

NO. 58

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

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TUESDAY, MAY 4, 2021  
(STATEWIDE SESSION)

**Tuesday, May 4, 2021**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from I Peter 3:12: "For the eyes of the Lord are on the righteous, and his ears are open to their prayers."

Let us pray. Open our eyes, O Lord, that we may see Your shining face. Help each of us answer Your call to do for others who need Your loving care. Bless each of these Representatives and staff, that they may follow Your example of love. Bless our defenders of freedom and first responders. Make Your face shine upon our World, Nation, President, State, Governor, Speaker, staff, and all who serve in this vineyard. Heal the wounds, those seen and those hidden, of our brave men and women who suffer and sacrifice for our freedom. Lord, in Your Mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. MCGARRY moved that when the House adjourns, it adjourn in memory of Sergeant Chris Ward, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family and friends of Sergeant Chris Ward and K-9 Deputy Logan Fox of Watauga County Sheriff's Department in Boone, NC, as well as, George and Michelle Ligon who all lost their lives in a recent mass shooting.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., Thursday, April 29

Mr. Speaker and Members of the House:

**TUESDAY, MAY 4, 2021**

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 229:

S. 229 -- Senators Shealy, McLeod, Hutto, Jackson, McElveen, Matthews and Gustafson: A BILL TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT"; TO AMEND CHAPTER 11, TITLE 63 OF THE 1976 CODE, RELATING TO CHILDREN'S SERVICES AGENCIES, BY ADDING ARTICLE 24, TO REQUIRE THAT MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310(B)(1), (C), AND (D) OF THE 1976 CODE, RELATING TO CHILDREN'S ADVOCACY CENTERS, TO REQUIRE CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 29, 2021

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. FORREST the invitation was accepted.

[HJ]

**TUESDAY, MAY 4, 2021**

**HOUSE RESOLUTION**

The following was introduced:

H. 4297 -- Reps. Carter, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO HONOR THE CLEMSON UNIVERSITY MEN'S SOCCER TEAM ON CAPTURING THE 2020 ATLANTIC COAST CONFERENCE (ACC) REGULAR-SEASON CHAMPIONSHIP AND TO COMMEND THESE ATHLETES ON A SPECTACULAR SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4298 -- Reps. Carter, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson,

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Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CELEBRATE THE CLEMSON UNIVERSITY MEN'S GOLF TEAM AND COACHES ON THEIR FABULOUS WIN OF THE 2021 ATLANTIC COAST CONFERENCE MATCH PLAY CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4299 -- Reps. May, McCabe, G. R. Smith, Burns, Trantham, Bennett, Jones, Caskey, Dabney, Huggins, Fry, W. Newton, Martin, McGarry, B. Newton, Nutt, T. Moore, B. Cox, Magnuson, Hiott, Elliott, Stringer, Morgan, Long, Forrest, Erickson, Haddon, Pope, Davis, J. E. Johnson, McGinnis, Herbkersman, Chumley, Gagnon, Hixon, G. M. Smith, Willis and Wooten: A HOUSE RESOLUTION TO SUPPORT THE DEMOCRACY OF THE REPUBLIC OF CHINA (TAIWAN) AND TO ADVOCATE FOR EXPANSION OF RELATIONS BETWEEN TAIWAN AND SOUTH CAROLINA.

The Resolution was ordered referred to the Committee on Judiciary.

**HOUSE RESOLUTION**

The following was introduced:

H. 4300 -- Reps. Forrest, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson,

**TUESDAY, MAY 4, 2021**

Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE VICKIE CORDER OF LEXINGTON COUNTY ON THE OCCASION OF HER SEVENTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

The Resolution was adopted.

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jones	Jordan	Kimmons
Kirby	Ligon	Long

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Lowe	Lucas	Magnuson
Martin	Matthews	May
McCabe	McCrary	McDaniel
McGarry	McGinnis	McKnight
J. Moore	T. Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
Murray	B. Newton	W. Newton
Nutt	Oremus	Ott
Parks	Pendarvis	Pope
Rivers	Robinson	Rose
Sandifer	Simrill	G. M. Smith
G. R. Smith	M. M. Smith	Stavrinnakis
Taylor	Tedder	Thayer
Thigpen	Trantham	Weeks
West	Wetmore	Wheeler
White	Whitmire	R. Williams
S. Williams	Willis	Wooten
Yow		

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. STRINGER a leave of absence for the day due to medical reasons.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**TUESDAY, MAY 4, 2021**

**CO-SPONSOR ADDED**

Bill Number: H. 3206  
Date: ADD:  
05/04/21 POPE

**CO-SPONSOR ADDED**

Bill Number: H. 3238  
Date: ADD:  
05/04/21 TEDDER

**CO-SPONSORS ADDED**

Bill Number: H. 3464  
Date: ADD:  
05/04/21 RIVERS and S. WILLIAMS

**CO-SPONSOR ADDED**

Bill Number: H. 3731  
Date: ADD:  
05/04/21 POPE

**CO-SPONSORS ADDED**

Bill Number: H. 4150  
Date: ADD:  
05/04/21 MCGARRY and POPE

**CO-SPONSOR ADDED**

Bill Number: H. 4282  
Date: ADD:  
05/04/21 KIMMONS

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. V. S. MOSS a temporary leave of absence.

**SENT TO THE SENATE**

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 3591 -- Reps. Allison, Lucas, Erickson, Bradley and Kirby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976,

[HJ]



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BY ADDING SECTION 59-26-35 SO AS TO IMPROVE THE MEANS FOR EVALUATING EDUCATOR PREPARATION PROGRAMS BY PROVIDING FOR THE ANNUAL DEVELOPMENT AND PUBLICATION OF THE SOUTH CAROLINA TEACHER PREPARATION REPORT CARD; AND BY ADDING SECTION 59-26-120 SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN EDUCATOR PREPARATION PROGRAMS WITH CERTAIN INFORMATION REGARDING GRADUATES OF THOSE PROGRAMS, TO PROVIDE EDUCATOR PREPARATION PROGRAMS MAY NOT SHARE IDENTIFIABLE EDUCATOR DATA WITH THIRD PARTIES WITHOUT WRITTEN CONSENT, AND TO PROVIDE THIS INFORMATION IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT.

H. 3592 -- Reps. Allison, Lucas and Henderson-Myers: A BILL TO AMEND SECTION 59-18-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM TO PROMOTE STUDENT LEARNING AND STUDENT PERFORMANCE, SO AS TO REMOVE SOCIAL STUDIES FROM AMONG THE SUBJECTS ASSESSED IN THIRD GRADE THROUGH EIGHTH GRADE, TO PROVIDE SPECIFIC DIAGNOSTIC INFORMATION THAT THE ASSESSMENTS MUST INCLUDE, AND TO PROVIDE CERTAIN RELATED INFORMATION THAT DISTRICTS AND SCHOOLS SHALL PROVIDE PARENTS OR GUARDIANS OF STUDENTS BEING ASSESSED; AND TO AMEND SECTION 59-18-325, RELATING TO THE PROCUREMENT AND ADMINISTRATION OF CERTAIN ASSESSMENTS BY THE STATE DEPARTMENT OF EDUCATION, SO AS TO REQUIRE THE ADMINISTRATION OF THE ACT WITH THE WRITING ASSESSMENT TO ELEVENTH GRADE STUDENTS BEGINNING WITH THE 2021-2022 SCHOOL YEAR AND FOR FIVE YEARS THEREAFTER, TO PROVIDE FOR THE 2026-2027 SCHOOL YEAR THE DEPARTMENT SHALL PROCURE A COLLEGE READINESS ASSESSMENT PROVIDER THAT INCLUDES CERTAIN SUBJECTS, AND TO PROVIDE THAT BEGINNING WITH THE 2022-2023 SCHOOL YEAR THE DEPARTMENT SHALL EMBED ITEMS IN STANDARDS-BASED ASSESSMENTS TO ADDRESS CERTAIN SOCIAL STUDIES STANDARDS ON THE SC READY READING AND WRITING ASSESSMENTS.

[HJ]

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**RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

S. 201 -- Senator Hembree: A BILL TO AMEND CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, BY ADDING ARTICLE 16, TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; AND TO REPEAL ARTICLE 15, CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT.

**S. 619--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 619 -- Senators Rankin, Leatherman, Hutto, Fanning and Climer: A BILL A BILL TO AMEND SECTION 61-4-720 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO SALE OF WINE BY WINERIES LOCATED IN THE STATE AND WINE TASTE SAMPLES, TO PROVIDE FOR SALES OF WINE ON WINERY PREMISES IF THE WINERY IS THE PRIMARY AMERICAN SOURCE OF SUPPLY FOR THE WINE SOLD; TO AMEND SECTIONS 61-4-1515 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, TO PROVIDE FOR THE SALE OF BEER WITH AN ALCOHOL CONTENT OF TWELVE PERCENT OR LESS ON THE BREWERY PREMISES AND THE SALE OF SEALED BEER WITH AN ALCOHOL CONTENT OF FOURTEEN PERCENT OR LESS ON BREWERY PREMISES IF THE BREWERY IS THE PRIMARY AMERICAN SOURCE OF SUPPLY FOR THE BEER SOLD; TO AMEND SECTION 61-6-1140 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, TO PROVIDE FOR THE RETAIL SALES AND TASTINGS OF ALCOHOLIC LIQUORS AT MICRO-DISTILLERIES IF THE MICRO-DISTILLERY IS THE PRIMARY AMERICAN SOURCE OF SUPPLY OR THE ALCOHOLIC LIQUORS PRODUCED AT THE LICENSED PREMISES ARE SUBJECT TO OTHER LIMITATIONS; AND TO AMEND CHAPTER 2, TITLE 61 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 61-2-177, TO PROVIDE FOR THE CREATION OF A MANUFACTURER'S SATELLITE CERTIFICATE FOR BREWERIES, WINERIES, AND MICRO-DISTILLERIES TO

[HJ]

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ESTABLISH SATELLITE LOCATIONS FOR SALE OF THEIR PRODUCTS, SUBJECT TO CERTAIN CONDITIONS.

Rep. HERBKERSMAN proposed the following Amendment No. 1 to S. 619 (COUNCIL\WAB\619C001.NBD.WAB21), which was tabled:

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

/ SECTION \_\_\_\_ . Article 1, Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61-4-125. (A) Notwithstanding another provision of law:

(1) a licensed manufacturer of hard cider is authorized to provide tastings of its hard cider manufactured in this State, with or without compensation, on its premises and up to three off-site locations; and

(2) a licensed manufacturer of mead is authorized to provide tastings of its mead manufactured in this State, with or without compensation, on its premises and up to three off-site locations.

(B) For purposes of this section:

(1) ‘hard cider’ means an alcoholic drink made from fermented crushed fruit, typically apples; and

(2) ‘mead’ means a fermented beverage made of water and honey, malt, and yeast.” /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

Rep. HERBKERSMAN moved to table the amendment, which was agreed to.

Rep. CASKEY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 11

Those who voted in the affirmative are:

Alexander	Allison	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Bustos

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Calhoon	Carter	Caskey
Clyburn	Cobb-Hunter	Collins
B. Cox	W. Cox	Crawford
Dabney	Davis	Elliott
Erickson	Felder	Forrest
Fry	Gagnon	Garvin
Gatch	Gilliard	Hardee
Hart	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hixon	Hosey
Howard	Huggins	Hyde
Jefferson	J. L. Johnson	K. O. Johnson
Jordan	Kimmons	Kirby
Ligon	Lowe	Lucas
Magnuson	Martin	Matthews
May	McDaniel	McGarry
McGinnis	T. Moore	Morgan
D. C. Moss	Murphy	Murray
B. Newton	W. Newton	Oremus
Ott	Pendarvis	Pope
Rivers	Robinson	Rose
Rutherford	Sandifer	Simrill
G. M. Smith	M. M. Smith	Stavrinakis
Taylor	Tedder	Thayer
Thigpen	Trantham	Weeks
West	Wetmore	Wheeler
White	Whitmire	R. Williams
S. Williams	Wooten	

**Total--98**

Those who voted in the negative are:

Burns	Chumley	Gilliam
Haddon	Hiott	Long
McCabe	McCrary	G. R. Smith
Willis	Yow	

**Total--11**

So, the Bill was read the second time and ordered to third reading.

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**S. 131--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 131 -- Senators Massey and Malloy: A BILL TO AMEND SECTION 10-11-310 OF THE 1976 CODE, RELATING TO THE DEFINITION OF "CAPITOL GROUNDS", TO DEFINE "CAPITOL GROUNDS" AS THAT AREA INWARD FROM THE VEHICULAR TRAVELED SURFACES OF GERVAIS, SUMTER, PENDLETON, AND ASSEMBLY STREETS IN THE CITY OF COLUMBIA; TO AMEND SECTION 10-11-330 OF THE 1976 CODE, RELATING TO UNAUTHORIZED ENTRY INTO A CAPITOL BUILDING AND RELATED PROVISIONS, TO PROVIDE THAT CERTAIN ACTS ARE UNLAWFUL IN ANY BUILDING ON THE CAPITOL GROUNDS; TO AMEND SECTION 10-1-30 OF THE 1976 CODE, RELATING TO THE USE OF AREAS OF THE STATE HOUSE, TO PROVIDE THAT ACCESS TO THE STATE HOUSE MAY NOT BE RESTRICTED OR PROHIBITED, AND TO PROVIDE EXCEPTIONS; AND TO AMEND SECTION 2-3-100 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE SERGEANTS AT ARMS, TO PROVIDE FOR THE POWERS OF THE SERGEANT AT ARMS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE FOR THE EMPLOYMENT OF THEIR DEPUTIES.

Rep. CASKEY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 118; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott

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Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jones	Jordan	Kimmons
Kirby	Ligon	Long
Lowe	Lucas	Magnuson
Martin	Matthews	May
McCabe	McCrary	McDaniel
McGarry	McGinnis	T. Moore
Morgan	D. C. Moss	Murphy
Murray	B. Newton	W. Newton
Nutt	Oremus	Ott
Pendarvis	Pope	Rivers
Robinson	Rose	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	M. M. Smith	Stavrinakis
Taylor	Tedder	Thayer
Thigpen	Trantham	Weeks
West	Wetmore	Wheeler
White	Whitmire	R. Williams
S. Williams	Willis	Wooten
Yow		

**Total--118**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**TUESDAY, MAY 4, 2021**

**S. 200--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 200 -- Senators Hembree, Martin, Kimbrell, Shealy, Gustafson and Turner: A BILL TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT A PERSON SENTENCED TO DEATH MAY ELECT FOR ELECTROCUTION OR LETHAL INJECTION IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS DIRECTOR SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST BE WITNESSED, AND TO PROVIDE THAT THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

Reps. MURPHY, GATCH, FINLAY, WETMORE, WEEKS, ROSE, GARVIN, TEDDER, FRY, HART, S. WILLIAMS, HOSEY, JEFFERSON, FORREST, MURRAY, GILLIARD, BAMBERG, MCDANIEL, COLLINS, HENDERSON-MYERS, ANDERSON, OTT, POPE, TAYLOR, HIXON, DILLARD, ROBINSON and MCGARRY requested debate on the Bill.

**S. 107--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 107 -- Senators Campsen, Climer and Senn: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S BEACH PRESERVATION POLICY, SO AS TO APPLY CERTAIN EXCEPTIONS TO THE ESTABLISHMENT OF A BASELINE FOR

[HJ]

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COASTAL EROSION ZONES AND TO REMOVE THE STUDY REQUIREMENT IN CASES WHERE PRIMARY OCEANFRONT SAND DUNES DO NOT EXIST.

Rep. CHUMLEY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 117; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Dabney	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin
Gatch	Gilliam	Gilliard
Govan	Haddon	Hardee
Hart	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Huggins	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
K. O. Johnson	Jones	Jordan
Kimmons	Kirby	Ligon
Long	Lowe	Lucas
Magnuson	Martin	Matthews
May	McCabe	McCrary
McDaniel	McGarry	McGinnis
J. Moore	T. Moore	Morgan
D. C. Moss	Murphy	Murray
B. Newton	W. Newton	Nutt
Oremus	Ott	Parks
Pendarvis	Pope	Robinson

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Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
M. M. Smith	Stavrinakis	Taylor
Tedder	Thayer	Thigpen
Trantham	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

**Total--117**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**S. 545--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 545 -- Senator Goldfinch: A BILL TO AMEND SECTION 50-13-675, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NONGAME FISHING DEVICES PERMITTED IN CERTAIN BODIES OF WATER, SO AS TO ALLOW FOR THE USE OF SET HOOKS WITHIN A CERTAIN PORTION OF THE SANTEE RIVER.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No.1 to S. 545 (COUNCIL\CZ\545C001.DF.CZ21), which was adopted:

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

/ SECTION \_\_. Section 50-13-675(9) of the 1976 Code is amended to read:

“(9) Congaree River:

(a) ~~hoop-nets:~~

(i) ~~commercial license—ten;~~

(~~b~~) set hooks:

(i) recreational license—fifty;

(ii) commercial license—fifty;

(~~c~~)(b) traps:

(i) recreational license—two;

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- (ii) commercial license—ten;
- ~~(d)~~(c) trotlines:
- (i) recreational license—one line with fifty hooks

maximum;

(ii) commercial license—three lines with one hundred fifty hooks maximum; /

Re-number sections to conform.

Amend title to conform.

Rep. CHUMLEY explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 120; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jones	Jordan	Kimmons
Kirby	Ligon	Long

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Lowe	Lucas	Magnuson
Martin	Matthews	May
McCabe	McCray	McDaniel
McGarry	McGinnis	J. Moore
T. Moore	Morgan	D. C. Moss
Murphy	Murray	B. Newton
W. Newton	Nutt	Oremus
Ott	Parks	Pendarvis
Pope	Rivers	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
M. M. Smith	Stavrinakis	Taylor
Tedder	Thayer	Thigpen
Trantham	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

**Total--120**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 36--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 36 -- Senator Grooms: A BILL TO AMEND SECTION 50-13-640 OF THE 1976 CODE, RELATING TO THE POSSESSION OF BLUE CATFISH, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH OF THE SANTEE RIVER; TO AMEND SECTION 50-9-1120(3) OF THE 1976 CODE, RELATING TO THE POINT SYSTEM FOR

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FISHING VIOLATIONS, TO PROVIDE THAT A VIOLATION OF BLUE CATFISH CATCH LIMITS IS FOURTEEN POINTS; AND TO REQUIRE THAT THE DEPARTMENT OF NATURAL RESOURCES CONDUCT A STUDY OF THE BLUE CATFISH FISHERY IN THE SANTEE AND COOPER RIVER SYSTEMS.

Rep. YOW proposed the following Amendment No. 1 to S. 36 (COUNCIL\AHB\36C001.BH.AHB21), which was adopted:

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

/ SECTION 1. Section 50-13-640 of the 1976 Code is amended to read:

“Section 50-13-640. (A) It is unlawful to possess more than ~~one~~ two blue catfish (*Ictalurus furcatus*) greater than ~~thirty-six~~ thirty-two inches in length in any one day in Lake Marion, Lake Moultrie, or the upper reach of the Santee River, ~~and~~ the Congaree and Wateree Rivers, and all other state waterways.

(B) It is unlawful to take more than twenty-five blue catfish (*Ictalurus furcatus*) a day in Lake Marion, Lake Moultrie, the upper reach of the Santee River, and all other state waterways.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned not more than thirty days, or both.” /

Renumber sections to conform.

Amend title to conform.

Rep. YOW explained the amendment.

The amendment was then adopted.

Rep. HIXON explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 118; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley

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Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jones
Jordan	Kimmons	Kirby
Ligon	Long	Lowe
Lucas	Magnuson	Martin
Matthews	May	McCabe
McCravy	McDaniel	McGarry
McGinnis	J. Moore	T. Moore
Morgan	D. C. Moss	Murphy
Murray	W. Newton	Nutt
Oremus	Ott	Parks
Pendarvis	Pope	Rivers
Robinson	Rose	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	M. M. Smith	Stavrinakis
Taylor	Tedder	Thayer
Thigpen	Trantham	Weeks
West	Wetmore	Wheeler
White	Whitmire	R. Williams
S. Williams	Willis	Wooten
Yow		

**Total--118**

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Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**S. 231--RECALLED FROM COMMITTEE ON EDUCATION  
AND PUBLIC WORKS**

On motion of Rep. ALLISON, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

S. 231 -- Senators Shealy, McLeod and Matthews: A BILL TO ENACT THE "STUDENT IDENTIFICATION CARD SUICIDE PREVENTION ACT"; TO AMEND ARTICLE 5, CHAPTER 1, TITLE 59 OF THE 1976 CODE, RELATING TO MISCELLANEOUS PROVISIONS FOR EDUCATION, BY ADDING SECTION 59-1-375, TO PROVIDE THAT PUBLIC SCHOOLS AND PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER LEARNING SHALL ADD THE TELEPHONE NUMBER FOR THE NATIONAL SUICIDE PREVENTION LIFELINE TO STUDENT IDENTIFICATION CARDS AND MAY ADD TELEPHONE AND TEXT NUMBERS FOR CERTAIN OTHER HOTLINES TO STUDENT IDENTIFICATION CARDS, AND TO PROVIDE FOR THE USE OF STUDENT IDENTIFICATION CARDS IN EXISTENCE BEFORE THE IMPLEMENTATION OF THIS REQUIREMENT.

Rep. FORREST moved that the House recede until 2:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, the SPEAKER in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.  
A quorum was later present.

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**H. 3194--SENATE AMENDMENTS AMENDED AND  
RETURNED TO THE SENATE**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3194 -- Reps. Lucas, G. M. Smith, Simrill, Rutherford, Thigpen, McCravy, McGarry, B. Newton, Long, Yow and Carter: A BILL TO AUTHORIZE THE SALE OF THE ASSETS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND THE ASSUMPTION OR DEFEASMENT OF ITS LIABILITIES OR THE MANAGEMENT OF THE OPERATIONS OF THE PUBLIC SERVICE AUTHORITY BY A THIRD PARTY OR ENTITY; TO CREATE A SPECIAL COMMITTEE OF THE GENERAL ASSEMBLY TO FURTHER NEGOTIATE THE TERMS AND CONDITIONS OF THE PREFERRED SALE RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY AND THE PREFERRED MANAGEMENT RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY, TO PROVIDE THAT THE SPECIAL COMMITTEE SHALL REPORT ONE RECOMMENDATION TO EACH HOUSE OF THE GENERAL ASSEMBLY FOR ITS APPROVAL, AND TO PROVIDE FOR THE MANNER IN WHICH THE SELECTED PROPOSAL SHALL TAKE EFFECT; AND TO AMEND CHAPTER 31, TITLE 58, CODE LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC SERVICE AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE GOVERNANCE AND OPERATIONS OF THE AUTHORITY IN CERTAIN PARTICULARS.

Reps. LUCAS, G.M. SMITH, SIMRILL, RUTHERFORD, FINLAY and DAVIS propose the following Amendment No. 2A to H. 3194 (COUNCIL\ZW\3194C005.CC.ZW21), which was adopted:

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

/ Part 3

SECTION 1. Chapter 31, Title 58 is amended by adding:

“Article 7

Retail Rates Process

Section 58-31-710. The Public Service Authority, through its board of directors, shall adopt and publish pricing principles that respect and

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balance factors including, but not limited to, adherence to the authority's mission to be a low-cost provider, reliability, transparency, preservation of the authority's financial integrity, equity among customer classes, gradualism in adjustments to its pricing and rate schedule type, encouragement of efficiency and demand response, adequate notice to customers, and relief mechanisms for financially distressed customers. The authority shall also maintain and continue to offer rate schedules and options that provide demand-side management flexibility, including, but not limited to, non-firm sales and interruptible power rates, and conservation opportunities to its customers.

Section 58-31-720. For purposes of this article 'customer' shall include the authority's residential, commercial and industrial retail customers, and those wholesale customers served pursuant to contractual arrangements but excluding joint action agencies and those entities located outside the State.

Section 58-31-730. Prior to creating or revising any of its board-approved retail rate schedules, the Public Service Authority, through resolution of its board of directors or otherwise, shall adopt a process that shall include the following:

(A) The authority shall provide notice to all customers at least one hundred and eighty days before the board of directors' vote on a proposed rate adjustment.

(1) The one hundred and eighty days' notice required under this section is established to allow customers to provide comments to the authority as follows:

(a) written comments to the authority for ninety days from the date of notice; and

(b) oral comments to the authority for one hundred twenty days from the date of notice.

(2) The notice required by this subsection must be given in the following forms:

(a) by first-class United States mail addressed to the customer's billing address in the authority's records at the time of the notice, or for customers who have elected paperless billing, by the same means of communication used for providing these customers paperless billing;

(b) by advertisements to be published in newspapers of general circulation within the service territory of the authority;

(c) by way of the authority's regularly maintained website, including a conspicuous portal or link accessible from the website's landing page; and



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(d) by issuance of a news release to local news outlets.

(3) The notice of proposed rate adjustments required by this subsection shall contain the following information:

(a) the date, time, and location of all public meetings;

(b) the date, time, and location of the meeting at which a proposed rate adjustment is expected to be submitted to the board of directors for its consideration;

(c) the date, time, and location of the meeting at which the board of directors is expected to vote on the proposed rate adjustment;

(d) a notification to customers of their right to:

(i) review the proposed rate schedules;

(ii) appear and speak in person concerning the proposed rates at public meetings or the specified meetings of the board of directors; and

(iii) submit written comments;

(e) the means by which customers can submit written comments, including the email and physical addresses to which written comments may be submitted, and the deadline for submitting such comments; and

(f) the means by which customers can access and review the authority's written report containing the proposed rate adjustments, the non-proprietary and non-confidential portions of any rate study or other documentation developed by the authority in support of the rate adjustment which shall be available at the time the notice is issued.

(i) To the extent customers, as a part of the retail rates process set forth herein, request such information, belonging to the authority, and the authority believes in good faith the information is confidential or proprietary and entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law, the authority shall be under no obligation to provide such information unless and until it receives an appropriate confidentiality agreement executed by the customer.

(ii) Under no circumstances shall the authority be obligated to disclose the information of any individual customer that is believed in good faith by the authority to be entitled to protection from public disclosure under the South Carolina Freedom of Information Act unless expressly permitted in writing by the affected customer.

(4) Contemporaneously with notice to customers, the authority shall provide notice of proposed rate adjustments to the Office of Regulatory Staff.

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(B) In addition to the requirements of notice set forth above, the authority shall provide for the following in its retail rate adjustment process:

(1) the Office of Regulatory Staff must review any rate adjustments proposed to the authority's board of directors under this article including conducting an inspection, audit, and examination of the proposed rate schedule, revenue requirements, cost of service analysis, and rate/tariff design. In accomplishing its responsibilities under this article, the Office of Regulatory Staff must use the authority granted to it pursuant to Section 58-31-225. The Office of Regulatory Staff must treat as confidential or proprietary the information provided by the authority pursuant to this subsection that is identified by the authority as such unless or until the authority agrees that such information is no longer confidential or proprietary. Any disputes concerning whether such information is subject to protection must be resolved by the South Carolina Public Service Commission.

(2) a comprehensive review of the authority's rate structure and rates, consistent with the provisions of Chapter 31, Title 58, and the Public Service Authority's bond covenants concerning the Public Service Authority's revenue requirements, provided that:

(a) management may engage consultants as necessary to assist the authority in completing this review; and

(b) this review should include such subjects as the authority's revenue requirements, rate/tariff design recognizing the provisions of any wholesale power supply agreement, and a comprehensive cost of service analysis that includes an allocation of costs, between wholesale and retail customers, and among all classes of retail customers, including residential, commercial and industrial classes;

(3) a written report of management's recommendations concerning proposed rate adjustments;

(4) beginning no later than the date that notice of the proposed rate adjustment is issued by the authority, an opportunity for customers and the Office of Regulatory Staff, in advance of the board of directors' consideration and determination of rates, to review the proposed rate schedules and written findings and analyses of employees and consultants retained by the authority that support the proposed rate adjustments, provided that:

(a) the authority also shall provide customers and the Office of Regulatory Staff access to proposed rate schedules and written findings and analyses of employees and consultants retained by the authority that support the proposed rate adjustments, such materials to

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be made available at a physical location, at public meetings, and posted on the authority's website; and

(b) the authority shall not be required to provide to customers analyses which disclose the commercially sensitive information of individual customers or which is otherwise proprietary or confidential;

(5) public meetings, to be held at locations convenient for customers and within the authority's service territory, provided that:

(a) the authority shall convene at least two public meetings at a minimum of two locations within its service territory for the purpose of presenting the proposed rate adjustment and relevant information regarding the same to customers for their information and comment;

(b) customers may appear and speak in person at public meetings and direct comments and inquiries about the rate adjustment to representatives of the authority;

(c) at least one representative of the authority's staff or management and a quorum of the board of directors shall attend each public meeting;

(d) the authority shall cause a transcript of all such meetings to be prepared and maintained as a public record and for consideration by the board of directors prior to its consideration and vote on a proposed rate adjustment; and

(e) the contents of this item must not be construed in such a manner as to prevent the authority from extending the prescribed timelines, holding additional public meetings, holding additional meetings with customers as may be scheduled from time to time at the convenience of the authority and the customers, or having additional representatives of staff, management, or the board of directors in attendance at such meetings;

(6) the authority's management shall respond to reasonable questions and requests for information from customers and the Office of Regulatory Staff during the comment period regarding the rate proposal, subject to the appropriate protection of confidential information. All information provided to the Office of Regulatory Staff upon request that is not confidential or proprietary shall be made publicly available immediately following disclosure to the requesting party;

(7) submission by the Office of Regulatory Staff of written comments and supporting documentation in the same manner as customers and an opportunity for the Office of Regulatory Staff to provide comments to, and answer questions from, the board of directors;

(8) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one

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hundred twenty days from the date of notice required pursuant to Section 58-31-730(A), at which the board of directors shall receive written comments received in accordance with Section 58-31-730(A)(1), and transcripts of the public meetings, provided that:

(a) at this meeting customers who will be affected by a rate adjustment and other interested parties, including the Office of Regulatory Staff and Consumer Advocate, shall be entitled to appear and speak in person for a reasonable amount of time to offer their comments directly to the board of directors;

(b) customer comments received by the authority prior to this meeting and transcripts of the public meetings shall be submitted to the board of directors for their consideration in the determination of rates;

(c) submissions from the Office of Regulatory Staff shall be provided to the board of directors for their consideration in the determination of rates; and

(d) the authority shall cause a transcript of this meeting to be prepared and maintained as a public record;

(9) a meeting of the board of directors, separate from its scheduled vote on proposed rate adjustments and no less than one hundred fifty days from the date of notice required pursuant to Section 58-31-730(A), at which it shall receive the authority management's recommendation, which shall be made publicly available, concerning proposed rate adjustments, the proposed rate schedules, and documentation supporting the same; and

(10) a meeting at which the board of directors votes on the proposed rate adjustment, following notice as set forth in subsection (A) and completion of the process implemented by the board of directors pursuant to subsection (B).

(C) Rates shall become effective no earlier than sixty days following board approval of proposed rate adjustments.

(D) Nothing contained in this section may be construed to limit or derogate from the state's covenants as provided in Sections 58-31-30 and 58-31-360, and those covenants are hereby reaffirmed.

(E) The board of directors shall utilize consultants independent from the authority's management and is authorized to hire independent outside experts and consultants as necessary to fulfill the board of directors' obligations and duties pursuant to this section.

(F) Notwithstanding the provisions of this section, the authority may place such adjusted rates and charges into effect on an interim basis under emergency circumstances such as the avoidance of default of its obligations and to ensure proper maintenance of its system; these interim

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rates must not be in effect for more than eighteen months. Said adjusted rates and charges shall be subject to prospective rate adjustment in accordance with the terms of this section, provided further, that the authority may implement experimental rates on an interim basis for the purpose of developing improved rate offerings for customers. These experimental rates will be enacted for no longer than four years and (a) for large industrial customers, no more than twelve percent of the large industrial customer class except large industrial customers with one hundred megawatts or greater load shall be excluded from any class size limit, and (b) for all other customers no more than five percent of the customers in the class. All experimental rates must be disclosed in public session of the board prior to being enacted and are subject to approval by the board only to the extent that they meet the requirements of Section 58-31-55.

(G) Judicial review of decisions by the board of directors under this article shall be by direct appeal to the South Carolina Supreme Court. The service of a notice of appeal from a decision of the board of directors pursuant to this article does not act to automatically stay the matters decided in the decision, in the same manner as provided by Rule 241(b)(11) of the South Carolina Appellate Court Rules. Rate adjustments approved by the board of directors pursuant to this article have been authorized by law.

(1) The Office of Regulatory Staff, or any customer who has submitted written or oral comments as permitted under this article is considered a 'party in interest' entitled to obtain judicial review of any final decision of the board under this article by appealing in the manner provided by Rule 203(b)(6) of the South Carolina Appellate Court Rules as applicable to appeals from administrative tribunals. No right to appeal accrues unless a request for reconsideration is submitted to the board and refused as set out in S.C. Code Ann. Section 58-31-730(G)(2).

(2) Any party in interest seeking to appeal must first submit, within ten days after the decision of the board, a request for reconsideration. The board of directors shall either grant or refuse such request within twenty days of receipt. If the board grants the request for reconsideration, it must meet to consider the request within thirty days.

(3) On appeal, the South Carolina Supreme Court may not substitute its judgment for the judgment of the board of directors as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of directors or remand the case to the board of directors for further proceedings. The court may reverse or modify the

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decision if substantial rights of the appellant have been prejudiced because the board's findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the authority;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and

substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(H) The procedure provided in this article is the exclusive process for challenging any rate adjustments approved by the board of directors. If a party in interest successfully challenges a rate approval decision on appeal, the exclusive remedy is a prospective adjustment of a new rate by the board of directors. The board of directors possesses authority only to adjust rates prospectively and has no authority to refund amounts collected pursuant to a rate adjustment approved pursuant to this article. The filed rate doctrine protects any such rate adjustment decisions from any collateral attack, which includes, but is not limited to, any claim that a rate adjustment decision by the board of directors violates S.C. Code Ann. Sections 58-31-55, 58-31-56, or 58-31-57.

Section 58-31-740. The authority shall submit to the Office of Regulatory Staff a pricing report each year, and its report must include an analysis of the adherence to the pricing principles required in Section 58-31-710, the current and projected electric customer pricing, a comparison of pricing to other utilities, and an analysis of the rates of return by customer class. After its review, the ORS shall issue comments on the authority's annual pricing report to the authority's board of directors and the Public Utility Review Committee."

SECTION 2. Chapter 31, Title 58 of the 1976 Code is amended by adding:

"Section 58-31-225. The Office of Regulatory Staff, under the provisions of this section, is hereby vested with the authority and jurisdiction to make inspections, audits, and examinations of the Public Service Authority pursuant to the provisions of Chapter 4, Title 58, relating to the electric rates established by the Public Service Authority. Upon completion of an authorized inspection, audit, or examination, the Office of Regulatory Staff must report its findings to the management and board of the Public Service Authority and attempt to resolve with the management and board any issues that are identified. The Public

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Service Authority must post information regarding its electric rates on its website.”

SECTION 3. Chapter 4, Title 58 of the 1976 Code is amended by adding:

“Section 58-4-51. (A) Regulatory staff shall have the following duties and responsibilities concerning the Public Service Authority to:

(1) when considered necessary by the Executive Director of the Office of Regulatory Staff, review, investigate, and make appropriate recommendations to the appropriate entity with respect to the rates charged or proposed to be charged for electric service provided by the Public Service Authority;

(2) when considered necessary by the Executive Director of the Office of Regulatory Staff, make inspections, audits, and examinations of, and to make recommendations to, the appropriate entity, regarding electric service provided by the Public Service Authority;

(3) upon request by the commission, make studies and recommendations to the commission with respect to standards, regulations, practices, or electric service provided by the Public Service Authority for matters within the commission’s jurisdiction; and

(4) when considered necessary by the Executive Director of the Office of Regulatory Staff, investigate and examine the condition of generation, transmission, or distribution electric facilities owned or operated by the Public Service Authority.

(B) Regulatory staff may participate as a party of interest, as deemed necessary by the Executive Director of the Office of Regulatory Staff, before regulatory agencies, state courts and federal courts, in matters that could affect the Public Service Authority’s rates or charges for the authority’s electric service.

(C) The regulatory staff may have additional duties and responsibilities related to the Public Service Authority as otherwise provided by law.”

SECTION 4. Section 58-4-55 of the 1976 Code is amended to read:

“Section 58-4-55. (A) The regulatory staff, in accomplishing its responsibilities under Section 58-4-50 and Section 58-4-51, may require the production of books, records, and other information to be produced at the regulatory staff’s office, that, upon request of the regulatory staff, must be submitted under oath and without the requirement of a confidentiality agreement or protective order being first executed or sought. The regulatory staff must treat the information as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility, the

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Public Service Authority, or the electric cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission. Although the Public Service Authority is subject to the Freedom of Information Act pursuant to Sections 30-4-10, et seq, the authority, when necessary and appropriate, may indicate that documents or information provided to regulatory staff is confidential or proprietary, or otherwise exempt from disclosure in accordance with statute, and the regulatory staff must treat this information in the same manner as public utilities and cooperatives pursuant to this section.

If the books, records, or other information provided do not appear to disclose full and accurate information and, if such apparent deficiencies are not cured after reasonable notice, the regulatory staff may require the attendance and testimony under oath of the officers, accountants, or other agents of the parties having knowledge thereof at such place as the regulatory staff may designate and the expense of making the necessary examination or inspection for the procuring of the information must be paid by the party examined or inspected, to be collected by the regulatory staff by suit or action, if necessary. If, however, the examination and inspection and the reports thereof disclose that full and accurate information had previously been made, the expense of making the examination and inspection must be paid out of the funds of the regulatory staff.

(B) If the regulatory staff initiates an inspection, audit, or examination of a public utility, the Public Service Authority, or an electric cooperative, the public utility, the Public Service Authority, or the electric cooperative that is the subject of the inspection, audit, or examination may petition the commission to terminate or limit the scope of such inspection, audit, or examination. The commission must grant such petition if it finds that such inspection, audit, or examination is arbitrary, capricious, unnecessary, unduly burdensome, or unrelated to



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the regulated operations of the public utility, the Public Service Authority, or the electric cooperative.

(1) If such an inspection, audit, or examination is not part of a contested case proceeding, the public utility, the Public Service Authority or the electric cooperative may also raise objections or seek relief available under the South Carolina Rules of Civil Procedure to a party upon whom discovery is served or to a person upon whom a subpoena is served. The commission shall provide the regulatory staff reasonable notice to respond to any such objection or request. Absent the consent of the public utility, the Public Service Authority, or the electric cooperative raising such an objection or request and the Office of Regulatory Staff, the commission must rule on such an objection or request within sixty days of the date it was filed. During the pendency of the commission's ruling, the public utility, the Public Service Authority, or the electric cooperative making such an objection or request is not required to produce or provide access to any documents or information that is the subject of the objection or request.

(2) If such an inspection, audit, or examination is part of a contested case proceeding, the commission shall address objections to information sought by the regulatory staff in the same manner in which it addresses objections to discovery issued by the parties to the contested case proceeding.

(C) Any public utility, the Public Service Authority, or any electric cooperative that provides the regulatory staff with copies of or access to documents or information in the course of an inspection, audit, or examination that is not part of a contested case proceeding may designate any such documents or information as confidential or proprietary if it believes in good faith that such documents or information would be entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The regulatory staff may petition the commission for an order that some or all of the documents so designated are not entitled to protection from public disclosure and it shall be incumbent on the utility to prove that such documents are entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. The commission shall rule on such petition after providing the regulatory staff and the utility an opportunity to be heard. Unless the commission's order on such a petition contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Sections 30-4-10, et seq., and the regulatory staff

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shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity; provided, however, that, if the commission determines that it is necessary to view such documents or information in order to rule on such a petition, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection during the pendency of the petition.

(D) Nothing in this section restricts the regulatory staff's ability to serve discovery in a contested case proceeding that seeks the type of documents or information the regulatory staff has obtained in the course of any review, investigation, inspection, audit, or examination, nor does anything in this section restrict the ability of any public utility, the Public Service Authority, or electric cooperative to object to such discovery or to seek relief regarding such discovery, including without limitation, the entry of a protective order. The regulatory staff shall not be required to execute a confidentiality agreement or seek a protective order prior to accessing the documents or information of a public utility, the Public Service Authority, or an electric cooperative, and such information or documents must be treated as confidential or proprietary unless or until the commission rules such information is not entitled to protection from public disclosure or the public utility, the Public Service Authority, or the electric cooperative agrees that such information is no longer confidential or proprietary. Unless the commission's order contains a finding to the contrary, all documents or information designated as confidential or proprietary pursuant to this subsection are exempt from public disclosure under Section 30-4-10, et seq., and the regulatory staff shall not disclose such documents and information, or the contents thereof, to any member of the commission or to any other person or entity. However, if the commission determines that it is necessary to view such documents or information, it shall order the regulatory staff to file the documents or information with the commission under seal, and such documents or information shall not be available for public inspection unless otherwise ordered by the commission.

(E)(1) The Office of Regulatory Staff, in order to accomplish any of the responsibilities assigned to it by Chapter 4, Title 58 or any other provision of law, may apply to the circuit court for subpoenas to be issued to entities over which the Public Service Commission does not have jurisdiction. Such subpoenas will be issued by the circuit court in the same manner as subpoenas are issued to parties to proceedings before that court, and all rules applicable to the issuance of such subpoenas,

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including enforcement and penalties, shall apply to subpoenas issued at the request of the regulatory staff.

(2) In order to accomplish any of the responsibilities assigned to the Office of Regulatory Staff regarding the Public Service Authority in which the commission does not have jurisdiction, regulatory staff may request a hearing with the Administrative Law Court.

(F) The actual expenses of the Office of Regulatory Staff incurred in carrying out its duties under Section 58-4-50(A)(12) must be certified annually to the Public Utilities Review Committee in an itemized statement by the Office of Regulatory Staff, shown as a line item in the Office of Regulatory Staff budget, to be assessed directly to an audited electric cooperative by the Office of Regulatory Staff, and deposited with the State Treasurer to the credit of the Office of Regulatory Staff.”

SECTION 5. Section 58-27-190 of the 1976 Code is amended to read:

“Section 58-27-190. The Office of Regulatory Staff has the right at any and all times to inspect the property, plant, and facilities of any electrical utility and the South Carolina Public Service Authority and to inspect or audit at reasonable times the accounts, books, papers, and documents of any electrical utility and the South Carolina Public Service Authority. For the purposes herein mentioned an employee or agent of the Office of Regulatory Staff may during all reasonable hours enter upon any premises occupied by or under the control of any electrical utility or the South Carolina Public Service Authority. An employee or agent of the Office of Regulatory Staff authorized to administer oaths has the power to examine under oath any officer, agent, or employee of the electrical utility and the South Carolina Public Service Authority in relation to the business and affairs of the electrical utility or the South Carolina Public Service Authority, but written record of the testimony or statement so given under oath must be made.”

SECTION 6. Section 58-27-200 of the 1976 Code is amended to read:

“Section 58-27-200. In the performance of its duties under this chapter, an employee or agent of the Office of Regulatory Staff may inspect or make copies of all income, property, or other tax returns, reports, or other information filed by electrical utilities or the South Carolina Public Service Authority, with or otherwise obtained by any other department, commission, board, or agency of the state government. All departments, commissions, boards, or agencies of the state government must permit an employee or agent of the Office of Regulatory Staff to inspect or make copies of all information filed by

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electrical utilities or the South Carolina Public Service Authority with or otherwise obtained by the department, commission, board, or agency of the state government.”

SECTION 7. Section 58-27-210 of the 1976 Code is amended to read:

“Section 58-27-210. Whenever it shall appear that any electrical utility, electric cooperative, the South Carolina Public Service Authority regarding its provision of electric services, or consolidated political subdivision is failing or omitting, or about to fail or omit, to do anything required of it by law or by order of the commission or is doing, or about to do anything or permitting or about to permit anything to be done contrary to or in violation of law or of any order of the commission, an action or proceeding shall be prosecuted in any court of competent jurisdiction in the name of the Office of Regulatory Staff for the purpose of having such violation or threatened violation discontinued or prevented, either by mandamus, injunction, or other appropriate relief, and in such action or proceeding, it shall be permissible to join such other persons, corporations, municipalities, or consolidated political subdivisions as parties thereto as may be reasonably necessary to make the order of the court in all respects effective. The commission must not be a party to any action.”

SECTION 8. Section 58-27-220 is amended to read:

“Section 58-27-220. In addition to the foregoing expressly enumerated powers, the Office of Regulatory Staff must enforce, execute, administer, and carry out the provisions of this chapter relating to the powers, duties, limitations, and restrictions imposed upon electrical utilities and the South Carolina Public Service Authority by this chapter or any other provisions of the law of this State regulating electrical utilities and the South Carolina Public Service Authority regarding its provision of electric services.”

SECTION 9. Section 58-33-20 of the 1976 Code is amended to read:

“Section 58-33-20. (1) The term ‘commission’ means Public Service Commission.

(2) The term ‘major utility facility’ means:

(a) electric generating plant and associated facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts.

(b) an electric transmission line and associated facilities of a designed operating voltage of one hundred twenty-five kilovolts or more; provided, however, that the words ‘major utility facility’ shall not include electric distribution lines and associated facilities, ~~nor shall the~~

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~~words ‘major utility facility’ include electric transmission lines and associated facilities leased to and operated by (or which upon completion of construction are to be leased to and operated by) the South Carolina Public Service Authority.~~

(3) The term ‘commence to construct’ means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying or changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.

(4) The term ‘municipality’ means any county or municipality within this State.

(5) The term ‘person’ includes any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local government, municipality, any other organization, or any combination of any of the foregoing, and ~~but~~ shall ~~not~~ include the South Carolina Public Service Authority.

(6) The term ‘public utility’ or ‘utility’ means any person engaged in the generating, distributing, sale, delivery, or furnishing of electricity for public use.

(7) The term ‘land’ means any real estate or any estate or interest therein, including water and riparian rights, regardless of the use to which it is devoted.

(8) The term ‘certificate’ means a certificate of environmental compatibility and public convenience and necessity. (9) The term ‘regulatory staff’ means the executive director or the executive director and the employees of the Office of Regulatory Staff.”

SECTION 10. Article 3, Chapter 33, Title 58 of the 1976 Code is amended by adding:

“Section 58-33-180. (A)(1) In addition to the requirements of Articles 1, 3, 5, and 7 of Chapter 33, Title 58, a certificate for the construction of a major utility facility shall be granted only if the Public Service Authority demonstrates and proves by a preponderance of the evidence and the commission finds:

(a) the construction of a major utility facility constitutes a more cost effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service than other feasibly available long-term power supply alternatives; and

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(b) energy efficiency measures; demand-side management; renewable energy resource generation; available long-term power supply alternatives, or any combination thereof, would not establish or maintain a more cost-effective and reliable generation system and that the construction and operation of the facility is in the public interest.

(2) Available long-term power supply alternatives may include, but not limited to, power purchase agreements, competitive procurement of renewable energy, joint dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof.

(3) The commission shall consider any previous analysis performed pursuant to Section 58-37-40 in acting upon any petition by the Public Service Authority pursuant to this section. The commission shall also take into account the Public Service Authority's resource and fuel diversity, reasonably anticipated future operating costs, arrangements with other electric utilities for interchange of power, pooling of plants, purchase of power and other alternative methods for providing reliable, efficient, and economical electric service.

(B) The Public Service Authority shall file an estimate of construction costs in such detail as the commission may require. No certificate shall be granted unless the commission has approved the estimated construction costs and made a finding that construction will be consistent with the authority's commission approved plan for expansion of electric generating capacity.

Section 58-33-185. (A) The Public Service Authority may not enter into a contract for the acquisition of a major utility facility without approval of the Public Service Commission of South Carolina, provided that the approval is required only to the extent the transaction is not subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission or any other federal agency.

(B)(1) In acting upon any petition by the Public Service Authority pursuant to this section, the Public Service Authority must prove by a preponderance of the evidence that the proposed transaction constitutes a more cost effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service than other feasibly available long-term power supply alternatives. The commission shall consider any previous analysis performed pursuant to Section 58-37-40 in acting upon any

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petition by the Public Service Authority pursuant to this section. The commission shall also take into account the Public Service Authority's arrangements with other electric utilities for interchange of power, pooling of plants, purchase of power and other alternative methods for providing reliable, efficient, and economical electric service

(2) Available long-term power supply alternatives may include, but not limited to, power purchase agreements of a different duration than proposed, competitive procurement of renewable energy, joint dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof.

(C) Application for the approval of the commission shall be made by the Public Service Authority and shall contain a concise statement of the proposed action, the reasons therefor, and such other information as may be required by the commission.

(D) Upon the receipt of an application, the commission shall promptly fix a date for the commencement of a public hearing, not less than sixty nor more than ninety days after the receipt, and shall conclude the proceedings as expeditiously as practicable. The commission shall establish notice requirements and proceedings shall include an opportunity for intervention, discovery, filed comments or testimony, and an evidentiary hearing.

(E) The commission shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions or modifications as the commission may deem appropriate.

(F)(1) The commission may not grant approval unless it shall find and determine that the Public Service Authority satisfied all requirements of this section and the proposed transaction is in the best interests of the retail and wholesale customers of the Public Service Authority.

(2) The commission also may require compliance with any provision of Article 3, Chapter 33, Title 58 that the commission determines necessary to grant approval.

Section 58-33-190.(1) The Public Service Authority may not enter into a contract for the purchase of power with a duration longer than ten years without approval of the Public Service Commission of South Carolina, provided that the approval is required only to the extent the transaction is not subject to the exclusive jurisdiction of the Federal

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Energy Regulatory Commission or any other federal agency. This section does not apply to purchases of renewable power through a commission approved competitive procurement process.

(2) The commission shall consider any previous analysis performed pursuant to Section 58-37-40 in acting upon any petition by the Public Service Authority pursuant to this section. The commission shall also take into account the Public Service Authority's resource and fuel diversity, reasonably anticipated future operating costs, arrangements with other electric utilities for interchange of power, pooling of plants, purchase of power and other alternative methods for providing reliable, efficient, and economical electric service.

(3) The commission may not grant approval unless it shall find and determine that the proposed transaction is in the best interests of the retail and wholesale customers of the Public Service Authority."

SECTION 11. Section 58-37-40 of the 1976 Code, as last amended by Act 62 of 2019, is further amended to read:

"Section 58-37-40. (A) Electrical utilities, electric cooperatives, municipally owned electric utilities, and the South Carolina Public Service Authority must each prepare an integrated resource plan. An integrated resource plan must be prepared and submitted at least every three years. Nothing in this section may be construed as requiring interstate natural gas companies whose rates and services are regulated only by the federal government or gas utilities subject to the jurisdiction of the commission to prepare and submit an integrated resource plan.

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

(2) Electric cooperatives and municipally owned electric utilities shall each submit an integrated resource plan to the State Energy Office. Each integrated resource plan must be posted on the State Energy Office's website. If an electric cooperative or municipally owned utility has a website, its integrated resource plan must also be posted on its website. For distribution, electric cooperatives that are members of a cooperative that provides wholesale service, the integrated resource plan may be coordinated and consolidated into a single plan provided that nonshared resources or programs of individual distribution cooperatives are highlighted. Where plan components listed in subsection (B)(1) and (2) of this section do not apply to a distribution or wholesale cooperative or a municipally owned electric utility as a result of the cooperative or the municipally owned electric utility not owning or operating generation resources, the plan may state that fact or refer to the plan of



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the wholesale power generator. For purposes of this section, a wholesale power generator does not include a municipally created joint agency if that joint agency receives at least seventy-five percent of its electricity from a generating facility owned in partnership with an electrical utility and that electrical utility:

(a) generally serves the area in which the joint agency's members are located; and

(b) is responsible for dispatching the capacity and output of the generated electricity.

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

(4)(a) In addition to the requirements of 58-37-40(B), the Public Service Authority's integrated resource plan shall include an analysis of long-term power supply alternatives and enumerate the cost of various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost effective and least ratepayer risk resource portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service.

(b) In addition to the requirements of Section 58-37-40(B), the commission shall review and evaluate the Public Service Authority's analysis of long-term power supply alternatives and various resource portfolios over various study periods including a twenty-year study period and, by comparison on a net present value basis, identify the most cost-effective and lowest ratepayer-risk resource portfolio to meet the Public Service Authority's total capacity and energy requirements while maintaining safe and reliable electric service. The commission's evaluation shall include, but not be limited to:

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(i) evaluating the cost-effectiveness and ratepayer risk of self-build generation and transmission options compared with various long-term power supply alternatives including power purchase agreements, competitive procurement of renewable energy, joint dispatch agreements, market purchases from an existing regional transmission organization, joining or creating a new regional transmission organization, using best available technology for energy generation, transmission, storage and distribution, or any combination thereof. In evaluating and identifying the most cost effective and least ratepayer risk resource portfolio, the commission shall strive to reduce the risk to ratepayers associated with any generation and transmission options while maintaining safe and reliable electric service; and

(ii) an analysis of any potential cost savings that might accrue to ratepayers from the retirement of remaining coal generation assets.

(c) The authority's integrated resource plan must provide the information required in Section 58-37-40(B). The Integrated Resource Plan of the South Carolina Public Service Authority shall include and evaluate at least one resource portfolio, which will reflect the closure of the Winyah Generating Station by 2028, designed to provide safe and reliable electricity service while meeting a net zero carbon emission goal by the year 2050. To the extent practicable, the commission shall align the Public Service Authority's future integrated resource plan filings on a schedule that aligns the Public Service Authority's integrated resource plan filing dates with those required for other electrical utilities in the State.

(d) Nothing in this chapter of Title 58 gives the Public Service Commission or the Public Service Authority the power to amend or alter in any way any wholesale power supply agreement between the Public Service Authority and Central Electric Power Cooperative.

(B)(1) An integrated resource plan shall include all of the following:

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

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

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

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

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

(i) customer energy efficiency and demand response programs;

(ii) facility retirement assumptions; and

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

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

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

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

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

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

(C)(1) The commission shall have a proceeding to review each electrical utility integrated resource plan. As part of the integrated resource plan filing, the commission shall allow intervention by interested parties. The commission shall establish a procedural schedule to permit reasonable discovery after an integrated resource plan is filed in order to assist parties in obtaining evidence concerning the integrated resource plan, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. No later than three hundred days after an electrical utility files an integrated resource plan, the commission shall issue a final order approving, modifying, or denying the plan filed by the electrical utility or the Public Service Authority.

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

- (a) resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve margins;
- (b) consumer affordability and least cost;
- (c) compliance with applicable state and federal environmental regulations;
- (d) power supply reliability;
- (e) commodity price risks;
- (f) diversity of generation supply; and
- (g) other foreseeable conditions that the commission determines to be for the public interest.

(3) If the commission modifies or rejects an electrical utility's or the Public Service Authority's integrated resource plan, the electrical utility or the Public Service Authority, within sixty days after the date of the final order, shall submit a revised plan addressing concerns identified by the commission and incorporating commission-mandated revisions to the integrated resource plan to the commission for approval. Within sixty days of the electrical utility's or the Public Service Authority's revised filing, the Office of Regulatory Staff shall review the electrical utility's or the Public Service Authority's revised plan and submit a report to the commission assessing the sufficiency of the revised filing. Other parties to the integrated resource plan proceeding also may submit comments. No later than sixty days after the Office of Regulatory Staff report is filed with the commission, the commission at its discretion may determine whether to accept the revised integrated resource plan or to mandate further remedies that the commission deems appropriate.

(4) The submission, review, and acceptance of an integrated resource plan by the commission, or the inclusion of any specific resource or experience in an accepted integrated resource plan, shall not be determinative of the reasonableness or prudence of the acquisition or construction of any resource or the making of any expenditure. ~~The~~ An electrical utility shall retain the burden of proof to show that all of its

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investments and expenditures are reasonable and prudent when seeking cost recovery in rates.

(D)(1) An electrical utility and the Public Service Authority shall each submit annual updates to its integrated resource plan to the commission. An annual update must include an update to the electric utility's or the Public Service Authority's base planning assumptions relative to its most recently accepted integrated resource plan, including, but not limited to: energy and demand forecast, commodity fuel price inputs, renewable energy forecast, energy efficiency and demand-side management forecasts, changes to projected retirement dates of existing units, along with other inputs the commission deems to be for the public interest. The electrical utility's or Public Service Authority's annual update must describe the impact of the updated base planning assumptions on the selected resource plan. Nothing in this section prohibits the Public Service Authority from requesting Commission approval of a modification to the most recently approved integrated resource plan.

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

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

SECTION 12. Article 1, Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-227. (A) The Public Service Authority shall file for commission approval of a program for the competitive procurement of energy, capacity, and environmental attributes from renewable energy facilities to meet needs for new generation resources identified by the Authority in its Integrated Resource Plans or other planning processes. The commission may not grant approval unless the commission finds and determines that the Public Service Authority satisfied all requirements of this section and the proposed program is in the best interests of the customers of the Public Service Authority. The commission may adopt procedures to implement the requirements of this section and shall retain continuing oversight and approval authority over all aspects of an approved program to ensure any approved program

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complies with this section and is in the best interests of the customers of the Public Service Authority.

(B) The Public Service Authority shall procure renewable energy resources subject to the following requirements:

(1) Renewable energy resources procured by the Public Service Authority shall be procured via a competitive solicitation process open to all independent market participants that meet minimum eligibility requirements.

(2) The Public Service Authority shall issue public notification of its intention to issue a competitive renewable solicitation at least ninety days prior to the release of each solicitation, including the proposed procurement volume, process, and timeline.

(3) Renewable energy facilities eligible to participate in a competitive procurement are those that have a valid interconnection request on file and that use renewable energy resources identified in Section 58-39-120(F) and may include battery storage devices charged exclusively by renewable energy.

(4) Each competitive solicitation shall include a third-party evaluator. The Public Service Authority will select the third-party evaluator it deems most capable of executing an objective, transparent, fair, and efficient competitive solicitation.

(C) The Public Service Authority shall make publicly available at least forty-five days prior to each competitive solicitation:

(1) A pro forma contract to inform market participants of the procurement terms and conditions. The pro forma contract will (i) include standardized and commercially reasonable requirements for contract performance security consistent with market standards; (ii) define limits and compensation for resource dispatch and curtailments that limit uncompensated curtailment to a specified portion of estimated annual output.

(2) A bid evaluation methodology that ensures all bids are treated equitably, including price and nonprice evaluation criteria. Nonprice criteria will at minimum include consideration of diversity in resource size and geographic location.

(3) Interconnection requirements and study methodology, including how bids without existing interconnection studies will be treated for purposes of evaluation.

(D) After bids are submitted and evaluated, winning bids will be selected based upon the published evaluation methodology.

(E) The Public Service Authority shall issue a public report summarizing the results of each competitive solicitation within sixty

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days of the award notifications. The report will include, at minimum, a summary of the submitted bids and an anonymized list of the project awards, including their size, location, average award price and tenor, and award price range.

Section 58-31-228. All lawful expenses and charges incurred by the Public Service Commission and the Office of Regulatory Staff in the administration of this act and in performance of its duties thereunder shall be defrayed by assessments made by the Comptroller General against the Public Service Authority for the year ending on the thirtieth day of June preceding that in which the assessment is made. The Public Service Commission and the Office of Regulatory Staff shall certify to the Comptroller General annually on or before August first the amounts to be assessed in the format approved by the Comptroller General. Payment is due no later than August 31st.

Section 58-31-229. The Public Service Commission and the Office of Regulatory Staff are authorized to employ, through contract or otherwise, third-party consultants and experts in carrying out their duties under this Act. The commission and Office of Regulatory Staff are exempt from complying with the State Procurement Code in the selection and hiring of third-party consultants or experts authorized by this section. The commission and the Office of Regulatory Staff may not hire the same third-party consultant or expert in the same proceeding or to address the same or similar issues in different proceedings.”

SECTION 13. As part of the process of retiring its coal units, the Public Service Authority shall develop and implement a plan, with community engagement and participation, that: (a) allows employees in good standing who would be directly affected by the closure of the unit to be retained by the Public Service Authority, or provides training opportunities for related employment to affected employees in good standing who are not retained; and (b) provides an opportunity for economic development and job attraction in the communities where the retired coal stations are located. Annual written status reports shall be provided to the SC Public Utilities Review Committee.

SECTION 14. Act 135 of 2020 is hereby extended through December 31, 2021, except that:

- (1) The Office of Regulatory Staff shall no longer be required to conduct monthly reviews of Santee Cooper.
- (2) Nothing contained in the language of Act 135 of 2020 shall prohibit Santee Cooper from taking all necessary steps to plan for the closing of the Winyah Generating Station.

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(3) Nothing contained in the language of Act 135 of 2020 shall prohibit Santee Cooper from entering financial transactions for the purpose of obtaining lower interest rates on existing debts, provided that overall debt load may not be increased by any such transaction.

SECTION 15. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 16. Parts 1 and 2 of this act and SECTION 14 of Part 3 take effect upon approval by the Governor. The remaining SECTIONS of Part 3 of this act take effect January 1, 2022. /

Renumber parts and sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

Rep. G. M. SMITH spoke in favor of the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 115; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Dabney	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin

[HJ]



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Gatch	Gilliam	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jones
Jordan	Kimmons	Kirby
Ligon	Long	Lowe
Lucas	Magnuson	Martin
Matthews	May	McCabe
McCravy	McDaniel	McGarry
McGinnis	J. Moore	T. Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	Murray	B. Newton
W. Newton	Nutt	Oremus
Ott	Parks	Pendarvis
Pope	Robinson	Rose
Rutherford	Sandifer	Simrill
G. M. Smith	G. R. Smith	M. M. Smith
Stavrinakis	Taylor	Tedder
Thayer	Thigpen	Trantham
Weeks	West	Wetmore
Wheeler	White	Whitmire
R. Williams	Willis	Wooten
Yow		

**Total--115**

Those who voted in the negative are:

**Total--0**

The amendment was then adopted.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on Amendment 2A to H. 3194. If I had been present, I would have voted in favor of the Amendment.

Rep. Jerry N. Govan

[HJ]

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Reps. LUCAS, G.M. SMITH, SIMRILL, RUTHERFORD, FINLAY and DAVIS proposed the following Amendment No. 3A to H. 3194 (COUNCIL\ZW\3194C003.CC.ZW21), which was adopted:

Amend the bill, as and if amended, by adding Part 2 immediately preceding Part 3 to read:

/ Part 2

SECTION 1. Section 58-31-20 of the 1976 Code is amended to read:

“Section 58-31-20. (A)(1) The Public Service Authority consists of a board of twelve directors who reside in South Carolina and who have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58-3-530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority; and two from the State at large, one of whom must be chairman. Two of the directors must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative. Except to the extent they are serving in an ex-officio capacity, a director shall not serve as an employee or board member of an electric cooperative during his term as a director. Each director shall serve for a term of ~~seven~~ four years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor, with the advice and consent of the Senate, must appoint a successor, who shall hold office for a term of ~~seven~~ four years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director’s successor, with the advice and consent of the Senate, and the successor-director shall hold office for the unexpired term. A director shall not be appointed for more than three consecutive full terms. An appointment to an unexpired partial term shall not be considered for purposes of determining term limits.

(2) A director may not receive a salary for services as director until the authority is in funds, but each director must be paid his actual expense in the performance of his duties, the actual expense to be advanced from the contingent fund of the Governor until the time the Public Service Authority is in funds, at which time the contingent fund must be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board must be paid

[HJ]

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from these funds, and the compensation and expenses must be fixed by the advisory board established in this section. The authority may provide, at its expense, health insurance benefits to members of the board through the state insurance plan or otherwise.

(3) Members of the board of directors may be removed for cause, pursuant to Section 1-3-240(C), by the Governor of the State, the advisory board, or a majority thereof. A member of the General Assembly of the State of South Carolina is not eligible for appointment as Director of the Public Service Authority during the term of his office. No more than two members from the same county may serve as directors at any time.

(B) Candidates for appointment to the board must be screened by the State Regulation of Public Utilities Review Committee and, prior to confirmation by the Senate, must be found qualified by meeting the minimum requirements contained in subsection (C). The review committee must submit a written report to the Clerk of the Senate setting forth its findings as to the qualifications of each candidate. A candidate must not serve on the board, even in an interim capacity, until he is screened and found qualified by the State Regulation of Public Utilities Review Committee.

(C)(1) Each member must possess abilities and experience that are generally found among directors of energy utilities serving this State and that allow him to make valuable contributions to the conduct of the authority's business. These abilities include substantial business skills and experience, but are not limited to:

(1)(a) general knowledge of the history, purpose, and operations of the Public Service Authority and the responsibilities of being a director of the authority;

(2)(b) the ability to interpret legal and financial documents and information so as to further the activities and affairs of the Public Service Authority;

(3)(c) with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not limited to, Chapter 4 of Title 30 as they relate to the activities and affairs of the Public Service Authority; and

(4)(d) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the Public Service Authority.

(2) Each member must also have:

(a) a baccalaureate or more advanced degree from:

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(i) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(ii) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(iii) an institution of higher learning chartered before 1962;

and

(b) a background of substantial duration and an expertise in at least one of the following:

(i) energy issues;

(ii) consumer protection and advocacy issues;

(iii) water and wastewater issues;

(iv) finance, economics, and statistics;

(v) accounting;

(vi) engineering; or

(vii) law.

(D) For the assistance of the board of directors of the Public Service Authority, there is hereby established an advisory board to be known as the advisory board of the South Carolina Public Service Authority, to be composed of the Governor of the State, the Attorney General, the State Treasurer, the Comptroller General, and the Secretary of State, as ex officio members, who must serve without compensation other than necessary traveling expenses. The advisory board must perform any duties imposed on it pursuant to this chapter, and must consult and advise with the board of directors on any and all matters which by the board of directors may be referred to the advisory board. The board of directors must make annual reports to the advisory board, which reports must be submitted to the General Assembly by the Governor, in which full information as to all of the acts of said board of directors shall be given, together with financial statement and full information as to the work of the authority. On July first of each year, the advisory board must designate a certified public accountant or accountants, ~~resident in the State~~, for the purpose of making a complete audit of the affairs of the authority, which must be filed with the annual report of the board of directors. The Public Service Authority must submit the audit to the General Assembly.

(E)(1) The following shall be nonvoting ex officio members of the board of directors entitled to attend all meetings of the authority board, including any executive sessions, except as set forth below:

(a) The Chairman of Central Electric Power Cooperative, or his designee, and one member of the Board of Central Electric Power

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Cooperative chosen by that board who is not the chairman or his designee.

(b) An individual who must represent an industrial class customer of the authority. This member must be recommended by the South Carolina Manufactures Alliance and appointed by the Governor.

(c) The ex officio members shall have the same obligations and duties as other members of the board, except the obligation to vote, and are subject to removal in the same manner as other board members. An ex officio member that has otherwise satisfied all obligations and duties owed to the Public Services Authority shall not be liable for matters directly related to either the process of voting nor a decision determined by a vote of the board of directors.

(2) The ex officio members may be excluded from executive session where the following matters are being discussed:

(a) negotiations incident to proposed contractual arrangements with a customer, including Central Electric Cooperative, Inc., or receiving legal advice involving a customer, Central Electric Power Cooperative Inc., or one of its members; or

(b) discussions regarding generation resources that will not be shared resources under any wholesale power supply agreement between the authority and Central Electric Power Cooperative or receiving legal advice in relation thereto.

(c) litigation involving or in which Central Electric Cooperative or any electrical cooperative is a party.

A conflict pursuant to this subsection may be raised by any member of the Board, the ex officio member or counsel for the Board and then determined by a majority vote of the Board.

(3) When ex officio members are excluded from executive session, the reason for the conflict must be stated before the vote is taken and shall be recorded in official minutes or other records of the meeting. The ex officio member of the board must be given an opportunity to speak to the conflict and the underlying issue at the beginning of the executive session. After being provided the opportunity to speak as provided in this provision, the ex officio member must leave the room and may not participate in the remainder of the executive session that is related to the specific matter that gives rise to the conflict. Efforts should be taken to maximize participation of ex officio members by segmenting executive sessions.

(4) Ex officio members will begin serving immediately upon a letter indicating their appointments is delivered to the board and to the Public Utilities Review Committee but must meet the qualifications set

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forth in Section 58-31-20(C) as verified by the Public Utilities Review Committee within six months of beginning service as an ex officio member. Ex officio members will be appointed for four-year terms but may be removed either by the Governor pursuant to Section 1-3-240(C)(1)(m) or the Board of Central Electric Power Cooperative. In the event that the Board of Central Electric Power Cooperative removes the ex officio member, the Public Service Authority Board of Directors must receive notice at least sixty days before the ex officio member's successor begins service on the Public Service Authority Board of Directors. An ex officio member will not be entitled to receive compensation from the Public Service Authority for his or her service as an ex officio member and will not be counted for purposes of determining a quorum.

(F) In making appointments to the board of directors, the Governor, in making appointments and the Senate, in its advice and consent capacity, must give due consideration to race, gender, and other demographic factors to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State."

SECTION 2. Section 58-31-30(A)(11) and (12) of the 1976 Code is amended to read:

"(11) to make bylaws for the management and regulation of its affairs, including the establishment of subcommittees of the board of directors to include Finance and Audit, Public Information, Water Services and Resource Management, Generation and Power Supply Planning, and Executive and Governance, each of these making regular reports to the full board of directors at each regular meeting of the full board;

(12) to appoint officers, agents, employees, and servants, to prescribe their duties, and to fix their compensation to select a chief executive officer for the authority who shall cause the authority to employ all necessary employees with the board, by vote, approving the compensation of any senior management official selected by the chief executive officer;"

SECTION 3. Section 58-31-30 of the 1976 Code is amended by adding a subsection (C) to read:

"(C) Any compensation package, severance package, payment or other benefit of whatever nature conferred upon the chief executive officer or member of the board of the Public Service Authority or offered on or after May 15, 2021, must first be approved by the Agency Head Salary Commission before the authority can enter into an agreement

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regarding a severance package, payment or other benefits. Any payment made in violation of this section is grounds for a claw-back of the payment or benefit in a legal action brought by the Attorney General of this State seeking a recovery of that payment. The Public Service Authority must provide a report to the Agency Head Salary Commission by July 6, 2021, with information regarding any severance package, payment or other benefit conferred upon an executive officer or member of the board of the Public Service Authority from January 1, 2020, through June 30, 2021.”

SECTION 4. Section 58-31-55 of the 1976 Code is amended to read:

“Section 58-31-55. (A) A director shall discharge his duties as a director, including his duties as a member of a committee:

- (1) in good faith;
- (2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
- (3) in a manner he reasonably believes to be in the best interests of the Public Service Authority. As used in this chapter, ‘best interests’ means a balancing of the following:

(a) ~~preservation of the financial integrity of the Public Service Authority and its ongoing operation of generating, transmitting, and distributing electricity to wholesale and retail customers on a reliable, adequate, efficient, and safe basis, at just and reasonable rates, regardless of the class of customer operations;~~

(b) the interest of the Public Service Authority’s residential, commercial and industrial retail customers and those wholesale customers served pursuant to contractual arrangements but excluding joint action agencies and those entities located outside the State, in reliable, adequate, efficient, and safe service, at just and reasonable rates, regardless of customer class;

(c) maintenance, preservation and keeping of the Public Service Authority’s properties and all additions and betterments thereto and extension thereof and every part and parcel in thereof, in good repair, working order and condition;

~~(b)~~(d) the support of, economic development and job attraction and retention within the Public Service Authority’s present service area or areas within the State authorized to be served by an electric cooperative or municipally owned electric utility that is a direct or indirect wholesale customer of the authority, provided the remaining items of this subsection have been met; and

~~(c)~~(e) subject to the limitations of Section 58-31-30(B) and item (A)(3)(a) of this section, exercise of the powers of the authority set

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forth in Section 58-31-30 in accordance with good business practices and the requirements of applicable licenses, laws, and regulations.

(B) In discharging his duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) one or more officers or employees of the Public Service Authority whom the director reasonably believes to be reliable and competent in the matters presented;

(2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(3) a committee of the board of directors of which he is not a member if the director reasonably believes the committee merits confidence.

(C) A director is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (B) unwarranted.

(D) A director is not liable for any action taken as a director, or any failure to take any action, if he performed the duties of his office in compliance with this section.

(E) An action against a director for failure to perform the duties imposed by this section must be commenced within three years after the cause of action has occurred, or within two years after the time when the cause of action is discovered or should reasonably have been discovered, whichever occurs sooner. This limitations period does not apply to breaches of duty which have been concealed fraudulently.

(F) Any violation of this code section by a director shall constitute grounds for removal from office by the Governor pursuant to Section 1-3-240."

SECTION 5. Section 58-31-56 of the 1976 Code is amended to read:

"Section 58-31-56. (A) A conflict of interest transaction is a transaction with the Public Service Authority in which a director of the Public Service Authority has a direct or indirect interest. A conflict of interest transaction is not voidable by the Public Service Authority solely because of the director's interest in the transaction if any one of the following is true:

(1) the material facts of the transaction and the director's interest were disclosed or known to the board of directors or a committee of the board of directors, and the board of directors or a committee authorized, approved, or ratified the transaction; or



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(2) the transaction was fair to the Public Service Authority and its customers.

If item (1) has been accomplished, the burden of proving unfairness of any transaction covered by this section is on the party claiming unfairness. If item (1) has not been accomplished, the party seeking to uphold the transaction has the burden of proving fairness.

(B) For purposes of this section, a director of the Public Service Authority has an indirect interest in a transaction if:

(1) another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction; or

(2) another entity of which he is a director, officer, or trustee is a party to the transaction and the transaction is or should be considered by the board of directors of the Public Service Authority.

(C) For purposes of subsection (A)(1), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors (or on the committee) who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single director. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (A)(1) if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.

(D) Any violation of this code section by a director shall constitute grounds for removal from office by the Governor pursuant to Section 1-3-240.”

SECTION 6. Section 1-3-240(C)(1)(m) of the 1976 Code is amended to read:

“(m)Directors of the South Carolina Public Service Authority appointed pursuant to Section 58-31-20. ~~A director of the South Carolina Public Service Authority also may be removed for his breach of any duty arising under Section 58-31-55 or 58-31-56. The Governor must not request a director of the South Carolina Public Service Authority to resign unless cause for removal, as established by this subsection, exists. Removal of a director of the South Carolina Public Service Authority, except as is provided by this section or by Section 58-31-20(A), must be considered to be an irreparable injury for which no adequate remedy at law exists;”~~

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SECTION 7. (A) To ensure that the Public Service Authority Board of Directors positions are appropriately staggered, the following establishes the term expiration for positions as of the effective date of this act:

(1) The terms for the members representing the 2nd and 4th congressional districts, and the at-large seat designated as the chair shall expire upon the effective date of this act;

(2) The terms for the members representing the 1<sup>st</sup> and 7th congressional districts and Berkeley County shall expire on January 1, 2022;

(3) The terms for members representing the 3rd, and 6th congressional districts and the other at-large seat shall expire on June 30, 2022; and

(4) The terms for members representing the 5th congressional district and Georgetown and Horry counties shall expire on January 1, 2023.

Current members of the Board may continue to serve beyond the dates indicated until such time as the Governor transmits their nomination to the Senate.

If any vacancy occurs prior to respective dates established in this SECTION, the Governor may appoint a successor pursuant to Section 58-31-20.

(B) Notwithstanding the term limit provisions in subsection 58-31-20(A), a director serving as of the effective date of this act is ineligible for reappointment unless that director was first appointed after January 1, 2018.

SECTION 8. Article 1, Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-240. For purposes of this section:

(A) ‘JBRC’ means the Joint Bond Review Committee.

(1) Prior to issuing any (1) bonds, (2) notes, or (3) other indebtedness, including any refinancing that does not achieve a savings in total debt service, JBRC must approve, reject, or modify the issuance by the authority. This section does not apply to the issuance of short term or revolving credit debt for the management of day to day operations and financing needs.

(2) If JBRC does not take action on the issuance within sixty days, the issuance is considered approved.

(3) Issuance approved by the JBRC need not be issued immediately, and the debt may be issued across multiple series and over a three-year term.

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(B)(1) By September first of each year, the authority shall provide an annual report regarding every transaction involving an interest in real property and executed during the preceding twelve months, including:

(a) a summary of the key terms of all contracts effectuating or related to such transactions; and

(b) parties involved in the transaction, including all entities or persons with any type of ownership interest or authority to control.

(2) A transfer of any interest in real property by the authority, regardless of the value of the transaction, requires approval, rejection, or modification by JBRC.

(3) The reporting and other requirements of this item do not apply to encroachment agreements, rights-of-way, or lease agreements made by the authority for property within the Federal Energy Regulatory Project boundary.

(C) JBRC, may adopt instructions which must be followed by the Authority for any submission pursuant to this section.

(D) The requirements imposed on the authority pursuant to this section are in addition to any other requirements of law. If any provision of this section conflicts with another provision of law, the provisions of this section shall control to the extent of the conflict.

Section 58-31-250. (A) The Senate Finance Committee and the House Ways and Means Committee may request and the Authority must produce, in writing or by testimony at the request of the relevant committee, within 30 days of any request any or all of the following:

(1) annual audited financial statements;

(2) projected and actual annual revenue;

(3) actual annual expenditures;

(4) any debt issuances in the previous five years, whether short-term or long-term;

(5) percent of annual revenues utilized for administration. For purposes of this item, 'administration' includes executive level employees compensation and other operating costs;

(6) organizational flow chart displaying the position titles and name of executive-level employees;

(7) major components of any long-term capital plan, including timing and cost estimates, and financing plan for such capital investments whether paid from operations or debt;

(8) performance objectives and results;

(9) performance measurements used to evaluate program effectiveness;

(10) any outstanding litigation issues; and

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(11) planning documents and progress reports, including budgeted and actual expenditures.

(B) The authority must post its annual audited financial report in a conspicuous place on the authority's website and distribute the reports to members of the General Assembly.

(C) The authority and the Board of Directors and its subcommittees are public bodies for purposes of the Freedom of Information Act.

(D) Any and all compensation for the Authority CEO must be reviewed by the Agency Head Salary Commission. Additionally, any employment contracts or retention contracts that last longer than five years, and all contract extensions, must be reviewed by the Agency Head Salary Commission." /

Re-number parts and sections to conform.

Amend title to conform.

Rep. FINLAY explained the amendment.

Rep. FINLAY spoke in favor of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 117; Nays 2

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Govan
Haddon	Hardee	Hart
Hayes	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hiott

[HJ]

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Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jones	Jordan	Kimmons
Kirby	Ligon	Long
Lowe	Lucas	Magnuson
Martin	May	McCabe
McCrary	McDaniel	McGarry
McGinnis	J. Moore	T. Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	Murray	B. Newton
W. Newton	Nutt	Oremus
Ott	Parks	Pendarvis
Pope	Rivers	Robinson
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
M. M. Smith	Stavrinakis	Taylor
Tedder	Thayer	Thigpen
Trantham	Weeks	West
Wetmore	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

**Total--117**

Those who voted in the negative are:

Dabney                      Matthews

**Total--2**

The amendment was then adopted.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. JONES a leave of absence for the remainder of the day due to a death in the family.

Reps. LUCAS, G.M. SMITH, SIMRILL and FINLAY proposed the following Amendment No. 4A to H. 3194 (COUNCIL\ZW\3194C002.CC.ZW21), which was adopted:

Amend the bill, as and if amended, by adding Part 1 immediately following the enacting words to read:

[HJ]

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/ Part 1

SECTION 1. The General Assembly authorizes the sale of the assets of the South Carolina Public Service Authority and the assumption or defeasement of its liabilities in the manner provided by this act.

SECTION 2. A. A special committee is hereby created to be composed of six members, three from each House, to be selected by each body in the same manner members of conference committees are selected by that body. The duties and responsibilities of the special committee are to consider offers for the sale of some or all of the assets of the Public Service Authority of South Carolina and to further negotiate the terms and conditions of any offer for the sale of some or all of the assets of the Public Service Authority of South Carolina. The special committee shall adopt and set its own rules of procedure. Upon approval of any offer for the sale of some or all of the assets of the Public Service Authority of South Carolina, the special committee shall issue a recommendation and report to the General Assembly. This recommendation and report may be accepted and approved by each House in the same manner conference committee reports are accepted and approved. Upon approval of the special committee report by the General Assembly, the report also must be transmitted to the Governor for his approval in the same manner enactments are presented to him under Article IV of the Constitution of this State. The Department of Administration shall execute on behalf of the State of South Carolina the documents necessary to effectuate any sale proposal approved in the manner provided in this section. The special committee shall have the authority to remain in existence until dissolution and consider any future offers for the sale of some or all of the assets of the Public Service Authority.

B. The Special Committee shall continue in existence unless terminated as provided in this section and shall be authorized to consider any future offers for the sale of some or all of the assets of the Public Service Authority. The provisions of this section expire ten years after the effective date of this section unless extended or reenacted by the General Assembly before this date.

C. The Special Committee may not accept and the General Assembly may not approve any offer to purchase the assets of the Public Service Authority or any portion thereof which offer is made contingent upon the reenactment of the Base Load Review Act or any similar variation of the Base Load Review Act containing comparable provisions. /

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Renumber parts and sections to conform.  
Amend title to conform.

Rep. SIMRILL explained the amendment.

Rep. DAVIS spoke against the amendment.  
Rep. OTT spoke against the amendment.

The yeas and nays were taken resulting as follows:  
Yeas 85; Nays 34

Those who voted in the affirmative are:

Alexander	Allison	Bailey
Ballentine	Bannister	Bennett
Bernstein	Blackwell	Bradley
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Clyburn	Cogswell
Collins	B. Cox	W. Cox
Dabney	Elliott	Erickson
Felder	Finlay	Gagnon
Gatch	Gilliam	Haddon
Hayes	Henderson-Myers	Henegan
Herbkersman	Hill	Hiott
Hixon	Howard	Huggins
Hyde	J. L. Johnson	K. O. Johnson
Jordan	Kimmons	Kirby
Ligon	Long	Lowe
Lucas	Magnuson	Martin
May	McCabe	McCrary
McGarry	T. Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Nutt
Pope	Rose	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	Stavrinakis	Taylor
Tedder	Thayer	Thigpen
Trantham	Weeks	West
Wetmore	Wheeler	Whitmire

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R. Williams	Willis	Wooten
Yow		

**Total--85**

Those who voted in the negative are:

Anderson	Bamberg	Brawley
Brittain	Cobb-Hunter	Crawford
Daning	Davis	Dillard
Forrest	Fry	Garvin
Gilliard	Govan	Hardee
Hart	Hewitt	Hosey
Jefferson	J. E. Johnson	Matthews
McDaniel	McGinnis	J. Moore
Murray	Oremus	Ott
Parks	Pendarvis	Rivers
Robinson	M. M. Smith	White
S. Williams		

**Total--34**

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

***SPEAKER PRO TEMPORE* IN CHAIR**

**H. 3991--SENATE AMENDMENTS AMENDED AND  
RETURNED TO THE SENATE**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3991 -- Reps. Rutherford, Wooten, Caskey, Thigpen, B. Cox, Elliott, Erickson, S. Williams and Rivers: A BILL TO AMEND SECTION 16-17-680, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO PURCHASE NONFERROUS METALS, TRANSPORTATION AND SALE OF NONFERROUS METALS, AND VARIOUS OFFENSES ASSOCIATED WITH NONFERROUS METALS, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE PROCEDURES FOR THE LAWFUL

[HJ]



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PURCHASE, SALE, AND POSSESSION OF USED, DETACHED CATALYTIC CONVERTERS OR ANY NONFERROUS PART OF ONE UNLESS PURCHASED, SOLD, OR POSSESSED UNDER CERTAIN DELINEATED CIRCUMSTANCES.

Rep. SANDIFER proposed the following Amendment No. 1A to H. 3991 (COUNCIL\AHB\3991C003.BH.AHB21), which was adopted:

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

/ SECTION 1. Sections 16-17-680(G), (I), and (J) of the 1976 Code are amended to read:

“(G)(1) It is unlawful to transport nonferrous metals in a vehicle or have nonferrous metals in a person’s possession ~~in a vehicle on the highways of this State.~~

(2) Subsection (G)(1) does not apply if:

(a) the person can present a valid permit to transport and sell nonferrous metals issued pursuant to subsection (C); or

(b) the person can present a valid bill of sale for the nonferrous metals.

(3) If a law enforcement officer determines that one or more of the exceptions listed in subsection (G)(2) applies, or the law enforcement officer determines that the nonferrous metals are not stolen goods and are in the rightful possession of the person, the law enforcement officer shall not issue a citation for a violation of this subsection.

(4) A person who violates a provision of subsection (G)(1):

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both; and

(c) for a third or subsequent offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. For an offense to be considered a third or subsequent offense, only those offenses that occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.

(5) If a person transports nonferrous metals that the person knows are stolen in a vehicle or has in the person’s possession ~~in a vehicle on the highways of this State~~ nonferrous metals that the person

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knows are stolen, is operating a vehicle used in the ordinary course of business to transport nonferrous metals that the person knows are stolen, presents a valid or falsified permit to transport and sell nonferrous metals that the person knows are stolen, or presents a valid or falsified bill of sale for nonferrous metals that the person knows to be stolen, the person is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. If the person obtained a permit to transport and sell nonferrous metals pursuant to subsection (C), the permit must be revoked.

(I)(1) A secondary metals recycler shall not purchase or otherwise acquire:

~~(1)(a)~~ an iron or steel manhole cover;

~~(2)(b)~~ an iron or steel drainage grate; or

~~(3)(c)~~ a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

(2)(a) It is unlawful for any individual or entity other than a permitted secondary metals recycler to purchase, or to attempt to purchase, a used, detached catalytic converter or any nonferrous part of a catalytic converter.

(b) Except as otherwise provided in item (3)(a)(iii)(aa), (bb), and (cc) for those businesses delineated in item (3)(a)(ii), it is unlawful for any individual or entity to possess, obtain or otherwise acquire, transport, or sell a used, detached catalytic converter or any nonferrous part of a catalytic converter without a permit and without providing the following documentation to law enforcement and/or a permitted secondary metals recycler:

(i) the name of the person or company that removed the catalytic converter;

(ii) the name of the person for whom the work was completed;

(iii) the make and model of the vehicle from which the catalytic converter was removed;

(iv) the vehicle identification number of the vehicle from which the catalytic converter was removed;

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(v) the part number or other identifying number of the catalytic converter that was removed; and

(vi) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

(c) It is unlawful for a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter to provide any false, fraudulent, altered or counterfeit information or documentation as required by this subsection.

(d) An individual or entity who violates any provision of subsection (I)(2), for a first offense, is guilty of a misdemeanor; and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both; or for a second offense, is guilty of a felony; and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(e) Each unlawfully obtained, possessed, or transported used, detached catalytic converter is a separate violation that subjects the individual or entity to a separate charge. Upon conviction, the court may order the individual or entity to pay restitution for the value of the repair and replacement of the catalytic converter or the individual or entity may be held liable as otherwise provided by law. A person in possession of a used, detached catalytic converter without identifying documentation is presumed to be in possession of contraband subject to forfeiture as otherwise provided by law.

(f) For purposes of this section, a used detached catalytic converter does not include a catalytic converter that has been tested, certified, and labeled for reuse in accordance with applicable U.S. Environmental Protection Agency Clean Air Act regulations, as may from time to time be amended.

(3)(a) It is unlawful for a secondary metals recycler to purchase a used, detached catalytic converter or any nonferrous part of a used catalytic converter unless the secondary metals recycler has a permit from the local sheriff's office, the sale occurs at the secondary metals recycler's fixed site or the sale occurs at the seller's fixed site but only if the seller is a licensed automotive repair service, a licensed demolisher, as defined in Section 56-5-5810, a licensed secondary metals recycler, or a licensed motor vehicle dealer and the purchase is made by a permitted secondary metals recycler who maintains a fixed site within the State, and the following requirements are followed:

(i) the catalytic converter or nonferrous part was purchased as part of a vehicle; or

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(ii) the catalytic converter or nonferrous part was purchased from a secondary metals recycler, new or used motor vehicle dealer, automotive repair service, motor vehicle manufacturer, vehicle demolisher, or distributor of catalytic converters and a copy of the seller's valid business license is received and maintained by the purchaser at the time of the transaction; or

(iii) the business selling the catalytic converter or nonferrous part provides a record or receipt showing:

(aa) the repair order number, when applicable;

(bb) the date of repair or the date on which the catalytic converter was removed from a vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

(cc) the vehicle identification number of the vehicle from which the catalytic converter was removed; or

(iv) the individual selling the catalytic converter or nonferrous part provides the secondary metals recycler with the following information for the motor vehicle that the catalytic converter was taken from to include all of the following:

(aa) the name of the person or company that removed the catalytic converter;

(bb) the name of the person for whom the work was completed;

(cc) the make and model of the vehicle from which the catalytic converter was removed;

(dd) the vehicle identification number of the vehicle from which the catalytic converter was removed;

(ee) the part number or other identifying number of the catalytic converter that was removed; and

(ff) the certificate of title or certificate of registration showing the seller's ownership interest in the vehicle.

Nothing in this item prevents an out-of-state secondary metals recycler who maintains a fixed site and who complies with all other provisions of this chapter from obtaining, purchasing, or otherwise acquiring a used, detached catalytic converter or any nonferrous part of a used catalytic converter.

(b) Before each purchase or acquisition of a used, detached catalytic converter, the secondary metals recycler, including an agent, employee, or representative of the secondary metals recycler, must:

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(i) verify, with the applicable documentation that the person transferring or selling the used, detached catalytic converter acquired it legally and has the right to transfer or sell it; and

(ii) retain a record of the applicable verification and other information required pursuant to subsection (D)(2) and note in their records any obvious marking on the used, detached catalytic converter such as paint, labels, or engravings that would aid in the identification of the catalytic converter.

(c) A seller of used, detached catalytic converters or any nonferrous metal part of such is subject to the provisions of subsection (C) regarding the permitting of a person or entity to transport and sell nonferrous metals except for an automotive repair service who, in lieu of a permit, may produce a record or receipt showing:

(i) the repair order number, when applicable;

(ii) the date of repair or the date on which the catalytic converter was removed from a vehicle, including the identity of the individual or entity that removed the catalytic converter, when applicable; and

(iii) the vehicle identification number of the vehicle from which the catalytic converter was removed.

(d) It is unlawful for a secondary metals recycler to fail to collect or retain all required documentation from a seller of a used, detached catalytic converter or any nonferrous part of a catalytic converter as required by this subsection. A secondary metals recycler who obtains all documentation as required by this subsection is exempt from prosecution under this subsection unless they knew or had reason to believe that the documentation provided was false, fraudulent, altered or counterfeit, or knew or had reason to believe that the used, detached catalytic converter or any nonferrous part of a catalytic converter was stolen.

(e) A licensed secondary metals recycler, who is exempt from the provisions of subsection (I)(2), but who violates a provision of subsection (I)(3):

(i) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days;

(ii) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both; and

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(iii) for a third or subsequent offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both.

(iv) Each unlawfully obtained or possessed used, detached catalytic converter or part of a used catalytic converter is a separate violation and subjects the secondary metals recycler to a separate charge for each. Any unlawfully possessed used, detached catalytic converter is subject to forfeiture as otherwise provided for by law. Upon conviction, the court may order the secondary metals recycler to pay restitution for the value of the repair and replacement of the catalytic converter or the secondary metals recycler may be held liable as otherwise provided for by law.

(J)(1) Except as provided in item (2), the provisions of this section do not apply to:

- (a) the purchase or sale of aluminum cans;
- (b) a transaction between a secondary metals recycler and another secondary metals recycler;
- (c) a governmental entity;
- (d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;
- (e) a seller who is a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56-5-5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a real estate broker or property manager licensed pursuant to Chapter 57, Title 40, a residential home builder licensed pursuant to Chapter 59, Title 40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, ~~core recycling service~~, appliance repair service, automotive repair service, or electronics repair service; or
- (f) a seller that is an organization, a corporation, or an association registered with the State as a charitable organization or a nonprofit corporation.

(2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10), ~~and~~ subsection (G)(5), and subsection (I).

A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) and is subject to the penalty provisions of subsection (D)(6). Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).”

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

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Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The yeas and nays were taken resulting as follows:

Yeas 119; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brittain	Bryant
Burns	Bustos	Calhoon
Carter	Caskey	Chumley
Clyburn	Cobb-Hunter	Cogswell
Collins	B. Cox	W. Cox
Crawford	Dabney	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Haddon
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard
Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jordan	Kimmons	Kirby
Ligon	Long	Lowe
Lucas	Magnuson	Martin
Matthews	May	McCabe
McCravy	McDaniel	McGarry
McGinnis	J. Moore	T. Moore
Morgan	D. C. Moss	V. S. Moss
Murphy	Murray	B. Newton
W. Newton	Nutt	Oremus
Ott	Parks	Pendarvis
Pope	Rivers	Rose

[HJ]

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Rutherford	Sandifer	Simrill
G. M. Smith	G. R. Smith	M. M. Smith
Stavrinakis	Taylor	Tedder
Thayer	Thigpen	Trantham
Weeks	West	Wetmore
Wheeler	White	Whitmire
R. Williams	S. Williams	Willis
Wooten	Yow	

**Total--119**

Those who voted in the negative are:

**Total--0**

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**RECURRENCE TO THE MORNING HOUR**

Rep. OREMUS moved that the House recur to the morning hour, which was agreed to.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4952

Agency: Public Service Commission

Statutory Authority: 1976 Code Sections 58-3-140, 58-37-60, and 58-41-20

Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts

Received by Speaker of the House of Representatives January 12, 2021

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 12, 2021

Revised: January 21, 2022



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**H. 3539--SENATE AMENDMENTS CONCURRED IN AND  
BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3539 -- Reps. Davis and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-9-55 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50-16-25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD; AND TO REPEAL SECTION 50-9-655 RELATING TO PIG TRANSPORT AND RELEASE PERMITS.

Rep. HIOTT explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Ballentine
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cobb-Hunter	Cogswell	Collins
B. Cox	W. Cox	Crawford
Dabney	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Fry	Gagnon	Garvin
Gatch	Gilliam	Govan
Haddon	Hardee	Hart
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hiott
Hixon	Hosey	Howard

[HJ]

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Huggins	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jordan	Kimmons	Kirby
Ligon	Long	Lowe
Lucas	Magnuson	Martin
Matthews	May	McCrary
McDaniel	McGarry	McGinnis
J. Moore	T. Moore	Morgan
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Nutt
Oremus	Ott	Parks
Pendarvis	Pope	Rivers
Rose	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
M. M. Smith	Stavrinakis	Taylor
Tedder	Thayer	Trantham
Weeks	West	Wetmore
Wheeler	White	Whitmire
R. Williams	S. Williams	Wooten
Yow		

**Total--112**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**REPORTS OF STANDING COMMITTEES**

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 463 -- Senators Alexander, Cromer, Grooms, Scott and Loftis: A BILL TO DELETE SECTION 2.B. OF ACT 134 OF 2016, RELATING TO THE EXPIRATION OF TAX CREDITS FOR THE PURCHASE OF GEOTHERMAL MACHINERY AND EQUIPMENT.

Ordered for consideration tomorrow.

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Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 587 -- Senator Turner: A BILL TO AMEND SECTION 11-41-75(A) AND (B) OF THE 1976 CODE, RELATING TO ECONOMIC DEVELOPMENT BONDS FOR CONVENTIONS AND TRADE SHOWS, TO PROVIDE THAT THE PROVISIONS REQUIRING THE REIMBURSEMENT OF BOND PROCEEDS, PLUS INTEREST, UPON THE SALE OF A MEETING AND EXHIBIT SPACE ARE NOT APPLICABLE IF THE SALE PROCEEDS ARE USED IN THEIR ENTIRETY FOR A NEW MEETING AND EXHIBIT SPACE OF NOT LESS THAN FIFTY THOUSAND SQUARE FEET, OR TO REIMBURSE A STATE AGENCY, INSTRUMENTALITY, OR POLITICAL SUBDIVISION FOR THE ACQUISITION OR CONSTRUCTION OF A NEW MEETING AND EXHIBIT SPACE OF NOT LESS THAN FIFTY THOUSAND SQUARE FEET IF CONSTRUCTION OCCURRED PRIOR TO THE SALE OF THE ORIGINAL MEETING AND EXHIBIT SPACE, AND TO PROVIDE CONDITIONS UNDER WHICH THE EXEMPTION APPLIES.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report with amendments on:

S. 677 -- Senators Davis, Goldfinch, Jackson, Shealy, Grooms, Gambrell, Matthews, Turner, Alexander, Hutto, Talley, Kimpson, McElveen, Stephens, M. Johnson, Williams, Kimbrell, Campsen, Sabb and Climer: A BILL TO AMEND SECTION 12-2-100 OF THE 1976 CODE, RELATING TO TAX CREDITS, TO PROVIDE FOR THE ALLOCATION OF A TAX CREDIT OR UNUSED CREDIT AMOUNT CARRIED FORWARD THAT IS EARNED BY A PARTNERSHIP OR LIMITED LIABILITY COMPANY TAXED AS A PARTNERSHIP.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 436 -- Senators Cromer, Shealy, Rice, Talley, K. Johnson, Scott, Turner, Alexander and Gambrell: A BILL TO AMEND SECTION 12-6-3530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA,

[HJ]

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1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 675 -- Senators Kimbrell, Rice, Talley, Peeler, Gambrell, Turner, Alexander, Bennett, Garrett and Cash: A BILL TO AMEND SECTION 12-37-2460 OF THE 1976 CODE, RELATING TO THE DISPOSITION OF TAX PROCEEDS, TO CREDIT THE PROCEEDS OF TAXES TO THE STATE AVIATION FUND; TO AMEND SECTION 55-5-280(B) OF THE 1976 CODE, RELATING TO THE STATE AVIATION FUND, TO PHASE IN THE CREDITING OF THE PROCEEDS; AND TO PROVIDE THAT A PORTION OF THE REVENUES COLLECTED MUST BE USED TO OBTAIN OR DEVELOP THROUGH THE SOUTH CAROLINA AERONAUTICS COMMISSION AN AIRPORT FACILITY IN A COUNTY WITHOUT AN AIRPORT FACILITY.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 461 -- Senators Alexander, Setzler and Cromer: A BILL TO ENACT THE "SOUTH CAROLINA PAY FOR SUCCESS PERFORMANCE ACCOUNTABILITY ACT"; TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 60, TO ESTABLISH THE TRUST FUND FOR PERFORMANCE ACCOUNTABILITY TO FUND PAY-FOR-SUCCESS CONTRACTS, WHEREBY THE STATE CONTRACTS WITH A PRIVATE-SECTOR ORGANIZATION TO ACHIEVE SPECIFICALLY DEFINED MEASUREABLE OUTCOMES IN WHICH THE STATE PAYS ONLY TO THE EXTENT THAT THE DESIRED OUTCOMES ARE ACHIEVED.

Ordered for consideration tomorrow.

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Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 658 -- Senator Bennett: A BILL TO AMEND SECTION 1-11-710 OF THE 1976 CODE, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY MAKING INSURANCE AVAILABLE TO ACTIVE AND RETIRED EMPLOYEES, TO PROVIDE THAT THE PUBLIC EMPLOYEE BENEFIT AUTHORITY MAY ESTABLISH RULES FOR ELIGIBILITY AND ENROLLMENT FOR FULLY INSURED INSURANCE PRODUCTS FOR WHICH IT IS THE PLAN SPONSOR AND TO PROVIDE THAT MEDICAL EVIDENCE OF INSURABILITY SHALL NOT BE REQUIRED SOONER THAN THIRTY DAYS FROM THE DATE A PERSON IS FIRST ELIGIBLE TO ENROLL IN A FULLY INSURED INSURANCE PRODUCT; TO AMEND SECTION 9-1-1650 OF THE 1976 CODE, RELATING TO AMOUNTS PAID UPON THE TERMINATION OF EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME CONTINGENT BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A CONTINGENT BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A CONTINGENT BENEFICIARY FOR DEATH BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; TO AMEND SECTION 9-8-110(1) OF THE 1976 CODE, RELATING TO PAYMENTS ON THE DEATH OF A MEMBER OR BENEFICIARY UNDER THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME SECONDARY BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A SECONDARY BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A SECONDARY BENEFICIARY FOR DEATH BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; TO AMEND SECTION 9-9-100(1) OF THE 1976 CODE, RELATING TO

[HJ]

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PAYMENTS ON THE DEATH OF A MEMBER OR BENEFICIARY UNDER THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME CONTINGENT BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A CONTINGENT BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A CONTINGENT BENEFICIARY FOR DEATH BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; TO AMEND SECTION 9-11-110(3) OF THE 1976 CODE, RELATING TO THE LUMP SUM PAID IN THE EVENT OF A DEATH UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, TO PROVIDE THAT A MEMBER WHO IS NOT RETIRED MAY NAME CONTINGENT BENEFICIARIES IN THE SAME MANNER AS PRIMARY BENEFICIARIES, TO PROVIDE THAT A CONTINGENT BENEFICIARY DOES NOT HAVE CERTAIN RIGHTS UNLESS ALL PRIMARY BENEFICIARIES HAVE PREDECEASED THE MEMBER AND THE MEMBER'S DEATH OCCURS BEFORE RETIREMENT, AND TO PROVIDE THAT A MEMBER MAY NOT NAME A CONTINGENT BENEFICIARY FOR DEATH BENEFITS UNDER A PRERETIREMENT DEATH BENEFIT PROGRAM; AND TO REPEAL CHAPTER 2, TITLE 9 OF THE 1976 CODE, RELATING TO THE RETIREMENT AND PRERETIREMENT ADVISORY PANEL.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 527 -- Senator Alexander: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO DEFINE "LEGALLY SEPARATED" FOR PURPOSES OF THE CERTIFICATE CONTAINED IN THE APPLICATION FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR OWNER-OCCUPIED

[HJ]

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RESIDENTIAL PROPERTY AND TO REQUIRE ANNUAL REAPPLICATION AND RECERTIFICATION TO MAINTAIN THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR CERTAIN SEPARATED SPOUSES.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 609 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-2-140 SO AS TO AUTHORIZE STATE AGENCIES AND POLITICAL SUBDIVISIONS THAT HAVE ACCESS TO FEDERAL TAX INFORMATION TO CONDUCT CRIMINAL BACKGROUND CHECKS ON ITS EMPLOYEES AND CONTRACTORS.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report with amendments on:

S. 627 -- Senators Bennett, Adams, Kimbrell, M. Johnson, Davis, Turner, Campsen, Hembree, Alexander, Williams, Cromer, McElveen, Loftis, Climer, Talley, Rice, Garrett, Rankin, Leatherman, Young and Gustafson: A BILL TO AMEND SECTION 12-6-545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS-THROUGH TRADE AND BUSINESS INCOME, SO AS TO CREATE AN ELECTION TO TAX PARTNERSHIPS AND "S" CORPORATIONS AT THE ENTITY LEVEL; AND TO AMEND SECTION 12-6-3400, RELATING TO CREDIT FOR INCOME TAX PAID BY SOUTH CAROLINA RESIDENTS TO ANOTHER STATE, SO AS TO PROVIDE THAT AN ELECTING PASS-THROUGH BUSINESS ENTITY IS ELIGIBLE FOR THE CREDIT.

Ordered for consideration tomorrow.

Rep. G. M. SMITH, from the Committee on Ways and Means, submitted a favorable report on:

S. 689 -- Senators Leatherman, Massey, Malloy, Alexander, Peeler, Setzler, Williams, Scott and Fanning: A JOINT RESOLUTION TO EXTEND THE INCOME TAX FILING DUE DATE FOR

[HJ]

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INDIVIDUALS UNTIL THE SAME DATE AS FEDERAL RETURNS  
AND PAYMENTS FOR INDIVIDUALS ARE DUE.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4301 -- Reps. T. Moore and Hyde: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF GRADY BALDWIN ANTHONY OF SPARTANBURG AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4302 -- Reps. Brittain, Hardee, J. E. Johnson, Fry, Hewitt, Bailey, Atkinson, Hayes, Crawford, McGinnis, Alexander, Allison, Anderson, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Bryant, Burns, Bustos, Calhoun, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hart, Henderson-Myers, Henegan, Herbkersman, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR REVEREND BRUCE MARION CRAWFORD, PASTOR OF FIRST BAPTIST CHURCH OF MYRTLE BEACH, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY-THREE YEARS OF



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EXEMPLARY MINISTRY, AND TO WISH HIM HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4303 -- Reps. W. Newton, Herbkersman, Bradley, Erickson, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE HILTON HEAD CHRISTIAN ACADEMY GIRLS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXTRAORDINARY SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2021 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 2A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4304 -- Rep. Rutherford: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE

[HJ]

**TUESDAY, MAY 4, 2021**

PASSING OF JAMES PAUL "JIMMIE" ROGERS OF COLUMBIA,  
TO CELEBRATE HIS LIFE, AND TO EXTEND THE DEEPEST  
SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4305 -- Reps. Garvin, Brawley, J. L. Johnson, Finlay, Howard, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Fry, Gagnon, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Huggins, Hyde, Jefferson, J. E. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE KING BENJAMIN LINDBERGH JEFFCOAT FOR HIS YEARS OF DISTINGUISHED SERVICE AS A RICHLAND COUNTY SCHOOL DISTRICT ONE SCHOOL BOARD COMMISSIONER AND TO FURTHER RECOGNIZE HIS HISTORY OF EXEMPLARY PUBLIC SERVICE TO THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4306 -- Reps. M. M. Smith, Bennett, Bustos, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bernstein,

[HJ]

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Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO HONOR SURVIVORS OF VETERANS WHO SERVED IN THE UNITED STATES ARMED FORCES, TO EXPRESS PROFOUND GRATITUDE FOR THE SACRIFICE THAT THE SPOUSES AND FAMILIES OF AMERICA'S MILITARY HEROES HAVE MADE FOR THE PROTECTION AND ADVANCEMENT OF FREEDOM, AND TO RECOGNIZE "THE SURVIVORS OF THE FALLEN," A GATHERING TO BE HELD JUNE 5, 2021, TO PAY TRIBUTE TO THOSE WHO HAVE LOST LOVED ONES IN ANY WAR OR BETWEEN WARS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4307 -- Reps. Pendarvis, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry,

[HJ]

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McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CELEBRATE THE MILITARY MAGNET ACADEMY GIRLS BASKETBALL TEAM FOR CAPTURING THE 2021 CLASS A STATE CHAMPIONSHIP TITLE AND TO APPLAUD THE TEAM'S STELLAR PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4308 -- Reps. Lucas, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE AND HONOR BENNY FRANK DEBRUHL UPON THE OCCASION OF HIS RECENT RETIREMENT AS ASSISTANT SERGEANT AT ARMS FOR THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, TO EXTEND DEEP APPRECIATION FOR HIS TWENTY-NINE YEARS OF EXEMPLARY AND DEVOTED SERVICE TO THE

[HJ]

**TUESDAY, MAY 4, 2021**

SOUTH CAROLINA HOUSE, AND TO OFFER HIM BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4309 -- Reps. Bennett, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR HANNAH GIDDENS AND TO EXTEND DEEP APPRECIATION FOR HER MANY YEARS OF DISTINGUISHED SERVICE AS THE SCIENCE PROGRAM COORDINATOR FOR PATRIOTS POINT NAVAL AND MARITIME MUSEUM.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4310 -- Rep. Hiott: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. FRED STONE, PASTOR OF FIRST BAPTIST CHURCH OF PICKENS, ON THE OCCASION OF HIS RETIREMENT AFTER OVER FORTY YEARS OF EXEMPLARY

**TUESDAY, MAY 4, 2021**

SERVICE AND TO WISH HIM MUCH HAPPINESS AS HE BEGINS HIS WELL-DESERVED RETIREMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4311 -- Reps. Garvin, Rutherford, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE KEENAN HIGH SCHOOL GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2021 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4312 -- Reps. Kimmons, Murphy, Gatch, Davis, Jefferson, Pendarvis and Tedder: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND SERGEANT JOHN MURRAY OF THE DORCHESTER COUNTY SHERIFF'S OFFICE UPON THE OCCASION OF HIS RETIREMENT AFTER YEARS OF

[HJ]

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EXEMPLARY SERVICE AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4313 -- Reps. Gilliard, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND SENIOR JACOBY JOHNSON OF CHARLESTON'S BURKE HIGH SCHOOL FOR HIS OUTSTANDING RECORD OF VOLUNTEER SERVICE AND ATHLETIC AND ACADEMIC ACHIEVEMENT AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS AS HE GRADUATES IN JUNE 2021.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4314 -- Reps. J. L. Johnson, Brawley, Henegan, Garvin, Jefferson, Hosey, Robinson, Clyburn and Gilliard: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SARAH MAE FLEMMING, WHOSE COURAGEOUS ACTIONS ON A

[HJ]

**TUESDAY, MAY 4, 2021**

SEGREGATED COLUMBIA CITY BUS FOREVER CHANGED THE FACE OF CIVIL RIGHTS IN THE SOUTH, AND TO DECLARE JUNE 22, 2021, AS "SARAH MAE FLEMMING DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4315 -- Reps. Atkinson and Kirby: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 76 IN MARION COUNTY FROM ITS INTERSECTION WITH BROCKINGTON ROAD TO SOUTH CYPRESS STREET "WILLIAM 'PENN' TROY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4316 -- Rep. Calhoun: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO AMEND THE "REAL ID ACT OF 2005" SO AS TO ADDRESS ISSUES WOMEN EXPERIENCE AND ENCOUNTER AS THEY ATTEMPT TO SATISFY DOCUMENTATION REQUIREMENTS THAT DO NOT ACCOUNT FOR A WOMAN'S LEGAL NAME APPEARING DIFFERENTLY ON VARIOUS LEGAL DOCUMENTS DUE TO MARRIAGE, DIVORCE, ADOPTION, A HYPHENATED MARRIED NAME, AND OTHER CIRCUMSTANCES.

The Concurrent Resolution was ordered referred to the Committee on Judiciary.



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**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 4317 -- Reps. J. L. Johnson, Brawley, Henegan, Garvin, Hosey, Clyburn, Gilliard, Jefferson and Robinson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-87 SO AS TO DECLARE JUNE TWENTY-SECOND OF EACH YEAR AS "SARAH MAE FLEMMING DAY" IN SOUTH CAROLINA IN HONOR OF HER EARLY CONTRIBUTION TO THE CIVIL RIGHTS MOVEMENT IN SOUTH CAROLINA.

Referred to Committee on Invitations and Memorial Resolutions

H. 4318 -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-12-15 SO AS TO REQUIRE A CABLE SERVICE PROVIDER TO ISSUE REFUNDS TO CUSTOMERS DUE TO AN INTERRUPTION IN SERVICE.

Referred to Committee on Labor, Commerce and Industry

H. 4319 -- Reps. Calhoon, Huggins, Erickson, McCabe, Henderson-Myers, Crawford, Oremus, Henegan, McGarry, Matthews, Dillard, Allison, Bernstein, McDaniel, Murray, Felder and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-88 SO AS TO PROVIDE UPON THE REQUEST OF A PERSON, THE DEPARTMENT OF MOTOR VEHICLES MUST ISSUE A REAL ID COMPLIANT DRIVER'S LICENSE THAT CONTAINS THE PERSON'S NAME AS IT APPEARS ON HIS CURRENT DRIVER'S LICENSE.

On motion of Rep. CALHOON, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 4320 -- Reps. G. R. Smith, Trantham and Willis: A BILL TO AMEND SECTION 7-7-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Rep. G. R. SMITH, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

[HJ]

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H. 4321 -- Reps. J. E. Johnson, Murphy, Hardee, Bailey, Jordan, Brittain, Kirby, Hart, McCravy and West: A BILL TO AMEND SECTION 42-1-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE REQUIREMENT FOR FILING AN ACTION AGAINST A THIRD PARTY IN A WORKERS' COMPENSATION CLAIM, SO AS TO MAKE THE FILING OF A NOTICE FORM PERMISSIVE.

Referred to Committee on Judiciary

H. 4322 -- Rep. Cobb-Hunter: A JOINT RESOLUTION TO CREATE THE "JUSTICE FORTY OVERSIGHT COMMITTEE" TO STUDY OPPORTUNITIES TO ADDRESS THE ISSUE OF ENVIRONMENTAL JUSTICE THROUGH TARGETED EFFORTS IN CERTAIN COMMUNITIES, TO PROVIDE FOR THE COMPOSITION OF THE COMMITTEE, TO PROVIDE THAT THE COMMITTEE SUBMIT ITS RECOMMENDATIONS TO THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY, AND TO PROVIDE FOR ITS DISSOLUTION.

Referred to Committee on Judiciary

H. 4323 -- Reps. Bennett, Jones, M. M. Smith, Davis, Allison and Bustos: A BILL TO AMEND SECTIONS 59-104-20, 59-149-10, AND 59-150-370, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE DEFINITION OF "PUBLIC OR INDEPENDENT INSTITUTION" FOR PURPOSES OF THE PALMETTO FELLOWS SCHOLARSHIPS, THE LEGISLATIVE INCENTIVES FOR FUTURE EXCELLENCE (LIFE) SCHOLARSHIPS, AND THE SC HOPE SCHOLARSHIPS, RESPECTIVELY, SO AS TO ADD AN INSTITUTION ACCREDITED BY THE ACCREDITING COMMISSION OF CAREER SCHOOLS AND COLLEGES TO THE DEFINITION.

Referred to Committee on Ways and Means

H. 4324 -- Reps. Tedder, Finlay, Brawley, Cogswell, Carter, Collins, Garvin, Bamberg, Murray, Rivers, Rose, Cobb-Hunter, Herbkersman, K. O. Johnson, Kimmons, Rutherford and G. M. Smith: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE VIII-A OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE POWERS OF THE GENERAL ASSEMBLY PERTAINING TO ALCOHOLIC LIQUORS

[HJ]

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AND BEVERAGES, SO AS TO DELETE THE PROVISIONS THAT PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES BETWEEN SEVEN O'CLOCK P.M. AND 9:00 A.M.

Referred to Committee on Judiciary

H. 4325 -- Reps. Long, Chumley, Burns, Jones, Bennett, Magnuson, T. Moore, Oremus, V. S. Moss, Haddon, Pope, Allison, Nutt, Fry and McCravy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-12 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS, PUBLIC SCHOOLS, AND PUBLIC INSTITUTIONS OF HIGHER LEARNING MAY NOT DIRECT OR OTHERWISE COMPEL STUDENTS TO PERSONALLY AFFIRM, ADOPT, OR ADHERE TO THE TENETS OF "CRITICAL RACE THEORY" OR PROVIDE RELATED INSTRUCTION, AND TO DEFINE NECESSARY TERMINOLOGY.

Referred to Committee on Education and Public Works

**S. 425--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 425 -- Senators Alexander, McLeod, Young and Gustafson: A BILL TO AMEND ARTICLE 1, CHAPTER 35, TITLE 43 OF THE 1976 CODE, RELATING TO DUTIES AND PROCEDURES OF INVESTIGATIVE ENTITIES CONCERNING ADULT PROTECTION, BY ADDING SECTION 43-35-87, TO AUTHORIZE BANKING INSTITUTIONS TO DECLINE CERTAIN FINANCIAL TRANSACTION REQUESTS IN CASES OF THE SUSPECTED FINANCIAL EXPLOITATION OF A VULNERABLE ADULT, AND TO DEFINE NECESSARY TERMS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to S. 425 (COUNCIL\SA\425C002. BH.SA21), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 4, by striking Section 35-1-810 and inserting:

/ Section 35-1-810. If a qualified individual reasonably believes that the financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then the qualified individual may promptly notify the agencies. /

Renumber sections to conform.

Amend title to conform.

[HJ]

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Rep. JEFFERSON explained the amendment.  
The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:  
Yeas 97; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Cogswell	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Finlay	Forrest	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Haddon	Hardee
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hill	Hixon
Hosey	Howard	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
K. O. Johnson	Jordan	Kimmons
Kirby	Ligon	Long
Lucas	Magnuson	May
McCabe	McCrary	McDaniel
McGinnis	J. Moore	T. Moore
Morgan	V. S. Moss	Murphy
B. Newton	W. Newton	Nutt
Oremus	Ott	Pope
Rivers	Robinson	Rose
Rutherford	Sandifer	Simrill
G. M. Smith	G. R. Smith	M. M. Smith
Tedder	Thayer	Trantham
West	Wetmore	Wheeler
White	Whitmire	R. Williams

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S. Williams  
Yow

Willis

Wooten

**Total--97**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 435--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 435 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-43-25 SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ISSUE A LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DELETE THE DEFINITION OF "TRAVEL INSURANCE" AND TO ADD TRAVEL INSURANCE TO THE DEFINITION OF "MARINE INSURANCE"; AND TO AMEND ARTICLE 6 OF CHAPTER 43, TITLE 38, RELATING TO LIMITED LINES TRAVEL INSURANCE, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THAT TRAVEL INSURANCE MUST BE CLASSIFIED AND FILED AS MARINE INSURANCE SUBJECT TO CERTAIN EXCEPTIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ESTABLISH A TRAVEL INSURANCE PRODUCER LICENSE AND ESTABLISH CERTAIN REQUIREMENTS FOR AN APPLICANT, TO ASSESS A PREMIUM TAX ON TRAVEL INSURANCE PREMIUMS AND ESTABLISH CERTAIN REPORTING REQUIREMENTS, TO ESTABLISH CERTAIN REQUIREMENTS FOR TRAVEL PROTECTION PLANS, TO PROVIDE CERTAIN SALES PRACTICES FOR TRAVEL INSURERS, TO ESTABLISH CERTAIN LICENSING REQUIREMENTS FOR TRAVEL ADMINISTRATORS FOR TRAVEL INSURANCE, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

[HJ]

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The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 435 (COUNCIL\PH\435C001.JN.PH21), which was adopted:

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

/ SECTION 1. Article 1, Chapter 43, Title 38 of the 1976 Code is amended by adding:

“Section 38-43-25. (A) The director may issue a limited lines travel insurance producer license to an individual that has filed with the director an application for a limited lines travel insurance producer license in a form and manner prescribed by the director. A limited lines travel insurance producer must be licensed to sell, solicit, or negotiate travel insurance through a licensed insurer. A person may not act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered, respectively.

(B) A person licensed in a major line of authority as an insurance producer is authorized to sell, solicit, and negotiate travel insurance. A property and casualty insurance producer must be appointed by an insurer in order to sell, solicit, or negotiate travel insurance.”

SECTION 2. Section 38-1-20(40) and (60) of the 1976 Code is amended to read:

“(40) ‘Marine insurance’ means each insurance against loss or destruction of or damage to aircraft, vessels, or watercraft and their cargoes; insurance covering the risks or perils of navigation, transit, or transportation of all forms of property, including the liability of a carrier for hire for the loss of property of shippers delivered for transporting; marine builder’s risks; bridges, tunnels, piers, wharves, docks and slips, dry docks, marine railways, and other aids to navigation and transportation, precious stones, precious metals, and jewelry, whether in the course of transportation or otherwise; coverage of personal property by all risk forms known as the ‘Personal Property Floater’; and coverage of mobile machinery and equipment. Inland marine insurance includes ‘travel insurance’ as defined in Section 38-43-720(14).

~~(60) ‘Travel insurance’ includes insurance coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability, and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier. Reserved.”~~

SECTION 3. Article 6, Chapter 43, Title 38 of the 1976 Code is amended to read:

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“Article 6

Limited Lines Travel Insurance Act

Section 38-43-710. This article must be known and may be cited as the ‘Limited Lines Travel Insurance Act’.

Section 38-43-715. (A) This article applies to travel insurance sold, solicited, negotiated, or offered in this State that covers a resident in this State and is delivered or issued for delivery in this State. It does not apply to cancellation fee waivers and travel assistance services except as expressly provided herein.

(B) All other applicable provisions of this title continue to apply to travel insurance. In the event of a conflict between a provision of this article and any other applicable provisions of this title, the provision of this article controls.

Section 38-43-720. For the purposes of this article:

(1) ‘Aggregator site’ means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in purchasing an insurance product.

(2) ‘Blanket travel insurance’ means a policy of travel insurance issued to an eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to each individual member of the eligible group.

(3) ‘Cancellation fee waiver’ means a contractual agreement between a supplier of travel services and its customer to waive some or all of the nonrefundable cancellation fee provisions of the supplier’s underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.

(4) ‘Director’ means the Director of the Department of Insurance or his designee as set forth in Section 38-1-20(19).

(5) ‘Eligible group’ means two or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship including, but not limited to:

(a) an entity engaged in the business of providing travel or travel services including, but not limited to, tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs, and common carriers or the operator, owner, or lessor of a means of transportation of passengers such as airlines, cruise lines, railroads, steamship companies, and public bus carriers, wherein with regard to

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any particular travel or type of travel or travelers, all members or customers of the group must have a common exposure to risk attendant to such travel;

(b) a college, school, or other institution of learning covering students, teachers, employees, or volunteers;

(c) an employer covering a group of employees, volunteers, contractors, board of directors, dependents, or guests;

(d) a sports team, camp, or sponsor covering participants, members, campers, employees, officials, supervisors, or volunteers;

(e) a religious, charitable, recreational, educational, or civic organization or branch thereof covering a group of members, participants, or volunteers;

(f) a financial institution or financial institution vendor, parent holding company, trustee, or agent of or designated by one or more financial institution or vendors, including accountholders, credit card holders, debtors, guarantors, or purchasers;

(g) an incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;

(h) a trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers, subject to the director's permitting the use of a trust and this state's premium tax provisions in Section 38-7-20 of one or more associations meeting the requirements of subitem (g);

(i) an entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;

(j) a volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group;

(k) a preschool, daycare institution for children or adults, and senior citizen club;

(l) an automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles. The common carrier, operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder under a policy to which this section applies; or

(m) any other group where the director has determined that the members are engaged in a common enterprise, or have an economic,



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educational, or social affinity or relationship, and that issuance of the policy would not be contrary to the public interest.

(6) 'Fulfillment materials' means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and travel assistance service details.

(7) 'Group travel insurance' means travel insurance issued to any eligible group.

(8) 'Inland marine' means property coverage for products, materials and equipment transported over land including travel insurance coverage as well as coverage for equipment, fine art, precious stones, precious metals, jewelry and personal watercraft, whether in the course of transportation or otherwise; coverage of personal property by all risk forms known as the 'Personal Property Floater'; and coverage of mobile machinery and equipment.

(9) 'Limited lines travel insurance producer' means one of the following when designated by an insurer as the travel insurance supervising entity:

(a) a licensed managing general underwriter;

(b) a licensed managing general agent or third party administrator; or

(c) a licensed insurance producer.

~~(2)~~(10) 'Offer and disseminate' means providing general information, including a description of the coverage and price, as well as processing the application, collecting premiums, and performing other nonlicensable activities permitted by the State.

(11) 'Primary certificate holder' means, concerning premium taxes, an individual who elects and purchases travel insurance under a group policy.

(12) 'Primary policyholder' means, concerning premium taxes, an individual who elects and purchases individual travel insurance.

(13) 'Travel administrator' means a person who, directly or indirectly, underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this State, in connection with travel insurance, except that a person may not be considered a travel administrator if that person's only actions that would otherwise cause it to be considered a travel administrator are:

(a) a person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

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(b) an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;

(c) a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer;

(d) an individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney and who does not collect charges or premiums in connection with insurance coverage; or

(e) a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.

(14) 'Travel assistance services' means noninsurance services for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in the transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited to, security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services, and any similar service that is furnished in connection with planned travel. Travel assistance services are not insurance and are not related to insurance.

~~(3)~~(15) 'Travel insurance' means insurance coverage for personal risks incident to planned travel including, but not limited to:

(a) interruption or cancellation of trip or event;

(b) loss of baggage or personal effects;

(c) damages to accommodations or rental vehicles; and

(d) sickness, accident, disability, or death occurring during travel. However, travel insurance does not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting six months or longer, such as those working overseas as an expatriate or military personnel being deployed;

(e) emergency evacuation;

(f) repatriation of remains; or

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(g) any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the director.

Travel insurance does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting longer than six months, including those working or residing overseas as an expatriate, or any other insurance that requires a specific insurance producer license.

(16) 'Travel protection plan' means a plan that provides one or more of the following:

- (a) travel insurance;
- (b) travel assistance services; and
- (c) cancellation fee waivers.

(4)(17) 'Travel retailer' means a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

Section 38-43-725. (A) Notwithstanding any other provision of this title, travel insurance must be classified and filed for purposes of rates and forms as inland marine insurance, provided, however, that travel insurance that provides coverage for sickness, accident, disability, or death occurring during travel, either exclusively or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed by an authorized insurer under either an accident and health line of insurance or an inland marine line of insurance.

(B) Travel insurance may be in the form of an individual, group, or blanket policy.

(C) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, provided those standards also meet this state's underwriting standards for inland marine insurance.

Section 38-43-730. (A) A travel retailer only may offer and disseminate travel insurance under a limited lines travel insurance producer ~~business entity~~ license if:

(1) the limited lines travel insurance producer or travel retailer provides purchasers of travel insurance the following information on a form prescribed by the director:

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(a) a description of the material terms or the actual material terms of the insurance coverage;

(b) a description of the process for filing a claim;

(c) a description of the review or cancellation process for the travel insurance policy; and

(d) the identity and contact information of the insurer and limited lines travel insurance producer;

(2) the limited lines travel insurance producer, at the time of licensure, establishes and subsequently maintains and updates a register of each travel retailer that offers insurance on its behalf, including the name, address, and contact information of the travel retailer and an officer or person who directs or controls the operations of the travel retailer, and the federal employment identification number of the travel retailer;

(3) the limited lines travel insurance producer submits the register to the department upon reasonable request;

(4) the limited lines travel insurance producer certifies that the travel retailers registered comply with 18 U.S.C. Section 1033;

(5) the limited lines travel insurance producer designates one of its employees, who is a licensed individual producer, as the 'Designated Responsible Producer' or 'DRP' who is responsible for compliance of the limited lines travel insurance producer with the travel insurance laws, rules, and regulations of the State;

(6) the DRP, president, secretary, treasurer, and another officer or person who directs or controls the insurance operations of the limited lines travel insurance producer each comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer;

(7) the limited lines travel insurance producer has paid all applicable insurance producer licensing fees; and

(8) the limited lines travel insurance producer requires each employee of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, subject to review by the director, and which shall contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers, among other things.

(B) A travel retailer who offers or disseminates travel insurance shall make brochures or other written materials available to prospective purchasers, and these brochures or other written materials must:

(1) provide the identity and contact information of the insurer and the limited lines travel insurance producer;

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(2) explain that the purchase of travel insurance is not required in order to purchase another product or service from the travel retailer; and

(3) explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(C) A travel retailer who is not licensed as an insurance producer may not:

(1) evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

(2) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(3) hold himself or itself out as a licensed insurer, licensed producer, or insurance expert.

Section 38-43-740. A travel retailer, whose insurance-related activities are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer, may receive compensation for these activities upon registration by the limited lines travel insurance producer as provided in Section 38-43-730(A)(2).

Section 38-43-750. ~~Travel insurance may be provided under an individual policy or under a group or master policy.~~ Reserved.

Section 38-43-760. As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this article.

Section 38-43-770. The director may, after notice and opportunity for a hearing, respond to a violation of a provision of this article by a limited lines travel insurance producer or by the travel retailer offering and disseminating travel insurance under the provisions of Section 38-2-10 by:

(1) revoking or suspending the license of the limited lines travel insurance producer; or

(2) imposing other penalties, including directing the suspension or termination of authority of the involved travel retailer to offer and disseminate travel insurance, as the director considers necessary or convenient to carry out the purposes of this article.

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Section 38-43-780. (A) A travel insurer shall pay premium tax pursuant to Section 38-7-20 on travel insurance premiums paid by:

(1) an individual primary policyholder who is a resident of this State;

(2) a primary certificate holder who is a resident of this State who elects coverage under a group travel insurance policy; or

(3) a blanket travel insurance policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in, this State for eligible blanket group members, subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that permits the insurer to allocate premiums on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(B) A travel insurer shall:

(1) document the state of residence or principal place of business of the policyholder or certificate holder, as required in subsection (A); and

(2) report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

Section 38-43-790. Travel protection plans may be offered for one price for the combined features that the travel protection plan offers in this State if:

(1) the travel protection plan clearly discloses to the consumer at or prior to the time of purchase that it includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and provides information and an opportunity at or prior to the time of purchase for the consumer to obtain additional information regarding the features and pricing of each; and

(2) the fulfillment materials:

(a) describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan; and

(b) include the travel insurance disclosures and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable.

Section 38-43-800. (A) A person offering travel insurance to residents of this State is subject to the provisions of Chapter 57 of this title, except as otherwise provided in this article. In the event of a conflict between this article and other provisions of this title regarding the sale

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and marketing of travel insurance and travel protection plans, the provisions of this article control.

(B) Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy is deemed an unfair trade practice.

(C)(1) All documents provided to consumers prior to the purchase of travel insurance including, but not limited to, sales materials, advertising materials, and marketing materials must be consistent with the travel insurance policy itself including, but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

(2) For travel insurance policies or certificates that contain preexisting condition exclusions, information and an opportunity to learn more about the preexisting condition exclusions must be provided any time prior to the time of purchase and in the coverage's fulfillment materials.

(3) The fulfillment materials and the information described in Section 38-43-730(A)(1) must be provided to a policyholder or certificate holder as soon as practicable following the purchase of a travel protection plan. Unless the insured has either started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least:

(a) fifteen days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or

(b) ten days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail.

For the purposes of this section, delivery means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

(4) The company must disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage.

(5) Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means.

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(D) No person offering, soliciting, or negotiating travel insurance or travel protection plans on an individual or group basis may do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage such as unchecking a box on an electronic form when the consumer purchases a trip.

(E) It is an unfair trade practice to market blanket travel insurance coverage as free.

(F) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a consumer choose between the following options as a condition of purchasing a trip or travel package:

(1) purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or

(2) agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

Section 38-43-810. (A) Notwithstanding any other provisions of this title, no person may act or represent himself as a travel administrator for travel insurance in this State unless that person:

(1) is a licensed property and casualty insurance producer in this State for activities permitted under that producer license;

(2) holds a valid managing general agent license in this State;

(3) holds a valid third-party administrator license in this State;

or

(4) holds a valid managing general underwriter license in this State.

(B) A travel administrator and its employees are exempt from the licensing requirements of Section 38-47-10 for the travel insurance it administers.

(C) An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the director upon request.

Section 38-43-820. The department may promulgate regulations to implement the provisions of this article."

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

Renumber sections to conform.

Amend title to conform.

Rep. HARDEE explained the amendment.

[HJ]



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The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bannister
Bennett	Bernstein	Blackwell
Bradley	Brawley	Brittain
Bryant	Burns	Calhoon
Carter	Caskey	Chumley
Cogswell	Collins	B. Cox
W. Cox	Crawford	Daning
Davis	Dillard	Elliott
Erickson	Felder	Finlay
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Gilliard	Govan	Haddon
Hardee	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hosey
Howard	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jordan	Kimmons	Kirby
Ligon	Long	Lucas
Magnuson	May	McCabe
McCrary	McGinnis	J. Moore
T. Moore	Morgan	V. S. Moss
Murphy	B. Newton	W. Newton
Nutt	Oremus	Ott
Pendarvis	Pope	Rivers
Robinson	Rose	Rutherford
Sandifer	G. M. Smith	G. R. Smith
M. M. Smith	Tedder	Thayer
Trantham	West	Wetmore
Wheeler	White	Whitmire

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R. Williams	S. Williams	Willis
Wooten	Yow	

**Total--95**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. FINLAY a leave of absence for the remainder of the day.

**S. 421--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 421 -- Senator Alexander: A BILL TO AMEND SECTION 41-35-320(2) OF THE 1976 CODE, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT SECURITY BENEFITS WHEN FEDERALLY FUNDED, TO REDUCE THE LOOKBACK PERIOD FROM THREE YEARS TO TWO YEARS FOR DETERMINING WHETHER THERE IS AN "ON" INDICATOR FOR THIS STATE.

Rep. COGSWELL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bamberg
Bannister	Bernstein	Blackwell
Bradley	Brawley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Clyburn	Cogswell
Collins	B. Cox	W. Cox
Crawford	Daning	Davis

[HJ]

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Dillard	Elliott	Erickson
Felder	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Haddon
Hardee	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hill
Hixon	Hosey	Howard
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jordan
Kimmons	Kirby	Ligon
Long	Lucas	Magnuson
May	McCabe	McCrary
McDaniel	McGinnis	J. Moore
T. Moore	Morgan	V. S. Moss
Murphy	B. Newton	W. Newton
Nutt	Oremus	Ott
Pendarvis	Pope	Rivers
Robinson	Sandifer	G. M. Smith
G. R. Smith	M. M. Smith	Tedder
Thayer	Thigpen	Trantham
West	Wetmore	Wheeler
White	Whitmire	R. Williams
S. Williams	Willis	Wooten
Yow		

**Total--97**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**S. 468--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 468 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT, IN A DETERMINATION OF WHETHER THE STATE IS IN AN EXTENDED BENEFIT PERIOD BEGINNING ON NOVEMBER 1, 2020, THROUGH DECEMBER 31, 2021, PROVISIONS RELATING TO THE STIPULATION THAT NO EXTENDED

[HJ]

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BENEFIT PERIOD MAY BEGIN BEFORE THE FOURTEENTH WEEK FOLLOWING THE END OF A PRIOR EXTENDED BENEFIT PERIOD SHALL NOT APPLY.

Rep. COGSWELL explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bamberg
Bannister	Bernstein	Blackwell
Bradley	Brawley	Brittain
Bryant	Burns	Bustos
Calhoon	Carter	Caskey
Chumley	Cogswell	Collins
B. Cox	W. Cox	Crawford
Daning	Davis	Dillard
Elliott	Erickson	Felder
Forrest	Fry	Gagnon
Garvin	Gatch	Gilliam
Haddon	Hardee	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hixon	Hosey
Howard	Hyde	Jefferson
J. E. Johnson	J. L. Johnson	K. O. Johnson
Jordan	Kimmons	Kirby
Ligon	Long	Lucas
Magnuson	May	McCabe
McCravy	McDaniel	McGinnis
J. Moore	T. Moore	Morgan
V. S. Moss	Murphy	B. Newton
W. Newton	Nutt	Oremus
Ott	Pendarvis	Pope
Rivers	Sandifer	G. M. Smith
G. R. Smith	M. M. Smith	Tedder
Thayer	Trantham	West
Wetmore	Wheeler	White

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Whitmire  
Yow

Willis

Wooten

**Total--91**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**S. 500--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 500 -- Senators Scott, Loftis, Kimbrell, Allen and Stephens: A BILL TO AMEND SECTION 40-3-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS AND ACTIVITIES EXEMPT FROM LICENSURE OR REGULATION BY THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO REVISE AN EXEMPTION FOR PLANS AND SPECIFICATIONS FOR CERTAIN DWELLINGS.

Rep. COGSWELL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atkinson	Bailey	Bamberg
Bannister	Bennett	Bernstein
Blackwell	Bradley	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cogswell	Collins	B. Cox
W. Cox	Crawford	Daning
Davis	Dillard	Elliott
Erickson	Felder	Forrest
Fry	Gagnon	Garvin

[HJ]

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Gatch	Gilliam	Gilliard
Haddon	Hardee	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hixon	Hosey
Howard	Huggins	Hyde
Jefferson	J. E. Johnson	J. L. Johnson
K. O. Johnson	Jordan	Kimmons
Kirby	Ligon	Long
Lucas	Magnuson	May
McCabe	McCrary	McDaniel
McGinnis	J. Moore	T. Moore
Morgan	V. S. Moss	Murphy
B. Newton	W. Newton	Nutt
Oremus	Ott	Pendarvis
Pope	Rivers	Robinson
Sandifer	Simrill	G. M. Smith
G. R. Smith	M. M. Smith	Tedder
Thayer	Trantham	West
Wetmore	White	Whitmire
R. Williams	S. Williams	Willis
Wooten	Yow	

**Total--98**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**H. 3416--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3416 -- Reps. Yow, Henegan, B. Newton, Gilliam, Hardee, Crawford, McGinnis, J. E. Johnson, Fry, Bailey, Hewitt, Allison, Atkinson, McGarry, Taylor, Pope, Weeks, Bennett, Garvin, McCabe and Dabney: A BILL TO AMEND SECTION 25-11-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY VETERANS' AFFAIRS OFFICERS, SO AS TO DESIGNATE COUNTY VETERANS' AFFAIRS OFFICERS AS COUNTY

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EMPLOYEES AND TO PROVIDE THAT THEY MAY BE  
REMOVED BY THE COUNTY LEGISLATIVE DELEGATION.

Rep. YOW explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 0

Those who voted in the affirmative are:

Anderson	Atkinson	Bailey
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Brawley
Brittain	Bryant	Burns
Bustos	Calhoon	Carter
Caskey	Chumley	Clyburn
Cogswell	Collins	B. Cox
W. Cox	Crawford	Daning
Davis	Dillard	Elliott
Felder	Forrest	Fry
Gagnon	Garvin	Gatch
Gilliam	Gilliard	Haddon
Hardee	Henderson-Myers	Henegan
Hewitt	Hill	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	J. E. Johnson
J. L. Johnson	K. O. Johnson	Jordan
Kimmons	Kirby	Ligon
Long	Lucas	Magnuson
May	McCabe	McCrary
McDaniel	McGinnis	J. Moore
T. Moore	Morgan	V. S. Moss
Murphy	B. Newton	Nutt
Oremus	Ott	Pendarvis
Pope	Rivers	Robinson
Sandifer	Simrill	G. M. Smith
G. R. Smith	M. M. Smith	Tedder
Thayer	Trantham	West
Wheeler	White	Whitmire

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R. Williams  
Wooten

S. Williams  
Yow

Willis

**Total--92**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

Rep. J. MOORE moved that the House do now adjourn, which was agreed to.

#### **RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 4, 2021, at 2:30 p.m. and the following Acts were ratified:

(R. 41, S. 229) -- Senators Shealy, McLeod, Hutto, Jackson, McElveen, Matthews and Gustafson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA CHILD ABUSE RESPONSE PROTOCOL ACT" BY ADDING ARTICLE 24 TO CHAPTER 11, TITLE 63 SO AS TO REQUIRE MULTIDISCIPLINARY TEAMS INVOLVED IN CHILD ABUSE INVESTIGATION AND PROSECUTION TO FOLLOW CERTAIN CHILD ABUSE RESPONSE PROTOCOL, TO PROVIDE FOR THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO REVIEW AND UPDATE THE PROTOCOL, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-11-310, RELATING TO CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE CHILDREN'S ADVOCACY CENTERS TO HOLD CERTAIN ACCREDITATION STATUS OR BE ACTIVELY PURSUING ACCREDITATION, AND FOR OTHER PURPOSES.

(R. 42, S. 241) -- Senator Young: AN ACT TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "COVERED INDIVIDUAL" FOR THE PURPOSES OF TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO ELIMINATE THE REQUIREMENT THAT A VETERAN

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OR DEPENDENT ENROLL IN A PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THREE YEARS OF THE VETERAN'S DISCHARGE IN ORDER TO RECEIVE EDUCATIONAL ASSISTANCE.

(R. 43, S. 467) -- Senators Cromer, Kimbrell and Bennett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-1-150 SO AS TO PROVIDE REQUIREMENTS FOR AN APPLICANT SEEKING PERMISSION TO ORGANIZE A BANK; BY ADDING SECTION 34-1-160 SO AS TO PROVIDE CONDITIONS THAT MUST BE MET IN ORDER TO AUTHORIZE THE ORGANIZATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-170 SO AS TO PROVIDE FOR THE REQUIREMENTS OF THE ARTICLES OF INCORPORATION OF A PROPOSED BANK; BY ADDING SECTION 34-1-180 SO AS TO PROVIDE THE REQUIREMENTS FOR THE BOARD OF FINANCIAL INSTITUTIONS TO APPROVE A CHARTER FOR A PROPOSED BANK; BY ADDING SECTION 34-1-190 SO AS TO PROVIDE THAT THE BOARD SHALL DECIDE WHETHER TO UPHOLD OR OVERTURN ITS APPROVAL OR DENIAL OF AN APPLICATION; BY ADDING SECTION 34-1-200 SO AS TO PROVIDE THE REQUIREMENTS FOR ISSUING A BANK CHARTER; BY ADDING SECTION 34-1-210 SO AS TO PROVIDE THAT A REMOTE SERVICE UNIT IS NOT CONSIDERED A BRANCH OF A BANK; BY ADDING SECTION 34-1-220 SO AS TO ALLOW CERTAIN DELEGATIONS TO THE COMMISSIONER OF BANKING, TO AMEND SECTION 34-3-350, RELATING TO THE REVIEW OF REPORTS OF EXAMINATIONS, SO AS TO PROVIDE THAT THE COMMISSIONER OF BANKING SHALL FORWARD A COPY OF THE REPORT TO THE CHIEF EXECUTIVE; TO AMEND SECTION 34-3-360, RELATING TO THE FORM OF NOTICE TO A CASHIER, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-370, RELATING TO THE FORM OF REPORT TO THE STATE BOARD, SO AS TO REPLACE "STATE BOARD OF BANK CONTROL" WITH "COMMISSIONER OF BANKING" AND TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE"; TO AMEND SECTION 34-3-380, RELATING TO REPORTS OF CONDITION, SO AS TO REPLACE "PRESIDENT OR CASHIER" WITH "CHIEF EXECUTIVE OR CHIEF FINANCIAL

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OFFICER” AND TO PROVIDE THAT TWO DIRECTORS SHALL VERIFY THE REPORT; TO AMEND SECTION 34-3-810, RELATING TO THE CONVERSION OF A NATIONAL BANK OR NON-SOUTH CAROLINA STATE BANK INTO A SOUTH CAROLINA STATE BANK, SO AS TO PERMIT ANOTHER STATE’S BANK TO CONVERT INTO A SOUTH CAROLINA STATE BANK AND TO REQUIRE BOARD APPROVAL AND TO REQUIRE A NATIONAL OR OTHER STATE BANKING CORPORATION TO FILE AN APPLICATION OF CONVERSION; TO AMEND SECTION 34-3-820, RELATING TO THE TIMING OF THE CORPORATE EXISTENCE OF THE STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-830, RELATING TO THE TRANSFER OF ASSETS TO THE SOUTH CAROLINA STATE BANK, SO AS TO INCLUDE REFERENCES TO A NON-SOUTH CAROLINA STATE BANK CONVERTING TO A SOUTH CAROLINA STATE BANK; TO AMEND SECTION 34-3-840, RELATING TO THE DIRECTORS AND ORGANIZATION OF A NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, SO AS TO PROVIDE THAT UNLESS OTHERWISE ELECTED BY THE SHAREHOLDERS OF THE NATIONAL BANKING CORPORATION OR STATE BANKING CORPORATION, THE DIRECTORS AND OFFICERS IN OFFICE AT THE TIME OF ITS DISSOLUTION ARE THE DIRECTORS AND OFFICERS OF THE BANK CREATED; TO AMEND SECTION 34-9-10, RELATING TO THE AMOUNT OF CAPITAL STOCK TO BE PAID IN CASH, SO AS TO PROVIDE PAYMENT OF UNITED STATES CURRENCY AND TO DELETE A PROVISION THAT REQUIRES NO AUTHORIZED BUT UNISSUED CAPITAL STOCK MAY BE ISSUED WITHOUT APPROVAL BY THE BOARD; TO AMEND SECTION 34-9-40, RELATING TO MINIMUM CAPITAL STOCK REQUIREMENTS, SO AS TO PROVIDE THAT A BANKING COMPANY OR CORPORATION MUST HAVE MINIMUM CAPITAL IN THE AMOUNT REQUIRED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS; TO AMEND SECTION 34-11-60, RELATING TO FRAUDULENT CHECKS, SO AS TO REMOVE THE REQUIREMENT THAT A HOME TELEPHONE NUMBER IS NECESSARY TO ESTABLISH PRIMA FACIE EVIDENCE AGAINST A DEFENDANT; TO AMEND SECTION 34-13-140, RELATING TO THE RESTRICTIONS ON LOAN OR DISCOUNT

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ON OR PURCHASE OF A BANK'S OWN STOCK, SO AS TO PROVIDE AN EXCEPTION TO THE RESTRICTION IF THE PURCHASE IS APPROVED BY THE BOARD OF FINANCIAL INSTITUTIONS OR IF THE BANKING ASSOCIATION HOLDS THE OUTSTANDING SHARES AS TREASURY STOCK; TO AMEND SECTION 34-26-350, RELATING TO THE PRINCIPAL PLACE OF BUSINESS OF A CREDIT UNION, SO AS TO PROVIDE THAT THE MAINTENANCE OF THE FACILITY MUST BE REASONABLY NECESSARY TO FURNISH SERVICE TO ITS MEMBERS OR POTENTIAL MEMBERS; TO AMEND SECTION 34-26-530, RELATING TO AN APPLICATION FOR MEMBERSHIP TO A CREDIT UNION, SO AS TO REMOVE A REQUIREMENT FOR MEMBERSHIP OFFICERS TO APPROVE APPLICATIONS; TO AMEND SECTION 34-26-640, RELATING TO BOARD MEETINGS, SO AS TO PROVIDE THAT THE BOARD MUST MEET AT LEAST QUARTERLY; TO AMEND SECTION 34-26-645, RELATING TO THE DUTIES OF THE BOARD, SO AS TO REMOVE THE DUTY TO ESTABLISH TITLES FOR SENIOR MANAGEMENT POSITIONS; TO AMEND SECTION 34-26-1220, RELATING TO THE CONVERSION OF A CREDIT UNION, SO AS TO PROVIDE THAT THE ASSETS AND LIABILITIES OF THE CREDIT UNION WILL VEST IN AND BECOME THE PROPERTY OF THE SUCCESSOR CREDIT UNION; TO REPEAL CHAPTERS 12 AND 27 OF TITLE 34 RELATING TO COUNTY AND MULTICOUNTY CHECK CLEARING HOUSES; TO REPEAL SECTION 34-1-70 RELATING TO THE APPROVAL OF CHARTERS OF BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS, AND SAVINGS BANKS; TO REPEAL SECTION 34-3-60 RELATING TO BRANCH BANK IDENTIFICATION; TO REPEAL SECTION 34-9-70 RELATING TO CERTAIN PAID-IN CAPITAL REQUIREMENTS AND EXCEPTIONS; TO REPEAL SECTION 34-9-80 RELATING TO THE ISSUANCE OF PREFERRED STOCK; TO REPEAL SECTION 34-11-40 RELATING TO THE DUPLICATE FOR LOST OR DESTROYED TIME CERTIFICATE OF DEPOSITS; AND TO REPEAL SECTION 34-11-50 RELATING TO THE DUPLICATE FOR ANY LOST OR DESTROYED CERTIFICATE OF DEPOSIT OR SAVINGS ACCOUNT BOOK.

(R. 44, S. 510) -- Senators Grooms, Verdin, Davis, Adams, Bennett, Campsen, Climer, Corbin, Cromer, Gambrell, Hembree, Hutto,

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K. Johnson, Kimbrell, Loftis, Massey, McElveen, Peeler, Senn, Shealy, Talley, Turner, Williams, Young, Alexander, Goldfinch, Harpootlian, Jackson, M. Johnson, Kimpson, Matthews, Rice, Sabb, Setzler, Stephens, Rankin, Scott, Garrett, Fanning, Leatherman, Gustafson, Cash, Allen and Malloy: AN ACT TO AMEND SECTION 56-15-10, AS AMENDED CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF CERTAIN TERMS AND PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS; BY ADDING SECTION 56-15-35, SO AS TO PROVIDE FOR THE HANDLING OF CERTAIN CONSUMER DATA BY FRANCHISORS, MANUFACTURERS, DISTRIBUTORS, OR THIRD PARTY AFFILIATES; TO AMEND SECTION 56-15-40, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES REGARDING MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO DEFINE CERTAIN TERMS, REVISE THE PROVISIONS RELATING TO CERTAIN ENTITIES TAKING ADVERSE ACTIONS AGAINST A DEALER FOR OFFERING OR DECLINING TO OFFER PROMOTIONS, SERVICE CONTRACTS, DEBT CANCELLATION AGREEMENTS, MAINTENANCE AGREEMENTS, OR OTHER SIMILAR PRODUCTS, TERMINATING OR CANCELING A FRANCHISE OR SELLING AGREEMENTS TO A DEALER WITHOUT DUE CAUSE, AND PROVIDE THAT CERTAIN ADDITIONAL CONDUCT CONSTITUTES A VIOLATION OF THIS SECTION; TO AMEND SECTION 56-15-45, RELATING TO OWNERSHIP, OPERATION OR CONTROL OF COMPETING DEALERSHIPS BY MANUFACTURERS OR FRANCHISORS, SO AS TO PROVIDE FOR A DATE CHANGE, TO DELETE QUALIFICATIONS FOR AN EXEMPTION, AND TO PROVIDE A MANUFACTURER MAY NOT LEASE OR ENTER INTO SUBSCRIPTION AGREEMENTS EXCEPT TO A NEW DEALER HOLDING FRANCHISES IN THE LINE MAKE THAT INCLUDES THE VEHICLES; TO AMEND SECTION 56-15-46, RELATING TO THE NOTICE OF INTENT TO ESTABLISH OR RELOCATE COMPETING DEALERSHIPS, SO AS TO REVISE THE RADIUS THAT PERTAINS TO THE AREA IN WHICH FRANCHISORS INTEND TO ESTABLISH NEW DEALERSHIPS NEAR AN EXISTING DEALERSHIP, ADD A TIME

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REQUIREMENT FOR NOTICE, AND REVISE THE CIRCUMSTANCES FOR WHICH THIS SECTION DOES NOT APPLY; TO AMEND SECTION 56-15-50, RELATING TO THE REQUIREMENT THAT MANUFACTURERS MUST SPECIFY DELIVERY AND PREPARATION OBLIGATIONS OF DEALERS, FILING OF COPY OF OBLIGATIONS, AND SCHEDULE OF COMPENSATION, SO AS TO PROVIDE MANUFACTURERS AND FRANCHISORS SHALL INDEMNIFY AND HOLD HARMLESS ITS FRANCHISED DEALERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-15-60, RELATING TO THE FULFILLMENT OF WARRANTY AGREEMENTS AND A DEALER'S CLAIMS FOR COMPENSATION, SO AS TO REVISE THE PROVISIONS RELATING TO WARRANTY AGREEMENTS THAT AFFECT CERTAIN MOTOR VEHICLE MANUFACTURERS, DEALERS, DISTRIBUTORS, FACTORY BRANCHES, AND DISTRIBUTOR BRANCHES; TO AMEND SECTION 56-15-65, RELATING TO REQUIREMENTS FOR CHANGES OF LOCATION OR ALTERATION OF DEALERSHIPS, SO AS TO PROVIDE CERTAIN CONDUCT BY MANUFACTURERS, DISTRIBUTORS, FACTORY REPRESENTATIVES, OR DISTRIBUTOR REPRESENTATIVES IS A VIOLATION OF THIS SECTION; TO AMEND SECTION 56-15-70, RELATING TO CERTAIN UNREASONABLE RESTRICTIONS ON DEALERS OR FRANCHISEES THAT ARE UNLAWFUL, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS THAT ARE UNLAWFUL; TO AMEND SECTION 56-15-90, RELATING TO THE FAILURE TO RENEW, THE TERMINATION OR RESTRICTION OF TRANSFERS OF A FRANCHISE, AND DETERMINING REASONABLE COMPENSATION FOR THE VALUE OF DEALERSHIP FRANCHISES, SO AS TO REVISE THE PROVISIONS RELATING TO THE DETERMINATION OF FAIR AND REASONABLE COMPENSATION FOR BUSINESSES; AND TO AMEND SECTION 56-15-140, RELATING TO VENUE FOR ACTIONS RELATING TO THE REGULATION OF VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO PROVIDE THE VENUE IS IN THE STATE COURTS IN SOUTH CAROLINA.

(R. 45, S. 607) -- Senators Hembree and Hutto: AN ACT TO AMEND SECTION 59-40-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF CHARTER SCHOOL DISTRICT BOARD MEMBERS FOR CAUSE OR DUE TO

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INCAPACITY, SO AS TO REVISE THE GROUNDS FOR REMOVAL, TO PROVIDE RESULTING MEMBERSHIP VACANCIES MUST BE FILLED PURSUANT TO CERTAIN BYLAWS OF THE CHARTER SCHOOL, AND TO REMOVE THE SOUTH CAROLINA CHARTER SCHOOL DISTRICT FROM THESE PROVISIONS.

(R. 46, S. 623) -- Senator Gambrell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-73-905 SO AS TO ALLOW FOR RATE INCREASES FOR CERTAIN TYPES OF INSURANCE WITHOUT PRIOR APPROVAL; AND TO AMEND SECTION 38-73-910, RELATING TO REQUIREMENTS FOR A PREMIUM RATE INCREASE, SO AS TO DIFFERENTIATE THE REQUIREMENTS FOR A PREMIUM RATE INCREASE FOR CERTAIN TYPES OF INSURANCE.

(R. 47, S. 667) -- Senators Grooms, Verdin and Climer: AN ACT TO AMEND SECTION 57-25-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RELOCATION AND ADJUSTMENT OF SIGNS BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE OPTIONS AND PARAMETERS TO ADJUST OR RELOCATE OUTDOOR ADVERTISING SIGNS TO RESTORE VISIBILITY, AND PROVIDE FOR THE COSTS OF ADJUSTMENT OR RELOCATION.

(R. 48, S. 685) -- Senators Hembree, Kimpson, Setzler, Scott, Turner, Malloy, Matthews and Jackson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 158 TO TITLE 59 SO AS TO PROVIDE FOR THE COMPENSATION OF INTERCOLLEGIATE ATHLETES FOR THE USE OF THEIR NAME, IMAGE, OR LIKENESS; TO AMEND SECTION 59-102-20, RELATING TO DEFINITIONS IN THE UNIFORM ATHLETE AGENTS ACT OF 2018, SO AS TO REVISE A DEFINITION; TO AMEND SECTION 59-102-70, RELATING TO MEASURES THE DEPARTMENT OF CONSUMER AFFAIRS MAY TAKE AGAINST REGISTERED ATHLETE AGENTS FOR CERTAIN CONDUCT, SO AS TO REQUIRE CERTAIN CONTINUING EDUCATION FOR ATHLETE AGENTS; BY ADDING SECTION 59-102-85 SO AS TO PROVIDE THE DEPARTMENT SHALL MAINTAIN A PUBLIC DIRECTORY OF ALL REGISTERED ATHLETE AGENTS IN GOOD STANDING; TO AMEND SECTION 59-102-90, RELATING

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TO REGISTRATION AND RENEWAL APPLICATION FEES, SO AS TO REVISE THE FEES; TO AMEND SECTION 59-102-100, RELATING TO ATHLETE AGENCY CONTRACTS, SO AS TO PROVIDE LIMITS ON AGENCY COMPENSATION FOR INTERCOLLEGIATE ATHLETE NAME, IMAGE, OR LIKENESS COMPENSATION CONTRACTS; TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE FOR EACH INSTITUTION OF HIGHER LEARNING UPON THE EARLIER OF JULY 1, 2022, OR CERTIFICATION BY THE ATTORNEY GENERAL TO THE GOVERNOR OF THE ENACTMENT OF RULES CONSISTENT WITH THE PROVISIONS CONTAINED IN THIS ACT BY THE COLLEGIATE GOVERNING BODY OF THE INSTITUTION OF HIGHER LEARNING; AND TO PROVIDE UPON CERTIFICATION BY THE ATTORNEY GENERAL THE PROVISIONS OF THIS ACT ARE SUSPENDED UNTIL THE GENERAL ASSEMBLY TAKES FURTHER ACTION.

(R. 49, H. 3017) -- Reps. Davis, Atkinson, B. Newton, Magnuson, Fry, Daning, Felder, May, Long, Pope, Forrest, Oremus, M.M. Smith, Yow, McGinnis, Govan, Brawley, Willis, Henderson-Myers, Jones and McDaniel: AN ACT TO AMEND SECTION 59-104-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR PALMETTO FELLOWS SCHOLARSHIPS, SO AS TO INCLUDE TWO-YEAR INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES AMONG INSTITUTIONS OF HIGHER LEARNING WHOSE STUDENTS MAY BE ELIGIBLE FOR THE SCHOLARSHIPS; AND TO AMEND SECTION 59-149-60, RELATING TO THE DURATION OF LIFE SCHOLARSHIPS, SO AS TO PROVIDE STUDENTS MAY NOT RECEIVE LIFE SCHOLARSHIPS FOR MORE THAN SIX SEMESTERS FOR THREE-YEAR DEGREE PROGRAMS.

(R. 50, H. 3689) -- Rep. Allison: AN ACT TO AMEND SECTION 56-3-376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF A SYSTEM OF MOTOR VEHICLE REGISTRATION, SO AS TO REVISE THE WEIGHT LIMITATION FOR VEHICLES FOR WHICH THE BIENNIAL REGISTRATION FEE IS ONE HUNDRED SIXTY DOLLARS OR MORE; TO AMEND SECTION 56-3-660, RELATING TO THE REGISTRATION OF SELF-PROPELLED PROPERTY CARRYING VEHICLES, SO AS TO PROVIDE A MOTOR CARRIER

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SELECTING SOUTH CAROLINA AS ITS BASE JURISDICTION FOR REGISTERING A VEHICLE UNDER THE INTERNATIONAL REGISTRATION PLAN MUST OWN OR LEASE REAL PROPERTY USED DIRECTLY IN THE TRANSPORTATION OF FREIGHT OR PERSONS WITHIN THE STATE, AND TO REVISE THE PROCESS FOR PAYMENT OF REGISTRATION FEES FOR LARGE COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 56-3-190, RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, SO AS TO PROVIDE FOR THE REGISTRATION OF COMMERCIAL MOTOR VEHICLES THAT ARE REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN; TO AMEND SECTION 56-3-195, RELATING TO THE PROCESSING OF MOTOR VEHICLE REGISTRATIONS AND LICENSING RENEWALS BY COUNTIES, SO AS TO PROVIDE FOR THE PAYMENT OF REGISTRATION AND LICENSING RENEWAL FEES BY OWNERS OF LARGE COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 12-37-2650, RELATING TO THE ISSUANCE OF VEHICLE TAX NOTICES AND PAID RECEIPTS, SO AS TO LIMIT THE TYPES OF TAX NOTICES PREPARED BY A COUNTY AUDITOR, AND PROVIDE THE DEPARTMENT OF MOTOR VEHICLES SHALL MAIL A NOTICE TO REGISTRANTS OF LARGE COMMERCIAL MOTOR VEHICLES WHO DO NOT RECEIVE BILLS FROM COUNTIES CONTAINING CERTAIN INFORMATION; TO AMEND SECTION 12-37-2810, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "MOTOR CARRIER"; TO AMEND SECTIONS 12-37-2840 AND 12-37-2850, BOTH RELATING TO ROAD USE FEES, SO AS TO PROVIDE A MOTOR CARRIER REGISTERING A LARGE COMMERCIAL MOTOR VEHICLE OR BUS MUST PAY THE ROAD USE FEE TO THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE QUARTERLY INSTALLMENT PAYMENTS MUST BE MADE AVAILABLE TO CUSTOMERS, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-37-2860, RELATING TO CERTAIN PROPERTY TAX EXEMPTIONS, SO AS TO MAKE TECHNICAL CHANGES AND TO REVISE THE AMOUNT OF REGISTRATION FEES THAT MAY BE PAID ON AN INSTALLMENT BASIS; TO AMEND SECTION 12-37-2880, RELATING TO THE FAIR MARKET VALUE OF A LARGE COMMERCIAL MOTOR VEHICLE SUBJECT TO A ROAD USE FEE, SO AS TO DELETE REFERENCES TO THE

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INTERNATIONAL REGISTRATION PLAN AND SECTION 56-3-190, AND PROVIDE COUNTIES SHALL MAIL BILLS FOR ROAD USE FEES AND REGISTRATION TO CERTAIN LARGE COMMERCIAL MOTOR VEHICLES DURING A CERTAIN PERIOD OF TIME; TO AMEND SECTION 56-3-240, RELATING TO THE CONTENT OF AN APPLICATION FOR A VEHICLE REGISTRATION AND LICENSE, SO AS TO REVISE THE CONTENTS OF AN APPLICATION RELATING TO LARGE COMMERCIAL MOTOR VEHICLES; AND TO AMEND SECTION 56-3-355, RELATING TO THE SUSPENSION OR REVOCATION OF COMMERCIAL VEHICLE REGISTRATION CARDS AND LICENSE PLATES, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES FOR WHICH THE DEPARTMENT OF MOTOR VEHICLES MUST SUSPEND OR REVOKE A REGISTRATION CARD OR LICENSE PLATE FOR CERTAIN COMMERCIAL MOTOR VEHICLES.

(R. 51, H. 3805) -- Reps. B. Cox, Erickson, Davis, Allison, Wooten, McGarry, Hill, Pope, Caskey, McCabe, Oremus, T. Moore, W. Newton, Ligon, Blackwell, R. Williams, Jefferson, Hixon, Taylor, S. Williams and Matthews: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 149 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE VARIOUS MILITARY SPECIAL LICENSE PLATES; AND TO REPEAL ARTICLES 7, 8, 14, 15, 16, 33, 38, 43, 53, 55, 56, 63, 68, 74, 84, 88, 99, 101, 102, 103, 104, 106, 107, 110, 111, 112, 115, 116, 117, 129, 131, 132, 143, and 144 OF CHAPTER 3, TITLE 56, RELATING TO THE ISSUANCE OF "WARTIME DISABLED VETERAN SPECIAL LICENSE PLATES", FREE VEHICULAR REGISTRATION FOR FORMER PRISONERS OF WAR, THE ISSUANCE OF SPECIAL LICENSE PLATES FOR MEMBERS OF THE UNITED STATES MILITARY RESERVES AND NATIONAL GUARD, MEDAL OF HONOR RECIPIENTS, PURPLE HEART RECIPIENTS, MEMBERS OF THE AMERICAN LEGION, RETIRED MEMBERS OF THE UNITED STATES ARMED FORCES, NORMANDY INVASION, AND PEARL HARBOR SURVIVORS, THE ISSUANCE OF MEMBERS OF THE UNITED STATES ARMED SERVICES, SUPPORT OUR TROOPS, KOREAN WAR VETERANS, VIETNAM VETERANS, MARINE CORPS LEAGUE, WORLD WAR II VETERANS, GOLD STAR FAMILY OPERATION DESERT STORM-DESERT SHIELD, OPERATION

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ENDURING FREEDOM VETERAN, OPERATION IRAQI FREEDOM VETERAN, SILVER STAR, BRONZE STAR, UNITED STATES NAVY CHIEF PETTY OFFICER, UNITED STATES MARINE CORPS, DISTINGUISHED SERVICE MEDAL, DISTINGUISHED SERVICE CROSS, DEPARTMENT OF THE NAVY, PARENTS AND SPOUSES OF ACTIVE-DUTY OVERSEAS VETERANS, ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES, COMBAT-RELATED DISABLED VETERAN, RECIPIENTS OF THE DISTINGUISHED FLYING CROSS, PALMETTO CROSS, AND LEGION OF MERIT SPECIAL LICENSE PLATES.

(R. 52, H. 4064) -- Reprs. G.M. Smith, Sandifer and Weeks: AN ACT TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CLARIFY THAT MANUFACTURING PROPERTY OWNED OR LEASED BY A PUBLIC UTILITY REGULATED BY THE PUBLIC SERVICE COMMISSION DOES NOT QUALIFY FOR A 14.2857 PERCENT EXEMPTION REGARDLESS OF WHETHER THE PROPERTY IS USED FOR MANUFACTURING; AND TO APPROPRIATE FUNDS FROM THE FISCAL YEAR 2019-2020 CONTINGENCY RESERVE FUND TO THE TRUST FUND FOR TAX RELIEF.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4294 -- Reprs. Blackwell, Clyburn, Taylor, Oremus, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford,

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Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE DR. SANDRA JORDAN UPON THE OCCASION OF HER RETIREMENT AS CHANCELLOR OF THE UNIVERSITY OF SOUTH CAROLINA AIKEN, TO THANK HER FOR HER DEDICATED SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

H. 4293 -- Reps. Hardee, J. E. Johnson, Fry, McGinnis, Brittain, Bailey and Crawford: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF JOHN PATRICK "PAT" HENRY, SR., TO CELEBRATE HIS LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

**ADJOURNMENT**

At 4:41 p.m. the House, in accordance with the motion of Rep. MCGARRY, adjourned in memory of Sergeant Chris Ward, to meet at 10:00 a.m. tomorrow.

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H. 4150 .....	7	S. 131 .....	12
H. 4282 .....	7	S. 200 .....	14
H. 4293 .....	122	S. 201 .....	9
H. 4294 .....	121	S. 229 .....	2
H. 4297 .....	3	S. 231 .....	21
H. 4298 .....	3	S. 421 .....	105
H. 4299 .....	4	S. 425 .....	90
H. 4300 .....	4	S. 435 .....	92
H. 4301 .....	79	S. 436 .....	74
H. 4302 .....	79	S. 461 .....	75
H. 4303 .....	80	S. 463 .....	73
H. 4304 .....	80	S. 468 .....	106
H. 4305 .....	81	S. 500 .....	108
H. 4306 .....	81	S. 527 .....	77
H. 4307 .....	82	S. 545 .....	16
H. 4308 .....	83	S. 587 .....	74
H. 4309 .....	84	S. 609 .....	78
H. 4310 .....	84	S. 619 .....	9
H. 4311 .....	85	S. 627 .....	78
H. 4312 .....	85	S. 658 .....	76
H. 4313 .....	86	S. 675 .....	75
H. 4314 .....	86	S. 677 .....	74
H. 4315 .....	87	S. 689 .....	78