

NO. 73

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

TUESDAY, MAY 21, 2019

Tuesday, May 21, 2019
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

Numbers 15: 22,23

"But suppose you unintentionally fail to carry out all these commands that the Lord has given you through Moses. And suppose your descendants in the future fail to do everything the Lord has commanded through Moses."

Let us pray. Thank you gracious God for the day You have created for us. We rejoice in the opportunity to serve You and the people of South Carolina. We are grateful for the staff You provide us daily. Please continue to work through us all in all we do for Your glory.

As we near the Memorial Day weekend, we remember all those who gave the ultimate sacrifice for our freedom. In Your Holy name we pray, Amen.

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

MESSAGE FROM THE GOVERNOR

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

Local Appointments

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

Lauren Maurice, 290 Springhouse Dr., Aiken, SC 29803-8748 *VICE*
Melanie Dubose

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

Alvin E. Bligen, 1305 Joshua Dr., Charleston, SC 29407-5112

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Reappointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Frances L. Cain-Lofton, P. O. Box 459, McClellanville, SC 29458-0459

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James B. Gosnell, Jr., 1233 Bamboo Drive, Charleston, SC 29407-5325

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

Henry W. Guerard, P. O. Box 941, Charleston, SC 29402-0941

Reappointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

William Stephen Harris, Jr., 3224 Hydrangea Trail, Johns Island, SC 29455

Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Amanda Stilley Haselden, 7 Glenwood Ave., Charleston, SC 29403-4325

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas E. Lynn, 1432 Pine Island View., Mt. Pleasant, SC 29464-3838

Reappointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Richardine Singleton-Brown, 2172 Edward D. Singleton Drive, Charleston, SC 29412-8557

Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

New Seat:

Tiffany R. Spann-Wilder, 16977 Dorchester Rd., North Charleston, SC 29418

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Reappointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Ellen Soffar Steinberg, 34 Smith Street, Charleston, SC 29401-1748

Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Campbell Waring, 15 Moore Drive, Charleston, SC 29407-7229
VICE Leroy Linen

Initial Appointment, Chester County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Dana Greenleaf, 102 Magnolia Ave., Great Falls, SC 29055-1118
VICE Wylie G. Frederick

Initial Appointment, Dorchester County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Ryan Templeton, 5208 Fernland Way, North Charleston, SC 29420-7569

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

Russell Feaster, 396 Dawkins Road, Blair, SC 29015-8925 *VICE*
William Frederic Pope

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jannita Gaston, 66 Buckberry Lane, Winnsboro, SC 29180-7042

Reappointment, Hampton County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Algernon Gibson Solomons, 259 Martin Luther Boulevard, Estill, SC 29918-9370

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Rebecca Loadholt Adams, 56 Palmetto Wood Parkway, Irmo, SC 29063-2881

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Brian N. Buck, 104 Oaks Court, Lexington, SC 29072-7496

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Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170-2713

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Bradley S. Melton, 332 Annapolis Road, Lexington, SC 29072-2283

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Gary S. Morgan, 217 Peach Place Court, Gilbert, SC 29054-8594

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Gary W. Reinhart, 126D Breezes Drive, Lexington, SC 29072-6978

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Scott D. Whittle, 4601 Fish Hatchery Road, Gaston, SC 29053-9045

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Stephanie McKune-Grant, 410 Tecza Drive, Orangeburg, SC 29115-9192

Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Paul D. Abbott, Jr., 111 North Bennington Drive, Spartanburg, SC 29307-2632 *VICE* John Moore

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Samuel Adams, 111 Builders Court, Suite A, Spartanburg, SC 29316-6001

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Edward Addington, Post Office Box 1301, Cowpens, SC 29330-1301

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Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Whitner Bishop, 504 Audubon Dr., Spartanburg, SC 29302-2857
VICE Nancy Atkins

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Daniel Ray Burns, 1645 Caldwell Road, Campbello, SC 29322

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Karry Guillory, 905 Fenway Court, Spartanburg, SC 29316-6154

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Charles Jones, 1502 Shadicrest Terrace, Spartanburg, SC 29301-5647

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

John J. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Teresa Ledbetter, 1445 Edwards Road, Inman, SC 29349-9607

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Vicki Rae Morgan-Smith, 110 North Main Street, Woodruff, SC 29388-1846

Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jacqueline A. Moss, 1450 Dover Rd., Apartment F, Spartanburg, SC 29301-1346
VICE Freddie Brown

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Keith Sherlin, 180 Magnolia Street, Room 105, Spartanburg, SC 29306-2359

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

W. Mattison Gamble, 6 Clematis Court, Sumter, SC 29150-2336
VICE Kristi Curtis

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

David S. Wood, 209 Country Club Drive, Fort Mill, SC 29715-2348

Presentation of Service Pins

In commemoration of continuous service with the State of South Carolina, Senator PEELER, PRESIDENT of the Senate, presented certificates and awarded service pins to the following Senate staff for their respective years of state service:

10 Year Pin

Lisa B. Dial

20 Year Pin

Barbara A. Morris

30 Year Pins

Kathleen M. Burns

Claude R. McMillan, III

All were highly commended for their years of devoted and loyal service.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 21, 2019, at 1:05 P.M. and the following Act was ratified:

(R103, 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: AN ACT 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 AND TO PROVIDE

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REQUIREMENTS THAT SPECIFICALLY APPLY TO A PROFESSIONAL SPORTS TEAM, AND TO INCREASE JOBS TAX CREDIT AMOUNTS IN TIER IV AND TIER III COUNTIES; 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; 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; TO AMEND SECTIONS 11-9-805 AND 11-9-830, AS AMENDED, BOTH RELATING TO THE REVENUE AND FISCAL AFFAIRS OFFICE, SO AS TO REQUIRE THE OFFICE ANNUALLY TO SUBMIT TAX EXPENDITURE REPORTS TO THE GENERAL ASSEMBLY AND TO DEFINE "TAX EXPENDITURE"; AND BY ADDING SECTION 12-10-120 SO AS TO SPECIFY CERTAIN JOB DEVELOPMENT CREDIT REQUIREMENTS THAT APPLY TO A PROFESSIONAL SPORTS TEAM.

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Leave of Absence

On motion of Senator MARTIN, at 1:06 P.M., Senator MALLOY was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator HUTTO, at 1:06 P.M., Senator M.B. MATTHEWS was granted a leave of absence for the balance of the day.

Leave of Absence

At 1:06 P.M., Senator TALLEY requested a leave of absence for Senator GAMBRELL until 3:00 P.M.

Leave of Absence

On motion of Senator SABB, at 1:21 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

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Expression of Personal Interest

Senator ALEXANDER rose for an Expression of Personal Interest.

Remarks by Senator ALEXANDER

It is the Veteran

It is the Veteran, not the preacher, who has given us freedom of religion.
It is the Veteran, not the reporter, who has given us freedom of the press.
It is the Veteran, not the poet, who has given us freedom of speech.
It is the Veteran, not the campus organizer, who has given us freedom to assemble.

It is the Veteran, not the lawyer, who has given us the right to a fair trial.

It is the Veteran, not the politician, who has given us the right to vote.

It is the Veteran, who salutes the Flag.

It is the Veteran, who serves under the Flag,

To be buried by the Flag,

So the protester can burn the Flag.

Expression of Personal Interest

Senator MARTIN rose for an Expression of Personal Interest.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 847 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE DUKE ENERGY'S WORLD OF ENERGY AT OCONEE NUCLEAR STATION UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND IT FOR ITS MANY YEARS OF SERVICE TO ITS COMMUNITY.

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The Senate Resolution was adopted.

S. 848 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE BOUNTYLAND QUICK STOP UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE BUSINESS FOR ITS MANY YEARS OF SERVICE TO ITS COMMUNITY.

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The Senate Resolution was adopted.

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S. 849 -- Senator Sabb: A SENATE RESOLUTION TO HONOR AND RECOGNIZE KINGSTREE COMMUNICATIONS, INC. FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE KINGSTREE COMMUNITY.

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The Senate Resolution was adopted.

S. 850 -- Senator Kimpson: A SENATE RESOLUTION TO CONGRATULATE THE BURKE HIGH SCHOOL CLASS OF 1959 UPON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

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The Senate Resolution was adopted.

S. 851 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE OCONEE COUNTY CHAPLAINS ASSOCIATION UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE OCONEE COMMUNITY.

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The Senate Resolution was adopted.

S. 852 -- Senator Hembree: A SENATE RESOLUTION TO CONGRATULATE THE GRAND STRAND AMATEUR RADIO CLUB AND OTHER AMATEUR RADIO CLUBS AND USERS IN SOUTH CAROLINA AS THE MEMBERS CELEBRATE AMATEUR RADIO WEEK DURING JUNE 16 TO 23, 2019.

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The Senate Resolution was adopted.

S. 853 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE AND CELEBRATE WITH JIM GANDY ON THE OCCASION OF HIS RETIREMENT AFTER TWENTY YEARS AS "SOUTH CAROLINA'S WEATHERMAN" WITH WLTX AND TO WISH HIM MANY HOURS OF HAPPINESS IN HIS HARD-EARNED RETIREMENT.

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The Senate Resolution was adopted.

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S. 854 -- Senator McLeod: A SENATE RESOLUTION TO CONGRATULATE THE CARDINAL NEWMAN BOYS SOCCER TEAM, COACHES, AND SCHOOL OFFICIALS FOR CAPTURING THEIR SECOND SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION 3A CHAMPIONSHIP TITLE IN THREE YEARS AND TO WISH THEM MUCH CONTINUED SUCCESS.

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The Senate Resolution was adopted.

S. 855 -- Senator McLeod: A SENATE RESOLUTION TO CONGRATULATE AND HONOR LEE MARIE SERRALTA MCELVEEN, HISPANIC/LATINO PROGRAM COORDINATOR FOR THE SOUTH CAROLINA COMMISSION FOR MINORITY AFFAIRS, UPON THE OCCASION OF HER RETIREMENT AFTER YEARS OF OUTSTANDING SERVICE AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 856 -- Senators McElveen, Jackson, Scott, McLeod and Harpootlian: A SENATE RESOLUTION TO CONGRATULATE COLUMBIA MAYOR STEVE BENJAMIN ON EARNING THE POSITION OF PRESIDENT OF THE UNITED STATES CONFERENCE OF MAYORS ON MAY 7, 2018, AND TO WISH HIM MUCH CONTINUED SUCCESS IN HIS ENDEAVORS TO BETTER THE CAPITAL OF OUR GREAT STATE.

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The Senate Resolution was adopted.

Message from the House

Columbia, S.C., May 20, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.60, H. 3700 by a vote of 60 to 43:

(R60, H3700) -- Reps. Bailey, Hewitt, Hardee and Clemmons: AN ACT 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

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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; AND TO AMEND SECTION 48-39-130, AS AMENDED, RELATING TO PERMITS TO UTILIZE CRITICAL AREAS, SO AS TO PROVIDE THAT A PERMIT IS NOT REQUIRED TO UNDERTAKE ACTIONS PROTECTING CERTAIN EXISTING EROSION CONTROL DEVICES.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3137 -- Reprs. 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 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 ADJUSTED BY THE SAME PERCENTAGE THAT GENERAL FUND REVENUES ARE PROJECTED TO INCREASE OR DECREASE, IF APPLICABLE, BUT NOT TO EXCEED FIVE PERCENT, TO REQUIRE THAT THE ADJUSTMENT, IF APPLICABLE, BE INCLUDED IN ALL STAGES OF THE BUDGET

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PROCESS, AND TO DELETE A PROVISION REQUIRING AMENDMENTS TO THE STATE AID TO SUBDIVISIONS ACT BE INCLUDED IN SEPARATE LEGISLATION.

Very respectfully,

Speaker of the House

Received as information.

**H. 3137--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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 Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

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Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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

Very respectfully,
Speaker of the House

Received as information.

**H. 3601--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Rose, M. Smith and Johnson to the Committee of Free Conference on the part of the House on:

H. 3602 -- Reps. 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.

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Very respectfully,
Speaker of the House
Received as information.

**H. 3602--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

H. 3602 -- Reps. 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.

On motion of Senator DAVIS, GAMBRELL and JOHNSON with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator DAVIS spoke on the report.

**H. 3602--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator DAVIS asked unanimous consent to be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

The "ayes" and "nays" were demanded and taken, resulting as follows:
Ayes 40; Nays 0

AYES

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

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

Total--40

NAYS

Total--0

Free Conference Powers were granted.

Whereupon, Senators DAVIS, GAMBRELL, and JOHNSON were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

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

Ayes 40; Nays 0

AYES

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

Total--40

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NAYS

Total--0

H. 3602 -- Free Conference Report

The General Assembly, Columbia, S.C., May 20, 2019

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

H. 3602 -- Reps. 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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/09/19.)

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

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

“(A) Where a patient is unable to consent, decisions concerning his health care may be made by the following persons in the following order of priority:

(1) a guardian appointed by the court pursuant to Article 5, Part 3 of the South Carolina Probate Code, if the decision is within the scope of the guardianship;

(2) an attorney-in-fact appointed by the patient in a durable power of attorney executed pursuant to Section 62-5-501, if the decision is within the scope of his authority;

~~(3) a person given priority to make health care decisions for the patient by another statutory provision;~~

~~(4)~~(3) a spouse of the patient unless the spouse and the patient are separated pursuant to one of the following:

(a) entry of a pendente lite order in a divorce or separate maintenance action;

(b) formal signing of a written property or marital settlement agreement; or

(c) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties;

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~~(5)~~(4) an adult child of the patient, or if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation;

~~(6)~~(5) a parent of the patient;

~~(7)~~(6) an adult sibling of the patient, or if the patient has more than one adult sibling, a majority of the adult siblings who are reasonably available for consultation;

~~(8)~~(7) a grandparent of the patient, or if the patient has more than one grandparent, a majority of the grandparents who are reasonably available for consultation;

~~(9)~~(8) any other adult relative by blood or marriage who reasonably is believed by the health care professional to have a close personal relationship with the patient, or if the patient has more than one other adult relative, a majority of those other adult relatives who are reasonably available for consultation;

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

(10) if, after good faith efforts, the hospital or other health care facility determines that the persons listed in items (1) through (9) 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 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 subsection (B)."

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

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made pursuant to Section 44-66-20~~(6)~~ 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)~~(A)(9) 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)~~ of the Adult Health Care Consent Act.”

SECTION 5. This act takes effect upon approval by the Governor./
Amend title to conform.

/s/Sen. Tom Davis

/s/Rep. Seth Cole Rose

/s/Sen. Michael W. "Mike" Gambrell

/s/Rep. George Murrell Smith, Jr.

/s/Sen. Kevin L. Johnson

/s/Rep. Jeffery Edwin "Jeff"

Johnson

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

**H. 3602--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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.

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The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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.

Very respectfully,

Speaker of the House

Received as information.

**H. 3789--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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

[SJ]

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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.

On motion of Senator GROOMS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator GROOMS spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Leatherman	Loftis	Martin
Massey	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler

[SJ]

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Shealy
Verdin

Talley
Williams

Turner
Young

Total--39

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 3789 -- Conference Report

The General Assembly, Columbia, S.C., May 17, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/07/19.)

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

[SJ]

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/ SECTION 1. Section 56-1-35 of the 1976 Code is amended to read:

“Section 56-1-35. A member of the armed services of the United States ~~and his dependents, who become~~ or his dependent who becomes a permanent ~~residents~~ resident of this State, ~~have~~ has ninety days to apply for a South Carolina driver’s license, and ~~they~~ he must be issued a license without examination except for the visual test required by Section 56-1-210 if ~~they have~~ he has a valid driver’s license from another state or territory of the United States, ~~or the District of Columbia~~. The license expires ~~on the licensee’s birth date which occurs within the fourth calendar year in which the license is issued~~ eight years from the date of issue.”

SECTION 2. Section 56-1-40(7) of the 1976 Code is amended to read:

“(7) who is not a resident of South Carolina. For purposes of determining eligibility to obtain or renew a South Carolina driver’s license, the term ‘resident of South Carolina’ shall expressly include all persons authorized by the United States Department of Justice, the United States Immigration and Naturalization Service, or the United States Department of State to live, work, or study in the United States on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. These persons and their dependents are eligible to obtain a motor vehicle driver’s license or have one renewed pursuant to this provision. A driver’s license issued pursuant to this item to a person who is not a lawful permanent resident of the United States shall expire on the later of: (1) the expiration date of the driver’s license applicant’s authorized period of stay in the United States; or (2) the expiration date of the driver’s license applicant’s employment authorization document. However, ~~in no event shall~~ a driver’s license issued pursuant to this item ~~expire less than~~ is valid for at least one year ~~or~~ but not more than five eight years from the date of its issue. Under this provision, a driver’s license valid for not more than four years must be issued upon payment of a fee of twelve dollars and fifty cents. A driver’s license that is valid for more than four years must be issued upon payment of a fee of twenty-five dollars. In addition, a person pending adjustment of status who presents appropriate documentation to the Department of Motor Vehicles shall be granted a one-year extension of his driver’s license which is renewable annually;”

SECTION 3. Section 56-1-140 of the 1976 Code is amended to read:

“Section 56-1-140. (A) Upon payment of a fee of twenty-five dollars for a license that is valid for eight years, the department shall issue to

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every qualified applicant a driver's license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a brief description and laminated colored photograph of the licensee, any marking otherwise required or in compliance with law, and a facsimile of the signature of the licensee. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

(B) An applicant for a new, renewed, or replacement driver's license may apply to the department to obtain a veteran designation on the front of his driver's license by providing a:

(1) United States Department of Defense discharge certificate, also known as a DD Form 214, Form 4, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service in the United States armed forces;

(2) National Guard Report of Separation and Record of Service, also known as an NGB Form 22, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service of at least twenty years in the National Guard; or

(3) Veterans Identification Card (VIC) or a letter from a Military Reserve component notifying the recipient of the person's eligibility for retirement pay at age sixty (twenty-year letter). A Veterans Health Identification Card (VHIC) may not be accepted.

(C) The department may determine the appropriate form of the veteran designation on the driver's license authorized pursuant to this section.

~~(C)~~(D) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund."

SECTION 4. Section 56-1-210(A) of the 1976 Code is amended to read:

~~"(A) A license issued or renewed on or after October 1, 2017, expires eight years from the date of issue on the licensee's birth date on the eighth calendar year in which it is issued."~~

SECTION 5. Section 56-1-210(E) of the 1976 Code is amended to read:

"(E) Upon payment of a fee of twenty-five dollars and any fee assessed by any associated federal agency, a commercial driver license for which there is no associated HAZMAT endorsement issued by the

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department expires eight years from the date of issue on the licensee's birth date on the fifth calendar year after the calendar year in which it is issued. Upon payment of a fee of fifteen dollars and any fee assessed by any associated federal agency, a commercial driver license for which there is an associated HAZMAT endorsement issued by the department expires five years from the date the applicant passed the Transportation Security Administration threat assessment."

SECTION 6. Section 56-1-3350(B), (C) and (D) of the 1976 Code is amended to read:

"(B) An applicant for a new, renewed, or replacement South Carolina ~~driver's license~~ identification card may apply to the Department of Motor Vehicles to obtain a veteran designation on the front of his ~~driver's license~~ identification card by providing a:

(1) United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service in the United States armed forces; ~~and~~

(2) ~~payment of a one dollar fee that must be collected by the department and placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167~~ National Guard Report of Separation and Record of Service, also known as an NGB Form 22, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable conditions' and establishes the person's qualifying military service of at least twenty years in the National Guard; or

(3) Veterans Identification Card (VIC) or a letter from a Military Reserve component notifying the recipient of the person's eligibility for retirement pay at age sixty (twenty-year letter). A Veterans Health Identification Card (VHIC) may not be accepted.

(C)(1) The fee for the issuance of the special identification card is ~~five~~ fifteen dollars for a person between the ages of five and sixteen years.

(2) ~~A~~ One identification card must be issued free to a person aged seventeen years or older per issuance cycle. A ten-dollar fee must be charged to replace a special identification card before its expiration date.

(D) The identification card expires ~~five~~ eight years from the date of issuance. A person is not permitted to have more than one valid motor vehicle driver's license or identification card at any time."

SECTION 7. Section 56-1-2080(3) of the 1976 Code is amended to read:

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“(3) The commercial driver instruction permit may not be issued for longer than six months one year. ~~Only one renewal or reissuance may be granted within a two-year period.~~”

SECTION 8. This act takes effect six months after approval by the Governor. /

Amend title to conform.

/s/Sen. Lawrence Kelly "Larry" Grooms /s/Rep. Ivory Torrey Thigpen
/s/Sen. Kevin L. Johnson /s/Rep. Richard Lloyd "Richie"
Yow

/s/Sen. David Wesley "Wes" Climer /s/Rep. Linda C. "Lin" Bennett
On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 3789 -- Reprs. 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

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MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON IS PERMITTED TO ONLY HAVE ONE DRIVER'S LICENSE OR IDENTIFICATION CARD.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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

[SJ]

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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 NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

Very respectfully,

Speaker of the House

Received as information.

**H. 3821--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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

[SJ]

TUESDAY, MAY 21, 2019

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 NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

On motion of Senator DAVIS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator DAVIS spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 39; Nays 0

AYES

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

[SJ]

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Total--39

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 3821 -- Conference Report

The General Assembly, Columbia, S.C., May 15, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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

[SJ]

TUESDAY, MAY 21, 2019

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 NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/07/19-S.)

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

/ SECTION 1. This act must be known and may be cited as the "Advanced Practice Registered Nurse Act".

SECTION 2. Section 40-33-34(D)(2) and (F)(1)(e) and (f) of the 1976 Code, as last amended by Act 234 of 2018, is further amended to read:

"(2) Notwithstanding any provisions of state law other than this chapter and Chapter 47, and to the extent permitted by federal law, an APRN may perform the following medical acts unless otherwise provided in the practice agreement:

(a) provide noncontrolled prescription drugs at an entity that provides free medical care for indigent patients;

(b) certify that a student is unable to attend school but may benefit from receiving instruction given in his home or hospital;

(c) refer a patient to physical therapy for treatment;

(d) pronounce death, certify the manner and cause of death, and sign death certificates pursuant to the provisions of Chapter 63, Title 44 and Chapter 8, Title 32;

(e) issue an order for a patient to receive appropriate services from a licensed hospice as defined in Chapter 71, Title 44; ~~and~~

(f) certify that an individual is handicapped and declare that the handicap is temporary or permanent for purposes of the individual's application for a placard; and

(g) execute a do not resuscitate order pursuant to the provisions of Chapter 78, Title 44.

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(e) may include Schedule II narcotic substances if listed in the practice agreement and as authorized by Section 44-53-300, provided, however, that the prescription must not exceed a five-day supply and another prescription must not be written without the written agreement of the physician with whom the nurse practitioner, certified nurse-midwife, or clinical nurse specialist has entered into a practice agreement, unless the prescription is written for patients in hospice or palliative care or for patients residing in long-term care facilities;

(f) may include Schedule II narcotic substances for patients in hospice or palliative care, or for patients in long-term care facilities, if listed in the practice agreement as authorized by Section 44-53-300, provided, however, that each such prescription must not exceed a thirty-day supply;”

SECTION 3. This act takes effect sixty days after approval by the Governor. /

Amend title to conform.

/s/Sen. Tom Davis

/s/Rep. William G. Herbkersman

/s/Sen. Margie Bright Matthews

/s/Rep. Gary E. Clary

/s/Sen. Michael W. "Mike" Gambrell

/s/Rep. Robert Lee Ridgeway, III

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

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

[SJ]

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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 NOT RESUSCITATE ORDERS, SO AS TO MAKE CONFORMING CHANGES.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

[SJ]

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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.

Very respectfully,
Speaker of the House
Received as information.

**H. 3986--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator CROMER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CROMER spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 39; Nays 0

AYES

Alexander

Allen

Bennett

[SJ]

33

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Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Goldfinch
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Leatherman	Loftis
Martin	Massey	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Shealy	Talley	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 3986 -- Conference Report

The General Assembly, Columbia, S.C., May 21, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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, AS AMENDED, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO DIRECT THE CODE COMMISSIONER TO MAKE CERTAIN CONFORMING CHANGES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/07/19-S.)

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

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/ SECTION 1. Article 3, Chapter 5, Title 11 of the 1976 Code is amended to read:

“Article 3

Palmetto ABLE Savings Program

Section 11-5-400. There is established the ‘~~South Carolina~~ Palmetto ABLE Savings Program’. The purpose of the ~~South Carolina~~ Palmetto ABLE Savings Program is to authorize the establishment of savings accounts empowering individuals with a disability and their families to save private funds which can be used to provide for disability related expenses in a way that supplements, but does not supplant, benefits provided through private insurance, the Medicaid program under Title XIX of the Social Security Act, the supplemental security income program under Title XVI of the Social Security Act, the beneficiary’s employment, and other sources; and to provide guidelines for the maintenance of these accounts.

Section 11-5-410. As used in this article:

(1) ‘Palmetto ABLE ~~savings~~ account’ or ‘account’ means an individual savings account established in accordance with the provisions of this article and pursuant to Section 529A of the federal Internal Revenue Code of 1986, as amended.

(2) ‘Account owner’ means the person who enters into ~~an~~ a Palmetto ABLE ~~savings~~ account agreement pursuant to the provisions of this article. The account owner also must be the designated beneficiary; however, a trustee, guardian, or conservator may be appointed as an account owner for a designated beneficiary who is a minor or lacks capacity to enter into an agreement. Also, the agent of the designated beneficiary acting under durable power of attorney may open and manage an account on behalf of and in the name of a designated beneficiary who lacks capacity.

(3) ‘Designated beneficiary’ means an eligible individual whose qualified disability expenses may be paid from the account. The designated beneficiary must be an eligible individual at the time the account is established. The account owner may change the designated beneficiary so long as the new beneficiary is an eligible individual who is a qualified member of the family of the designated beneficiary at the time of the change.

(4) ‘Eligible individual’, as defined in Section 529A(e)(1) of the federal Internal Revenue Code of 1986, as amended, means:

(a) an individual who is entitled to benefits based on blindness or disability pursuant to 42 U.S.C. Section 401, et seq. or 42 U.S.C.

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Section 1381, as amended, and the blindness or disability occurred before the date on which the individual attained age twenty-six; or

(b) an individual with respect to which a disability certification, as defined in Section 529A(e)(2) of the federal Internal Revenue Code of 1986, as amended, to the satisfaction of the Secretary of the United States Treasury is filed with the Secretary for a taxable year and the blindness or disability occurred before the date on which the individual attained age twenty-six.

(5) 'Financial organization' means an organization authorized to do business in this State and is:

- (a) licensed or chartered by the Director of Insurance;
- (b) licensed or chartered by the State Commissioner of Banking;
- (c) chartered by an agency of the federal government; or
- (d) subject to the jurisdiction and regulation of the federal Securities and Exchange Commission.

(6) 'Management contract' means a contract executed by the State Treasurer and a program manager selected to act as a depository or manager of the program, or both.

(7) 'Member of the family' has the meaning defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(8) 'Nonqualified withdrawal' means a withdrawal from an account which is not:

- (a) a qualified withdrawal; or
- (b) a rollover distribution.

(9) 'Program' means the ~~South Carolina~~ Palmetto ABLER Savings Program established pursuant to this article.

(10) 'Program manager' means a financial organization or an agency or department of another state that has been designated to administer a qualified ABLER Savings Program selected by the State Treasurer to act as a depository or manager of the program, or both.

(11) 'Qualified disability expense' means any qualified disability expense included in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(12) 'Qualified withdrawal' means a withdrawal from an account to pay the qualified disability expenses of the designated beneficiary of the account.

(13) 'Rollover distribution' means a rollover distribution as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(14) 'Savings agreement' means an agreement between the program manager or the State Treasurer and the account owner.

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(15) 'Secretary' means the Secretary of the United States Treasury.

Section 11-5-420. (A) The State Treasurer shall implement and administer the program under the terms and conditions established by this article. The State Treasurer has the authority and responsibility to:

(1) develop and implement the program in a manner consistent with the provisions of this article;

(2) engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(3) seek rulings and other guidance from the Secretary and the federal Internal Revenue Service relating to the program;

(4) make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by Section 529A of the federal Internal Revenue Code of 1986, as amended;

(5) charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction relating to the program;

(6) develop marketing plans and promotional materials;

(7) establish the methods by which the funds held in accounts must be dispersed;

(8) establish the method by which funds must be allocated to pay for administrative costs;

(9) do all things necessary and proper to carry out the purposes of this article;

(10) adopt rules and promulgate regulations necessary to effectuate the provisions of this article;

(11) prepare an annual report of the Palmetto ABLE Savings Program to the Governor, the Senate, and the House of Representatives; and

(12) notify the Secretary when an account has been opened for a designated beneficiary and submit other reports concerning the program required by the Secretary.

(B) The State Treasurer may contract with other states in developing the program.

Section 11-5-430. (A) The State Treasurer may implement the program through use of program managers as account depositories or managers, or both. The State Treasurer may solicit proposals from program managers to act as depositories or managers of the program, or both. Program managers submitting proposals shall describe the investment instruments to be held in accounts. The State Treasurer may select more than one program manager and investment instrument for the

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program. The State Treasurer may select as program depositories or managers the program managers, from among the bidding program managers, that demonstrate the most advantageous combination, both to potential program participants and this State, of the following factors:

- (1) financial stability and integrity of the program manager;
- (2) the safety of the investment instrument being offered;
- (3) the ability of the program manager to satisfy recordkeeping and reporting requirements;
- (4) the program manager's plan for promoting the program and the investment the organization is willing to make to promote the program;
- (5) the fees, if any, proposed to be charged to the account owners;
- (6) the minimum initial deposit and minimum contributions that the financial organization requires;
- (7) the ability of the program manager to accept electronic withdrawals, including payroll deduction plans; and
- (8) other benefits to the State or its residents included in the proposal, including fees payable to the State to cover expenses of the operation of the program.

(B) The State Treasurer may enter into contracts with program managers necessary to effectuate the provisions of this article. A management contract must include, at a minimum, terms requiring the program managers to:

- (1) take action required to keep the program in compliance with requirements of this article and take actions not contrary to its contract to manage the program to qualify as a 'qualified ABL ~~Savings~~ Program' as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended;
- (2) keep adequate records of each account, keep each account segregated, and provide the State Treasurer with the information necessary to prepare the statements required by Section 11-5-440;
- (3) compile and total information contained in statements required to be prepared under Section 11-5-440 and provide compilations to the State Treasurer;
- (4) if there is more than one program manager, provide the State Treasurer with information as is necessary to determine compliance with Section 11-5-440;
- (5) provide the State Treasurer with access to the books and records of the program manager to the extent needed to determine compliance with the contract, this article, and Section 529A of the federal Internal Revenue Code of 1986, as amended;

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(6) hold all accounts for the benefit of the account owner, owners, or the designated beneficiary;

(7) be audited at least annually by a firm of certified public accountants selected by the program manager, with the approval of the State Treasurer, and provide the results of the audit to the State Treasurer;

(8) provide the State Treasurer with copies of all regulatory filings and reports made by the program manager during the term of the management contract or while the program manager is holding any accounts, other than confidential filings or reports that are not part of the program. The program manager shall make available for review by the State Treasurer the results of the periodic examination of the manager by any state or federal banking, insurance, or securities commission, except to the extent that a report or reports may not be disclosed under law; and

(9) ensure that any description of the program, whether in writing or through the use of any media, is consistent with the marketing plan developed pursuant to the provisions of this article.

(C) The State Treasurer may:

(1) enter into contracts as he considers necessary and proper for the implementation of the program;

(2) require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the State Treasurer has any reason to be concerned about the financial position, the recordkeeping practices, or the status of accounts of the program depository and manager; and

(3) terminate or not renew a management agreement. If the State Treasurer terminates or does not renew a management agreement, the State Treasurer shall take custody of accounts held by the program manager and shall seek to promptly transfer the accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

(D) The State Treasurer, the Department of Social Services, the Department of Health and Human Services, and the Department of Disability and Special Needs are authorized to exchange data regarding eligible individuals to carry out the purposes of this article.

Section 11-5-440. (A) ~~An~~ A Palmetto ABLER ~~savings~~ account established pursuant to the provisions of this article must be opened by a designated beneficiary, a designated beneficiary's agent under a durable power of attorney, a trustee holding funds for the benefit of a designated beneficiary, or a court appointed guardian or conservator of

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a designated beneficiary. Each designated beneficiary may have only one account. The State Treasurer may establish a nonrefundable application fee. An application for an account must be in the form prescribed by the State Treasurer and contain the following:

- (1) name, address, and social security number of the account owner;
- (2) name, address, and social security number of the designated beneficiary, if the account owner is the beneficiary's trustee or guardian;
- (3) certification relating to no excess contributions; and
- (4) additional information as the State Treasurer may require.

(B) A person may make contributions to ~~an~~ a Palmetto ABLER savings account after the account is opened, subject to the limitations imposed by Section 529A of the federal Internal Revenue Code of 1986, as amended, or any adopted rules and regulations promulgated by the State Treasurer pursuant to this article.

(C) Contributions to ~~an~~ a Palmetto ABLER savings account may be made only in cash. The State Treasurer or program manager shall reject or withdraw contributions promptly:

- (1) in excess of the limits established pursuant to subsection (B);
- or
- (2) the total contributions if the:

- (a) value of the account is equal to or greater than the account maximum established by the State Treasurer. The account maximum must be equal to the account maximum for post secondary education savings accounts; or

- (b) designated beneficiary is not an eligible individual in the current calendar year.

(D)(1) An account owner may:

- (a) change the designated beneficiary of an account to an individual who is a qualified member of the family of the prior designated beneficiary in accordance with procedures established by the State Treasurer; and

- (b) transfer all or a portion of an account to another ABLER savings account, the designated beneficiary of which is a member of the family as defined in Section 529A of the federal Internal Revenue Code of 1986, as amended.

(2) An account owner may not use an interest in an account as security for a loan. A pledge of an interest in an account is of no effect.

(E)(1) If there is any distribution from an account to an individual or for the benefit of an individual during a calendar year, the distribution must be reported to the federal Internal Revenue Service and each

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account owner, the designated beneficiary, or the distributee to the extent required by state or federal law.

(2) A statement must be provided to each account owner annually and at other increments established by the State Treasurer in the program guidelines. The statement must contain the information the State Treasurer requires to be reported to the account owner.

(3) A statement and information relating to an account must be prepared and filed to the extent required by this article and other state or federal law.

(F)(1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Funds held in ~~an~~ a Palmetto ABL ~~ABLE savings~~ account:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary;

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid; and

(c) following the death of a designated beneficiary, may be subject to recovery by the South Carolina Department of Health and Human Services up to an amount equal to the total of Medicaid benefits, if any, paid on behalf of the designated beneficiary by the state Medicaid program, but only to the extent recovery is required by state or federal law. Recovery by the State is subject to regulations imposed by the Secretary.

(3) The amount distributed from ~~an~~ a Palmetto ABL ~~ABLE savings~~ account for the purposes of paying qualified disability expenses:

(a) are exempt from attachment, execution, or garnishment for claims of creditors of the contributor and the designated beneficiary; and

(b) to the fullest extent permissible under state and federal law, will be disregarded for the purposes of determining a designated beneficiary's eligibility to receive, or the amount of, any public assistance available to the designated beneficiary, including Medicaid.

(G) To the extent earnings in an ABL ~~ABLE savings~~ account and distributions from an ABL ~~ABLE savings~~ account, or a qualified account under Section 529A located in another state, are not subject to federal income tax, they will not be subject to state income tax.

Section 11-5-450. (A) Nothing in this article may create or be construed to create any obligation of the State Treasurer, the State, or

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any agency or instrumentality of the State to guarantee for the benefit of an account owner or designated beneficiary with respect to the:

- (1) return of principal;
- (2) rate of interest or other return on an account; or
- (3) payment of interest or other return on an account.

(B) The State Treasurer may adopt rules and promulgate regulations to provide that each contract, application, or other similar document that may be used in connection with opening an account clearly indicates that the account is not insured by the State and that the principal deposited and the investment return are not guaranteed by the State.

Section 11-5-460. (A) The ~~South Carolina~~ Palmetto ABLÉ Savings Program Trust Fund is established in the Office of the State Treasurer. The trust fund must be utilized if the State Treasurer elects to accept deposits from contributors rather than have deposits sent directly to the program manager. The trust fund must consist of any monies deposited by account owners and other contributors pursuant to the provisions of this article which are not deposited directly with the program manager. All interest derived from the deposit and investment of monies in the trust fund must be credited to the fund. At the end of each fiscal year, all unexpended and unencumbered monies in the trust fund must remain in the fund and not be credited or transferred to the state general fund or to another fund.

(B)(1) The ~~South Carolina~~ Palmetto ABLÉ Savings Expense Fund is established in the Office of the State Treasurer. The expense fund must consist of monies received from the Palmetto ABLÉ Savings Program manager or managers, governmental or private grants, and state general fund appropriations, if any, for the program.

(2) All expenses incurred by the State Treasurer in developing and administering the Palmetto ABLÉ Savings Program must be payable from the ~~South Carolina~~ Palmetto ABLÉ Savings Expense Fund.”

SECTION 2. Section 12-6-1140(12)(b) of the 1976 Code is amended to read:

“(b) Any interest, dividends, gains, property, or income accruing on the payments made to an investment trust agreement pursuant to Article 3, Chapter 5, Title 11, or on any account in the ~~South Carolina~~ Palmetto ABLÉ Savings Expense Fund or a qualified fund under Section 529A located in another state, must be excluded from the gross income of any such account owner, contributor, or beneficiary for purposes of South Carolina income taxes, to the extent the amounts remain on deposit in the ~~South Carolina~~ Palmetto ABLÉ Savings Expense Fund or are withdrawn pursuant to a qualified withdrawal.”

TUESDAY, MAY 21, 2019

SECTION 3. The Code Commissioner is directed to change or correct all references to the “ABLE Savings Program” to the “Palmetto ABLE Savings Program.” References to the ABLE Savings Program in the 1976 Code or other provisions of law are considered to be and must be construed to mean the “Palmetto ABLE Savings Program.”

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

Amend title to read:

/ 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 “PALMETTO ABLE SAVINGS PROGRAM” AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-6-1140, AS AMENDED, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO DIRECT THE CODE COMMISSIONER TO MAKE CERTAIN CONFORMING CHANGES. /

/s/Sen. Cromer

/s/Rep. Willis

/s/Sen. McElveen

/s/Rep. Rose

/s/Sen. Corbin

/s/Rep. Caskey

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

**H. 3986--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

[SJ]

TUESDAY, MAY 21, 2019

H. 4000 -- GENERAL APPROPRIATIONS BILL

Senator LEATHERMAN was recognized to give a status report on the Committee of Conference.

Senator LEATHERMAN moved under Rule 24B to allow inclusion of Part 1B, Proviso 109.13 in the Report of the Committee of Conference.

109.13. (DOR: Food Manufacturing Equipment) Clothing required by Current Good Manufacturing Practices pursuant to 21 C.F.R. Section 111.10, as it may be amended, at perishable prepared food manufacturing facilities defined by the North American Industry Classification System 311991 to prevent health hazards, including outer garments, gloves of an impermeable material, hairnets, headbands, beard covers, caps, hair covers or other effective hair restraints, and other attire required pursuant to 21 C.F.R. Section 110.10 for persons working in direct contact with food, food contact services, and food packaging materials to protect against contamination of food in perishable prepared food manufacturing facilities shall be exempt from all sales and use taxes.

Senator LEATHERMAN spoke on the proviso.

The question then was the adoption of proviso 109.13.

The proviso was adopted.

**H. 4000--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator LEATHERMAN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN spoke on the report.

Senator JACKSON spoke on the report.

[SJ]

TUESDAY, MAY 21, 2019

The question then was adoption of the Report of Committee of Conference.

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

Ayes 32; Nays 8

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cromer
Davis	Fanning	Goldfinch
Gregory	Harpootlian	Hutto
Jackson	Johnson	Leatherman
Loftis	Martin	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--32

NAYS

Cash	Climer	Corbin
Grooms	Hembree	Massey
Rice	Senn	

Total--8

Statement by Senator HUTTO

I was absent when the Senate voted on the annual Appropriations Act on Thursday, April 18, 2019. Therefore, I abstain, under the provisions of Section 8-13-745, S. C. Code of Laws, from consideration of and voting on matters pertaining to the Department of Health & Environmental Control; Department of Social Services; Administrative Law Court; Commission on Indigent Defense; Department of Probation, Parole & Pardon Services; Department of Juvenile Justice; Public Service Commission; Office of Regulatory Staff; Workers' Compensation Commission; State Accident Fund; Department of Insurance; Department of Labor, Licensing & Regulation; Department of Motor Vehicles; Department of Employment and Workforce; Department of Transportation; Election Commission and State Ethics Commission.

TUESDAY, MAY 21, 2019

The Committee of Conference Committee was adopted as follows:

H. 4000 -- Conference Report

The General Assembly, Columbia, S.C., May 20, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 5/7/19-H.)

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

Amend title to conform.

/s/Sen. Hugh K. Leatherman, Sr.	/s/Rep. George Murrell Smith, Jr.
/s/Sen. Darrell Jackson, Sr.	/s/Rep. J. Gary Simrill
/s/Sen. Sean M. Bennett	/s/Rep. James Todd Rutherford
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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

TUESDAY, MAY 21, 2019

FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,
Speaker of the House
Received as information.

**H. 4000--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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 Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**H. 4001--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator LEATHERMAN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:
Ayes 40; Nays 0

[SJ]

TUESDAY, MAY 21, 2019

AYES

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

Total--40

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 4001 -- Conference Report

The General Assembly, Columbia, S.C., May 20, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 4/18/19-S.)

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

[SJ]

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/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2018-2019 the following amounts for Higher Education Facilities Repairs and Renovations:

- (1) H150 - University of Charleston
Stern Center Renovation \$ 7,000,000
- (2) H240 - South Carolina State University
Student Center Renovation \$ 3,361,000
- (3) H290 - USC - Aiken Campus
Business and Education
Building Renovation \$ 3,500,000
- (4) H340 - USC - Upstate
Smith Science Building Renovation \$ 3,000,000
- (5) H370 - USC - Lancaster Campus
Critical Maintenance and Repair \$ 3,500,000
- (6) H380 - USC - Salkehatchie Campus
Critical Maintenance and Repair \$ 1,391,500
- (7) H390 - USC - Sumter Campus
Critical Maintenance and Repair \$ 1,345,000
- (8) H390 - USC - Sumter Campus
Science Building Renovation \$ 2,250,000
- (9) H400 - USC - Union Campus
Critical Maintenance and Repair \$ 1,360,000

SECTION 2. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2018-2019 the following amounts:

- (1) D500 - Department of Administration
State Owned Building
Deferred Maintenance \$ 24,324,137
- (2) P280 - Department of Parks,
Recreation and Tourism
State Parks Deferred
Maintenance \$ 8,475,000
- (3) H090 - The Citadel
Capers Hall \$ 7,500,000
- (4) H120 - Clemson University
Clemson University Health

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	Innovation-Extension Programming	\$ 2,100,000
(5)	H120 - Clemson University Center for Advanced Manufacturing	\$ 4,000,000
(6)	H120 - Clemson University Safety and Security Infrastructure/Enhancements	\$ 5,900,000
(7)	H170 - Coastal Carolina University Academic Enrichment Center	\$ 5,000,000
(8)	H180 - Francis Marion University Freshwater Ecology Center	\$ 5,000,000
(9)	H210 - Lander University Roof Replacements	\$ 3,313,400
(10)	H210 - Lander University Campus Safety and Security Upgrades	\$ 1,361,800
(11)	H240 - South Carolina State University Information Technology Upgrades	\$ 1,690,000
(12)	H240 - South Carolina State University Speech Pathology Program Updates	\$ 310,000
(13)	H270 - University of South Carolina Columbia School of Medicine Relocation	\$ 15,000,000
(14)	H340 - USC - Upstate Laboratory and Technology for Exercise Science	\$ 517,555
(15)	H360 - USC - Beaufort Campus Instructional Technology Upgrades	\$ 500,000
(16)	H360 - USC - Beaufort Campus Library/Classroom Building Expansion	\$ 4,500,000
(17)	H470 - Winthrop University Strategic Risk Management	\$ 7,500,000
(18)	H510 - Medical University of South Carolina Renovation/Innovation Projects	\$ 12,000,000
(19)	H590 - Board for Technical and Comprehensive Education ReadySC Direct Training	\$ 9,200,000
(20)	P200 - Clemson University-PSA Facility Renovation for Water	

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Research	\$ 2,000,000
(21) H170 - Coastal Carolina University Belle W. Baruch Institute for South Carolina Studies - Renovations	\$ 1
(22) H240 - South Carolina State University Demolition of Mayes Hall and Queen Village	\$ 750,000
(23) H590 - State Board for Technical and Comprehensive Education Central Carolina Tech - Capital Needs - Sumter	\$ 1,000,000
(24) H590 - State Board for Technical and Comprehensive Education Spartanburg Community College STEM Training Facility	\$ 1,000,000
(25) H590 - State Board for Technical and Comprehensive Education Piedmont Technical College - O'Dell Upstate Center for Manufacturing Excellence	\$ 2,000,000

SECTION 3. Prior to expending the \$15,000,000 appropriated in Section 2, item (13) H270 - University of South Carolina Columbia School of Medicine Relocation, the funds must be matched 1:1 by a private entity or irrevocable escrow by the University.

SECTION 4. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11-11-320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 5. This joint resolution takes effect thirty days after the completion of the 2018-2019 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the 1976 Code. /

Amend title to conform.

/s/Sen. Hugh K. Leatherman, Sr. /s/Rep. George Murrell Smith, Jr.

/s/Sen. Darrell Jackson, Sr. /s/Rep. J. Gary Simrill

/s/Sen. Sean M. Bennett /s/Rep. James Todd Rutherford

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

TUESDAY, MAY 21, 2019

**H. 4001--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

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 Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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.

[SJ]

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Very respectfully,
Speaker of the House
Received as information.

**H. 4004--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator DAVIS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator DAVIS spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 40; Nays 0

AYES

Alexander

Allen

Bennett

[SJ]

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

Total--40

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

H. 4004 -- Conference Report

The General Assembly, Columbia, S.C., May 15, 2019

The COMMITTEE OF CONFERENCE, to whom was referred:

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

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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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 05/07/19-S.)

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

/ SECTION 1. This chapter may be cited as the "Physician Orders for Scope of Treatment (POST) Act".

SECTION 2. Title 44 of the 1976 Code is amended by adding:
"CHAPTER 80

Physician Orders for Scope of Treatment

Section 44-80-10. As used in this chapter:

(1) 'Advance care planning' or 'ACP' means the making of decisions by a person about the care the person wants to receive if the person becomes unable to communicate or consent to care and the documentation of those decisions by acceptable methods recognized by the State.

(2) 'Advance directive' means a written statement such as a health care power of attorney executed in accordance with Section 62-5-504, in which an individual expresses certain wishes relating to life-sustaining treatment, including resuscitative services.

(3) 'Department' means the South Carolina Department of Health and Environmental Control.

(4) 'Director' means the Director of the South Carolina Department of Health and Environmental Control.

(5) 'Emergency medical technician (EMT)' when used in general terms for emergency medical personnel, means an individual possessing a valid EMT, advanced EMT (AEMT), or paramedic certificate issued by the State pursuant to the provisions of Section 44-61-20.

(6) 'Health care facility' means any nonfederal public or private institution, building, agency, or portion thereof, whether for-profit or not-for-profit, that is used, operated, or designed to provide health services; medical treatment; or nursing, rehabilitative or preventive care to any person or persons. This includes, but is not limited to, ambulatory surgical facilities, health maintenance organizations, home health

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agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, skilled nursing facilities, and adult daycare centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories; research facilities; pharmacies; laundry facilities, health personnel training and lodging facilities; patient, guest, and health personnel food service facilities; and offices or office buildings for persons engaged in health care professions or services.

(7) 'Health care provider' means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this State to administer health care.

(8) 'Legal representative' means a person with priority to make health care decisions for a patient pursuant to the Adult Health Care Consent Act.

(9) 'Patient' means an individual who presents or is presented to a health care provider for treatment.

(10) 'Physician' means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.

(11) 'Physician Orders for Scope of Treatment (POST) form' means a designated document designed for use as part of advance care planning, the use of which must be limited to situations where the patient has been diagnosed with a serious illness or, based upon medical diagnosis, may be expected to lose capacity within twelve months and consists of a set of medical orders signed by a patient's physician addressing key medical decisions consistent with patient goals of care concerning treatment at the end of life that is portable and valid across health care settings.

(12) 'Serious illness' means a condition which, based upon best medical judgment, is likely to result in death within a period of not to exceed twelve months.

Section 44-80-20. The department shall:

- (1) oversee the POST form and its future iterations;
- (2) display a printable sample of the POST form currently being used by the department on the department's or a designee's publicly accessible website, along with any related information the department chooses to post; however, if posted on a designee's website, the department shall post a link on its website to the form and any related information;

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(3) develop a statewide, uniform process for identifying a patient who has executed any advance directive, a POST form, or a combination of advance directives and a POST form;

(4) develop a process for collecting feedback to facilitate the periodic redesign of the POST form in accordance with current health care best practices;

(5) develop POST-related education efforts for health care professionals and the public; and

(6) promulgate regulations necessary to perform the duties assigned and ensure compliance with the provisions of this chapter.

Section 44-80-30. (A) The POST form must be a uniform document based on the standards recommended by the National Physician Orders for Life-Sustaining Treatment (POLST) paradigm and must include the information set forth in subsection (C).

(B) A copy, facsimile, or electronic version of a completed POST form is considered to be legal.

(C) The POST form must include the following information:

(1) patient name and contact information;

(2) date of birth;

(3) effective date of form;

(4) diagnosis;

(5) treatment plan;

(6) health care representative or health care agent contact information;

(7) CPR preference;

(8) medical intervention preferences;

(9) preferences for antibiotics; and

(10) assisted nutrition and hydration preferences.

Section 44-80-40. (A) A POST form executed in South Carolina as provided in this chapter, or a similar form executed in another jurisdiction in compliance with the laws of that jurisdiction, must be deemed a valid expression of a patient's wishes as to health care. A South Carolina health care provider or health care facility may accept a properly executed POST form as a valid expression of whether the patient consents to the provision of health care in accordance with Section 44-66-60 of the Adult Health Care Consent Act.

(B) A health care provider or health care facility that is unwilling to comply with an executed POST form based on policy, religious beliefs, or moral convictions shall contact the patient's health care representative, health care agent, or the person authorized to make health care decisions for the patient pursuant to Section 44-66-30 of the Adult

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Health Care Consent Act, and the health care provider or health care facility shall allow the transfer of the patient to another health care provider or health care facility.

(C) A health care provider including, but not limited to, a physician, physician assistant, advance practice registered nurse, registered nurse, or emergency medical technician, who in good faith complies with a POST form, is not subject to criminal prosecution, civil liability or disciplinary penalty for complying with the POST form executed in accordance with this chapter and the Adult Health Care Consent Act.

Section 44-80-50. (A) A POST form may be revoked at any time by an oral or written statement by the patient or a patient's legal representative.

(B) A revocation is only effective upon communication to the health care provider or health care facility by the patient or the patient's legal representative.

(C) The execution of a POST form by a patient, or the patient's legal representative, pursuant to this chapter automatically revokes any previously executed POST form.

Section 44-80-60. (A) Any individual acting in good faith as a legal representative who executes a POST form on behalf of an incapacitated patient in accordance with this chapter, the Adult Health Care Consent Act, and regulations promulgated pursuant to those statutes is not subject to criminal prosecution or civil liability for executing the POST form.

(B) A health care provider, health care facility, or other person who has not received actual notice of the revocation of a POST form and complies with the wishes stated in the POST form is not subject to civil or criminal liability or professional disciplinary action for actions taken pursuant to this chapter which are in accordance with reasonable medical standards. This subsection provides an affirmative defense to any civil, criminal, or professional disciplinary action filed or instituted against a health care provider, health care facility, or other person for conduct authorized by this chapter.

Section 44-80-70. This chapter may not be construed to condone, authorize, or approve suicide, physician-assisted suicide, or euthanasia, or to permit any affirmative or deliberate act or omission of an act to end life other than to permit the natural process of dying. Death resulting from the withholding or withdrawal of life-sustaining procedures pursuant to an executed POST form and in accordance with this chapter does not, for any purpose, constitute a suicide, homicide, or vulnerable adult abuse or neglect.

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Section 44-80-80. (A) The executing of a POST form does not in any manner affect the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. A policy of life insurance is not legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures pursuant to this chapter notwithstanding any term of the policy to the contrary.

(B) Execution of a POST form is voluntary. A health care provider, health care facility, health care service plan, insurer issuing disability insurance, self-insured employee benefit plan, or nonprofit hospital plan may not require any person to execute a POST form as a condition of being insured for, or receiving, health care services.

Section 44-80-90. (A) The absence of a POST form does not give rise to a presumption concerning the intent of a patient with respect to the consent to or refusal of life-sustaining procedures. A health care provider or health care facility must be guided by the patient's stated wishes, or if unable to consent or otherwise communicate, the wishes as stated by the patient's surrogate decision maker as provided in Section 44-66-30 of the Adult Health Care Consent Act, as well as the established standards of care.

(B) Nothing in this chapter may be interpreted to interfere with the right of an individual to make decisions regarding use of life-sustaining procedures as long as the individual is able to do so, or to impair or supersede any right or responsibility that any legal representative or other authorized person has to order the withholding or withdrawal of medical care in any lawful manner. In that respect, the provisions of this chapter are cumulative.

(C) The execution of a POST form is always voluntary and is for a person with an advanced illness. The POST form records a patient's wishes for medical treatment in the patient's current state of health. Preferred medical treatment as stated by the patient on the POST form may be changed at any time by the patient or a designated health care representative or health care agent of the patient to reflect the patient's new wishes. While no form can anticipate and address all medical treatment decisions that may need to be made, an advance health care directive applies regardless of health status. An advance directive allows a patient to document in detail future health care instructions and to name a health care agent to speak on the patient's behalf if the patient is unable to communicate to ensure that the patient's advance directive wishes as to life-sustaining medical treatment are fulfilled.

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Section 44-80-100. A POST form executed pursuant to this chapter remains effective until revoked or until a new POST form is executed pursuant to this chapter. Any physician who is responsible for the creation and execution of a POST form shall make reasonable efforts to periodically review and update the POST form with the patient as the patient's needs dictate but at least once per year.

Section 44-80-110. An advanced practice registered nurse (APRN) may create, execute, and sign a POST form if authorized to do so by his or her practice agreement. The POST form must be for a patient of the APRN, the physician with whom the APRN has entered into a practice agreement, or both.

Section 44-80-120. A physician assistant (PA) may create, execute, and sign a POST form if authorized to do so by his or her scope of practice guidelines. The POST form must be for a patient of that PA, the PA's supervising physician, or both."

SECTION 3. This act takes effect upon approval by the Governor. / Amend the bill further, as and if amended, by striking the title in its entirety and inserting:

/ 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 HEALTH CARE WHERE THE PATIENT HAS BEEN DIAGNOSED WITH A SERIOUS ILLNESS OR MAY BE EXPECTED TO LOSE CAPACITY WITHIN TWELVE MONTHS; TO REQUIRE HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES TO ACCEPT A POST FORM AS A VALID MEDICAL ORDER AND TO COMPLY WITH THE ORDER, WITH EXCEPTIONS; 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; TO ALLOW A POST FORM TO BE REVOKED BY THE PATIENT OR PATIENT'S LEGAL REPRESENTATIVE; AND FOR OTHER PURPOSES./

/s/Sen. Tom Davis

/s/Rep. Robert Lee Ridgeway III

/s/Sen. Michael W. "Mike" Gambrell /s/Rep. William G. Herbkersman

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/s/Sen. Marlon E. Kimpson
On Part of the Senate.

/s/Rep. Gary E. Clary
On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 4004 -- Reprs. 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 HEALTH CARE WHERE THE PATIENT HAS BEEN DIAGNOSED WITH A SERIOUS ILLNESS OR MAY BE EXPECTED TO LOSE CAPACITY WITHIN TWELVE MONTHS; TO REQUIRE HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES TO ACCEPT A POST FORM AS A VALID MEDICAL ORDER AND TO COMPLY WITH THE ORDER, WITH EXCEPTIONS; 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; TO ALLOW A POST FORM TO BE REVOKED BY THE PATIENT OR PATIENT'S LEGAL REPRESENTATIVE; AND FOR OTHER PURPOSES.

Very respectfully,
Speaker of the House

Received as information.

[SJ]

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TUESDAY, MAY 21, 2019

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 4243 -- Reprs. 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 TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM AND TO PROVIDE REQUIREMENTS THAT SPECIFICALLY APPLY TO A PROFESSIONAL SPORTS TEAM, AND TO INCREASE JOBS TAX CREDIT AMOUNTS IN TIER IV AND TIER III COUNTIES; 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; 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; TO AMEND SECTIONS 11-9-805 AND 11-9-830, AS AMENDED, BOTH RELATING TO THE REVENUE AND FISCAL AFFAIRS OFFICE, SO AS TO REQUIRE THE OFFICE ANNUALLY TO SUBMIT TAX EXPENDITURE REPORTS TO THE GENERAL ASSEMBLY AND TO DEFINE "TAX EXPENDITURE"; AND BY ADDING SECTION 12-10-120 SO AS TO SPECIFY CERTAIN JOB DEVELOPMENT CREDIT REQUIREMENTS THAT APPLY TO A PROFESSIONAL SPORTS TEAM.

Very respectfully,
Speaker of the House

Received as information.

[SJ]

TUESDAY, MAY 21, 2019

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

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 TAX CREDIT, SO AS TO PROVIDE FOR A PROFESSIONAL SPORTS TEAM AND TO PROVIDE REQUIREMENTS THAT SPECIFICALLY APPLY TO A PROFESSIONAL SPORTS TEAM, AND TO INCREASE JOBS TAX CREDIT AMOUNTS IN TIER IV AND TIER III COUNTIES; 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; 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; TO AMEND SECTIONS 11-9-805 AND 11-9-830, AS AMENDED, BOTH RELATING TO THE REVENUE AND FISCAL AFFAIRS OFFICE, SO AS TO REQUIRE THE OFFICE ANNUALLY TO SUBMIT TAX EXPENDITURE REPORTS TO THE GENERAL ASSEMBLY AND TO DEFINE "TAX EXPENDITURE"; AND BY ADDING SECTION 12-10-120 SO AS TO SPECIFY CERTAIN JOB DEVELOPMENT CREDIT REQUIREMENTS THAT APPLY TO A PROFESSIONAL SPORTS TEAM.

Very respectfully,
Speaker of the House

[SJ]

TUESDAY, MAY 21, 2019

Received as information.

**H. 4287--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

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

On motion of Senator SETZLER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SETZLER spoke on the report.

Senator MASSEY spoke on the report.

Senator RANKIN spoke on the report.

**H. 4287--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator SETZLER asked unanimous consent to be granted Free Conference Powers.

[SJ]

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The question then was granting of Free Conference Powers.

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

Ayes 40; Nays 0; Present 1

AYES

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

Total--40

NAYS

Total--0

PRESENT

Senn

Total--1

Free Conference Powers were granted.

Whereupon, Senators MASSEY, SETZLER and RANKIN were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

[SJ]

TUESDAY, MAY 21, 2019

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

Ayes 39; Nays 2

AYES

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

Total--39

NAYS

Grooms	Hutto
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Total--2

On motion of Senator MASSEY, the Report of the Committee of Free Conference to H. 4287 was adopted as follows:

H. 4287 -- Free Conference Report

The General Assembly, Columbia, S.C., May 21, 2019

The COMMITTEE OF FREE CONFERENCE, to whom was referred:

H. 4287 -- Reps. 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

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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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 5/2/19-S.)

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

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

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

(b) The department must not utilize the professional services of an entity with whom the House of Representatives, the Senate, or the Governor has previously engaged to consider the possible sale of Santee Cooper; however, the department or its professional services experts may request information collected by ICF and any reports requested by the Public Service Authority Evaluation and Recommendation Committee regarding ICF's Requests for Expressions of Interest prior to the effective date of this joint resolution. In addition, the department must not utilize the professional services of an individual or entity that would have a financial interest in the outcome of this process, nor may the department contract or otherwise employ an individual or entity based upon a contingency fee due to the outcome of this process.

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

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

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

- (1) the financial capability of each bidder;

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(2) the bidder's plan to address Santee Cooper's bonds and other indebtedness, to include, but not be limited to:

(a) satisfaction of any or all of Santee Cooper's existing debt, to include an opinion letter from a bond attorney as to whether or not the bidder's plan to satisfy the existing debt would violate any bond provisions or otherwise impact the State;

(b) issuance of new bonds and plans to finance other indebtedness;

(c) the projected financial impact on all customer classes of Santee Cooper's retail customers for the satisfaction of existing debt and issuance of new bonds and finance of other indebtedness; and

(d) the bidder's projected capital to debt ratio for the five years following the acquisition of Santee Cooper;

(3) consideration, in cash, to be paid by the bidder to the State for the benefit of South Carolina and its taxpayers;

(4) the amount of projected rates and revenue requirements for each customer class of Santee Cooper's retail customers over the next twenty years and plans demonstrating how these rates can be achieved, and the bidder's willingness to contractually agree to those rates;

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

(a) the forecasted demand;

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

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

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

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

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

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

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

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(7) the bidder's willingness to bear any costs required by the Federal Energy Regulatory Commission to mitigate market power resulting from an acquisition of Santee Cooper;

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

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

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

(11) whether the bid included or excluded the assets collectively included under FERC License 199, the wholesale water systems operated by Santee Cooper, undeveloped lands, other natural resources, and recreational assets of Santee Cooper. In the event that the bid excludes the assets listed herein, each bidder shall provide for revenue streams, including the purchase of hydroelectric power generated from Project 199, to provide for the continued operation of Lakes Marion and Moultrie with no loss of quality or access;

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

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

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

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

(B) The department must:

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

(2) for each bid, compile a list of items that would be excluded from the sale of Santee Cooper's electric utility assets including, but not limited to, the wholesale water systems operated by Santee Cooper,

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undeveloped lands, other natural resources, and recreational assets of Santee Cooper;

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

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

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

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

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

(8) designate a third party to administer the procurement and dissemination of information from Santee Cooper to third party bidders in order to ensure consistency, proper characterization and accuracy of information provided.

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

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

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

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

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

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

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

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

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

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

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

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

(B) The department must:

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

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

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

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

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

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

(a) the forecasted demand;

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

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

(d) the assumptions underlying its plans including, but not limited to, additional infrastructure required to support any generating

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unit, projected financial ratios including debt-to-equity and debt service coverage ratios, projected contribution percentages to the Capital Improvement Fund, inflation and cost escalation rates, fuel costs, payments to the State and other sums in lieu of taxes, and projected GAAP accounting financial statements of the rate projections; and

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

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

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

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

(c) the assumptions underlying its plans including, but not limited to, projected financial ratios, including debt-to-equity and debt service coverage ratios, projected contribution percentages to the Capital Improvement Fund, inflation and cost escalation rates, fuel costs, payments to the State and other sums in lieu of taxes, and projected GAAP accounting financial statements of the rate projections;

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

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

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

(6) the projected financial impact on all customer classes of Santee Cooper's retail customers for the satisfaction of existing debt and issuance of new bonds and finance of other indebtedness; and

(7) a projection of the jobs Santee Cooper expects to eliminate within five years.

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

As part of the analysis, the department will:

(1) compare Santee Cooper's rate projections with all other proposals on a comparable basis and assess the risks associated with Santee Cooper's projections of revenue requirements and consumer rates; and

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(2) conduct an analysis as to the potential risk to South Carolina taxpayers, Santee Cooper's retail customers, and Santee Cooper's bondholders.

(C) If Santee Cooper's proposal to reform its operations is accepted by the General Assembly, Santee Cooper will submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the implementation of its plan.

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

SECTION 6. In the event of the successful sale of Santee Cooper and the purchasing entity's contract contains projections of future rates, the General Assembly's approval of such sale on such terms does not indicate its intent to bind the Public Service Commission or Office of Regulatory Staff to the projected rate figures. The successful bidder shall be subject to the same statutory and regulatory authority of the Public Service Commission and Office of Regulatory Staff as all other investor-owned electrical utilities.

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

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SECTION 8. To protect the integrity of the process, information received during this process and ensuing negotiations must be confidential prior to the department providing its professional services experts' recommendations to the General Assembly. Each individual and entity involved in the process shall handle the information with sufficient care to prevent disclosure of information submitted, received, or reviewed during the process. After the department has provided its professional services experts' recommendations to the General Assembly, only information regarding those recommendations shall be released in accordance with the provisions of the Freedom of Information Act, provided that information described in Section 30-4-40 must not be released without the written permission of the entity whose bid or proposal was recommended. In order to effectuate the purposes of this section, the department shall require nondisclosure agreements which must be entered into by each individual or entity involved in the process including, but not limited to, an individual or entity that submits a bid or proposal, or receives or reviews any part of the submission. The nondisclosure agreement must also contain a provision in which the signer agrees that neither it nor its agents, servants, officers, directors, or employees shall advocate for or against, directly or indirectly, a recommendation provided by the department to the General Assembly pursuant to SECTION 9. Members of the General Assembly, the Governor, and their respective staff must not be provided with, or have access by any means to, the information obtained during this process except as provided in this section.

SECTION 9. (A)(1) At the conclusion of the evaluation of the bids and proposals, and negotiations, as required by this joint resolution, but no later than January 15, 2020, and subject to a one-time sixty-day extension upon written notice from the department to the Chairman of House Ways and Means and the Chairman of Senate Finance for the need of this extension, the department shall concurrently present a recommendation by its professional service experts of one bid for sale and one management proposal that the professional service experts consider to be in the best interests of the State, its taxpayers, and the customers of Santee Cooper, as well as the recommendation for Santee Cooper's proposal. Each recommendation must include justifications for the recommendation; also, the recommendations in regard to the sale and management proposal must include a contract for each recommended bidder obligating the bidder to comply with terms of its bid in the event it is approved by the General Assembly, along with a proposed contract to execute the sale or management proposal, and any supporting

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documents. The proposed contracts must include covenants that the bidder will abide by the terms of its bid for sale or its proposal, as applicable. The department must also present a full evaluation of each recommendation and for Santee Cooper's proposal. An evaluation must include, but not be limited to: (a) a description of each item listed in SECTIONS 2, 3, or 4, as applicable, along with a copy of an opinion letter submitted by a bond attorney and/or tax attorney; (b) a proposed contract with Central Power Electric Cooperative, Inc., including a statement from the professional service experts involved in the negotiations that each party did or did not negotiate in good faith; (c) any recommendations or concerns from the department's professional services; and (d) any supporting documents.

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

(B) The department shall present to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee the documents described in (A). The Finance Committee and the Ways and Means Committee shall each meet as soon as practicable to review each recommendation presented by the department. Each committee shall make a recommendation within thirty days of receipt of the recommendations presented by the department. However, nothing in this joint resolution shall be construed as a waiver of any House or Senate Rules. Upon receipt of the recommendation from their respective committees, the President of the Senate and the Speaker of the House shall convene their respective bodies to consider any legislation to effectuate the sale or management proposal or to implement reform, restructuring, and changes in operation at Santee Cooper. Such legislation shall be in the form of a resolution approving the contract for sale or management or a bill to implement reform at Santee Cooper.

(C)(1) In the event that the General Assembly approves the sale of Santee Cooper, the department must execute any documents necessary in order to effectuate the sale upon the enactment of a joint resolution approving the sale. The net proceeds of the sale shall be deposited in a distinct numbered account separate from General Fund revenues in

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which such amount shall not be appropriated in a General Appropriations bill. Disposition of those funds shall be made by further actions of the General Assembly. These amounts shall never be recoverable in rates or otherwise by the purchaser.

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

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

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this joint resolution 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 joint resolution, the General Assembly hereby declaring that it would have passed this joint resolution, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. This joint resolution takes effect upon approval by the Governor. /

Amend title to conform.

/s/Sen. Nikki G. Setzler

/s/Rep. James H. Lucas

/s/Sen. Luke A. Rankin

/s/Rep. G. Murrell Smith, Jr.

/s/Sen. A. Shane Massey

/s/Rep. Russell L. Ott

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 21, 2019

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Ott, G. Smith and Lucas to the Committee of Free Conference on the part of the House on:

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H. 4287 -- Reps. 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.

**H. 4287 --REPORT OF COMMITTEE OF FREE CONFERENCE
ENROLLED FOR RATIFICATION**

H. 4287 -- Reps. 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

[SJ]

TUESDAY, MAY 21, 2019

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.

The Report of the Committee of Free Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

ACTING PRESIDENT PRESIDES

Senator TURNER assumed the Chair.

Motion Adopted

On motion of Senator CROMER, with unanimous consent, Senators McELVEEN, CORBIN and CROMER were granted leave to attend a conference committee meeting and were granted leave to vote from the balcony.

PRESIDENT PRESIDES

At 2:38 P.M., the PRESIDENT assumed the Chair.

EXECUTIVE SESSION

On motion of Senator MASSEY, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENT

Confirmation

Having received a favorable report from the Family and Veterans' Services Committee, the following appointment was confirmed in open session:

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Initial Appointment, Department of Children's Advocacy, with the term to commence July 1, 2019, and to expire July 1, 2025

State Child Advocate:

Amanda F. Whittle, 1072 Eastwood Court , Aiken, SC 29801-8106

On motion of Senator SHEALY, the question was confirmation of Amanda F. Whittle.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

The appointment of Amanda F. Whittle was confirmed.

LOCAL APPOINTMENTS

Confirmations

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

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

Lauren Maurice, 290 Springhouse Dr., Aiken, SC 29803-8748 *VICE*
Melanie Dubose

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

Alvin E. Bligen, 1305 Joshua Dr., Charleston, SC 29407-5112

Reappointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Frances L. Cain-Lofton, P. O. Box 459, McClellanville, SC 29458-0459

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

James B. Gosnell, Jr., 1233 Bamboo Drive, Charleston, SC 29407-5325

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

Henry W. Guerard, P. O. Box 941, Charleston, SC 29402-0941

Reappointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

William Stephen Harris, Jr., 3224 Hydrangea Trail, Johns Island, SC 29455

Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Amanda Stilley Haselden, 7 Glenwood Ave., Charleston, SC 29403-4325

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas E. Lynn, 1432 Pine Island View., Mt. Pleasant, SC 29464-3838

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Reappointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Richardine Singleton-Brown, 2172 Edward D. Singleton Drive, Charleston, SC 29412-8557

Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

New Seat:

Tiffany R. Spann-Wilder, 16977 Dorchester Rd., North Charleston, SC 29418

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Ellen Soffar Steinberg, 34 Smith Street, Charleston, SC 29401-1748

Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Campbell Waring, 15 Moore Drive, Charleston, SC 29407-7229
VICE Leroy Linen

Initial Appointment, Chester County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Dana Greenleaf, 102 Magnolia Ave., Great Falls, SC 29055-1118
VICE Wylie G. Frederick

Initial Appointment, Dorchester County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Ryan Templeton, 5208 Fernland Way, North Charleston, SC 29420-7569

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

Russell Feaster, 396 Dawkins Road, Blair, SC 29015-8925 *VICE* William Frederic Pope

Initial Appointment, Fairfield County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jannita Gaston, 66 Buckberry Lane, Winnsboro, SC 29180-7042

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Reappointment, Hampton County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Algernon Gibson Solomons, 259 Martin Luther Boulevard, Estill, SC 29918-9370

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Rebecca Loadholt Adams, 56 Palmetto Wood Parkway , Irmo, SC 29063-2881

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Brian N. Buck, 104 Oaks Court, Lexington, SC 29072-7496

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170-2713

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Bradley S. Melton, 332 Annapolis Road, Lexington, SC 29072-2283

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Gary S. Morgan, 217 Peach Place Court, Gilbert, SC 29054-8594

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Gary W. Reinhart, 126D Breezes Drive, Lexington, SC 29072-6978

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Scott D. Whittle, 4601 Fish Hatchery Road, Gaston, SC 29053-9045

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Stephanie McKune-Grant, 410 Tecza Drive, Orangeburg, SC 29115-9192

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Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Paul D. Abbott, Jr., 111 North Bennington Drive, Spartanburg, SC 29307-2632 *VICE* John Moore

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Samuel Adams, 111 Builders Court, Suite A, Spartanburg, SC 29316-6001

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Edward Addington, Post Office Box 1301, Cowpens, SC 29330-1301

Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Whitner Bishop, 504 Audubon Dr., Spartanburg, SC 29302-2857
VICE Nancy Atkins

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Daniel Ray Burns, 1645 Caldwell Road, Campbello, SC 29322

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Karry Guillory, 905 Fenway Court, Spartanburg, SC 29316-6154

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Charles Jones, 1502 Shadicrest Terrace, Spartanburg, SC 29301-5647

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

John J. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Teresa Ledbetter, 1445 Edwards Road, Inman, SC 29349-9607

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Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Vicki Rae Morgan-Smith, 110 North Main Street, Woodruff, SC 29388-1846

Initial Appointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Jacqueline A. Moss, 1450 Dover Rd., Apartment F, Spartanburg, SC 29301-1346 *VICE* Freddie Brown

Reappointment, Spartanburg County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Keith Sherlin, 180 Magnolia Street, Room 105, Spartanburg, SC 29306-2359

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

W. Mattison Gamble, 6 Clematis Court, Sumter, SC 29150-2336 *VICE* Kristi Curtis

Reappointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

David S. Wood, 209 Country Club Drive, Fort Mill, SC 29715-2348

Motion Adopted

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

MOTION ADOPTED

On motion of Senators MASSEY, YOUNG and SETZLER with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Ronnie Young of Aiken, S.C. Representative Young represented District 84 since May 2017. He served on the Aiken County Council, the Aiken County School Board and the S.C. Association of Counties. Economic development in Aiken County was one of Representative Young's primary focuses. He was a member of Sweetwater Church of God. Representative Young served his community and state well and will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator RICE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Larry Winn of Easley, S.C. Dr. Winn served as the Doctor of the Day for the South Carolina General Assembly for many years. He was a member of the National Guard for seven years and worked for NASA prior to attending MUSC. He was a physician in Easley for forty-one years. Larry was a member of St. Matthias Lutheran Church where he sang in the choir. He enjoyed running, bicycling, snow skiing, bird watching and traveling. Larry was a loving husband and doting uncle who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator ALEXANDER with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Mack Ray Moore of Mountain Rest, S.C. Mack was a U.S. Army veteran. He retired from Michelin Tire Company and a member of Mountain Rest Baptist Church. Mack was a board member of the Mountain Rest Community Club, former Chief of the Mountain Rest Rescue Squad and fire department. He was a past member of Blue Ridge Masonic Lodge #92. Mack was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Duran "Curly" McArthur of Spartanburg, S.C. James was a U.S. Army veteran of the Korean War. He was a member of Sulphur Springs Baptist Church. James retired from USCS as a Physical Plant Supervisor after 18 years of service and was a cattleman and farmer. James was a loving father and devoted grandfather who will be dearly missed.

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ADJOURNMENT

At 3:56 P.M., on motion of Senator MASSEY, the Senate adjourned under the provisions of S. 785, the *Sine Die* Resolution.

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