residential customer;

(3) is located on a single premises owned, operated, leased, or otherwise controlled by the customer;

(4) is interconnected and operates in parallel phase and synchronization with an electrical utility and complies with the applicable interconnection standards;

(5) is intended primarily to offset part or all of the customer-generator's own electrical energy requirements; and

(6) meets all applicable safety, performance, interconnection, and reliability standards established by the commission, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the federal Energy Regulatory Commission, and any local governing authorities.”

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SECTION 4. Section 58-40-10 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) ‘Solar choice metering measurement’ means the process, method, or calculation used for purposes of billing and crediting at the commission determined value.”

SECTION 5. Section 58-40-20 of the 1976 Code is amended to read:

~~“Section 58-40-20. (A) Net energy metering rates approved by the commission under the terms of this chapter shall be the exclusive net energy metering rates available to customer generators. Upon commission approval, such net energy metering rates shall supersede all prior net energy metering rates. Customer generators whose net energy metering facilities were energized prior to the availability of net energy metering rates approved by the commission under the terms of this chapter may remain in historic net energy metering programs through December 31, 2020.~~

~~(B) An electrical utility shall make net energy metering available to customer generators on a first come, first served basis until the total nameplate generating capacity of net energy metering systems equals two percent of the previous five year average of the electrical utility’s South Carolina retail peak demand. No electrical utility shall be required to approve any application for interconnection from net energy metering customer generators if the total rated generating capacity of all applications for interconnection from net energy metering customer generators already approved to date by the electrical utility equals or exceeds two percent of the previous five year average of the electrical utility’s South Carolina retail peak demand.~~

~~(C) If determined to be prudent by the commission, the electrical utility may furnish, install, own, and maintain metering equipment needed to measure the kilowatt hours purchased by the customer generator from the utility, the kilowatt hours generated or delivered to the electrical utility, and, if applicable under the utility’s tariffs, to measure the kilowatt demand delivered by the electrical utility to the customer generator. The electrical utility shall have the right to install special metering and load research devices on the customer generator’s equipment and the right to use the customer generator’s communication devices for communication with electrical utility’s and the customer generator’s equipment.~~

~~(D) The net electrical energy measurement shall be calculated in the following manner:~~

~~(1) For a customer generator, an electrical utility shall measure the net electrical energy produced or consumed during the billing period in~~



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~~accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer generator's consumption and production of electricity;~~

~~(2) If the electricity supplied by the electrical utility exceeds the electricity generated by the customer generator during a billing period, the customer generator shall be billed for the net electricity supplied by the electrical utility in accordance with normal practices for customers in the same rate class;~~

~~(3) Any energy generated by the customer generator that exceeds the energy supplied by the electrical utility during a billing period shall not be used to offset the nonvolumetric electricity charges for that billing period;~~

~~(4) The utility shall maintain an account of any net excess kWh credits accruing from the customer generator's excess generation and allow those kWh credits to be used to offset the customer generator's energy usage during future billing periods. Annually, the utility shall pay the customer generator for any accrued net excess generation at the utility's avoided cost for qualified facilities, zeroing out the customer generator's account of net excess kWh credits.~~

~~(E) Each electrical utility shall submit an annual net metering report to the Public Service Commission, with a copy to the Office of Regulatory Staff, including the following information for the previous calendar year:~~

~~(1) the total number of customer generator facilities;~~

~~(2) the estimated gross generating capacity of its net metered customer generators;~~

~~(3) the estimated net kilowatt hours received from customer generators.~~

~~(F) Any and all costs prudently incurred pursuant to the provisions of this chapter by an electrical utility as approved by the commission and any and all commission approved benefits conferred by a customer generator shall be recoverable by each entity respectively in the electrical utility's rates in accordance with these provisions:~~

~~(1) The electrical utility's general rates, tariffs, and any additional monthly charges or credits, in addition to any other charges or credits authorized by law, to recover the costs and confer the benefits of net energy metering shall include such measures necessary to ensure that the electrical utility recovers its cost of providing electrical service to customer generators and customers who are not customer generators.~~

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~~(2) Any charges or credits prescribed in item (1), and the terms and conditions under which they may be assessed shall be in accordance with a methodology established through the proceeding described in item (4). The methodology shall be supported by an analysis and calculation of the relative benefits and costs of customer generation to the electrical utility, the customer generators, and those customers of the electrical utility that are not customer generators.~~

~~(3) Upon approval of the methodology provided for in item (4), each electrical utility shall file its analysis of the net cost to serve customer generators using the approved methodology and shall propose new net energy metering rates.~~

~~(4) No later than thirty days after the enactment of this act, the commission shall initiate a generic proceeding for purposes of implementing the requirements of this chapter with respect to the net energy metering rates, tariffs, charges, and credits of electrical utilities, specifically to establish the methodology to set any necessary charges and credits as required under items (1) and (2). All interested parties shall be allowed to participate. In its notice initiating such proceeding the commission must require the electrical utilities to propose methodologies required by item (1) and shall allow intervening parties to propose methodologies required by item (2). The Office of Regulatory Staff, pursuant to the requirements of Section 58-4-50, shall represent the public interest in this proceeding and shall serve as a facilitator to resolve disputes and issues between the parties to this proceeding.~~

~~(5) In evaluating the benefits and costs of customer generation as required by item (2), and the methodology for calculating such benefits and costs, the Office of Regulatory Staff may engage third parties with relevant prior experience conducting distributed generation cost benefit studies. The cost of any experts and consultants engaged by the Office of Regulatory Staff for purposes of this proceeding shall be assessed to the electrical utilities pro rata based on their five-year average of retail peak demand and shall be recoverable by those electrical utilities through the base rate for fuel costs established pursuant to Section 58-27-865.~~

~~(6) In the event that the commission determines that future benefits from net energy metering are properly reflected in net metering rates because they provide quantifiable benefits to the utility system, its customers, or both, and to the degree such benefits are not then being recovered by the electrical utility in its base rates, then such future benefits shall be deemed an avoided cost and shall be recoverable pursuant to Section 58-27-865 by the electrical utility as an incremental cost of the distributed energy resource program.~~

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~~(G) In no event shall the net energy metering provisions of this chapter be construed as allowing customer-generators to engage in meter aggregation, group/joint billing projects, and/or virtual net metering.~~

~~(H) The commission shall approve an electrical utility's proposed net energy metering rates that meet the requirements of this chapter, provided that the commission has previously approved that electrical utility's application to participate in a distributed energy resource program pursuant to Chapter 39, Title 58.~~

(A) It is the intent of the General Assembly to:

(1) build upon the successful deployment of solar generating capacity through Act 236 of 2014 to continue enabling market-driven, private investment in distributed energy resources across the State by reducing regulatory and administrative burdens to customer installation and utilization of onsite distributed energy resources;

(2) avoid disruption to the growing market for customer-scale distributed energy resources; and

(3) require the commission to establish solar choice metering requirements that fairly allocate costs and benefits to eliminate any cost shift or subsidization associated with net metering to the greatest extent practicable.

(B) An electrical utility shall make net energy metering available to all customer-generators who apply before June 1, 2021, according to the terms and conditions provided to all parties in Commission Order No. 2015-194. Customer-generators who apply for net metering after the effective date of this act but before June 1, 2021, including subsequent owners of the customer-generator facility or premises, may continue net energy metering service as provided for in Commission Order No. 2015-194 until May 31, 2029.

(C) No later than January 1, 2020, the commission shall open a generic docket to:

(1) investigate and determine the costs and benefits of the current net energy metering program; and

(2) establish a methodology for calculating the value of the energy produced by customer-generators.

(D) In evaluating the costs and benefits of the net energy metering program, the commission shall consider:

(1) the aggregate impact of customer-generators on the electrical utility's long-run marginal costs of generation, distribution, and transmission;

(2) the cost of service implications of customer-generators on other customers within the same class, including an evaluation of

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whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

(3) the value of distributed energy resource generation according to the methodology approved by the commission in Commission Order No. 2015-194;

(4) the direct and indirect economic impact of the net energy metering program to the State; and

(5) any other information the commission deems relevant.

(E) The value of the energy produced by customer-generators must be updated annually and the methodology revisited every five years.

(F)(1) After notice and opportunity for public comment and public hearing, the commission shall establish a 'solar choice metering tariff' for customer-generators to go into effect for applications received after May 31, 2021.

(2) In establishing any successor solar choice metering tariffs, and in approving any future modifications, the commission shall determine how meter information is used for calculating the solar choice metering measurement that is just and reasonable in light of the costs and benefits of the solar choice metering program.

(3) A solar choice metering tariff shall include a methodology to compensate customer-generators for the benefits provided by their generation to the power system. In determining the appropriate billing mechanism and energy measurement interval, the commission shall consider:

(a) current metering capability and the cost of upgrading hardware and billing systems to accomplish the provisions of the tariff;

(b) the interaction of the tariff with time-variant rate schedules available to customer-generators and whether different measurement intervals are justified for customer-generators taking service on a time-variant rate schedule;

(c) whether additional mitigation measures are warranted to transition existing customer-generators; and

(d) any other information the commission deems relevant.

(G) In establishing a successor solar choice metering tariff, the commission is directed to:

(1) eliminate any cost shift to the greatest extent practicable on customers who do not have customer-sited generation while also ensuring access to customer-generator options for customers who choose to enroll in customer-generator programs; and

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(2) permit solar choice customer-generators to use customer-generated energy behind the meter without penalty.

(H) The commission shall establish a minimum guaranteed number of years to which solar choice metering customers are entitled pursuant to the commission approved energy measurement interval and other terms of their agreement with the electrical utility.

(I) Nothing in this section, however, prohibits an electrical utility from continuing to recover distributed energy resource program costs in the manner and amount approved by Commission Order No. 2015-914 for customer-generators applying before June 1, 2021. Such recovery shall remain in place until full cost recovery is realized. Electrical utilities are prohibited from recovering lost revenues associated with customer-generators who apply for customer-generator programs on or after June 1, 2021.

(J) Nothing in the section prohibits the commission from considering and establishing tariffs for another renewable energy resource.”

SECTION 6. Section 58-27-2610 of the 1976 Code is amended to read:

“Section 58-27-2610. (A) An entity that owns a renewable electric generation facility, located on a premises or residence owned or leased by an eligible customer-generator lessee to serve the electric energy requirements of that particular premises or residence or to enable the customer-generator lessee to obtain a credit for or engage in the sale of energy from the renewable electric generation facility to that customer-generator lessee’s retail electric provider or its designee, shall be permitted to lease such facility exclusively to a customer-generator lessee under a lease, provided that the entity complies with the terms, conditions, and restrictions set forth within this article and holds a valid certificate issued by the Office of Regulatory Staff. An entity owning renewable electric generation facilities in compliance with the terms of this article shall not be considered an ‘electrical utility’ under Section 58-27-10 if the renewable electric generation facilities are only made available to a customer-generator lessee for the customer-generator lessee’s use on the customer-generator lessee’s premises or the residence where the renewable electric generation facilities are located, or for the sale of energy to that customer-generator lessee’s retail electric provider or its designee, and pursuant to a lease.

(B) All customer-generator lessees that interconnect renewable electric generation facilities to a retail electric provider’s transmission or distribution system must enroll in the applicable rate schedules made available by that retail electric provider, ~~subject to the participation~~

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~~limitations set forth therein or in the policy adopted by the retail electric provider not subject to Section 58-40-20(B), and the customer-generator lessee shall otherwise comply with all requirements of Section 58-40-10, et seq., or the policy adopted by the retail electric provider not subject to Section 58-40-10, et seq.~~

(C) To comply with the terms of this article, each customer-generator lessee renewable electric generation facility shall serve only one premises or residence, and shall not serve multiple customer-generator lessees or multiple premises or residences.

(D) Any lease of a renewable electric generation facility not entered into pursuant to this article is prohibited. The owner of a renewable electric generation facility subject to any lease entered into outside of this program shall be considered an 'electrical utility' under Section 58-27-10.

(E) This section shall not be construed as allowing any sales of electricity from renewable electric generation facilities directly to any customer of any retail electric provider by the owner. This article shall not be construed as abridging or impairing any existing rights or obligations, established by contract or statute, of retail electric providers to serve South Carolina customers. The electrical output from any renewable electric generation unit leased pursuant to this program shall be the sole and exclusive property of the customer-generator lessee.

(F) An entity and its affiliates that lawfully provide retail electric service to the public may offer leases of renewable generation facilities in those areas or territories where it provides retail electric service. No such provider or affiliate shall offer or enter into leases of renewable generation facilities in areas served by another retail electric provider.

(G) The costs an electrical utility incurs in marketing, installing, owning, or maintaining solar leases through its own leasing programs as a lessor shall not be recovered from other nonparticipating electrical utility customers through rates, provided, however, that an electrical utility and the customer-generator lessees which lease facilities from it may participate on an equal basis with other lessors and lessees in any applicable programs provided pursuant to Chapter 39 of this title and nothing in this section shall prevent the reasonable and prudent costs of a utility's distributed energy resource programs, including the provision of incentives to its own lessees and other allowable costs, from being reflected in a utility's rates as provided for in Chapter 39 or as otherwise permitted under generally applicable regulatory principles.

~~(H) The total installed capacity of all renewable electric generation facilities on a retail electric provider's system that are leased pursuant to~~

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~~this article shall not exceed two percent of the previous five year average of the retail electric provider's South Carolina residential and commercial contribution to coincident retail peak demand and two percent of the previous five year average of the retail electric provider's South Carolina industrial contribution to coincident retail peak demand. A provider may refuse to interconnect with customers where to do so would result in this limitation being exceeded. Every retail electric provider must establish a program for new installations of leased equipment to permit the reservation of capacity on its system including provisions to prevent or discourage abuse of such programs. Such programs must provide that only prospective individual customer generator lessees may apply for, receive, and hold reservations. Each reservation shall be for a single customer premises only and may not be sold, exchanged, traded, or assigned except as part of the sale of the underlying premises. Requests for reservations to electrical utilities as defined in Section 58-27-10 shall accompany applications for interconnection of the leased facilities pursuant to Chapter 40, Title 58 and the reservation shall remain in force only so long as the application or permit for interconnection remains active. Electrical utilities as defined in Section 58-27-10 shall submit programs establishing the terms of such reservations to the commission for approval.~~

~~(I) Notwithstanding the provisions of subsection (H), for an electrical utility for which more than fifty percent of the electricity that it generates in South Carolina comes from renewable resources, the total installed capacity of all renewable electric generation facilities on its system that are leased pursuant to this article shall not exceed one tenth of one percent of the previous five year average of the electrical utility's South Carolina residential and commercial contribution to coincident retail peak demand and one tenth of one percent of the previous five year average of the electrical utility's South Carolina industrial contribution to coincident retail peak demand. Electrical utilities meeting the requirements of this subsection shall not be required to establish a capacity reservation program as required by subsection (H).~~

~~(J)(H)(1) The provisions of this Article 23 related to leased generation facilities shall not apply to:~~

- ~~(a) facilities serving a single premises that are not interconnected with a retail electric provider;~~
- ~~(b) facilities owned by customer-generators but financed by a third party; or~~

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(c) facilities used exclusively for standby emergency service or participation in an approved standby generation program operated by a retail electric provider.

(2) The commission may promulgate regulations consistent with this section interpreting the scope of these exemptions as to electrical utilities.”

SECTION 7. Section 58-37-40 of the 1976 Code is amended to read:

~~“Section 58-37-40. (A) Electrical utilities and the South Carolina Public Service Authority must prepare integrated resource plans. The South Carolina Public Service Authority and electrical utilities regulated by the Public Service Commission must submit their plans to the State Energy Office. The plan submitted by the South Carolina Public Service Authority must be developed in consultation with electric cooperatives and municipally owned electric utilities purchasing power and energy from the authority and must include the effect of demand side management activities of electric cooperatives and municipally owned electric utilities which directly purchase power and energy from the authority or sell power and energy which the authority generates. All plans must be submitted every three years and must be updated on an annual basis. The first integrated resource plan of the South Carolina Public Service Authority must be submitted no later than June 30, 1993. An integrated resource plan may be patterned after the integrated resource planning process developed by the Public Service Commission. For electrical utilities subject to the jurisdiction of the commission, submission of their plans as required by the commission constitutes compliance with this section. Nothing in this subsection may be construed as requiring interstate natural gas companies whose rates and services are regulated only by the federal government or gas utilities subject to the jurisdiction of the South Carolina Public Service Commission to prepare and submit an integrated resource plan. Electrical utilities, electric cooperatives, municipally-owned electric utilities, and the South Carolina Public Service Authority must each prepare an integrated resource plan. An integrated resource plan must be prepared and submitted at least every three years. Nothing in this section may be construed as requiring interstate natural gas companies whose rates and services are regulated only by the federal government or gas utilities subject to the jurisdiction of the commission to prepare and submit an integrated resource plan.~~

(1) Each electrical utility must submit its integrated resource plan to the commission. The integrated resource plan must be posted on the electrical utility’s website and on the commission’s website.



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~~(2) (B)~~ Electric cooperatives and municipally-owned electric utilities ~~must shall each~~ submit an integrated resource plan to the State Energy Office. Each integrated resource plan must be posted on the State Energy Office's website. If an electric cooperative or municipally-owned utility has a website, its integrated resource plan must also be posted on its website, whenever they are required by federal law to prepare these plans or if they plan to acquire, by purchase or construction, ownership of additional generating capacity greater than twelve megawatts per unit. An integrated resource plan must be submitted to the State Energy Office by an electric cooperative or municipally owned electric utility twelve months before the acquisition, by purchase or construction, of additional generating capacity in excess of twelve megawatts per unit. For an electric cooperative, submission to the State Energy Office of its plan in a format complying with the then current Rural Electrification Administration regulations constitutes compliance with this section. For distribution electric cooperatives that are members of a cooperative that provides wholesale service, the integrated resource plan may be coordinated and consolidated into a single plan provided that non-shared resources or programs of individual distribution cooperatives are highlighted. Where plan components listed in item (B)(1) and (B)(2) of this section do not apply to a distribution or wholesale cooperative or a municipally owned electric utility as a result of the cooperative or the municipally owned electric utility not owning or operating generation resources, the plan may state that fact or refer to the plan of the wholesale power generator.

~~(C)~~ The State Energy Office, to the extent practicable, shall evaluate and comment on external environmental and economic consequences of each integrated resource plan submitted and on the environmental and economic consequences for suppliers and distributors.

(3) The South Carolina Public Service Authority shall submit its integrated resource plan to the State Energy Office. The integrated resource plan must be developed in consultation with the electric cooperatives and municipally-owned electric utilities purchasing power and energy from the Public Service Authority and consider any feedback provided by retail customers and shall include the effect of demand-side management activities of the electric cooperatives and municipally owned electric utilities that directly purchase power and energy from the Public Service Authority or sell power and energy generated by the Public Service Authority. The integrated resource plan must be posted on the State Energy Office's website and on the Public Service Authority's website.

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~~(B)(1)(D) The State Energy Office shall coordinate the preparation of an integrated resource plan for the State and shall coordinate with regional groups, including the Southern States Energy Board. An integrated resource plan shall include all of the following:~~

~~(a) a long-term forecast of the utility's sales and peak demand under various reasonable scenarios;~~

~~(b) the type of generation technology proposed for a generation facility contained in the plan and the proposed capacity of the generation facility, including fuel cost sensitivities under various reasonable scenarios;~~

~~(c) projected energy purchased or produced by the utility from a renewable energy resource;~~

~~(d) a summary of the electrical transmission investments planned by the utility;~~

~~(e) several resource portfolios developed with the purpose of fairly evaluating the range of demand-side, supply-side, storage, and other technologies and services available to meet the utility's service obligations. Such portfolios and evaluations must include an evaluation of low, medium, and high cases for the adoption of renewable energy and cogeneration, energy efficiency, and demand response measures, including consideration of the following:~~

~~(i) customer energy efficiency and demand response programs;~~

~~(ii) facility retirement assumptions; and~~

~~(iii) sensitivity analyses related to fuel costs, environmental regulations, and other uncertainties or risks;~~

~~(f) data regarding the utility's current generation portfolio, including the age, licensing status, and remaining estimated life of operation for each facility in the portfolio;~~

~~(g) plans for meeting current and future capacity needs with the cost estimates for all proposed resource portfolios in the plan;~~

~~(h) an analysis of the cost and reliability impacts of all reasonable options available to meet projected energy and capacity needs; and~~

~~(i) a forecast of the utility's peak demand, details regarding the amount of peak demand reduction the utility expects to achieve, and the actions the utility proposes to take in order to achieve that peak demand reduction.~~

~~(2) An integrated resource plan may include distribution resource plans or integrated system operation plans.~~

~~(C)(1) The commission shall have a proceeding to review each electrical utility's integrated resource plan. As part of the integrated~~

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resource plan filing, the commission shall allow intervention by interested parties. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. Not later than three hundred days after an electrical utility files an integrated resource plan, the commission shall issue a final order approving, modifying or denying the plan filed by the electrical utility.

(2) The commission shall approve an electrical utility's integrated resource plan if the commission determines that the proposed integrated resource plan represents the most reasonable and prudent means of meeting the electrical utility's energy and capacity needs as of the time the plan is reviewed. To determine whether the integrated resource plan is the most reasonable and prudent means of meeting energy and capacity needs, the commission, in its discretion, shall consider whether the plan appropriately balances the following factors:

(a) resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve margins;

(b) consumer affordability and least cost;

(c) compliance with applicable state and federal environmental regulations;

(d) power supply reliability;

(e) commodity price risks;

(f) diversity of generation supply; and

(g) other foreseeable conditions that the commission determines to be for the public interest.

(3) If the commission modifies or rejects an electrical utility's integrated resource plan, the electrical utility, within sixty days after the date of the final order, shall submit a revised plan addressing concerns identified by the commission and incorporating commission mandated revisions to the integrated resource plan to the commission for approval. Within sixty days of the electrical utility's revised filing, the Office of Regulatory Staff shall review the electrical utility's revised plan and submit a report to the commission assessing the sufficiency of the revised filing. Other parties to the integrated resource plan proceeding also may submit comments. Not later than sixty days after the Office of Regulatory Staff report is filed with the commission, the commission at its discretion may determine whether to accept the revised integrated resource plan or to mandate further remedies that the commission deems appropriate.

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(4) The submission, review, and acceptance of an integrated resource plan by the commission, or the inclusion of any specific resource or experience in an accepted integrated resource plan, shall not be determinative of the reasonableness or prudence of the acquisition or construction of any resource or the making of any expenditure. The electrical utility shall retain the burden of proof to show that all of its investments and expenditures are reasonable and prudent when seeking cost recovery in rates.

(D)(1) An electrical utility shall submit annual updates to its integrated resource plan to the commission. An annual update must include an update to the electric utility's base planning assumptions relative to its most recently accepted integrated resource plan, including, but not limited to: energy and demand forecast, commodity fuel price inputs, renewable energy forecast, energy efficiency and demand-side management forecasts, changes to projected retirement dates of existing units, along with other inputs the commission deems to be for the public interest. The electrical utility's annual update must describe the impact of the updated base planning assumptions on the selected resource plan.

(2) The Office of Regulatory Staff shall review each electric utility's annual update and submit a report to the commission providing a recommendation concerning the reasonableness of the annual update. After reviewing the annual update and the Office of Regulatory Staff report, the commission may accept the annual update or direct the electrical utility to make changes to the annual update that the commission determines to be in the public interest.

(E) The commission is authorized to promulgate regulations to carry out the provisions of this section."

SECTION 8. Chapter 37, Title 58 of the 1976 Code is amended by adding:

"Section 58-37-60. (A) The commission and the Office of Regulatory Staff are authorized to initiate an independent study to evaluate the integration of renewable energy and emerging energy technologies into the electric grid for the public interest. An integration study conducted pursuant to this section shall evaluate what is required for electrical utilities to integrate increased levels of renewable energy and emerging energy technologies while maintaining economic, reliable, and safe operation of the electricity grid in a manner consistent with the public interest. Studies shall be based on the balancing areas of each electrical utility. The commission shall provide an opportunity for interested parties to provide input on the appropriate scope of the study and also to provide comments on a draft report before it is finalized. All

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data and information relied on by the independent consultant in preparation of the draft study shall be made available to interested parties, subject to appropriate confidentiality protections, during the public comment period. The results of the independent study shall be reported to the General Assembly.

(B) The commission may require regular updates from utilities regarding the implementation of the state's renewable energy policies.

(C) The commission may hire or retain a consultant to assist with the independent study authorized by this section. The commission is exempt from complying with the State Procurement Code in the selection and hiring of the consultant authorized by this subsection."

SECTION 9. Section 58-33-110 of the 1976 Code is amended by adding an item at the end to read:

"(8)(a) Notwithstanding the provisions of (7), and not limiting the provisions above, a person may not commence construction of a major utility facility for generation in the State of South Carolina without first having made a demonstration that the facility to be built has been compared to other generation options in terms of cost, reliability, and any other regulatory implications deemed legally or reasonably necessary for consideration by the commission. The commission is authorized to adopt rules for such evaluation of other generation options.

(b) The commission may, upon a showing of a need, require a commission-approved process that includes:

(i) the assessment of an unbiased independent evaluator retained by the Office of Regulatory Staff as to reasonableness of any certificate sought under this section for new generation;

(ii) a report from the independent evaluator to the commission regarding the transparency, completeness, and integrity of bidding processes, if any;

(iii) a reasonable period for interested parties to review and comment on proposed requests for proposals, bid instructions, and bid evaluation criteria, if any, prior to finalization and issuance, subject to any trade secrets that could hamper future negotiations; however, the independent evaluator may access all such information;

(iv) independent evaluator access and review of final bid evaluation criteria and pricing information for any and all projects to be evaluated in comparison to the request for proposal bids received;

(v) access through discovery, subject to appropriate confidentiality, attorney client privilege or trade secret restrictions, for parties to this proceeding to documents developed in preparing the certificate of public convenience and necessity application;

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- (vi) a demonstration that the facility is consistent with an integrated resource plan approved by the commission; and
- (vii) treatment of utility affiliates in the same manner as nonaffiliates participating in the request for proposal process.”

SECTION 10. Section 58-27-460 of the 1976 Code is amended to read:

“Section 58-27-460. (A)(1)The commission shall promulgate and periodically review standards for interconnection of renewable energy facilities and other nonutility-owned generation and parallel operation of generating facilities to an electrical utility’s distribution and transmission system, where such interconnection is under the jurisdiction of the commission pursuant to Title 16, Chapter 12, Subchapter II of the United States Code, as amended, regulations and orders of the Federal Energy Regulatory Commission, and the laws of South Carolina. Each electrical utility shall implement such standards in a fair, nondiscriminatory manner, with a generation capacity of two thousand kilowatts (2,000 kW AC) or less to an electrical utility’s distribution system.

(2) The commission shall, within six months of the effective date of the amendments to this section, establish proceedings for the purpose of considering revisions to the standards promulgated pursuant to this section. In developing such revisions, the commission may consider any issue, which, in the exercise of its discretion, the commission deems relevant to improving the fairness and effectiveness of the procedures.

(3) In implementing item (1), the commission shall ensure such standards provide for efficient and timely processing of interconnection requests and take into account the impact of generator interconnection on electrical utility system assets, service reliability, and power quality. Such standards shall address the impact of the addition of energy storage and the interconnection processes for amending existing interconnection requests to include energy storage. The commission shall enact standards that are fair, reasonable, and nondiscriminatory with respect to interconnection applicants, other utility customers, and electrical utilities, and the standards shall serve the public interest in terms of overall cost and system reliability.

(B) No customer-generator or customer-generator-lessee generating facility shall connect or operate an electric generation unit in parallel phase and synchronization with any electrical utility without written approval by the electrical utility that all of the commission’s requirements have been met. For a customer-generator or customer-generator-lessee who generating facility that violates this provision, an electrical utility immediately may and without notice

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~~disconnect the electric facilities of the customer generator or customer generator lessee and terminate the customer generator's or customer generator lessee's generating facility electric service.~~

(C) In the event of a dispute between an interconnection customer and the electrical utility on an issue relating to interconnection service, the parties first shall attempt to resolve the claim or dispute using any dispute resolution procedures provided for pursuant to the applicable interconnection standards promulgated by the commission. If the parties are unable to resolve such claim or dispute using those procedures, then either party may petition the commission for resolution of the dispute including, but not limited to, a determination of the appropriate terms and conditions for interconnection. The commission shall resolve such disputes within six months from the filing of the petition in accordance with the terms of applicable state and federal law.

(D) Each electrical utility shall comply with the South Carolina generator interconnection procedures and all commission-approved agreements regarding interconnection practices and reporting requirements. The commission shall establish reasonable guidelines to ensure reasonable interconnection timelines, including time requirements to deliver a final system impact study to all interconnection customers that execute a system impact study agreement prior to three months after the effective date of this act. The commission shall consider implementation of additional performance incentives and enforcement mechanisms for electrical utilities to ensure compliance with this requirement.

(E) The commission shall, as part of implementing (A)(1), consider whether a comprehensive independent review of interconnection should be performed and consider whether to require each electrical utility to:

(1) conduct a study to determine the scope and cost of necessary transmission upgrades to support development of renewable energy resources in a manner that does not impact reliability;

(2) evaluate the cost of developing and maintaining hosting capacity maps to allow power producers to identify areas of the distribution grid that are more amenable to building and interconnecting their generation facilities and to avoid areas that are already saturated with distributed generation; and

(3) file a list of interconnected facilities with the commission each quarter, to include interconnections that are under the jurisdiction of the Federal Energy Regulatory Commission.”

SECTION 11. Chapter 27, Title 58 of the 1976 Code is amended by adding:

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“Section 58-27-2660. (A)(1) The Office of Regulatory Staff and the Department of Consumer Affairs are directed to develop consumer protection regulations regarding the sale or lease of renewable energy generation facilities pursuant to the distributed energy resource program in Chapter 40 of this title. These regulations shall provide for the appropriate disclosure provided by sellers and lessors. Sellers must comply with Title 37. Nothing herein alters existing protections afforded by Title 37.

(2) To fulfill the duties and responsibilities provided for in this section, the Office of Regulatory staff shall develop a formal complaint process as part of the consumer protection regulations.

(B) The Office of Regulatory Staff is authorized to enforce any applicable consumer protection provision set forth in this title by:

- (1) conducting an investigation into an alleged violation;
- (2) issuing a cease and desist order against a further violation;
- (3) imposing an administrative fine not to exceed two thousand five hundred dollars per violation on a solar company that materially fails to comply with the consumer protection requirements; and
- (4) voiding the agreement if necessary to remedy the violation or violations.”

SECTION 12. Section 58-4-10(B) of the 1976 Code is amended to read:

“(B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission. For purposes of this chapter only, “public interest” means the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer, and preservation of continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.”

SECTION 13. Section 58-4-100 of the 1976 Code is amended to read:

“(A) To the extent necessary to carry out regulatory staff responsibilities, the executive director is authorized to employ expert witnesses and other professional expertise as the executive director may consider necessary to assist the regulatory staff in its participation in commission proceedings. The compensation paid to these persons may not exceed compensation generally paid by the regulated industry for such specialists. The compensation and expenses therefor must be paid by the public utility or utilities participating in the proceedings upon agreement between the public utility or utilities participating in the



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proceedings and the Office of Regulatory Staff or upon approval by the Review Committee or from the regulatory staff's budget. If paid by the public utility or utilities, the compensation and expenses must be treated by the commission, for ratemaking purposes, in a manner generally consistent with its treatment of similar expenditures incurred by utilities in the presentation of their cases before the commission. An accounting of compensation and expenses must be reported annually to the review committee, the Speaker of the House of Representatives, and the Chairman of the Senate Judiciary Committee.

(B) The Office of Regulatory Staff is exempt from the State Procurement Code in the selection and hiring of an expert or third-party consultant to conduct an independent study described in Section 58-37-60 and Section 58-41-20(H). However, the Office of Regulatory Staff and the commission may not hire the same expert or third-party consultant in the same proceeding or to address the same or similar issues in different proceedings."

SECTION 14. The provisions of Section 58-41-20 shall not be interpreted to supersede the conditions of any settlement entered into by an electrical utility and filed with the commission prior to the adoption of this act.

SECTION 15. All costs incurred by the utility necessary to effectuate this act, that are not precluded from recovery by other provisions of this act and that do not have a recovery mechanism otherwise specified in other provisions of the act or established by state law, shall be deferred for commission consideration of recovery in any proceeding initiated under Section 58-27-870, if deemed reasonable and prudent.

SECTION 16. Notwithstanding another provision of this act, or another provision of law, no costs or expenses incurred nor any payments made by the electrical utility in compliance or in accordance with this act must be included in the electrical utility's rates or otherwise be borne by the general body of South Carolina retail customers of the electrical utility without an affirmative finding supported by the preponderance of evidence of record and conclusion in a written order by the Public Service Commission that such expense, cost or payment was reasonable and prudent and made in the best interest of the electrical utility's general body of customers.

SECTION 17. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the

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constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 18. This act takes effect upon approval by the Governor./  
Renumber sections to conform.  
Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

Senator CLIMER proposed the following amendment (JUD3659.021), which was adopted:

Amend the bill, as and if amended, by striking subsection 58-41-20(F), lines 3-32 on page [3659-6] and inserting:

/ (F)(1) Electrical utilities, subject to approval of the commission, shall offer to enter into fixed price power purchase agreements with small power producers for the purchase of energy and capacity at avoided cost, with commercially reasonable terms and a duration of ten years. The commission may also approve commercially reasonable fixed price power purchase agreements with a duration longer than ten years, which must contain additional terms, conditions, and/or rate structures as proposed by intervening parties and approved by the commission, including but not limited to, a reduction in the contract price relative to the ten year avoided cost. Notwithstanding any other language to the contrary, the commission will make such a determination in proceedings conducted pursuant to Section 58-41-20(A). The avoided cost rates applicable to fixed price power purchase agreements entered into pursuant to this item shall be based on the avoided cost rates and methodologies as determined by the commission pursuant to this section. The terms of this subsection apply only to those small power producers whose qualifying small power production facilities have active interconnection requests on file with the electrical utility prior to the effective date of this act. The commission may determine any other necessary terms and conditions deemed to be in the best interest of the ratepayers. This item is not intended, and shall not be construed, to

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abrogate small power producers' rights under PURPA that existed prior to the effective date of the act.

(2) Once an electrical utility has executed interconnection agreements and power purchase agreements with qualifying small power production facilities located in South Carolina with an aggregate nameplate capacity equal to twenty percent of the previous five-year average of the electrical utility's South Carolina retail peak load, that electrical utility shall offer to enter into fixed price power purchase agreements with small power producers for the purchase of energy and capacity at avoided cost, with the terms, conditions, rates, and terms of length for contracts as determined by the commission in a separate docket or in a proceeding conducted pursuant to Section 58-41-20(A). The commission is expressly directed to consider the potential benefits of terms with a longer duration to promote the state's policy of encouraging renewable energy. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (JUD3659.022), which was adopted:

Amend the bill, as and if amended, by striking lines 1-2 on page [3659-21] and inserting:

/ generation resources, the plan may state that fact or refer to the plan of the wholesale power generator. For purposes of this section, a wholesale power generator does not include a municipally created joint agency if that joint agency receives at least 75% of its electricity from a generating facility owned in partnership with an electrical utility and that electrical utility: (a) generally serves the area in which the joint agency's members are located; and (b) is responsible for dispatching the capacity and output of the generated electricity. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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Senator DAVIS spoke on the Bill.  
Senator MALLOY spoke on the Bill.

The question being the third reading of the Bill as amended.

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

**Ayes 46; Nays 0**

**AYES**

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

**Total--46**

**NAYS**

**Total--0**

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

**HOUSE BILL RETURNED**

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

H. 3703 -- Reps. Lowe, Moore, Rose, Rutherford, Willis, Sottile and Hill: A BILL TO AMEND SECTION 40-45-230, CODE OF LAWS OF

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SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE THE MAXIMUM NUMBER OF TIMES A PERSON MAY ATTEMPT TO PASS LICENSURE BY THE BOARD FROM TWO TO SIX; AND TO AMEND SECTION 40-45-260, RELATING TO LIMITS ON ATTEMPTS TO PASS LICENSURE EXAMINATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS, SO AS TO INCREASE THE MAXIMUM NUMBER OF SUCH ATTEMPTS FROM TWO TO SIX.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN explained the Bill.

**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. 635 -- Senator Young: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 147, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED  
AMENDED, READ THE THIRD TIME  
RETURNED TO HOUSE**

H. 3035 -- Reprs. Funderburk, Thigpen, W. Newton, R. Williams and Wheeler: A BILL TO AMEND SECTION 7-13-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT POLL WORKERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE STATE OF SOUTH CAROLINA.

The Senate proceeded to the consideration of the Bill.

Senator CORBIN proposed the following amendment (JUD3035.003), which was adopted:

Amend the committee report, as and if amended, page [3035-2], by striking lines 1 through 6 in the title and inserting therein the following:

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/ SO AS TO PROVIDE THAT POLL MANAGERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE STATE OF SOUTH CAROLINA, TO SPECIFY THAT A CLERK OR CHAIRMAN MUST BE A RESIDENT AND REGISTERED ELECTOR FROM THE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY, AND TO REQUIRE THAT ANY PERSON QUALIFIED TO SERVE AS A MANAGER WHO REQUESTS TO WORK IN HIS RESIDENT OR AN ADJOINING COUNTY MUST BE GIVEN PRIORITY OVER QUALIFIED PERSONS FROM OTHER COUNTIES FOR APPOINTMENT TO WORK IN THE RESIDENT OR AN ADJOINING COUNTY. /

Amend the bill further, as and if amended, page [3035-4], by striking line 12, in Section 7-13-110, as contained in SECTION 3, and inserting therein the following:

/ ~~work or in an adjoining county~~ State of South Carolina. Any person qualified to serve as a manager who requests to work in his resident county or an adjoining county must be given priority over qualified persons from other counties for appointment to work in the resident county or an adjoining county. Any person /

Re-number sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3035.002), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND SECTION 7-13-72, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANAGERS OF ELECTION, SO AS TO PROVIDE THAT CLERKS APPOINTED FROM THE POLL MANAGERS FOR EACH POLLING PLACE MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE RESPECTIVE COUNTIES IN WHICH THEY ARE APPOINTED TO WORK OR IN ADJOINING COUNTIES; TO AMEND SECTION 7-13-80, RELATING TO ORGANIZATION OF BOARD OF VOTER REGISTRATION AND ELECTIONS MANAGERS AND CLERKS, SO AS TO PROVIDE

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THAT A CHAIRMAN OF A BOARD OF POLL MANAGERS MUST BE A RESIDENT AND REGISTERED ELECTOR FROM THE COUNTY IN WHICH HE IS APPOINTED TO WORK OR AN ADJOINING COUNTY; AND SECTION 7-13-110, RELATING TO POLL MANAGERS AND THEIR ASSISTANTS, SO AS TO PROVIDE THAT POLL MANAGERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF THE STATE OF SOUTH CAROLINA, BUT A CLERK OR CHAIRMAN MUST BE A RESIDENT AND REGISTERED ELECTOR FROM THE COUNTY IN WHICH HE IS APPOINTED TO WORK OR IN AN ADJOINING COUNTY.

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

SECTION 1. Section 7-13-72 of the 1976 Code is amended to read:

“Section 7-13-72. For the general election held on the first Tuesday following the first Monday in November in each even-numbered year, the members of the county board of voter registration and elections must appoint three managers of election for each polling place in the county for which they must respectively be appointed for each five hundred electors, or portion of each five hundred electors, registered to vote at the polling place.

For primary elections held on the second Tuesday in June of each general election year, the members of the county board of voter registration and elections must appoint three managers of election for each polling place in the county for which they must respectively be appointed for the first five hundred electors registered to vote in each precinct in the county, and may appoint three additional managers for each five hundred electors registered to vote in the precinct above the first five hundred electors, or portion thereof. The members of the county board of voter registration and elections must also appoint from among the managers a clerk for each polling place in the county, and none of the officers may be removed from office except for incompetence or misconduct. All clerks appointed from among the managers must be residents and registered electors of the respective counties in which they are appointed to work or in an adjoining county.

For all other primary, special, or municipal elections, the authority charged by law with conducting the primary, special, or municipal elections must appoint three managers of election for the first five hundred electors registered to vote in each precinct in the county, municipality, or other election district and one additional manager for each five hundred electors registered to vote in the precinct above the first five hundred electors. The authority responsible by law for

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conducting the election must also appoint from among the managers a clerk for each polling place in a primary, special, or municipal election. All clerks appointed from among the managers must be residents and registered electors of the respective counties in which they are appointed to work or in an adjoining county.

Forty-five days prior to any primary, except municipal primaries, each political party holding a primary may submit to the county board of voter registration and elections a list of prospective managers for each precinct. The county board of voter registration and elections must appoint at least one manager for each precinct from the list of names submitted by each political party holding a primary. However, the county board of voter registration and elections may refuse to appoint any prospective manager for good cause.

No person may be appointed as a manager in a primary, general, or special election who has not completed a training program approved by the State Election Commission concerning his duties and responsibilities as a poll manager and who has not received certification of having completed the training program. The training program and the issuance of certification must be carried out by the county board of voter registration and elections. After their appointment, the managers and clerks must take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution: ‘I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God’.

The oath must be immediately filed in the office of the clerk of court of common pleas of the county in which the managers and clerks are appointed, or if there is no clerk of court, in the office of the Secretary of State. Before opening the polls, the managers of election must take and subscribe the oath provided for in Section 7-13-100. Upon the completion of the canvassing of votes, this oath must be filed with the members of the county board of voter registration and elections along with the ballots from that election precinct.”

SECTION 2. Section 7-13-80 of the 1976 Code is amended to read:

“Section 7-13-80. The board members, managers, and clerks at their first meeting, respectively, must proceed to organize as a board. The county board of voter registration and elections must appoint the chairman of the board of managers. The chairman must be a resident and



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registered elector of the respective county in which he is appointed to work or in an adjoining county. The chairman, in each instance, may administer oaths.”

SECTION 3. Section 7-13-110 of the 1976 Code is amended to read:

“Section 7-13-110. Each chairman and clerk appointed from among the managers of election for the various polling places must be a resident and registered elector of the respective county in which he is appointed to work or in an adjoining county. All managers of election who are not appointed to serve as chairmen or clerks for the various polling places in the State must be residents and registered electors of the ~~respective counties in which they are appointed to work or in an adjoining county~~ State of South Carolina. Any person at least sixteen years of age who has completed the training required by Section 7-13-72 and who is not otherwise disqualified by law may be appointed as a poll manager’s assistant by the appropriate county board of voter registration and elections. ~~Any~~ A sixteen- or seventeen-year-old appointed as a poll manager’s assistant may not serve as chairman of the managers or clerk in the polling place to which he or she is appointed. Sixteen- and seventeen-year-olds must serve under supervision of the chairman of the managers of the polling place, and their specific duties must be prescribed by the county board of voter registration and elections. One sixteen- or seventeen-year-old assistant poll manager may be appointed for every two regular poll managers appointed to work in ~~any~~ a precinct.”

SECTION 4. This act takes effect upon approval by the Governor. /  
Re-number sections to conform.

Amend title to conform.

Senator CORBIN explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3035R001.SP.ASM), which was adopted:

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

/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

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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."

SECTION \_\_. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

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(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.  
Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question being third reading of the Bill as amended.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

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

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

H. 3145 -- Reps. Ott, Clary, Cobb-Hunter, Collins, Jefferson, Kirby, Willis, Cogswell, D.C. Moss, G.R. Smith, Elliott, Sandifer, Lucas, Ballentine, Caskey, Simrill, West, Murphy, McKnight, Mace, Kimmons, Davis, Magnuson, Sottile, Hewitt, Hiott, B. Newton, Pope, Forrest, Bales, Rutherford, R. Williams, Gilliam, Norrell, Funderburk, G.M. Smith, Weeks, Ridgeway, Yow, W. Newton, Bamberg, Stavrinakis, McCoy, Erickson, Blackwell, Wheeler, Fry, Bannister, Calhoon, Huggins, Gilliard and Taylor: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-49-150 SO AS TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF IS VESTED WITH THE AUTHORITY AND JURISDICTION TO CONDUCT AUDITS OF ELECTRIC COOPERATIVES IN THE SAME MANNER, TERMS, AND CONDITIONS IT IS AUTHORIZED TO CONDUCT AUDITS OF REGULATED PUBLIC UTILITIES AS PROVIDED BY LAW; TO AMEND SECTION 33-49-420, RELATING TO ANNUAL MEETINGS OF MEMBERS OF AN ELECTRIC COOPERATIVE, SO AS TO REVISE THE NOTICE REQUIREMENTS FOR CERTAIN MEETINGS; TO AMEND SECTION 33-49-430, RELATING TO A QUORUM AT MEETINGS OF ELECTRIC COOPERATIVES, SO AS TO ALLOW PERSONS CASTING EARLY VOTING BALLOTS FOR THE ELECTION OF TRUSTEES TO BE COUNTED FOR PURPOSES OF DETERMINING A QUORUM AT THE MEETING FOR THE ELECTION, AND TO PROHIBIT VOTING BY PROXY; TO AMEND SECTION 33-49-440, RELATING TO VOTING BY MEMBERS AND SECTION 33-49-620, RELATING TO VOTING DISTRICTS FROM WHICH SOME MEMBERS OF THE BOARD OF TRUSTEES MAY BE ELECTED, SO AS TO PERMIT EARLY VOTING FOR MEETINGS AT WHICH TRUSTEES ARE TO BE ELECTED AND THE PROCEDURES FOR EARLY VOTING; TO AMEND SECTION 33-49-610, RELATING TO THE BOARD OF TRUSTEES OF A COOPERATIVE, SO AS TO REVISE THE MANNER IN WHICH VACANCIES OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM ARE FILLED WHICH MUST BE FOR THE REMAINDER OF THE UNEXPIRED TERM ONLY; BY ADDING SECTION 33-49-615 SO AS TO

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REQUIRE ANNUAL PUBLIC DISCLOSURE OF COMPENSATION AND BENEFITS PAID TO OR PROVIDED FOR MEMBERS OF THE BOARD OF TRUSTEES; BY ADDING SECTION 33-49-625 SO AS TO REQUIRE SPECIFIED NOTICE OF MEETINGS TO THE COOPERATIVE MEMBERSHIP, TO REQUIRE VOTES OF TRUSTEES TO BE TAKEN IN OPEN SESSION WITH CERTAIN EXCEPTIONS, TO REQUIRE VOTES TAKEN IN EXECUTIVE SESSION TO BE RATIFIED IN OPEN SESSION, AND TO REQUIRE MINUTES OF ALL MEETINGS TO BE PROVIDED TO COOPERATIVE MEMBERS; AND BY ADDING SECTION 33-49-645 SO AS TO PROVIDE THAT IN THE CONDUCT OF ELECTIONS BY A COOPERATIVE, IT MUST PROHIBIT ADVOCACY OR CAMPAIGNING WITHIN A CERTAIN DISTANCE OF THE POLLING PLACE.

The Senate proceeded to the consideration of the Bill.

Senator GAMBRELL proposed the following amendment (JUD3145.006), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION, before SECTION 20 on page 20 to read:

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

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

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

**Ayes 42; Nays 0**

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**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments.

H. 3357 -- Reps. Wooten, Collins, Brawley, Huggins, Taylor, Hixon and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY BE DEAF OR HARD OF HEARING.

H. 3601 -- Reps. Rose, McCoy and Caskey: A BILL TO AMEND SECTION 16-17-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC DISORDERLY CONDUCT, SO AS

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TO ALLOW AND PROVIDE PROCEDURES FOR CONDITIONAL DISCHARGE FOR FIRST TIME OFFENDERS.

H. 3662 -- Rep. McCoy: A BILL TO ADOPT REVISED CODE VOLUMES 3 AND 4 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2019.

**HOUSE BILL RETURNED**

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

H. 3789 -- Reps. Willis, Allison, Bennett, Elliott, Brown, Erickson, Bradley, Huggins, Forrest, Taylor and R. Williams: A BILL TO AMEND SECTIONS 56-1-35, 56-1-40, 56-1-140, 56-1-210, 56-1-2100, AND 56-1-3350, RELATING TO THE ISSUANCE, RENEWAL, AND EXPIRATION OF A DRIVER'S LICENSE, BEGINNER'S PERMIT, COMMERCIAL DRIVER LICENSE, AND SPECIAL IDENTIFICATION CARD, AND THE PLACEMENT OF A VETERAN DESIGNATION ON A DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD, SO AS TO REVISE THE PERIOD IN WHICH A DRIVER'S LICENSE AND CERTAIN COMMERCIAL DRIVER LICENSES ARE VALID, TO REVISE THE FEE TO OBTAIN A DRIVER'S LICENSE, CERTAIN COMMERCIAL DRIVER LICENSES, AND SPECIAL IDENTIFICATION CARDS, TO REVISE THE DOCUMENTS THAT MUST BE PROVIDED TO THE DEPARTMENT OF MOTOR VEHICLES TO OBTAIN A VETERAN DESIGNATION ON A DRIVER'S LICENSE OR A SPECIAL IDENTIFICATION CARD, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON IS PERMITTED TO ONLY HAVE ONE DRIVER'S LICENSE OR IDENTIFICATION CARD.

The Senate proceeded to the consideration of the Bill.

Senator GROOMS explained the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer

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Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Harpoottian
Hembree	Hutto	Johnson
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**HOUSE BILL RETURNED**

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

H. 3973 -- Reps. Crawford, Mace, Erickson, Thayer, Davis, Magnuson, Bennett, Allison, Bernstein, Cobb-Hunter, Henegan, McDaniel, Norrell, Funderburk, Brawley, Simmons, Henderson-Myers, Robinson, Collins, Calhoun, Dillard, Kimmons, Trantham, Caskey, Weeks and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 3, TITLE 16 SO AS TO PROHIBIT GENITAL MUTILATION OF A FEMALE UNDER THE AGE OF EIGHTEEN YEARS AND TO CREATE THE OFFENSE OF FEMALE GENITAL MUTILATION OF A MINOR; AND TO AMEND SECTION 63-7-20, AS AMENDED, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD FEMALE GENITAL MUTILATION OF A MINOR TO THE DEFINITION OF "CHILD ABUSE OR NEGLECT" OR "HARM".



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AMENDED, READ THE THIRD TIME  
HOUSE BILL RETURNED

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

H. 3036 -- Reps. McCravy, Parks, West, Gagnon, Martin, Hiott, Burns, Huggins, G.R. Smith, Trantham, Ridgeway, Thayer, W. Cox, Toole, Johnson, Jefferson, Clary, Gilliard and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "DYLAN'S LAW"; AND BY ADDING SECTION 44-37-35 SO AS TO REQUIRE NEONATAL TESTING FOR CERTAIN GENETIC DISORDERS AND DISEASES AND FOR OTHER PURPOSES.

The Senate proceeded to the consideration of the Bill.

Senator ALEXANDER proposed the following amendment (3036R003.SP.TCA), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 in its entirety and inserting:

/SECTION 4. This act takes effect upon approval by the Governor. Implementation of the act is contingent upon available funding from public sources. /

Re-number sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3036R002.SP.ASM), which was adopted:

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

/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

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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."

SECTION \_\_. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not

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receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.” /

Renumber sections to conform.  
Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

Senator MASSEY proposed the following amendment (CM\3036C001.GT.CM19), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety.

Renumber sections to conform.  
Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

The question then being third reading of the Bill as amended.

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

**Ayes 41; Nays 1**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Harpoottlian	Hembree
Hutto	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Reese
Rice	Sabb	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

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**Total--41**

**NAYS**

Corbin

**Total--1**

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

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

H. 3602 -- Reprs. Rose, Caskey and Weeks: A BILL TO AMEND SECTION 44-66-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT, SO AS TO ADD AN ADDITIONAL CATEGORY OF PERSONS.

The Senate proceeded to the consideration of the Bill.

Senator YOUNG proposed the following amendment (3602R004.SP.TRY), which was withdrawn:

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

/SECTION 1. A. Section 44-66-30(A) of the 1976 Code is amended by adding a new item to read:

“(10) a person given authority to make health care decisions for the patient by another statutory provision.”

B. Section 44-66-30(A)(3) of the 1976 Code is amended to read:

“(3) a person given priority to make health care decisions for the patient by another statutory provision, when an agency has taken custody of the patient;”

SECTION 2. Section 44-26-40 of the 1976 Code is amended to read:

“Section 44-26-40. If a client resides in a facility operated by or contracted to by the department, the determination of that client’s competency to consent to or refuse major medical treatment must be made pursuant to Section 44-66-20(~~6~~)(8) of the Adult Health Care Consent Act. The department shall abide by the decision of a client found competent to consent.”

SECTION 3. Section 44-26-50 of the 1976 Code is amended to read:

“Section 44-26-50. If the client is found incompetent to consent to or refuse major medical treatment, the decisions concerning his health care

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must be made pursuant to Section 44-66-30 of the Adult Health Care Consent Act. An authorized designee of the department may make a health care decision pursuant to Section 44-66-30~~(8)~~(10) of the Adult Health Care Consent Act. The person making the decision must be informed of the need for major medical treatment, alternative treatments, and the nature and implications of the proposed health care and shall consult the attending physician before making decisions. When feasible, the person making the decision shall observe or consult with the client found to be incompetent.”

SECTION 4. Section 44-26-60(C) of the 1976 Code is amended to read:

“(C) Priority under this section must not be given to a person if a health care provider, responsible for the care of a client who is unable to consent, determines that the person is not reasonably available, is not willing to make health care decisions for the client, or is unable to consent as defined in Section 44-66-20~~(6)~~(8) of the Adult Health Care Consent Act.” /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was withdrawn.

Senators YOUNG and SHEALY proposed the following amendment (3602R005.SP.TRY), which was adopted:

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

/SECTION 1. A. Section 44-66-30(A) of the 1976 Code is amended by adding new items at the end to read:

“(10) a person given authority to make health care decisions for the patient by another statutory provision;

(11) if, after good faith efforts, the hospital or other health care facility determines that the persons listed in items (1) through (10) are unavailable to consent on behalf of the patient, a person who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient’s wishes but who is not a paid caregiver or a provider of health care services to the patient. For the purposes of this item, a person with an established relationship is an adult who has exhibited special care and concern for the patient, who is generally familiar with the patient’s health care views

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and desires, and who is willing and able to become involved in the patient's health care decisions and to act in the patient's best interest. The person with an established relationship shall sign and date a notarized acknowledgement form, provided by the hospital or other health care facility in which the patient is located, for placement in the patient's records, setting forth the nature and length of the relationship and certifying that he meets such criteria. Along with the notarized acknowledgment form, the hospital or other health care facility shall include in the patient's medical record documentation of its effort to locate persons with higher priority under this statute as required by Section 44-66-30(B)."

B. Section 44-66-30(A)(3) of the 1976 Code is amended to read:

"(3) a person given priority to make health care decisions for the patient by another statutory provision when an agency has taken custody of the patient;"

SECTION 2. Section 44-26-40 of the 1976 Code is amended to read:

"Section 44-26-40. If a client resides in a facility operated by or contracted to by the department, the determination of that client's competency to consent to or refuse major medical treatment must be made pursuant to Section 44-66-20~~(6)~~(8) of the Adult Health Care Consent Act. The department shall abide by the decision of a client found competent to consent."

SECTION 3. Section 44-26-50 of the 1976 Code is amended to read:

"Section 44-26-50. If the client is found incompetent to consent to or refuse major medical treatment, the decisions concerning his health care must be made pursuant to Section 44-66-30 of the Adult Health Care Consent Act. An authorized designee of the department may make a health care decision pursuant to Section 44-66-30~~(8)~~(10) of the Adult Health Care Consent Act. The person making the decision must be informed of the need for major medical treatment, alternative treatments, and the nature and implications of the proposed health care and shall consult the attending physician before making decisions. When feasible, the person making the decision shall observe or consult with the client found to be incompetent."

SECTION 4. Section 44-26-60(C) of the 1976 Code is amended to read:

"(C) Priority under this section must not be given to a person if a health care provider, responsible for the care of a client who is unable to consent, determines that the person is not reasonably available, is not willing to make health care decisions for the client, or is unable to

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consent as defined in Section 44-66-20~~(6)~~(8) of the Adult Health Care Consent Act.” /

Re-number sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question being third reading of the Bill as amended.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

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

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**HOUSE BILL RETURNED**

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

H. 3821 -- Rep. Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "ADVANCED PRACTICE REGISTERED NURSE ACT"; TO AMEND SECTION 32-8-325, RELATING TO THE USE OF DEATH CERTIFICATES TO AUTHORIZE CREMATORIES TO CREMATE HUMAN REMAINS, SO AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN SUCH DEATH CERTIFICATES; TO AMEND SECTION 32-8-340, RELATING TO CONDITIONS FOR CREMATIONS, SO AS TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES AMONG THE PERSONS AUTHORIZED TO SIGN DEATH CERTIFICATES AND WAIVE CERTAIN TIME REQUIREMENTS; TO AMEND SECTION 40-33-34, AS AMENDED, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE CERTIFYING THE MANNER OF DEATH AND EXECUTING DO NOT RESUSCITATE ORDERS AMONG THE MEDICAL ACTS THAT MAY BE PERFORMED UNLESS OTHERWISE PROVIDED IN A PRACTICE AGREEMENT, AND TO PERMIT THE PRESCRIPTION OF SCHEDULE II NARCOTIC SUBSTANCES FOR PATIENTS RESIDING IN LONG-TERM CARE SETTINGS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 44-63-74, RELATING TO THE MANDATORY ELECTRONIC FILING OF DEATH CERTIFICATES WITH THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES TO REFLECT THE AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES TO SIGN DEATH CERTIFICATES AND CERTIFY CAUSES OF DEATH, AND TO PROVIDE ADVANCED PRACTICE REGISTERED NURSES WHO FAIL TO COMPLY WITH CERTAIN TIME LIMITS FOR CERTIFYING A CAUSE OF DEATH MAY BE SUBJECT TO CERTAIN PENALTIES; TO AMEND SECTION 44-78-15, RELATING TO DEFINITIONS IN THE DO NOT RESUSCITATE ORDER ACT, SO AS TO REVISE THE DEFINITION OF A "HEALTH CARE PROVIDER" TO INCLUDE ADVANCED PRACTICE REGISTERED NURSES; AND TO AMEND SECTION 44-78-30, RELATING TO THE FORM OF DO



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NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

H. 4004 -- Reps. Clary, G.M. Smith, Lucas, Ridgeway, Gilliard and Moore: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) ACT" BY ADDING CHAPTER 80 TO TITLE 44 SO AS TO ENABLE CERTAIN PERSONS TO EXECUTE A POST FORM SIGNED BY A PHYSICIAN THAT SETS FORTH THE PATIENT'S WISHES AS TO LIFE-SUSTAINING CARE; TO REQUIRE HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES TO ACCEPT A POST FORM AS A VALID MEDICAL ORDER WHICH TAKES PRECEDENCE OVER AN ADVANCE DIRECTIVE AND TO COMPLY WITH THE ORDER, WITH EXCEPTIONS; TO ESTABLISH A PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) ADVISORY COUNCIL AND TO PROVIDE FOR ITS MEMBERSHIP AND DUTIES; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PERFORM CERTAIN DUTIES WITH RESPECT TO OVERSEEING POST FORMS AND TO PROMULGATE REGULATIONS; TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY AND FROM DISCIPLINARY ACTION FOR CERTAIN PERSONS ACTING IN ACCORDANCE WITH PROVISIONS OF THE CHAPTER; AND FOR OTHER PURPOSES.

H. 4011 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 49-3-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' DUTIES IN REGARDS TO WATER RESOURCE PLANNING AND COORDINATION, SO AS TO MAKE STATUTORY CHANGES TO REFLECT THE DUTIES OF THE DEPARTMENT; AND TO AMEND SECTION 49-3-50, RELATING TO MATTERS TO BE CONSIDERED BY THE DEPARTMENT IN EXERCISING ITS AUTHORITY UNDER THE WATER RESOURCES PLANNING AND COORDINATION ACT, SO AS TO REQUIRE THE DEPARTMENT TO CONSIDER THE NEED FOR MEASURES TO PREVENT SALTWATER INTRUSION ON GROUNDWATER AND SURFACE WATER AND PROTECT THE STATE'S AQUATIC RESOURCES.

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H. 4012 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTIONS 48-9-15 AND 48-9-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO DEFINITIONS APPLICABLE TO CHAPTER 9, TITLE 48, SO AS TO REDEFINE THE TERM "DIVISION", DEFINE THE TERM "BOARD", AND EXPAND THE DEFINITION OF "THE UNITED STATES"; TO AMEND SECTION 48-9-45, RELATING TO THE LAND, RESOURCES, AND CONSERVATION DISTRICTS DIVISION, SO AS TO UPDATE THE NAME OF THE DIVISION; TO AMEND SECTION 48-9-50, RELATING TO AGENCIES OPERATING PUBLIC LANDS, SO AS TO DELETE A REFERENCE TO CERTAIN LAND USE REGULATIONS; TO AMEND SECTION 48-9-220, RELATING TO GEOGRAPHIC AREAS FOR THE STATE LAND RESOURCES CONSERVATION COMMISSION, SO AS TO REFORMAT THE STATE LAND RESOURCES CONSERVATION COMMISSION INTO THE LAND, WATER, AND CONSERVATION DIVISION ADVISORY COMMITTEE; TO AMEND SECTION 48-9-310, RELATING TO ESTIMATES OF FINANCIAL NEEDS FOR SOIL AND WATER CONSERVATION DISTRICTS, SO AS TO REMOVE UNNECESSARY STATUTORY REQUIREMENTS THAT ARE NOW ACCOMPLISHED THROUGH THE BUDGETING PROCESS; TO AMEND SECTION 48-9-1220, RELATING TO THE NOMINATION AND ELECTION OF COMMISSIONERS, SO AS TO UPDATE AN EXISTING REFERENCE TO REFLECT THE ROLE OF THE STATE ELECTION COMMISSION TO DETERMINE ELECTORS; TO AMEND SECTION 48-9-1250, RELATING TO THE USE OF COUNTY AGRICULTURAL AGENTS, SO AS TO REMOVE REFERENCES TO DISCONTINUED PRACTICES; TO AMEND SECTION 48-11-10, RELATING TO DEFINITIONS APPLICABLE TO WATERSHED CONSERVATION DISTRICTS, SO AS TO ALTER THE DEFINITION OF THE TERM "DIVISION"; TO REPEAL SECTION 48-9-40 RELATING TO THE RENAMING OF THE STATE LAND RESOURCES CONSERVATION COMMISSION; TO REPEAL SECTION 48-9-230 RELATING TO ADVISORS TO THE LAND RESOURCES AND CONSERVATION DISTRICTS DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES; TO REPEAL ARTICLE 13 OF CHAPTER 9, TITLE 48 RELATING TO LAND USE REGULATIONS; AND TO REPEAL ARTICLE 15 OF CHAPTER 9, TITLE 48 RELATING TO THE BOARD OF ADJUSTMENT FOR A NEWLY ORGANIZED SOIL AND WATER CONSERVATION DISTRICT.

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H. 4013 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 48-22-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO CHANGE CERTAIN REQUIREMENTS FOR THE STATE GEOLOGIST; TO AMEND SECTION 48-22-30, RELATING TO THE POWERS AND DUTIES OF THE STATE GEOLOGIST, SO AS TO REQUIRE THAT THE STATE GEOLOGIST BECOME FAMILIAR WITH GEOLOGIC HAZARDS THROUGHOUT THE STATE; AND TO AMEND SECTION 48-22-40, RELATING TO THE DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO ESTABLISH NEW DUTIES FOR THE UNIT AND REMOVE CERTAIN MAPPING DUTIES.

H. 4245 -- Reps. Ligon, Kirby, Ott, Hewitt, Atkinson, Hiott, Hixon, Pope, Felder, V.S. Moss, D.C. Moss, B. Cox, Forrest, Simrill, Martin, B. Newton, Magnuson, Moore, Hyde, Simmons, Trantham, R. Williams, Jefferson, King, W. Cox and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 17, TITLE 47 SO AS TO PROVIDE IT IS UNLAWFUL TO ADVERTISE, SELL, LABEL, OR MISREPRESENT AS "MEAT" OR "CLEAN MEAT" ALL OR PART OF A CARCASS THAT IS CELL-CULTURED MEAT/PROTEIN, OR IS NOT DERIVED FROM HARVESTED PRODUCTION LIVESTOCK OR POULTRY, AND TO PROVIDE A PENALTY.

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

H. 4380 -- Reps. Rose, Caskey, Huggins, Bales, Anderson, Crawford, Moore, Hewitt and Bailey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SAMANTHA L. JOSEPHSON RIDESHARING SAFETY ACT"; AND TO AMEND SECTION 58-23-1640, RELATING TO THE SAFETY INSPECTION OF TRANSPORTATION NETWORK COMPANY (TNC) VEHICLES, SO AS TO REQUIRE TNC VEHICLES IN THIS STATE TO POSSESS AND DISPLAY CERTAIN ILLUMINATED SIGNAGE AT ALL TIMES WHEN THE TNC DRIVER IS ACTIVE.

The Senate proceeded to the consideration of the Bill.

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Senator HEMBREE proposed the following amendment (4380R002.SP.GH), which was withdrawn:

Amend the bill, as and if amended, Section 58-23-1640, by adding appropriately lettered new subsections to read:

/ ( ) A person who misrepresents himself as a licensed TNC driver is guilty of a misdemeanor and shall be fined not more than five hundred dollars, imprisoned not more than thirty days, or both.

( ) A person who knowingly engages in the use of a TNC trade dress or a TNC ridesharing application in the furtherance of a criminal activity is guilty of a misdemeanor and shall be fined not more than one thousand dollars, imprisoned for not more than three years, or both.” /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators MASSEY and SHEALY proposed the following amendment (4380R003.SP.ASM), which was adopted:

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

/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 ~~the~~ 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

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~~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."

SECTION \_\_. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY explained the amendment.

The amendment was adopted.

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Senators SCOTT and HEMBREE proposed the following amendment (4380R005.SP.JS), which was adopted:

Amend the bill, as and if amended, Section 58-23-1640, by adding appropriately lettered new subsections to read:

/ ( ) A person who misrepresents himself as an authorized TNC driver is guilty of a misdemeanor and shall be fined not more than five hundred dollars, imprisoned not more than thirty days, or both.

( ) A person who knowingly engages in the use of a TNC trade dress or a TNC ridesharing application in the furtherance of a criminal activity is guilty of a misdemeanor and shall be fined not more than one thousand dollars, imprisoned for not more than two years, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question being third reading of the Bill as amended.

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

**Ayes 40; Nays 0**

**AYES**

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

**Total--40**

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**NAYS**

**Total--0**

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

**HOUSE BILLS RETURNED**

The following Bills and Resolution were read the third time and ordered returned to the House with amendments.

H. 3754 -- Reps. Sandifer, Thayer, Clemmons and Rutherford: A BILL TO AMEND SECTION 27-32-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO VACATION TIME SHARING PLANS, SO AS TO DEFINE THE TERM "TIMESHARE INSTRUMENT"; TO AMEND SECTION 27-32-410 RELATING TO TIMESHARE CLOSINGS, PROCEDURES, AND RELATED PROVISIONS, SO AS TO FURTHER PROVIDE FOR WHEN A TIMESHARE CLOSING IS CONSIDERED TO HAVE OCCURRED, AND OTHER REQUIREMENTS IN REGARD TO THE CLOSING; AND BY ADDING ARTICLE 5 TO CHAPTER 32, TITLE 27, SO AS TO ENACT THE "VACATION TIME-SHARING PLAN EXTENSIONS AND TERMINATION ACT", INCLUDING PROVISIONS TO CLARIFY AND SUPPLEMENT THE PROCEDURES AND REQUIREMENTS AS TO HOW OWNERS OF VACATION TIME-SHARING INTERESTS MAY TERMINATE VACATION TIME-SHARING PLANS OR EXTEND THE TERMS OF THESE PLANS, WITH THE PROVISIONS OF ARTICLE 5 TO APPLY BOTH PROSPECTIVELY AND RETROACTIVELY.

H. 3986 -- Reps. G.M. Smith, Willis, Rose and Caskey: A BILL TO AMEND ARTICLE 3 OF CHAPTER 5, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "ABLE SAVINGS PROGRAM" SO AS TO RENAME THE PROGRAM THE "SOUTH CAROLINA STABLE ACCOUNT PROGRAM" AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-6-1140, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO DIRECT THE CODE COMMISSIONER TO MAKE CERTAIN CONFORMING CHANGES.

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H. 4133 -- Reps. Weeks, G.M. Smith, Clyburn, Stavrinakis, Gilliard, Bales, Hosey, Henderson-Myers, R. Williams, Rutherford, Alexander and Forrest: A BILL TO AMEND SECTION 12-6-3530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO ALLOW A TAX CREDIT OF FIFTY PERCENT OF ANY CASH DONATION TO A COMMUNITY DEVELOPMENT CORPORATION OR COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT, TO ESTABLISH TAX CREDIT RESERVE ACCOUNTS FOR THE FIRST THREE QUARTERS OF EACH TAX YEAR SO AS TO AVOID THE DEPLETION OF CREDITS BY AN INDIVIDUAL TAXPAYER, TO DELETE THE PRO-RATA DISTRIBUTION OF TAX CREDITS, TO ALLOW FINANCIAL INSTITUTIONS WITH TAX LIABILITIES IN THIS STATE TO INVEST IN COMMUNITY DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF RECEIVING A TAX CREDIT, AND TO PROVIDE THAT RETURNS ON INVESTMENTS IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS AND CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS MAY NOT EXCEED THE TOTAL AMOUNT OF THE INITIAL INVESTMENT; AND TO AMEND SECTION 4 OF ACT 314 OF 2000, AS AMENDED, RELATING TO COMMUNITY DEVELOPMENT CORPORATIONS AND FINANCIAL INSTITUTIONS, SO AS TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT UNTIL JUNE 30, 2023.

H. 4413 -- Reps. G.M. Smith, Lucas, Simrill, Rutherford and Stavrinakis: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2019-2020 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

H. 3383 -- Reps. Ott, Hosey, Ridgeway and Cogswell: A BILL TO AMEND SECTION 48-23-260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SHARING STATE FOREST LAND REVENUES WITH COUNTIES, SO AS TO EXCLUDE THE PROCEEDS FROM LAND RENTALS AND WILDLIFE



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MANAGEMENT AREA PAYMENTS FROM THE PROCEEDS TO BE SHARED WITH THE COUNTIES.

**OBJECTION**

H. 3755 -- Reps. Sandifer, Spires and Anderson: A BILL TO AMEND SECTION 38-77-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO AUTOMOBILE INSURANCE COVERAGE, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR THE RENEWAL OF AN AUTOMOBILE COVERAGE POLICY AND TO DEFINE THE TERM "REDUCTION IN COVERAGE"; AND TO AMEND SECTION 38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO RENEW A POLICY, SO AS TO ALLOW FOR AN INSURER TO RENEW A POLICY WITH A REDUCTION IN COVERAGE AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE REDUCTION IN COVERAGE.

Senator RANKIN objected to the consideration of the Bill.

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments.

H. 3916 -- Reps. Murphy, Chellis, Kimmons, Simrill and Pope: A BILL TO AMEND SECTION 12-37-2615, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR FAILURE TO REGISTER A MOTOR VEHICLE, SO AS TO PROVIDE THAT A PERSON WHO FAILS TO REGISTER A MOTOR VEHICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED FIVE HUNDRED DOLLARS OR IMPRISONED FOR A PERIOD NOT TO EXCEED THIRTY DAYS, OR BOTH.

H. 4010 -- Reps. Hixon, Tallon, Johnson and R. Williams: A BILL TO AMEND SECTION 51-17-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM ACREAGE THAT MAY BE ACQUIRED UNDER THE HERITAGE TRUST PROGRAM, SO AS TO REMOVE THE MAXIMUM ACREAGE LIMITATION.

**CARRIED OVER**

H. 4020 -- Reps. Clary, W. Newton, R. Williams, Funderburk, Erickson and Bradley: A BILL TO AMEND SECTION 51-1-60, CODE

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OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO PROVIDE NEW DUTIES FOR THE DEPARTMENT; AND TO REPEAL ARTICLE 3 OF CHAPTER 1, TITLE 51, RELATING TO THE DIVISION OF COMMUNITY DEVELOPMENT.

On motion of Senator M.B. MATTHEWS, the Bill was carried over.

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments.

H. 4239 -- Rep. Hewitt: A BILL TO AMEND SECTION 50-5-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAWLING RESTRICTION AREAS WITHIN THE GENERAL TRAWLING ZONE, SO AS TO PROVIDE THAT A CERTAIN AREA IS CLOSED TO TRAWLING FROM MAY FIRST THROUGH SEPTEMBER FIFTEENTH AND TO REMOVE LANGUAGE CONCERNING THIS AREA.

H. 4244 -- Rep. Sandifer: A BILL TO AMEND SECTION 38-78-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO SERVICE CONTRACTS, SO AS TO EXPAND THE DEFINITION OF "SERVICE CONTRACT" AND "WARRANTY" AND TO DEFINE THE TERMS "ROAD HAZARD", "THEFT PROTECTION PROGRAM", AND "THEFT PROTECTION PROGRAM WARRANTY"; TO AMEND SECTION 38-78-30, RELATING TO SERVICE CONTRACT REQUIREMENTS, SO AS TO EXCLUDE A SERVICE CONTRACT PROVIDER THAT INSURES THEIR OBLIGATIONS UNDER A REIMBURSEMENT INSURANCE POLICY FROM THE FINANCIAL STATEMENT REQUIREMENT FOR REGISTRATION WITH THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AND TO AMEND SECTION 38-78-50, RELATING TO REQUIRED PROVISIONS IN SERVICE CONTRACTS, SO AS TO REQUIRE A CERTAIN DISCLOSURE.

**READ THE SECOND TIME**

H. 3576 -- Reps. White, Cobb-Hunter, Garvin, Rose, Loftis, Gilliard, Moore, Clemmons and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-150-365 SO AS TO ESTABLISH THE SOUTH CAROLINA WORKFORCE INDUSTRY NEEDS SCHOLARSHIP (SC WINS), TO

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PROVIDE THAT CERTAIN STUDENTS ATTENDING A TWO-YEAR TECHNICAL COLLEGE ARE ELIGIBLE FOR THE SCHOLARSHIP, AND TO PROVIDE ELIGIBILITY REQUIREMENTS.

The Senate proceeded to the consideration of the Bill.

The question being the second reading of the Bill.

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

**Motion Adopted**

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

**CARRIED OVER**

S. 655 -- Senators Peeler, Malloy, Climer, Fanning, Gregory and Leatherman: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

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

**CARRIED OVER**

S. 15 -- Senators Rankin and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-17 SO AS TO REQUIRE A ONE-HALF CREDIT COURSE OF STUDY IN PERSONAL FINANCE WITH AN END-OF-YEAR TEST AS A REQUIREMENT FOR HIGH SCHOOL

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GRADUATION BEGINNING WITH THE 2020-2021 SCHOOL YEAR.

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

**READ THE SECOND TIME**

H. 3137 -- Reps. G.M. Smith, Lucas, Ott, Stavrinakis, Simrill, Rutherford, Pope, Clyburn, S. Williams, Cobb-Hunter, Bailey, Erickson, Bradley, Yow, Forrest, Kirby, Sottile, Murphy, Chellis, Kimmons, Rose, Wheeler, Young, Clemmons, Cogswell, Gilliard, B. Newton, Anderson, Jefferson, Bales, Blackwell, McDaniel, Moore, R. Williams and Henderson-Myers: A BILL TO AMEND CHAPTER 27, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE AID TO SUBDIVISIONS ACT, SO AS TO CHANGE THE NAME OF THE LOCAL GOVERNMENT FUND, TO DELETE THE REQUIREMENT THAT THE FUND RECEIVE NO LESS THAN FOUR AND ONE-HALF PERCENT OF THE GENERAL FUND REVENUES OF THE LATEST COMPLETED FISCAL YEAR, TO DELETE A PROVISION REGARDING MIDYEAR CUTS, TO PROVIDE THAT THE APPROPRIATION TO THE FUND MUST BE INCREASED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE PERCENTAGE INCREASE, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET PROCESS, TO AMEND THE DISTRIBUTION PERCENTAGE OF THE FUND, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT proposed the following amendment (DG\3137C004.NBD.DG19), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking 6-27-30(B)(1) and inserting:

/ (B)(1) In any fiscal year in which general fund revenues are projected to increase or decrease, the appropriation to the Local Government Fund for the upcoming fiscal year must be adjusted by the same projected percentage change when compared to the appropriation in the current fiscal year; however, an increase in the appropriation may not exceed five percent. For purposes of this subsection, beginning with the initial forecast required pursuant to Section 11-9-1130, the

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percentage adjustment in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' most recent projection of recurring general fund revenue for the upcoming fiscal year. Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of the projected percentage adjustment. The executive director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage adjustment. However, the forecast in effect on February fifteenth of the current fiscal year is the final forecast for which the percentage adjustment is determined, and no subsequent forecast modifications shall have any effect on that determination. /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was withdrawn.

Senator SHEHEEN proposed the following amendment (DG\3137C006.NBD.DG19), which was withdrawn::

Amend the bill, as and if amended, SECTION 1, by striking Section 6-27-30(B)(1) and inserting:

/ (B)(1) In any fiscal year in which general fund revenues are projected to increase or decrease, the appropriation to the Local Government Fund for the upcoming fiscal year must be adjusted by the same projected percentage change when compared to the appropriation in the current fiscal year. For purposes of this subsection, beginning with the initial forecast required pursuant to Section 11-9-1130, the percentage adjustment in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' most recent projection of recurring general fund revenue for the upcoming fiscal year. Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of the projected percentage adjustment. The executive

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director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage adjustment. However, the forecast in effect on February fifteenth of the current fiscal year is the final forecast for which the percentage adjustment is determined, and no subsequent forecast modifications shall have any effect on that determination. /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator SHEHEEN proposed the following amendment (DG\3137C005.NBD.DG19), which was withdrawn::

Amend the bill, as and if amended, SECTION 1, by striking Section 6-27-30(B)(1) and inserting:

/ (B)(1) In any fiscal year in which general fund revenues are projected to increase or decrease, the appropriation to the Local Government Fund for the upcoming fiscal year must be adjusted by the same projected percentage change when compared to the appropriation in the current fiscal year; however, a decrease in the appropriation may not exceed five percent. For purposes of this subsection, beginning with the initial forecast required pursuant to Section 11-9-1130, the percentage adjustment in general fund revenues must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' most recent projection of recurring general fund revenue for the upcoming fiscal year. Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of the projected percentage adjustment. The executive director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage adjustment. However, the forecast in effect on February fifteenth of the current fiscal year is the final forecast for which the percentage adjustment is determined, and no subsequent forecast modifications shall have any effect on that determination. /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

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The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

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

**Total--42**

**NAYS**

**Total--0**

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

**Recorded Vote**

Senator SCOTT desired to be recorded as voting in favor of the second reading of the Bill.

**READ THE SECOND TIME**

H. 4243 -- Reps. Simrill, Lucas, Pope, G.M. Smith, Rutherford, King, Felder, Bryant, D.C. Moss, B. Newton, Ligon, V.S. Moss, Brown, W. Cox, Jefferson, R. Williams, Calhoon, McKnight, Spires, Elliott, Gilliam, West, Atkinson, Bales, Gilliard, Blackwell, B. Cox and Anderson: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB

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TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 4-9-30, RELATING TO THE DESIGNATION OF POWERS UNDER THE ALTERNATE FORMS OF GOVERNMENT, SO AS TO PROHIBIT THE LEVY OF COUNTY LICENSE FEES AND TAXES ON A PROFESSIONAL SPORTS TEAM; TO AMEND SECTION 5-7-30, RELATING TO POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX ON A PROFESSIONAL SPORTS TEAM; AND BY ADDING SECTION 5-3-20 SO AS TO PROVIDE THAT THE REAL PROPERTY OWNED BY A PROFESSIONAL SPORTS TEAM MAY NOT BE ANNEXED BY A MUNICIPALITY WITHOUT PRIOR WRITTEN CONSENT OF THE PROFESSIONAL SPORTS TEAM.

The Senate proceeded to the consideration of the Bill.

The question being the second reading of the Bill.

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

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

**Recorded Vote**

Senators MARTIN, CAMPSER, CORBIN, GROOMS, MASSEY, TALLEY, SHEALY, YOUNG and RICE desired to be recorded as voting against the second reading of the Bill.

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

H. 3174 -- Reps. Elliott, Tallon, G.R. Smith, Taylor, Cogswell, Dillard, Norrell, Felder, Daning and Hixon: A BILL TO AMEND SECTION 56-1-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS ASSOCIATED WITH THE POWERS AND DUTIES OF THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "ELECTRIC-ASSIST BICYCLES" AND "BICYCLES WITH HELPER MOTORS"; AND BY ADDING SECTION 56-5-3520 SO AS TO PROVIDE THAT BICYCLISTS



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OPERATING ELECTRIC-ASSIST BICYCLES SHALL BE SUBJECT TO ALL STATUTORY PROVISIONS APPLICABLE TO BICYCLISTS.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (3174R001.KMM.LKG), which was adopted:

Amend the bill, as and if amended, by striking line 38 and inserting:

/function when their brakes are applied or the rider stops pedaling.  
Manufacturers and /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the committee amendment.

The amendment was adopted.

Senators MASSEY and SHEALY proposed the following amendment (3174R002.SP.ASM), which was adopted:

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

/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 ~~the 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

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~~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."

SECTION \_\_. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

"Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency." /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 1; Present 1**

**AYES**

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

**Total--41**

**NAYS**

Corbin

**Total--1**

**PRESENT**

Loftis

**Total--1**

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

**OBJECTION**

H. 3263 -- Reps. G.M. Smith, Erickson, Bradley, W. Newton, Huggins, Sandifer, Toole, Blackwell, Cogswell, Caskey, Atkinson, Hixon, Taylor, Fry, Weeks and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ARMED SERVICE MEMBERS AND SPOUSES PROFESSIONAL AND OCCUPATIONAL LICENSING ACT" BY ADDING SECTION

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37-1-110 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR OCCUPATIONS AND PROFESSIONS REGULATED BY THE DEPARTMENT OF CONSUMER AFFAIRS IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-43-85 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS NONRESIDENT INSURANCE LINES PRODUCERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-47-17 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38-48-25 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS PUBLIC INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 40-1-625 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR PROFESSIONS AND OCCUPATIONS REGULATED BY BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 59-25-25 SO AS TO PROVIDE SPOUSES OF ARMED SERVICE MEMBERS STATIONED IN THIS STATE MAY WORK AS PUBLIC SCHOOL TEACHERS IN THIS STATE WITHOUT BEING LICENSED OR CERTIFIED BY THE DEPARTMENT OF EDUCATION IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-45-30, RELATING TO LICENSE APPLICATION FEE REQUIREMENTS FOR NONRESIDENT INSURANCE BROKER LICENSURE, SO AS TO EXEMPT CERTAIN ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THE FEES; TO AMEND SECTION 38-49-20, RELATING TO LICENSURE REQUIREMENTS FOR MOTOR VEHICLE PHYSICAL DAMAGE INSPECTORS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-53-80, RELATING TO LICENSURE REQUIREMENTS FOR BAIL BONDSMEN AND

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RUNNERS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40-1-640, RELATING TO THE AUTHORITY OF CERTAIN PROFESSIONALS AND OCCUPATIONAL LICENSING BOARDS TO ACCEPT AND APPLY EDUCATION, TRAINING, AND EXPERIENCE OF CERTAIN SERVICE MEMBERS, SO AS TO MAKE EXERCISE OF THIS AUTHORITY NONDISCRIMINATORY IF CERTAIN CRITERIA ARE MET; AND TO REPEAL SECTION 40-1-630 RELATING TO TEMPORARY OCCUPATIONAL AND PROFESSIONAL LICENSES THAT BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY ISSUE TO SPOUSES OF ACTIVE SERVICE MEMBERS STATIONED IN THIS STATE.

Senator M.B. MATTHEWS objected to consideration of the Bill.

**CARRIED OVER**

H. 4369 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO TRANSPORTATION PROJECT PRIORITIZATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4839, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**READ THE SECOND TIME**

H. 3586 -- Reps. Sandifer and Forrester: A BILL TO AMEND SECTION 23-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 23-47-20, RELATING TO REQUIREMENTS THAT PERTAIN TO A 911 SYSTEM, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE IS RESPONSIBLE FOR CREATING AND UPDATING A COMPREHENSIVE STRATEGIC 911 AND NEXTGEN 9-1-1 (NG9-1-1) SYSTEM, AND TO REVISE THE STANDARDS THAT GOVERN THE OPERATION OF 911 AND NG9-1-1 SYSTEMS; TO AMEND SECTION 23-47-40, RELATING TO 911 CHARGES THAT

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MAY BE IMPOSED UPON EACH LOCAL EXCHANGE ACCESS FACILITY SUBSCRIBED TO BY TELEPHONE SUBSCRIBERS WHOSE LOCAL EXCHANGE ACCESS LINES ARE IN THE AREA SERVED OR WHICH WOULD BE SERVED BY THE 911 SERVICE, SO AS TO REVISE THE LIST OF ITEMS THAT MAY BE FUNDED WITH THESE CHARGES; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING FOR THE PROVISION OF 911 SERVICE, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE "EMERGENCY TELEPHONE SYSTEM" FUND MUST BE INCLUDED IN THE ANNUAL AUDIT OF THE LOCAL GOVERNMENT, TO PROVIDE THAT UPON THE FINDING OF INAPPROPRIATE USE OF 911 FUNDS PURSUANT TO AN AUDIT, THE LOCAL GOVERNMENT MUST RESTORE THOSE FUNDS WITHIN NINETY DAYS, TO PROVIDE THAT THE LOCAL GOVERNMENT MUST PROVIDE THE REVENUE AND FISCAL AFFAIRS OFFICE A COPY OF THE AUDITED REPORT, TO PROVIDE THAT FUNDS MAY BE WITHHELD FROM A LOCAL GOVERNMENT THAT FAILS TO COMPLY WITH THE AUDIT PROVISIONS, AND TO REVISE THE PURPOSE FOR LEVYING A CMRS 911 CHARGE; TO AMEND SECTION 23-47-60, RELATING TO A LOCAL GOVERNMENT PROVIDING STANDARD ADDRESSES FOR THEIR RESIDENTS BEFORE ENHANCED 911 IS PLACED IN SERVICE, SO AS TO PROVIDE THAT THE REVENUE AND FISCAL AFFAIRS OFFICE SHALL DESIGNATE ONE OFFICE WITHIN EACH COUNTY AS THE ADDRESSING OFFICIAL; TO AMEND SECTION 23-47-65, AS AMENDED, RELATING TO THE CREATION AND RESPONSIBILITIES OF THE SOUTH CAROLINA 911 ADVISORY COMMITTEE, SO AS TO INCREASE ITS RESPONSIBILITIES, TO INCREASE THE SIZE OF ITS MEMBERSHIP, TO REVISE THE PROCESS OF APPOINTING MEMBERS, TO PROVIDE ITS MEMBERS COMPENSATION FOR CERTAIN EXPENSES, TO INCREASE AND REVISE THE RESPONSIBILITIES OF THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-75, RELATING TO CERTAIN 911 INFORMATION THAT IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT OR DISCLOSURE, SO AS TO MAKE A TECHNICAL CHANGE, TO PROVIDE THAT CERTAIN LOCATION INFORMATION IS NOT CONSIDERED A RECORD OF THE LOCAL 911 SYSTEM, AND TO PROVIDE RESTRICTIONS ON THE RELEASE OF CERTAIN

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DATA AND TELEPHONE CALLS TO CERTAIN AGENCIES AND THE PUBLIC; AND TO AMEND SECTION 23-47-80, RELATING TO PENALTIES ASSOCIATED WITH UNLAWFULLY PLACING A 911 CALL, SO AS MAKE TECHNICAL CHANGES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

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

**Motion Adopted**

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

**ACTING PRESIDENT PRESIDES**

Senator TALLEY assumed the Chair.

**COMMITTEE AMENDMENT TABLED**

**READ THE SECOND TIME**

H. 3760 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-79-500 SO AS TO MERGE THE PATIENTS' COMPENSATION FUND WITH THE SOUTH CAROLINA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION; BY ADDING SECTION 40-15-390 SO AS TO ESTABLISH A SURCHARGE FEE FOR A DENTIST'S LICENSE TO REDUCE THE OPERATING DEFICIT OF THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION; BY ADDING SECTION 40-47-55 SO AS TO ESTABLISH A SURCHARGE FEE FOR A PHYSICIAN'S LICENSE FOR THE PURPOSE OF REDUCING THE OPERATING DEFICIT OF THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION; AND TO AMEND ARTICLE 3, CHAPTER 79, TITLE 38, RELATING TO THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION, SO AS TO DEFINE THE TERM "DEFICIT", TO ALTER THE MEMBERSHIP OF THE ASSOCIATION, TO

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ESTABLISH CERTAIN REQUIREMENTS FOR THE INITIAL FILING OF POLICY FORMS, TO PROVIDE CERTAIN ACTIONS THAT MUST BE DONE WHEN THE ASSOCIATION ACCUMULATES OR SUSTAINS A DEFICIT, TO ESTABLISH CERTAIN OBLIGATIONS FOR TERMINATED MEMBERS OF THE ASSOCIATION, TO ALTER THE COMPOSITION OF THE BOARD OF THE ASSOCIATION, TO ESTABLISH CERTAIN CONDITIONS REGARDING THE ASSOCIATION'S ANNUAL FINANCIAL STATEMENT AND THE EXAMINATION OF THE ASSOCIATION BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, AND TO PROVIDE FOR THE MERGER OF THE ASSOCIATION WITH THE PATIENTS' COMPENSATION FUND.

The Senate proceeded to the consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (CZ\3760C003.JN.CZ19) , which was tabled:

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

/ SECTION 1. Article 3, Chapter 79, Title 38 of the 1976 Code is amended to read:

“Article 3

South Carolina Medical Malpractice Liability  
Joint Underwriting Association

Section 38-79-110. As used in this article:

(1) ‘Accumulated deficit’ means the amount that the association’s and the fund’s liabilities exceed their assets, as reported in the association’s and fund’s respective financial statements.

(2) ‘Association’ means any joint underwriting association established by the General Assembly in 1987 and managed and operated pursuant to the provisions of this article including the South Carolina Joint Underwriting Association as provided for in Section 38-79-300.

~~(2)~~(3) ‘Fund’ means the Patients’ Compensation Fund.

(4) ‘Licensed health care providers’ means physicians and surgeons, nurses, oral surgeons, dentists, pharmacists, ~~chiropractors~~, podiatrists, hospitals, nursing homes, or any similar major category of licensed health care providers. The term ‘licensed health care provider’ also includes blood centers which collect, process, and distribute blood to hospitals and physicians for the care of patients if these blood centers as of July 1, 1997, were insured with the Joint Underwriting association.

~~(3)~~(5) ‘Medical malpractice insurance’ means medical professional liability insurance or insurance protection against the legal liability of the



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insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering or failing to render professional service by any licensed physician, licensed health care provider, or hospital.

~~(4)(6)~~ 'Net-direct premiums' means gross direct premiums written on ~~bodily injury liability insurance, other than automobile liability insurance, homeowners liability insurance, and farmowners liability insurance, including the liability component of multiple peril package policies, as computed by the director or his designee, less return premiums or the unused or unabsorbed portions of premium deposits.~~ medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, and any other type of professional liability insurance covering risks of licensed health care providers and facilities as determined and computed by the director or his designee, less return premiums or the unused or unabsorbed portions of premium deposits. The net-direct premium calculation does not include premiums written by the fund.

Section 38-79-120. (1) A joint underwriting association (association) is created, consisting of ~~all insurers authorized to write within this State, on a direct basis, bodily injury liability insurance, other than automobile bodily injury liability insurance, homeowners liability insurance, and farmowners liability insurance, including insurers covering such peril in multiple peril package policies. Every such insurer is and must remain a member of the association as a condition of its authority to continue to transact such kind of insurance in this State.~~ all insurers authorized to write and report net-direct written premiums for medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers. The fund and nonadmitted insurers are not members of the association. Each insurer described above is and must remain a member of the association as a condition of the authorization to transact the sale of insurance in this State.

(2) The purpose of the association is to ~~provide medical malpractice insurance~~ ensure the availability of a stable facility for medical malpractice insurance for healthcare providers and act as a residual market on a self-supporting basis to the fullest extent possible.

(3) The association must be called into operation at any time that the department finds and declares the existence of an emergency because of the unavailability of medical malpractice liability insurance, or the unavailability of medical malpractice liability insurance on a reasonable

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basis through normal channels, in respect to all or any one or more of the major categories of licensed health care providers listed in item (2) of Section 38-79-110.

Section 38-79-125. (1) As of January 1, 2020, all insurers authorized to write, on a direct basis, bodily injury liability insurance and insurers covering such peril in multiple peril package policies and bodily injury insurance, other than automobile bodily injury insurance, homeowners liability insurance, farmowners liability insurance including monoline farm liability insurance, medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers must pay an assessment equal to their share of twenty percent of the accumulated deficit of the association as determined by the director and contained in their most recently reported financial statements. Each insurer's share of the assessment must be calculated based upon the net-direct written premiums for the insurer's liability lines described above on the most recent year preceding the effective date of this section. All money collected from this assessment must be applied to the accumulated deficit of the association. Each insurer may pay the assessment in one lump sum or, at the insurer's option, in equal installments over a period not to exceed five years. The assessment may be incorporated into the rate filings of the insurer. Upon satisfaction of the assessment, each insurer may withdraw as members of the association upon submission of:

(a) an application for withdrawal in the format prescribed by the director or his designee;

(b) evidence that it has not written any medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers in the preceding consecutive five years; and

(c) certification by the association and the director or his designee that all obligations to the association have been fully satisfied.

(2) The director may set the date on which the insurer's withdrawal becomes effective by order.

(3) Insurers writing medical malpractice insurance, medical professional liability insurance, hospital professional liability insurance, or any other type of professional liability insurance in this State covering the professional liability risks of licensed health care providers are not eligible to withdraw from membership in the association.

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Section 38-79-130. The association, pursuant to the provisions of this article and the approved plan of operation in respect to medical malpractice insurance, has the power on behalf of its members to:

(1) issue, or cause to be issued, policies of insurance to applicants including incidental coverages including, but not limited to, premises or operations liability coverage on the premises where services are rendered, all subject to limits of liability as specified in the plan of operation but not to exceed two hundred thousand dollars for each claim under one policy and six hundred thousand dollars for all claims under one policy in any one year; provided, however, that the association may offer policies up to one million dollars for each claim under one policy and three million dollars for all claims under one policy in any one year only upon approval of the board of the association and with the written concurrence of the Board of Governors of the South Carolina Patients' Compensation Fund;

(2) underwrite medical malpractice insurance and to adjust and pay losses with respect to it or to appoint service companies to perform those functions; and

(3) cede and assume reinsurance.

Section 38-79-140. (1) The association must operate pursuant to a plan of operation which shall provide for economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice insurance and may contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of the members to defray losses and expenses, commissions arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers, and procedures for determining amounts of insurance to be provided by the association.

(2) The plan of operation shall provide that any profit achieved by the association must be applied to the accumulated deficit. If there is no accumulated deficit, any profit achieved by the association must be added to the reserves of the association or returned to the policyholders as a dividend.

(3) The plan of operation becomes effective and operative no later than thirty days after the declaration of any emergency by the department.

(4) Amendments to the plan of operation may be made by the directors of the association with the approval of the director or his

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designee or must be made at the direction of the director or his designee after due notice and public hearing.

Section 38-79-150. Any licensed health care provider in a category in which the department has declared an emergency exists is entitled to apply to the association for coverage. The application may be made on behalf of the applicant by a licensed agent or broker authorized in writing by the applicant. Beginning July 1, 2025, the board of directors may require evidence of declinations from the admitted medical malpractice market before quoting policies to a prospective policy owner. The board decision to require declinations must be subject to the approval of the director who may disapprove such requirement only if it can be reasonably shown that declinations will cause the accumulated deficit to worsen. If the association determines that the applicant meets the underwriting standards of the association as set forth in the approved plan of operation and there is no unpaid, uncontested premium due from the applicant for any prior insurance of the same kind, the association, upon receipt of the premium, or a portion thereof as prescribed by the plan of operation, shall cause to be issued a policy of medical malpractice liability insurance for a term of one year.

The rates, rating plans, rating rules, rating classifications, territories, and policy forms applicable to insurance written by the association and the statistical and experience data relating thereto are subject to this article and to those provisions of Chapter 73 of this title which are not inconsistent with the purposes and provisions of this article.

~~Section 38-79-160. The director or his designee shall obtain complete statistical data in respect to medical malpractice losses and reparation costs as well as all other costs or expenses which underlie or are related to medical malpractice liability insurance. He shall promulgate any statistical plan he considers necessary for the purpose of gathering data referable to loss and loss adjustment expense experience and other expense experience. When a statistical plan is promulgated all members of the association shall adopt and use it. The director or his designee shall also obtain statistical data in respect to the costs of compensating or rehabilitating victims of medical malpractice without respect to insurance for purposes of studying the feasibility or desirability of alternative medical malpractice compensation systems and estimating the impact of medical malpractice loss and insurance costs upon other compensation and insurance systems such as workers' compensation and accident and health insurance. He may require from any person obtaining insurance through the association loss, claim, or expense data. This~~

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~~information or data is confidential and the physician-patient privilege must be preserved. Reserved.~~

Section 38-79-170. In respect to the structuring of rates for medical malpractice liability insurance and the determination of the profit or loss of the association in respect to that insurance, due consideration must be given by the director or his designee to all investment income.

Section 38-79-180. Within a time that the director or his designee directs, the association shall submit, for the approval of the director or his designee, an initial filing, in proper form, of policy forms, classifications, rates, rating plans, and rating rules applicable to medical malpractice liability insurance to be written by the association. In the event the director or his designee disapproves the initial filing, in whole or in part, the association shall amend the filing, in whole or in part, in accordance with the direction of the director or his designee. If the director or his designee is unable to approve the filing or amended filing, within the time specified, he shall promulgate the policy forms, classifications, rates, rating plans, and rules to be used by the association in making rates for and writing the insurance.

Section 38-79-190. (1) The board of directors shall specify whether policy forms and the rate structure must be on a 'claims-made' or 'occurrence' basis and coverage may be provided by the association only on the basis specified by the board of directors. The board of directors shall specify the 'claims-made' basis only if the contract makes provision for residual 'occurrence' coverage upon the retirement, death, disability, or removal from the State of the insured. Provision may be made for a premium charge allocable to any such residual 'occurrence' coverage and the premium charges for the residual coverage must be segregated and separately maintained for such purpose which may include the reinsurance of all or a part of that portion of the risk.

(2) The policy may not contain any limitation in relation to the existing law in tort as provided by the statute of limitations of the State of South Carolina.

(3) The policy form whether on a 'claims-made' or 'occurrence' basis may not require as a condition precedent to settlement or compromise of any claim the consent or acquiescence of the insured. However, such settlement or compromise may never be held or considered to be an admission of fault or wrongdoing by the insured.

(4) The premium rate charged for either or both 'claims-made' or 'occurrence' coverage must be at rates established on an actuarially sound basis, including consideration of trends in the frequency and severity of losses, ~~and must be calculated to be self-supporting.~~ After the

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accumulated deficit has been eliminated, the association must function as a residual market mechanism. After that time, the association must not offer rates competitive with the admitted market, but the rates for policies issued by the association must be adequate and established at a level that permits the association to operate as a self-sustaining mechanism.

Section 38-79-200. The association is authorized to provide a rate increase or assessment on association policyholders which is subject to the approval of the director or his designee.

Section 38-79-210. Any operating deficit sustained by the association in any year must be recouped, ~~pursuant to the plan of operation and the rating plan then in effect, by one or both of the following procedures:~~

(1) ~~An assessment upon the policyholders which may not exceed one additional annual premium at the then current rate.~~

(2) by a rate increase applicable prospectively.

Section 38-79-220. ~~Effective after the initial year of operation, rates, rating plans, and rating rules, and any provision for recoupment through policyholder assessment or premium rate increase, must be based upon the association's loss and expense experience and investment income, together with any other information based upon such experience and income as the director or his designee considers appropriate. The resultant premium rates must be on an actuarially sound basis and must be calculated to be self-supporting.~~

~~In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided in Section 38-79-210, all members shall, on a temporary basis, contribute to the financial requirements of the association in the manner provided for in Section 38-79-230. Any such contribution must be reimbursed to the members following recoupment as provided in Section 38-79-210.~~

(1) Beginning July 1, 2019, the association, the fund, and every member association must assess and remit to the department a surcharge on all premiums written for the purpose of reducing the accumulated deficit of the fund and the association. The surcharge must be between four and ten percent and will be approved by the board and the director. Forty-five percent of the surcharge must be remitted to the fund by the department and the remaining amount must be remitted to the association by the department. The assessment must continue until the director declares that the accumulated deficit has been eliminated or July 1, 2030, whichever is earlier. In the event that the accumulated deficit of the fund or association is eliminated, one hundred percent of the surcharge must be remitted to the entity with a remaining accumulated deficit. Any

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excess funds must be retained by the association or fund as capital. If the accumulated deficits have not been eliminated by July 1, 2030, the director may extend the surcharge for up to an additional five years.

(2) Beginning on July 1, 2020, an additional one percent surcharge must be assessed on association policyholders. The surcharge must increase by one additional percentage point annually until it reaches ten percent and shall not sunset.

(3) Surcharges levied under this section are not premium and are not subject to premium tax, any fees, or any commissions; however, failure to pay the surcharges must be treated the same as failure to pay premium. Surcharges must not be included in the revenue or income of the association or fund.

(4) Beginning July 1, 2019, all surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall collect from the insured and remit to the department to be distributed to the association and fund a nonadmitted policy surcharge on all premiums for all insurance written by such surplus lines insurance producer or broker for a policy from a nonadmitted insurer for any and all medical malpractice risks in this State. By procuring or selling medical malpractice insurance in this State from a nonadmitted insurer, each surplus lines insurance producer or broker placing insurance through a nonadmitted insurer agrees to be bound by the provisions of this chapter and to collect and remit the nonadmitted policy surcharge provided for herein.

(5) The nonadmitted policy surcharge must be a percentage of the total policy premium, but the nonadmitted policy surcharge must not be considered premium and is not subject to premium taxes or commissions. However, failure to pay the nonadmitted policy surcharge must be treated the same as failure to pay premium. 'Total policy premium' includes taxes and commissions.

(6) The nonadmitted policy surcharge percentage must be the same percentage as the surcharge that has been approved by the board and director.

(7) Within thirty days of the end of the quarter, surplus lines insurance producers or brokers placing insurance through nonadmitted insurers shall remit to the department all nonadmitted policy surcharges collected in the preceding quarter. Surplus lines insurance producers or brokers placing insurance through nonadmitted insurers may designate another surplus lines insurance producer or broker that actually procured the insurance from the nonadmitted carrier to collect and remit the nonadmitted policy surcharges.

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(8) Each insured in this State who directly procures or renews insurance with a nonadmitted insurer on medical malpractice insurance other than insurance procured through a surplus lines licensee, must be subject to the nonadmitted policy surcharge which must be paid by the insured according to the procedures provided for premium taxes in Section 38-79-220 (4).

(9) Monies derived from the nonadmitted policy surcharge collected under this section must be distributed by the department to the association and the fund, with the association receiving fifty-five percent of the fee and the fund receiving forty-five percent. The nonadmitted policy surcharge must continue until the surcharge established in Section 38-79-220(1) is eliminated.

~~Section 38-79-230. All insurers which are members of the association shall participate in its writings, expenses, profits, and losses in the proportion that the net direct premiums of each member (excluding that portion of premiums attributable to the operation of the association) written during the preceding calendar year bear to the aggregate net direct premiums written in this State by all members of the association. Each insurer's participation in the association must be determined annually on the basis of the net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the insurer with the department. The assessment of a member insurer, after hearing, may be ordered deferred in whole or in part upon application by the insurer if, in the opinion of the director or his designee, payment of the assessment may render the insurer insolvent or in danger of insolvency or otherwise may leave the insurer in a condition that further transaction of the insurer's business may be hazardous to its policyholders, creditors, members, subscribers, stockholders, or the public. If payment of an assessment against a member insurer is deferred by order of the director or his designee in whole or in part, the amount by which the assessment is deferred must be assessed against other member insurers in the same manner as provided in this section. In the order of deferral or in subsequent orders as may be necessary, the director or his designee shall prescribe a plan by which the assessment deferred must be repaid to the association by the impaired insurer with interest at the six month treasury bill rate adjusted semiannually. Profits, dividends, or other funds of the association to which the insurer is otherwise entitled may not be distributed to the impaired insurer but must be applied toward repayment of any assessment until the obligation has been satisfied. The association shall distribute the repayments, including interest on them, to the other~~



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~~member insurers on the basis on which assessments were made.~~  
Reserved.

Section 38-79-240. Every member of the Association is bound by the approved plan of operation of the Association and by any other rules the board of directors of the Association lawfully prescribes.

Section 38-79-250. ~~(1) If the authority of an insurer to transact bodily injury liability insurance, other than automobile, homeowners, or farmowners, in this State terminates for any reason its obligations as a member of the association nevertheless continue until all its obligations have been fulfilled and the director or his designee has so found and certified to the board of directors.~~

~~(2) If a member insurer merges into or consolidates with another insurer authorized to transact such insurance in this State or another insurer authorized to transact such insurance in this State has reinsured the insurer's entire general liability business in this State, both the insurer and its successor or assuming reinsurer, as the case may be, are liable for the insurer's obligations in respect to the association.~~

~~(3) Any unsatisfied net liability of any insolvent member of the association must be assumed by and apportioned among the remaining members in the same manner in which assessments or gain and loss are apportioned and the association shall thereupon acquire and have all rights and remedies allowed by law in behalf of the remaining members against the estate or funds of the insolvent insurer for funds due the association.~~

~~(4) The State is not responsible for any costs, expenses, liabilities, judgments, or other obligations of the association.~~

Section 38-79-260. The association is governed by a board of ~~thirteen~~ eleven directors, all of whom must be appointed by the Governor within thirty days of the effective date of this Section. The director or his designee shall serve as an ex officio member of the board. The Governor shall appoint ~~five~~ four health care providers after consultation with the South Carolina Medical Association, the South Carolina Dental Association, the South Carolina Nurses' Association, and the South Carolina ~~Health Alliance~~ Hospital Association; four medical malpractice insurance representatives after consultation with the ~~insurance industry~~ three members with the largest proportion of net-direct premium; one consumer representative who is unaffiliated with the insurance or health care industries or the medical or legal professions; one representative representing property and casualty insurers; and ~~two~~ one licensed insurance ~~agents or brokers~~ agent or broker who is not employed by the same insurer or insurer group as any of the four insurance

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representatives. The professional associations listed and the insurance industry may nominate qualified individuals to the Governor for his consideration. The Governor may also receive nominations for appointments to the board from any other individual, group, or association. Notices of vacancies on the board must be published in newspapers of general statewide circulation. ~~The director or his designee shall serve as an ex-officio member of the board.~~ The board shall develop a plan of operation which is subject to the approval of the director or his designee as provided in this article. The plan of operation shall provide for staggered terms of the members of the board. The approved plan of operation of the association may make provision for combining insurers under common ownership or management into groups for voting, assessment, and all other purposes and may provide that not more than one of the officers or employees of a group may serve as a director at any one time. The board shall elect a chairman, who must represent a voting member, and other necessary officers for two-year terms. A vacancy must be filled for the unexpired portion of the term only. The Governor may receive recommendations from any individual, group, or association for any vacancy on the board. The board must meet at the call of the chairman or a majority of the members of the board, but in any event it must meet at least once a year.

Section 38-79-280. The association shall file in the office of the department annually, by March first, a statement which contains information with respect to its transactions, condition, operations, and affairs during the preceding year. The statement shall contain such matters and information as are prescribed by the director or his designee and must be in the form he directs. The director or his designee may, at any reasonable time, require the association to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation, and experience of the association.

Section 38-79-290. The director or his designee shall make an examination into the financial condition and affairs of the association at least annually and shall file a report thereon with the department, the Governor, and the General Assembly. The expenses of the examination must be paid by the association.”

SECTION 2. Section 38-79-430 of the 1976 Code is amended to read:

“Section 38-79-430. The Board of Governors (board) is created to manage and operate the fund. The board is composed of three physicians to be appointed by the Governor after consultation with the South

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Carolina Medical Association, two dentists to be appointed by the Governor after consultation with the South Carolina Dental Association, two hospital representatives to be appointed by the Governor after consultation with the South Carolina Hospital Association, two insurance representatives to be appointed by the Governor after consultation with the medical malpractice insurance industry, one attorney to be appointed by the Governor after consultation with the South Carolina Bar, one attorney to be appointed by the Governor after consultation with the South Carolina Trial Lawyers Association, and two representatives of the general public appointed by the Governor who are unaffiliated with insurance or health care industries or the medical or legal professions. The appointed members shall serve for a term of six years. The board shall elect a chairman and other necessary officers for two-year terms. The board must meet at the call of the chairman or a majority of the members but in any event it must meet at least once a year. A majority of the board members shall constitute a quorum for the transaction of any business of the board. The affirmative vote by a majority of the quorum present at a duly called meeting after notice is required to exercise any function of the board. The board may promulgate any regulations necessary to carry out the provisions of this article.

The board shall develop a plan of operation for the efficient administration of the fund consistent with the provisions of this article. The fund must operate pursuant to a plan of operation which provides for the economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of excess medical malpractice insurance and which may contain other provisions including, but not limited to, assessment of all members for expenses, deficits, losses, commissions' arrangements, reasonable underwriting standards, acceptance and cession of reinsurance appointment of servicing carriers, and procedures for determining the amounts of insurance to be provided by the fund. The fund may not grant retroactive coverage to members. The plan of operation and any amendments to the plan are subject to the approval of the director or his designee. If the board fails to develop a plan of operation within the timeframe established by the Governor or his designee, the director or his designee shall develop the plan of operation for the fund.”

SECTION 3. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

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Senator GROOMS explained the committee amendment.

The amendment was tabled.

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

**Motion Adopted**

On motion of Senator MALLOY, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

**PRESIDENT PRESIDES**

At 3:39 P.M., the PRESIDENT assumed the Chair.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3785 -- Reps. Sandifer, Howard, Thayer, West and Weeks: A BILL TO AMEND SECTION 40-2-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF THE BOARD OF ACCOUNTANCY, SO AS TO REMOVE AN OBSOLETE REFERENCE AND TO PROVIDE MEETINGS MAY BE CLOSED IN CERTAIN INSTANCES PURSUANT TO FEDERAL LAW OR AT THE DISCRETION OF THE BOARD; TO AMEND SECTION 40-2-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CERTIFIED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANTS, SO AS TO REVISE A DEFINITION; TO AMEND SECTION 40-2-35, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EXAMINATIONS BE COMPUTER BASED; TO AMEND SECTION 40-2-80, RELATING TO THE CONFIDENTIAL TREATMENT OF CERTAIN EVIDENCE OBTAINED DURING INVESTIGATIONS BY THE BOARD, SO AS TO PROVIDE ALL PROCEEDINGS AND INQUIRIES RELATED TO THE INVESTIGATIONS ARE CONFIDENTIAL EXCEPT AS OTHERWISE PROVIDED; TO AMEND SECTION 40-2-90, RELATING TO INVESTIGATIONS BY THE BOARD, SO AS TO REMOVE A DUPLICATIVE REFERENCE AND TO PROVIDE DISCIPLINARY HEARINGS BY THE BOARD MUST BE OPEN TO THE PUBLIC EXCEPT IN CERTAIN CIRCUMSTANCES; TO

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AMEND SECTION 40-2-240, RELATING TO LICENSURE OF OUT-OF-STATE PERSONS BY THE BOARD, SO AS TO REVISE CRITERIA FOR SUCH LICENSURE; AND TO AMEND SECTION 40-2-340, RELATING TO DISCLAIMERS THAT ACCOUNTING PRACTITIONERS AND ACCOUNTING PRACTITIONER FIRMS MUST USE WHEN ASSOCIATING THEIR NAMES WITH CERTAIN COMPILED FINANCIAL STATEMENTS, SO AS TO REMOVE THE EXISTING BOILERPLATE LANGUAGE AND INSTEAD PROVIDE SUCH DISCLAIMERS MUST COMPLY WITH CERTAIN NATIONAL STANDARDS.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (3785R001.KMM.TCA), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 26 through 28 and inserting:

~~/provided for~~ All evidence, including the records that the board or the board's hearing panel considers, must be made part of the record in the proceedings. These hearings must be open to the public, except: /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen

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McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

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

**OBJECTION**

S. 493 -- Senators Senn, Talley, Sabb, Sheheen, Kimpson, McElveen, Allen, Gregory, McLeod, Harpootlian and Hembree: A BILL TO AMEND SECTION 38-77-170 OF THE 1976 CODE, RELATING TO CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF A MOTOR VEHICLE CAUSING INJURY OR DAMAGE IS UNKNOWN, TO PROVIDE THAT THERE IS A RIGHT OF ACTION OR RECOVERY UNDER THE UNINSURED MOTORIST PROVISION IF THE INJURY OR DAMAGE WAS CAUSED BY THE UNKNOWN VEHICLE, OR THE INSURED CAN PROVE THAT THE INJURY OR DAMAGE WAS CAUSED BY AN UNKNOWN VEHICLE BY AN ELECTRONIC OR OTHER RECORDING OR OTHER CLEAR AND CONVINCING EVIDENCE.

Senator SENN spoke on the Bill.

Senator GROOMS objected to consideration of the Bill.

**READ THE SECOND TIME**

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

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AMEND SECTION 27-16-130, RELATING TO THE TAXATION OF THE TRIBE, SO AS TO DELETE A CONTRARY PROVISION.

The Senate proceeded to the consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 1**

**AYES**

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

**Total--43**

**NAYS**

Massey

**Total--1**

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

**READ THE SECOND TIME**

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

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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.

The Senate proceeded to the consideration of the Bill.

Senator VERDIN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

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**Total--0**

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

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

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

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (3728R001.SP.DBV), which was adopted:

Amend the bill, as and if amended, page 4, by striking line 5 and inserting:

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/antidote was administered to the person. If no history exists, then Drug Control shall confirm that the antidote was administered in response to a verified opioid overdose. If the antidote was administered in error, then Drug Control shall document the error. /

Re-number sections to conform.

Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (3728R002.SP.TD), which was adopted:

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

/SECTION \_\_. Section 44-53-360(a), (b), and (d) of the 1976 Code is amended to read:

“Section 44-53-360. (a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, or in emergency situations as prescribed by the department by regulation, no controlled substance included in Schedule II may be dispensed without the written or electronic prescription of a practitioner. Prescriptions shall be retained in conformity with the requirements of Section 44-53-340. No prescription for a controlled substance in Schedule II may be refilled.

(b) A pharmacist may dispense a controlled substance included in Schedule III, IV, or V pursuant to either a written or electronic prescription signed by a practitioner, or a facsimile of a written, signed prescription, transmitted by the practitioner or the practitioner’s agent to the pharmacy, or pursuant to an oral prescription, reduced promptly to writing and filed by the pharmacist. A prescription transmitted by facsimile must be received at the pharmacy as it was originally transmitted by facsimile and must include the name and address of the practitioner, the phone number for verbal confirmation, the time and date of transmission, and the name of the pharmacy intended to receive the transmission, as well as any other information required by federal or state law. Such prescription, when authorized, may not be refilled more than five times or later than six months after the date of the prescription unless renewed by the practitioner.

(d) Unless specifically indicated in writing on the face of the prescription or noted in the electronic prescription that it is to be refilled, and the number of times specifically indicated, no prescription may be

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refilled. The indication of ‘PRN’ or ‘ad lib’ or phrases, abbreviations, or symbols of like meaning shall not be construed as to exceed five refills or six months, whichever shall first occur. Preprinted refill instructions on the face of a prescription shall be disregarded by the dispenser unless an affirmative marking or other indication is made by the prescriber.”

SECTION \_\_. Section 44-53-360(j) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“(A) Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe any controlled substance included in Schedules II, III, IV, and V. This subsection does not apply to prescriptions for a controlled substance included in Schedules II through V issued by any of the following:

(i) a practitioner, other than a pharmacist, who dispenses directly to the ultimate user;

(ii) a practitioner who orders a controlled substance included in Schedules II through V to be administered in a hospital, nursing home, hospice facility, outpatient dialysis facility, or residential care facility;

(iii) a practitioner who experiences temporary technological or electrical failure or other extenuating technical circumstances that prevent a prescription from being transmitted electronically; however, the practitioner must document the reason for this exception in the patient’s medical record;

(iv) a practitioner who writes a prescription for a controlled substance included in Schedules II through V to be dispensed by a pharmacy located on federal property; however, the practitioner must document the reason for this exception in the patient’s medical record;

(v) a person licensed to practice veterinary medicine pursuant to Chapter 69, Title 40; or

(vi) a practitioner who writes a prescription for a controlled substance included in Schedules II through V for a patient who is being discharged from a hospital, emergency department, or urgent care.

(B) A prescription for a controlled substance included in Schedules II, III, IV, and V that includes elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard is exempt from this subsection.

(C) A dispenser is not required to verify that a practitioner properly falls under one of the exceptions specified in item (a) or (b) before dispensing a controlled substance included in Schedules II through V. A dispenser may continue to dispense a controlled substance included in

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Schedules II through V from valid written, oral, faxed, or electronic prescriptions that are otherwise consistent with applicable laws.

(D) A dispenser is immune from any civil or criminal liability or disciplinary action from the State Board of Pharmacy for dispensing a prescription written by a prescriber that is in violation of this subsection.” /

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

Senator DAVIS proposed the following amendment (3728R004.SP.TD), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 36-37 and inserting an appropriately numbered new SECTION to read:

/SECTION \_\_. This act takes effect January 1, 2021. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler

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Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 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.

The Senate proceeded to the consideration of the Resolution.

Senator HEMBREE explained the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 44; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms

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Harpootlian	Hembree	Hutto
Johnson	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

**Total--44**

**NAYS**

**Total--0**

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

**CARRIED OVER**

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.

On motion of Senator GAMBRELL, the Joint Resolution was carried over.

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.

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On motion of Senator GAMBRELL, the Joint Resolution was carried over.

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.

On motion of Senator GAMBRELL, the Joint Resolution was carried over.

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.

On motion of Senator GAMBRELL, the Joint Resolution was carried over.

**READ THE SECOND TIME**

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.

The Senate proceeded to the consideration of the Bill.

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

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

**Ayes 44; Nays 0**

**AYES**

Alexander

Allen

Bennett

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

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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.

The Senate proceeded to the consideration of the Bill.

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

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

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

**CARRIED OVER**

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.

On motion of Senator GAMBRELL, the Joint Resolution was carried over.

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

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THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

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

On motion of Senator GAMBRELL, the Joint Resolution was carried over.

**AMENDED, READ THE SECOND TIME**

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.

The Senate proceeded to the consideration of the Bill.

Senators RANKIN and GOLDFINCH proposed the following amendment (JUD4411.001), which was adopted:

Amend the bill, as and if amended, page 1, after line 39, in Section 7-7-320(A), as contained in SECTION 1, by adding a line to read:

/ Burgess #5 /

Amend the bill further, as and if amended, page 2, by striking line 22 in its entirety, in Section 7-7-320(A), as contained in SECTION 1.

Re-number sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

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

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

**Ayes 44; Nays 0**

**AYES**

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

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 829 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS APPLICABLE TO SPECIFIC PROPERTIES, DESIGNATED IN REGULATION DOCUMENT NUMBER 4860, WITH THE EXCEPTION OF REGULATION 123-204 Z., RELATING TO A PROHIBITION OF ACCESS TO CERTAIN PUBLIC TRUST LANDS, WHICH IS DISAPPROVED, PURSUANT TO THE

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PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to the consideration of the Resolution.

**Point of Order**

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

Senator HUTTO moved to suspend the one day requirement on S. 829.

The motion was adopted.

Senator CAMPSSEN explained the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 38; Nays 1**

**AYES**

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

**Total--38**

**NAYS**

Kimpson

**Total--1**

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

**AMENDED, READ THE SECOND TIME**

H. 3079 -- Reps. Pope, Burns, Bryant, Clyburn, Yow, Brown, Hixon and Forrest: A BILL TO AMEND SECTION 16-11-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE-PAINTED BOUNDARIES.

On motion of Senator CLIMER, with unanimous consent, the Senate proceeded to the consideration of the Bill.

**Point of Order**

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

The PRESIDENT overruled the Point of Order.

Senator YOUNG proposed the following amendment (JUD3079.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 2-4 and inserting therein:

/ normal water surface. These marks must be affixed to immovable, permanent objects including, but not limited to, trees and fence posts, that are not more than one hundred yards apart and readily visible to any person approaching the property. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

Senator ALLEN proposed the following amendment (JUD3079.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 4 and inserting therein:

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/ and readily visible to any person approaching the property. The provisions of this subsection relating to purple-painted markings shall not apply to any property within the limits of a municipality. /

Renumber sections to conform.

Amend title to conform.

Senator ALLEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

**Motion Adopted**

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

**AMENDED, READ THE SECOND TIME**

H. 3243 -- Reps. Bernstein, W. Cox, Fry, Clemmons and Hixon: A BILL TO AMEND SECTION 8-21-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A SCHEDULE OF SPECIFIED FILING AND RECORDING FEES, SO AS TO REVISE AND FURTHER PROVIDE FOR VARIOUS FILING FEES, INCLUDING A FLAT FEE OF TWENTY-FIVE DOLLARS FOR CERTAIN DOCUMENTS FILED OR RECORDED WITH THE REGISTER OF DEEDS OR CLERKS OF COURT, AND A FLAT FEE OF TEN DOLLARS FOR CERTAIN OTHER DOCUMENTS FILED OR RECORDED WITH THE REGISTER OF DEEDS OR CLERKS OF COURT, AS APPROPRIATE, AND TO PROVIDE EXCEPTIONS.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY proposed the following amendment (3243R002.SP.SFT), which was adopted:

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

/SECTION 1. Section 8-21-310 of the 1976 Code is amended to read:

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~~“Section 8-21-310. Except as otherwise expressly provided, the following fees and costs must be collected on a uniform basis in each county by clerks of court and registers of deeds or county treasurers as may be determined by the governing body of the county:~~

~~(1) for recording a deed to or a mortgage on real estate, ten dollars; and an additional one dollar a page for any deed or mortgage containing more than four pages; for entry of a deed or mortgage that covers both real estate and personal property in the indexes for both real and personal property conveyances or mortgages, one dollar additional;~~

~~(2) for recording a chattel mortgage, conditional sale contract, lease or contract of sale of personal property, and any other document required to be recorded under the Uniform Commercial Code (Title 36), the fees provided in Title 36;~~

~~(3) for recording an instrument which assigns, transfers, or affects a single real estate mortgage or other instrument affecting title to real property or lien for the payment of money, unless it is part of the original instrument when initially filed, six dollars; and if the instrument assigns, transfers, or affects more than one real estate mortgage, instrument, or lien, six dollars for each mortgage, instrument, or lien assigned, transferred, or affected and referred to in the instrument and an additional one dollar for each page for any instrument exceeding one page;~~

~~(4) for recording any lease, contract of sale, trust indenture, or other document affecting title or possession of real property not otherwise provided for in this section, ten dollars, and an additional one dollar a page for a document containing more than four pages;~~

~~(5) for recording satisfaction on the record of a mortgage of real estate or a chattel mortgage or other recorded lien, and certifying the entry on the original or a copy, five dollars;~~

~~(6) for recording separate probates, affidavits, or certificates which are not part of or attached to another document to be recorded, ten dollars;~~

~~(7) for recording a plat larger than eight and one half by fourteen inches, ten dollars; for plats of ‘legal size’ dimensions, or smaller, five dollars;~~

~~(8) for recording decree of foreclosure or partition of real property in mortgage book or deed book, the same fee as for recording deed or mortgage of real estate;~~

~~(9) for recording any other paper affecting title or possession of real estate or personal property and required by law to be recorded, except judicial records, ten dollars, and an additional one dollar a page for a document containing more than four pages;~~

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~~(10) for filing power of attorney, trustee qualification, or other appointment, fifteen dollars, and an additional one dollar a page for a document containing more than four pages. However, upon presentation of a copy of deployment orders to a combat zone by or on behalf of a member of the Armed Forces of the United States, the filing fee for a power of attorney for the person deployed is waived. In addition, the filing fee for a revocation of power of attorney filed by or on behalf of a member of the armed forces of the United States is waived if the revocation is filed: (i) within three years from the date of filing the power of attorney; and (ii) a copy of the deployment orders to a combat zone is presented. For purposes of this item, 'combat zone' has the meaning provided in Internal Revenue Service Publication 3 and includes service in a qualified hazardous duty area;~~

~~(11)(a) For filing first complaint or petition, including application for a remedial and prerogative writ and bond on attachment or other bond, in a civil action or proceeding, in a court of record, one hundred dollars. There is no further fee for filing an amended or supplemental complaint or petition nor for filing any other paper in the same action or proceeding. An original application for post conviction relief may be filed without fee upon permission of the court to which the application is addressed. There is no further fee for entering and filing a verdict, judgment, final decree, or order of dismissal, and enrolling a judgment thereon, for signing, sealing, and issuance of execution, or for entering satisfaction or partial satisfaction on a judgment:~~

~~(b) for filing, recording, and indexing lis pendens when not accompanied by summons and complaint, ten dollars;~~

~~(c) for receiving and enrolling transcripts of judgment from magistrate's courts and federal district courts, ten dollars;~~

~~(d) for filing and enrolling a judgment by confession, ten dollars;~~

~~(12) no fee may be charged to a defendant or respondent for filing an answer, return, or other papers in any civil action or proceeding, in a court of record;~~

~~(13) for taking and filing an order for bail with or without bond, one dollar; with bond when surety must be justified, ten dollars;~~

~~(14) for taking and filing bond or security costs, one dollar; with bond when surety must be justified, ten dollars;~~

~~(15) for filing or recording any commission of notary public or other public office, license or permit to practice any profession or trade, notice of formation or dissolution of any partnership, five dollars;~~



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~~(16) for filing the charter of any public or private corporation or association required by law to be recorded, ten dollars, and an additional one dollar a page for any such document containing more than four pages;~~

~~(17) for issuing an official certificate under seal of court not otherwise specified in this section, one dollar;~~

~~(18) for holding a hearing for condemnation proceedings, twenty five dollars a day;~~

~~(19) for filing notice of discharge in bankruptcy, fifteen dollars;~~

~~(20) for filing and enrolling and satisfaction of South Carolina and United States Government tax liens:~~

~~(a) for filing and enrolling and satisfying executions or warrants for distraint for the South Carolina Department of Employment and Workforce, the South Carolina Department of Revenue, or any other state agency, where costs of the executions or warrants for distraint are chargeable to the persons against whom such executions or warrants for distraint are issued, ten dollars;~~

~~(b) for filing and enrolling and satisfying any tax lien of any agency of the United States Government, where the costs of the executions are chargeable to the persons against whom such executions are issued, ten dollars;~~

~~The clerk shall mark 'satisfied' upon receipt of the fees provided in this item for any tax lien or warrant for distraint issued by any agency of this State or of the United States upon receipt of a certificate duly signed by an authorized officer of any agency of this State or the United States to the effect that the execution or warrant for distraint has been paid and satisfied.~~

~~(21) for filing and processing an order for the Destruction of Arrest Records, thirty five dollars, which fee must be for each order regardless of the number of cases contained in the order. The fee under the provisions of this item does not apply to cases where the defendant is found not guilty or where the underlying charge is dismissed or nol prossed unless that dismissal or nol prosse is the result of successful completion of a pretrial intervention program;~~

~~(22) for filing, indexing, enrolling, and entering a foreign judgment and an affidavit pursuant to Article 11, Chapter 35, Title 15 of the 1976 Code, one hundred dollars.~~

~~(23) for filing a notice of meter conservation charge as permitted by Section 58-37-50, ten dollars.~~

~~(24) for filing court documents by electronic means from an integrated electronic filing (e filing) system owned and operated by the~~

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South Carolina Judicial Department in an amount set by the Chief Justice of the South Carolina Supreme Court and all fees must be remitted to the South Carolina Judicial Department to be dedicated to the support of court technology.

(A) Except as otherwise provided, as determined by the governing body of a county, the clerks of court, registers of deeds, or county treasurers shall collect the following uniform filing fees:

(1) ten dollars for a deed to real estate; and

(2) fifteen dollars for the following documents:

(a) a mortgage;

(b) a land sale installment contract;

(c) a real estate sales contract;

(d) any document required to be recorded pursuant to the Uniform Commercial Code;

(e) a plat or survey not part of or attached to another document to be recorded;

(f) a lease for real estate;

(g) an easement agreement or other document affecting title or possession of real property not otherwise provided for in this section;

(h) a power of attorney, provided, however, that upon presentation of a copy of deployment orders to a combat zone by or on behalf of a member of the armed forces of the United States, the filing fee for a power of attorney for the person deployed is waived;

(i) a notice of a mechanic's lien; or

(j) any other document affecting a title or the possession of real estate that is required by law to be recorded or filed, except judicial records, including restrictive covenants, bylaws, and amendments to restrictive covenants and bylaws.

(B) Except as otherwise expressly provided, as may be determined by the governing body of a county, the clerks of court, registers of deeds, or county treasurers shall collect a uniform filing fee of ten dollars, unless otherwise stated, for the following documents or actions:

(1) a revocation of power of attorney, provided, however, that the filing fee is waived if it is filed by or on behalf of a member of the armed forces of the United States if the revocation is filed within three years from the date of filing the power of attorney and a copy of the deployment orders to a combat zone is presented. For the purposes of this item, "combat zone" has the meaning provided in Internal Revenue Service Publication 3 and includes service in a qualified hazardous duty area;

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(2) an assignment of leases and rents or the cancellation or release of an assignment of leases and rents;

(3) separate probates, acknowledgements, affidavits, or certificates that are not part of or attached to another document to be recorded;

(4) a mortgage satisfaction or release, including a partial release or entry in a public record;

(5) the recording of an instrument that assigns, transfers, or affects a single real estate mortgage or other instrument affecting a title to real property or a lien for the payment of money, unless it is part of the original instrument when initially filed, except if the instrument assigns, transfers, or affects more than one real estate mortgage, instrument, or lien, in which case the filing fee is seven dollars for each mortgage, instrument, or lien assigned, transferred, or affected and referred to in the instrument;

(6) taking and filing bond or security costs;

(7) filing a trustee qualification, memorandum of trust, or certification of trust;

(8) filing a notice of meter conservation charge as permitted by Section 58-37-50;

(9) the filing, enrolling, satisfaction, or expungement of state or federal liens. The clerk shall mark 'satisfied' upon receipt of the fees provided in this item for any lien or warrant for distraint issued by any agency of this State or of the United States upon receipt of a certificate duly signed by an authorized officer of any agency of this State or of the United States to the effect that the lien or warrant of distraint has been paid;

(10) the filing or recording of any commission of a notary public or other public office or any license or permit to practice a profession or trade required to be filed in the county where the individual permanently resides;

(11) the filing of the charter of any public or private corporation or association required by law to be recorded;

(12) the filing or recording of the dissolution of any partnership or corporate document required to be filed in the county;

(13) the filing and enrolling of a judgment by confession;

(14) the taking and filing of an order for bail with or without bond;

(15) the filing of a notice of discharge in bankruptcy;

(16) the filing, recording, and indexing of a lis pendens if not accompanied by a summons and complaint. For cancellation of a lis pendens, a fee may be required as provided in Section 15-11-40;

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(17) the recording of a release or discharge of a mechanic's lien, or notice of pendency of an action of suit to enforce a mechanic's lien in accordance with Chapter 5, Title 29; or

(18) the filing of a document relating to a title of an interest in a vacation time sharing plan organized under Chapter 32, Title 27, provided, however, that the document must include clear notice on the first page and be titled 'Vacation Time Sharing Ownership Deed,' indicating that the document relates to a deeded interest in a vacation time share plan.

(C) Except as otherwise provided, as may be determined by the governing body of the county, the clerks of court or county treasurers shall:

(1) in addition to the fee imposed by Section 14-1-204(B)(1), collect one hundred dollars for filing a first complaint or petition, including an application for a remedial and prerogative writ and bond in a civil action or proceeding. There is no further fee for filing an amended or supplemental complaint or petition or for filing any other paper in the same action of the proceeding, with the exception of motions. An original application for post-conviction relief may be filed without a fee, upon the permission of the court to which the application is addressed. There is no further fee for entering and filing a verdict, judgment, final decree, or order of dismissal and enrolling judgment thereon; for the signing, sealing, and issuance of execution; or for entering satisfaction or partial satisfaction on a judgment;

(2) collect one hundred dollars for filing, indexing, enrolling, and entering a foreign judgment and an affidavit pursuant to Article 11, Chapter 35, Title 15;

(3) collect an amount set by the Chief Justice of the South Carolina Supreme Court for filing court documents by electronic means from an integrated electronic filing, or e-filing, system owned and operated by the South Carolina Judicial Department. All fees must be remitted to the South Carolina Judicial Department to be dedicated to the support of court technology;

(4) collect thirty-five dollars for filing and processing an order for the Destruction of Arrest Records, and the fee must be for each order, regardless of the number of cases contained in the order. The fee under the provisions of this item does not apply to cases in which the defendant is found not guilty or in which the underlying charge is dismissed or nol prossed unless that dismissal or nol proesse is the result of the successful completion of a pretrial intervention program;

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(5) collect thirty-five dollars for receiving and enrolling transcripts of judgment from magistrate courts and federal district courts;

(6) collect ten dollars for taking and filing an order for bail, whether or not surety must be justified;

(7) collect ten dollars for taking and filing bond or security costs, whether or not surety must be justified;

(8) collect ten dollars for issuing an official certificate under the seal of the court not otherwise specified in this section; or

(9) collect fifteen dollars as set forth in Section 29-5-23 for a Notice of Project Commencement.

(D) No fee may be charged to a defendant or respondent for filing an answer, return, or other papers in any civil action or proceeding in a court of record.”

SECTION 2. This act takes effect August 1, 2019. /  
Renumber sections to conform.  
Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

#### **Motion Adopted**

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

#### **CARRIED OVER**

H. 3307 -- Reps. Clemmons, Fry, Crawford, Allison, Yow, Daning, Elliott, Hewitt, G.R. Smith, Hixon, Taylor, Magnuson, Gagnon, Johnson, Clary, Pendarvis, McKnight, Rose, Cogswell, Cobb-Hunter, B. Newton, Mace, Caskey, Moore, Gilliard, Blackwell, Govan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL ESTABLISH AND MAINTAIN A CASE TRACKING SYSTEM AND SEARCHABLE

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WEBSITE THAT INCLUDES CERTAIN INFORMATION ABOUT PROPERTY SEIZED BY LAW ENFORCEMENT AGENCIES AND FORFEITED UNDER STATE LAW OR UNDER ANY AGREEMENT WITH THE FEDERAL GOVERNMENT.

The Senate proceeded to the consideration of the Bill.

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

**ADOPTED**

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 Resolution was adopted, ordered returned to the House.

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 Resolution was adopted, ordered returned to the House.

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 Resolution was adopted, ordered returned to the House.

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**Expression of Personal Interest**

Senator SENN rose for an Expression of Personal Interest.

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

**MOTION UNDER RULE 32B FAILED**

Senator MASSEY, Chairman of the Committee on Rules, moved under the provisions of Rule 32B to call H. 3274 from the Contested Calendar.

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

**Ayes 18; Nays 21; Abstain 3**

**AYES**

Alexander	Bennett	Campbell
Corbin	Gambrell	Goldfinch
Gregory	Grooms	Loftis
Martin	Massey	Peeler
Rice	Shealy	Talley
Turner	Verdin	Young

**Total--18**

**NAYS**

Allen	Campsen	Cash
Davis	Fanning	Harpootlian
Hutto	Johnson	Kimpson
Malloy	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Reese
Sabb	Scott	Senn
Setzler	Sheheen	Williams

**Total--21**

**ABSTAIN**

Climer	Cromer	Hembree
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**Total--3**

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The motion under Rule 32B failed.

**RECALLED**

S. 139 -- Senators Martin, Rice and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2017", TO AMEND SECTION 16-23-20 RELATING TO THE UNLAWFUL CARRYING OF A FIREARM, TO AFFIRMATIVELY ASSERT THAT IT IS LEGAL TO CARRY A HANDGUN IN THIS STATE, UNLESS OTHERWISE PROHIBITED, WITH LOCATION EXCEPTIONS WHERE FIREARMS ARE PROHIBITED; TO AMEND 16-23-50(A)(2) TO PROVIDE THAT A PERSON WHO ENTERS A PREMISES WITH A SIGN PROHIBITING FIREARMS WHILE POSSESSING A FIREARM MUST BE CHARGED WITH TRESPASS; TO AMEND SECTIONS 16-23-420 AND 16-23-430, BOTH RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO DELETE REFERENCES TO CONCEALED WEAPON PERMITS, TO DELETE THE TERM "WEAPON" AND REPLACE IT WITH THE TERM "FIREARM", AND TO PROVIDE THAT BOTH SECTIONS DO NOT APPLY TO A PERSON WHO LAWFULLY IS CARRYING A WEAPON SECURED IN A MOTOR VEHICLE; TO DELETE SECTION 16-23-460 RELATED TO THE UNLAWFUL CARRYING OF A CONCEALED WEAPON; TO AMEND SECTION 16-23-465, RELATING TO PENALTIES FOR UNLAWFULLY CARRYING A FIREARM ONTO THE PREMISES OF A BUSINESS SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR CONSUMPTION ON THE PREMISES, TO DELETE A REFERENCE TO A PERSON CARRYING A CONCEALABLE WEAPON PURSUANT TO ARTICLE 4, CHAPTER 31, TITLE 23, TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A PERSON LAWFULLY CARRYING A WEAPON WHO DOES NOT CONSUME ALCOHOLIC LIQUOR, BEER, OR WINE WHILE CARRYING A WEAPON ON THE BUSINESS PREMISES AND TO REMOVE REFERENCE TO "CONCEALABLE WEAPON" AND REPLACE WITH "WEAPON"; TO AMEND SECTION 23-31-215, RELATING TO THE ISSUANCE OF A CONCEALED WEAPON PERMIT, TO DELETE THE PROVISION THAT REQUIRES A PERMIT HOLDER TO POSSESS HIS PERMIT IDENTIFICATION WHEN CARRYING A CONCEALABLE WEAPON, THE PROVISION THAT REQUIRES A PERMIT HOLDER TO INFORM A LAW ENFORCEMENT

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OFFICER THAT HE IS A PERMIT HOLDER AND PRESENT THE PERMIT TO THE OFFICER UNDER CERTAIN CIRCUMSTANCES AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 23-31-220, RELATING TO A PROPERTY OWNER'S RIGHT TO ALLOW A HOLDER OF A CONCEALED WEAPONS PERMIT TO CARRY A WEAPON ONTO HIS PROPERTY, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS A CONCEALABLE WEAPONS PERMIT; TO DELETE SECTIONS 23-31-225 AND 23-31-230 RELATING TO THE UNLAWFUL CARRYING OF A CONCEALED WEAPON INTO A RESIDENCE AND THE CARRYING OF A WEAPON BETWEEN AN AUTOMOBILE AND AN ACCOMMODATION; TO AMEND SECTION 23-31-235 RELATING TO THE POSTING OF SIGNS PROHIBITING "CONCEALED WEAPONS" AND REPLACE WITH CONFORMING LANGUAGE OF "WEAPONS"; AND BY AMENDING SECTION 10-11-320 RELATED TO THE TRESPASSES AND OFFENSES OF PUBLIC BUILDINGS ON CAPITOL GROUNDS, TO DELETE THE TERM "CONCEALABLE WEAPONS' PERMIT" AND REPLACE WITH THE TERM "FIREARM".

Senator MARTIN moved to recall the Bill from the Committee on Judiciary.

Senator SHEHEEN moved to table the motion to recall S. 139.

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

**Ayes 17; Nays 21**

**AYES**

Allen	Fanning	Gregory
Harpootlian	Hutto	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Nicholson
Reese	Sabb	Scott
Sheheen	Williams	

**Total--17**

**NAYS**

Alexander	Bennett	Campbell
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Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Grooms
Loftis	Martin	Peeler
Rice	Shealy	Talley
Turner	Verdin	Young

**Total--21**

Having failed to receive the necessary votes, the Senate refused to table the motion to recall S. 139.

The question then was the motion to recall S. 139 from the Committee on Judiciary.

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

**Ayes 23; Nays 19**

**AYES**

Alexander	Bennett	Campbell
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Goldfinch	Grooms	Hembree
Leatherman	Loftis	Martin
Massey	Peeler	Rice
Shealy	Talley	Turner
Verdin	Young	

**Total--23**

**NAYS**

Allen	Fanning	Gregory
Harpootlian	Hutto	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Senn	Sheheen
Williams		

**Total--19**

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

**MOTION ADOPTED**

At 5:01 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**NONCONCURRENCE**

H. 4000 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator LEATHERMAN explained the amendments.

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

**Ayes 0; Nays 42**

**AYES**

**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson

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Peeler	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Williams	Young

**Total--42**

On motion of Senator LEATHERMAN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

**NONCONCURRENCE**

H. 4001 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2018-2019, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator LEATHERMAN explained the amendments.

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

**Ayes 0; Nays 42**

**AYES**

**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

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Goldfinch	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Loftis	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Williams	Young

**Total--42**

On motion of Senator LEATHERMAN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 455 -- Senators Alexander, Climer and Davis: A BILL TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR

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**CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION  
IN THIS STATE.**

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator ALEXANDER explained the House amendments.

Senator ALEXANDER proposed the following amendment (455R004.SP.TCA), which was adopted:

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

/SECTION 1. Section 40-1-630(A) of the 1976 Code is amended to read:

“Section 40-1-630. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 ~~may~~ shall issue a temporary professional license for a profession or occupation it regulates to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member. Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active duty member of the United States Armed Forces absent evidence that all state law requirements for licensure have been met.”

SECTION 2. Section 40-1-640(A) of the 1976 Code is amended to read:

“Section 40-1-640. (A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 3. Section 40-33-20(19)(a) of the 1976 Code is amended to read:

“(a) has successfully completed an advanced, organized formal CRNA education program at a minimum of the master’s level accredited

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by the national accrediting organization of this specialty area and that is recognized by the board;”

SECTION 4. Section 40-33-34(A)(3)(b) of the 1976 Code is amended to read:

“(b) graduated before December 31, 2003, from an advanced, organized formal education program for nurse anesthetists accredited by the national accrediting organization of that specialty. CRNAs who graduate after December 31, 2003, must graduate with a minimum of a master’s degree from a formal CRNA education program for nurse anesthetists accredited by the national accreditation organization of the CRNA specialty. An advanced practice registered nurse must achieve and maintain national certification, as recognized by the board, in an advanced practice registered nursing specialty;”

SECTION 5. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Senator ALEXANDER explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 42; Nays 0; Present 1**

**AYES**

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

**Total--42**

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**NAYS**

**Total--0**

**PRESENT**

Loftis

**Total--1**

The amendment was adopted.

Senator HUTTO proposed the following amendment (455R008.SP.LAR), which was adopted:

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

/SECTION \_\_. A.Title 61 of the 1976 Code is amended by adding:

**“CHAPTER 3**

**Responsible Alcohol Server Training Act**

Section 61-3-100. For the purposes of this chapter, the following definitions apply:

(1) ‘Alcohol’ means beer, wine, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

(2) ‘Alcohol server’ means an individual who sells, serves, transfers, or dispenses alcohol for on-premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. ‘Alcohol server’ shall not include an individual employed or volunteering on a temporary basis for a one-time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink and shall not include an individual transferring alcohol from one location to another as a distributor, wholesaler, or as otherwise lawfully authorized to transfer alcohol from one location to another by this title; and shall not include an individual who cannot lawfully serve or deliver alcohol pursuant to Sections 61-4-90(D) and 61-6-2200.

(3) ‘Alcohol server certificate’ means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on-premises consumption.

(4) ‘DAODAS’ means the South Carolina Department of Alcohol and Other Drug Abuse Services.



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(5) 'Department' means the South Carolina Department of Revenue.

(6) 'Division' means the South Carolina Law Enforcement Division.

(7) 'Employee' means a person who is employed for at least ten hours a week by a permittee or a licensee.

(8) 'Licensee' means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption.

(9) 'Manager' means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on-premises consumption at the permitted or licensed premises.

(10) 'Permittee' means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption.

(11) 'Program' means an alcohol server training and education course and examination approved by the department with input from DAODAS and the division that is administered by authorized providers.

(12) 'Provider' means an individual, partnership, corporation, or other legal entity authorized by the department that offers and administers a program.

Section 61-3-110. (A) An individual shall not be employed as an alcohol server or a manager on permitted or licensed premises unless and until that individual obtains, within sixty calendar days of employment, an alcohol server certificate pursuant to the provisions of this chapter. If a permittee or licensee functions or is employed as an alcohol server or manager on the permitted or licensed premises, then the permittee or licensee must also complete training on responsible alcohol server training and obtain an alcohol server certificate pursuant to the provisions of this chapter. An alcohol server shall not be mentally or physically impaired by alcohol, drugs, or controlled substances while serving alcohol.

(B) Each permittee or licensee shall maintain at all times on its permitted or licensed premises copies of the alcohol server certificates of the permittee or licensee, if applicable, and the alcohol server certificates of each manager and each alcohol server then employed by the permittee or licensee. Copies of the alcohol server certificate must be made available, upon request, to the department, the division, or the agents and employees of each. For the purposes of enforcement of the provisions of this chapter, a permittee or licensee shall also make

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available to the department or the division, when requested, the hire date of an alcohol server.

(C) Failure to produce a copy of an alcohol server certificate when an alcohol server has been employed for sixty calendar days is prima facie evidence that an alcohol server certificate has not been issued and shall subject the permittee or licensee to fines and penalties in accordance with this chapter.

Section 61-3-120. (A)(1) The department, in collaboration with DAODAS and the division, is authorized to approve alcohol server training programs, based on best evidence practice standards, offered by providers. A program that has not received approval within ninety days from submission shall be considered denied. A provider may appeal denial pursuant to Section 61-2-260 and the South Carolina Administrative Procedures Act.

(2) A provider shall not charge an individual more than thirty-five dollars for a training program.

(B) The curricula of each program must include the following subjects:

(1) state laws and regulations pertaining to:

(a) the sale and service of alcoholic beverages;

(b) the permitting and licensing of sellers of alcoholic beverages;

(c) impaired driving or driving under the influence of alcohol or drugs;

(d) liquor liability issues;

(e) the carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages; and

(f) life consequences, such as the loss of education scholarships, to minors relating to the unlawful use, transfer, or sale of alcoholic beverages;

(2) the effect that alcohol has on the body and human behavior, including, but not limited to, its effect on an individual's ability to operate a motor vehicle when intoxicated;

(3) information on blood alcohol concentration and factors that change or alter blood alcohol concentration;

(4) the effect that alcohol has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;

(5) information on recognizing the signs of intoxication and methods for preventing intoxication;

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(6) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;

(7) methods of identifying and refusing to serve or sell alcoholic beverages to individuals under twenty-one years of age and intoxicated individuals;

(8) methods for properly and effectively checking the identification of an individual, for identifying illegal identification, and for handling situations involving individuals who have provided illegal identification; and

(9) other topics related to alcohol server education and training designated by the department, in collaboration with DAODAS and the division, to be included.

(C) The department shall approve only online or classroom designed training programs that meet each of the following criteria:

(1) A program must cover the content specified in subsection (B). If a program does not include law enforcement information in its general course material, then specific South Carolina law enforcement information must be provided in a South Carolina training supplement document.

(2) The content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and must be developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible.

(3) A program may be offered online or through classroom instruction.

(4) Classroom training must be at least four hours, be available in English and Spanish, and include a test.

(5) Online or computer-based training programs shall use linear navigation that requires the completion of a module before the course proceeds to the next module, with no content omitted; be interactive; have audio for content; and include a test.

(6) Training and testing shall be conducted by any means available, including, but not limited to, online, computer, classroom, and live trainers. All tests must be monitored by a manager or proctor. A passing grade for a test, as provided by the program, is required.

(7) Training certificates are issued by the provider only after training is complete and a test has been passed successfully.

(8) Within ten business days after a training is completed, each provider must give to the department a report of all individuals who have successfully completed the training and testing. The provider must also

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maintain these records for at least five years following the end of the training program for purposes of verifying certification validity by the department or the division.

(D) The department, in collaboration with DAODAS and the division, may suspend or revoke the authorization of a provider that the department determines has violated the provisions of this chapter. If a provider's authorization is suspended or revoked, then that provider must cease operations in this State immediately and refund any money paid to it by individuals enrolled in that provider's program at the time of the suspension or revocation.

Section 61-3-130. (A) The provider of a program that is authorized by the department shall pay a fee, in an amount to be determined by the department, not to exceed five hundred dollars per year, renewable each year. State agency providers are exempt from payment. Each fee shall be deposited into the Responsible Alcohol Server Training Fund to assist with the costs associated with implementation and enforcement of the provisions of this chapter.

(B) The Responsible Alcohol Server Training Fund is a revolving fund, and no funds deposited therein shall revert to the general fund of the state treasury.

(C) On or before the second Tuesday of each year, the department, with the assistance of the division, shall make a report of all income and expenditures made from the Responsible Alcohol Server Training Fund as of December thirty-first of the previous year. A copy of the report shall be given to the Governor, the Speaker of the House of Representatives, and the President of the Senate; posted on the websites of the department and the division; and recorded in the journals of each body of the General Assembly at the beginning of each legislative year.

Section 61-3-140. (A)(1) The department shall issue an alcohol server certificate to each applicant who completes an approved program or a recertification program and who provides other information as may be required by the department in an application form that is available on the department's website. A person must apply for an alcohol server certificate within six months of completing a program. The department, if circumstances warrant the issuance of a temporary alcohol server certificate, may issue a temporary alcohol server certificate that is valid for a period of not more than thirty calendar days.

(2) The department, in collaboration with DAODAS and the division, may issue an alcohol server certificate to an individual from out of the State who applies for an alcohol server certificate if the individual has an alcohol server certificate from a nationally recognized or

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comparable, state-recognized alcohol server certification program that the department, DAODAS, and the division find meets or exceeds the programs offered in this State.

(B) Alcohol server certificates shall not be issued to graduates of programs that are not approved by the department.

(C) An alcohol server certificate is the property of the individual to whom it is issued and is transferrable among employers.

(D) Alcohol server certificates are valid for a period of three years from the date that the alcohol server certificate was issued. After the three-year period, a new or recertified alcohol server certificate must be obtained pursuant to the provisions of this chapter in order for the holder to be employed as a server.

(E) Upon expiration of an alcohol server certificate, the individual to whom the alcohol server certificate was issued may obtain recertification in accordance with regulations promulgated by the department and approved by the General Assembly.

(F) The department shall charge a fee, not to exceed fifteen dollars, for the issuance and renewal of an alcohol server certificate. These fees shall be deposited in the Responsible Alcohol Server Training Fund.

Section 61-3-150. (A) In addition to civil and criminal penalties available for violations of the provisions of Title 61, an alcohol server who violates the provisions of this chapter, upon a final administrative determination:

(1) for a first offense, may be fined not more than fifty dollars, have his alcohol server certificate suspended for a period not to exceed fifteen days, or both;

(2) for a second offense not related to the first offense, may be fined not more than two hundred dollars, have his alcohol server certificate suspended for a period not to exceed thirty days, or both; and

(3) for a third or subsequent offense not related to earlier offenses, may be fined not more than three hundred fifty dollars, have his alcohol server certificate suspended not more than six months, or both.

(B) Fines collected pursuant to this chapter shall be deposited in the Responsible Alcohol Server Training Fund.

(C) The department may issue an administrative order to suspend or revoke the certificate of an alcohol server who repeatedly violates the provisions of this chapter within a three-year period of time. In lieu of suspension or revocation of an alcohol server certificate, the department may require that the individual who has violated the provisions of this chapter attend and successfully complete either the full program or a recertification program.

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(D) An individual whose alcohol server certificate is suspended or revoked is prohibited from serving in a South Carolina business permitted or licensed pursuant to Title 61 for such period as stated in the suspension or revocation order and until the individual obtains a new alcohol server certificate pursuant to the provisions of this chapter. The department shall make the information on suspended or revoked alcohol server certificates accessible for licensees and permittees to verify when necessary.

(E) The provisions of this chapter shall not be interpreted to waive the liability of a permittee or licensee that may arise pursuant to the provisions of Title 61.

Section 61-3-160. As a requirement for application or renewal of a permit or license for on-premises consumption under Chapter 4, Title 61 or Chapter 6, Title 61, a permittee or licensee for on-premises consumption must submit to the department proof that the permittee or licensee, if applicable, and each manager and alcohol server employed by the permittee or licensee during the upcoming or prior permit or license period have or have held valid alcohol server certificates at all times that alcoholic beverages were sold, served, or dispensed.

Section 61-3-170. The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61-2-260 and the South Carolina Administrative Procedures Act.”

B. Section 61-2-60 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) regulations governing the development, implementation, education, and enforcement of responsible alcohol server training provisions.”

C. Section 61-2-145 of the 1976 Code is amended to read:

“Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars during the period of the biennial permit or license. ~~Failure~~ The department must automatically suspend the permit or license for any person who fails to maintain this coverage ~~constitutes grounds for suspension or revocation of the permit or license.~~

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(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on-premises consumption after five o'clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on-premises consumption after five o'clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement. Upon notification of the permit or license holder's lapse or termination of the liquor liability insurance policy or general liability insurance policy, the department must automatically suspend the permit or license theretofore issued.

(D) Notwithstanding any other provision of law, when the department has suspended the permit or license pursuant to subsection (A) or (C), the permittee or licensee may request an expedited contested case hearing with the Administrative Law Court to review the department's decision. The expedited hearing must be held within thirty days from the request, and the judge must issue an order no later than fifteen business days after the hearing is concluded.

~~(D)~~(E) For the purposes of this section, the term 'alcoholic beverages' means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61."

D. Section 61-4-50 of the 1976 Code is amended to read:

"Section 61-4-50. (A) It is unlawful for a person to sell beer, ale, porter, wine, or other similar malt or fermented beverage to a person under twenty-one years of age. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61

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must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.

(B) Failure of a person to require identification to verify a person's age is prima facie evidence of the violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate ~~also~~ is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed  ~~fifty~~ thirty-five dollars. A person who violates the provisions of this section who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61 and to obtain a new alcohol server certificate."

E. Section 61-4-90(A) of the 1976 Code is amended to read:

"Section 61-4-90. (A) It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of beer or wine in the State, unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer and wine to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense."



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F. Section 61-4-580 of the 1976 Code is amended to read:

“Section 61-4-580. (A) No holder of a permit authorizing the sale of beer or wine or a servant, agent, or employee of the permittee may knowingly commit any of the following acts upon the licensed premises covered by the holder’s permit:

(1) sell beer or wine to a person under twenty-one years of age;  
(2) sell beer or wine to an intoxicated person;  
(3) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with the following:

(a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;

(b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize;

(c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation; and

(d) this subsection is not an exception or limitation to Section 12-21-2710 or other provisions of the South Carolina Code of Laws in which gambling or games of chance are unlawful and prohibited;

(4) permit lewd, immoral, or improper entertainment, conduct, or practices. This includes, but is not limited to, entertainment, conduct, or practices where a person is in a state of undress so as to expose the human male or female genitals, pubic area, or buttocks cavity with less than a full opaque covering;

(5) permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under the laws of this State;

(6) sell, offer for sale, or possess any beverage or alcoholic liquors the sale or possession of which is prohibited on the licensed premises under the laws of this State;

(7) conduct, operate, organize, promote, advertise, run, or participate in a ‘drinking contest’ or ‘drinking game’. For purposes of this item, ‘drinking contest’ or ‘drinking game’ includes, but is not limited to, a contest, game, event, or other endeavor which encourages or promotes the consumption of beer or wine by participants at extraordinary speed or in increased quantities or in more potent form. ‘Drinking contest’ or ‘drinking game’ does not include a contest, game,

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event, or endeavor in which beer or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize. ~~Selling beer or wine in the regular course of business is not considered a violation of this section; or~~

(B) Selling beer or wine in the regular course of business is not considered a violation of this section. A violation of any provision of this section is a ground for the revocation or suspension of the holder's permit to sell beer or wine.

(C) A permittee, servant, agent, or employee of the permittee who holds an alcohol server permit and violates the provisions of items (A)(1) or (A)(2), upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.”

G.Section 61-6-2220 of the 1976 Code is amended to read:

“Section 61-6-2220. A person or establishment licensed to sell alcoholic liquors or liquor by the drink pursuant to this article ~~may~~ shall not sell these beverages to persons in an intoxicated condition; these sales are considered violations of the provisions thereof of Chapter 6, Title 61 and subject to the penalties contained herein. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to

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Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.”

H. Section 61-6-4070(A) of the 1976 Code is amended to read:

“Section 61-6-4070. (A) It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of alcoholic liquors in the State unless the person under the age of twenty-one is recruited and authorized by a law enforcement agency to test a person’s compliance with laws relating to the unlawful transfer or sale of alcoholic liquors to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.”

I. Section 61-6-4080 of the 1976 Code is amended to read:

“Section 61-6-4080. (A) A person engaged in the sale of alcoholic liquors who knowingly sells the alcoholic liquors to a person under the age of twenty-one is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.

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(B) Failure of a person to require identification to verify a person's age is prima facie evidence of a violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate ~~also~~ is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed ~~fifty~~thirty-five dollars. A person who violates the provisions of this section who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61 and to obtain a new alcohol server certificate."

J. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, 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.

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

L. The State, through the South Carolina Department of Alcohol and Other Drug Abuse Services, shall provide alcohol server training at minimal costs to any participant for the first three years after the effective date of this act. The alcohol education training shall meet or exceed the requirements of Section 61-3-120, as added by this act, and shall be provided quarterly at no fewer than seven locations across the State. An individual who completes this training successfully is eligible to apply

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for an alcohol server certificate pursuant to the requirements of Section 61-3-140, as added by this act.

M. The provisions of Chapter 3, Title 61 and SECTIONS \_\_.B. and \_\_.C. take effect upon signature of the Governor, but the implementation and enforcement of the provisions of Chapter 3, Title 61 and the provisions of SECTIONS \_\_.D., \_\_.E., \_\_.F., \_\_.G., \_\_.H., and \_\_.I. become effective one year after the signature of the Governor. A person applying for a new permit or license under Title 61 one year after the signature of the Governor must comply with all provisions of SECTION \_\_ at the time of the application. A person renewing a permit or license under Title 61 one year after the signature of the Governor must comply with the provisions of SECTION \_\_ at the time of renewal. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 41; Nays 1; Present 1**

**AYES**

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

**Total--41**

**NAYS**

[SJ]

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Massey

**Total--1**

**PRESENT**

Loftis

**Total--1**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**CONCURRENCE**

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.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GOLDFINCH explained the amendments.

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

**Ayes 34; Nays 3; Present 1; Abstain 4**

**AYES**

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Davis	Gambrell
Goldfinch	Gregory	Grooms
Harpootlian	Hutto	Leatherman
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Reese	Rice	Sabb

[SJ]

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Scott	Setzler	Shealy
Turner	Verdin	Williams
Young		

**Total--34**

**NAYS**

Fanning	Kimpson	Sheheen
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**Total--3**

**PRESENT**

Johnson

**Total--1**

**ABSTAIN**

Campsen	Cromer	Hembree
Senn		

**Total--4**

On motion of Senator GOLDFINCH, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Motion Adopted**

On motion of Senator GOLDFINCH, with unanimous consent, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

**Expression of Personal Interest**

Senator KIMPSON rose for an Expression of Personal Interest.

**Remarks to be Printed**

On motion of Senator NICHOLSON, with unanimous consent, the remarks of Senator KIMPSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

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**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Aiken County Master-in-Equity, with the term to commence July 1, 2019, and to expire June 30, 2025

M. Anderson Griffith, 1397 Woodbine Road, Aiken, SC 29803

Reappointment, Lexington County Master-in-Equity, with the term to commence January 1, 2019, and to expire January 1, 2025

James Otto Spence, 6521 Edmund Highway, Lexington, SC 29073

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Kela E. Thomas, 22 Sunturf Circle, Columbia, SC 29223-6717

*VICE* Caroline Streater

Reappointment, Lee County Master-in-Equity, with the term to commence January 1, 2019, and to expire December 31, 2025

Stephen Bryan Doby, 321 Barnett Dr., Bishopville, SC 29010

Reappointment, Georgetown County Master-in-Equity, with the term to commence January 1, 2019, and to expire January 1, 2025

Joe M. Crosby, 110 Cedar Grove Lane, Pawleys Island, SC 29585

**Motion Adopted**

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

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator ALLEN were ordered printed in the Journal of March 21, 2019:

**Remarks by Senator ALLEN**

They have been ambassadors for the Palmetto State; ambassadors who went to Ohio and whooped up in the Buck Eye Elite Showcase... Went to Georgia, whooped up in the Tournament of Champions... Went to North Carolina, beat up in the Nike Southeast Hoops Fest -- Didn't just stop there. They went on up to Maryland in the Governor's Challenge and whooped up there. So on March 2, 2019, these National Champions -- National *Prep* Champions -- stopped by Arizona Hillcrest Prep and



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whooped up on them. Then, Senator SETZLER, they stopped by West Virginia at Teays Valley High School. Senator CAMPSER, they whooped up on them -- Not one time, not two times, but three times. Gave them a good, South Carolina Senate District Seven whooping. And when they did that they were accompanied by a coach who stands here before you, and you've seen him before. He came from that alma mater in Greenville, where I attended with my afro at Southside high school, Senator CORBIN. The legendary B.J. Jackson, who has sent individuals such as Jawuan Evans to the pros. Dorian Penson, who is sending Rodney Howard from this team to Ole Miss and Chase Clackson to Winthrop. He has a 286 to 96 with 200 wins record. He has beat number 5 Huntington, number 23 Hamilton Heights, and is again number 24 in the national ranks. I could go on and on, B.J., coach, but all I have is two minutes. What my father taught me was that you can say one word or you can say a thousand words, as long as you mean what you say. So what I'm saying to you, members of the General Assembly, these ambassadors from the State of South Carolina have put us on the national map as champions. That one word -- Champions -- on and off the field. So join me in welcoming to the Senate and State House the 2019 National Prep Champions from South Carolina, ambassadors of the Palmetto State, the Legacy Early College High School Champions and their coach, B.J. Jackson, who is joined by his staff.

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**ADJOURNMENT**

At 5:57 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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