

NO. 59

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, APRIL 21, 2021

**Wednesday, April 21, 2021
(Statewide Session)**

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

I Corinthians 13:1

Paul tells us: "If I speak in the tongues of mortals and of angels, but do not have love, I am a noisy gong or a clanging cymbal."

Bow in prayer with me, if you will: Holy God, we ask this afternoon that You will never allow any one of us to become so blasé that we fail to care about -- and to care lovingly about -- the people of this State we serve. Other matters are, of course, significant -- special projects, budgets, Santee Cooper -- such clearly high-priority concerns will never stop being important. And the leadership of this Senate knows that full well. But, Lord, these Senators and their staff members also know about the needs of the people -- *all* of the people -- here in South Carolina whom they are called to represent. Guide each one who serves You in this place to keep his or her basic focus where it always needs to be, dear Lord: to act in ways that show clearly this Senate's love for the people of this State. We humbly pray this in Your name, O Lord. Amen.

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

Point of Quorum

At 1:03 P.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Fanning	Gambrell	Garrett
Goldfinch	Gustafson	Hembree

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<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	Matthews	Peeler
Rice	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

A quorum being present, the Senate resumed.

Doctor of the Day

Senator MARTIN introduced Dr. Jerome Aya-ay of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

At 1:03 P.M., Senator ALEXANDER requested a leave of absence for Senator VERDIN until 5:20 P.M..

Leave of Absence

At 1:06 P.M., Senator TALLEY requested a leave of absence for Senator SENN for the day.

Leave of Absence

At 3:51 P.M., Senator CROMER requested a leave of absence until 11:00 A.M. tomorrow.

Leave of Absence

At 4:50 P.M., Senator BENNETT requested a leave of absence until 6:30 P.M.

Leave of Absence

At 5:20 P.M., Senator SHEALY requested a leave of absence for Senator MARTIN for the balance of the day.

Expression of Personal Interest

Senator MARTIN rose for an Expression of Personal Interest.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 730 Sen. Grooms

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Motion to Ratify Adopted

At 1:08 P.M., Senator HEMBREE made a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

The motion was adopted and a message was sent to the House accordingly.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 758 -- Senators Stephens and McElveen: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF BENNY L. WEBB AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 759 -- Senators Talley, Adams, Alexander, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE SOUTH CAROLINA HOSPITAL ASSOCIATION FOR ONE HUNDRED YEARS OF SERVICE TO THE STATE'S HOSPITALS AND HEALTH SYSTEMS, AND THE PATIENTS AND COMMUNITIES REPRESENTED BY THOSE INSTITUTIONS.

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The Senate Resolution was adopted.

S. 760 -- Senators Matthews, Stephens, Campsen and Hutto: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF LYNETTE BRYANT FRYAR OF COLLETON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

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The Senate Resolution was adopted.

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H. 3169 -- Reps. Pope, Bryant, Felder and Forrest: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-63-145 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ISSUE UPON RECEIPT OF CERTAIN DOCUMENTATION A CERTIFICATE OF FOREIGN BIRTH FOR A CHILD WITH UNITED STATES CITIZENSHIP WHO IS BORN IN A FOREIGN COUNTRY TO A PARENT WHO IS A RESIDENT OF SOUTH CAROLINA; AND TO AMEND SECTION 44-63-140, AS AMENDED, RELATING TO SUPPLEMENTARY OR AMENDED BIRTH CERTIFICATES, SO AS TO MAKE A TECHNICAL CORRECTION.

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

H. 3231 -- Reps. Henegan, Robinson, Thigpen, Hosey, Brawley, King, McDaniel, Jefferson, Anderson, Rivers and S. Williams: A BILL TO AMEND SECTION 44-63-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE REGISTRAR'S AUTHORITY TO ISSUE A DELAYED BIRTH CERTIFICATE FOR A PERSON BORN IN THE STATE WHOSE BIRTH IS UNREGISTERED, SO AS TO ALLOW FOR THE USE OF AN INSCRIBED FAMILY BIBLE OR GENEALOGICAL RECORDS AS DOCUMENTATION OF DATE OF BIRTH IN CERTAIN CIRCUMSTANCES.

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

H. 3336 -- Reps. G. M. Smith, Atkinson, Forrest, Caskey, Erickson, Anderson, Rivers and S. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-33-45 SO AS TO ALLOW VOLUNTEER SCHOOL PERSONNEL WHO HAVE BEEN TRAINED BY A REGISTERED NURSE TO ADMINISTER GLUCAGON, INSULIN, OR BOTH TO CERTAIN STUDENTS.

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

H. 3773 -- Reps. West, G. M. Smith, Weeks, White, Hill, Jefferson and Anderson: A BILL TO AMEND SECTION 44-23-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO BOTH MENTALLY ILL PERSONS AND PERSONS WITH INTELLECTUAL DISABILITY, SO AS TO ADD A DEFINITION FOR "RESTORATION TREATMENT"; AND TO AMEND SECTION 44-23-430, RELATING

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TO HEARINGS ON A PERSON'S FITNESS TO STAND TRIAL, SO AS TO EXTEND THE LENGTH OF TIME CERTAIN PERSONS UNFIT TO STAND TRIAL MAY BE HOSPITALIZED FOR RESTORATION TO ONE HUNDRED EIGHTY DAYS, TO ALLOW THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE RESTORATION TREATMENT IN DETENTION CENTERS AND ON AN OUTPATIENT BASIS IN CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

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

H. 4233 -- Reps. Elliott, Allison, Bannister, Burns, Chumley, B. Cox, Crawford, Dillard, Haddon, Morgan, Robinson, G. R. Smith, Stringer, Trantham and Willis: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. DAN NELSON FOR HIS TEN YEARS OF DEDICATED SERVICE AS THE ADMINISTRATOR OF BOB JONES ACADEMY AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

H. 4236 -- Reps. Gagnon, 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, 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 CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR STAN KEATON FOR HIS NINETEEN YEARS OF DISTINGUISHED SERVICE AS A MEMBER OF THE WEST CAROLINA RURAL TELEPHONE COOPERATIVE BOARD OF

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DIRECTORS, TO CONGRATULATE HIM ON THE OCCASION OF HIS RECENT RETIREMENT, AND TO WISH HIM MUCH HAPPINESS IN THE DAYS AHEAD.

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

REPORTS OF STANDING COMMITTEE

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3545 -- Reps. W. Newton, Erickson, Bradley, Rivers and S. Williams: A BILL TO AMEND SECTION 51-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM'S AUTHORITY TO CONSTRUCT STREETS AND ROADS THROUGH HUNTING ISLAND, SO AS TO REMOVE REFERENCES TO RESIDENTIAL AREAS; TO AMEND SECTION 51-7-70, RELATING TO THE PAYMENT OF REVENUE OBLIGATIONS, SO AS TO REMOVE CERTAIN ACTIONS THE DEPARTMENT MAY UNDERTAKE TO SECURE PAYMENT OF OBLIGATIONS; AND TO REPEAL SECTION 51-7-20 RELATING TO LEASES OF RESIDENTIAL AREAS ON HUNTING ISLAND.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3884 -- Rep. Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-23-125 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO TRANSMIT CERTAIN DOCUMENTS ELECTRONICALLY FOR A CERTIFICATE OF TITLE, TO ALLOW FOR THE COLLECTION OF AN ELECTRONIC TRANSMISSION FEE, AND TO REQUIRE THE USE OF AN ELECTRONIC LIEN SYSTEM FOR BUSINESSES AND LENDERS ENGAGED IN THE SALE OF WATERCRAFT AND OUTBOARD MOTORS OR THE FINANCING OF WATERCRAFT OR OUTBOARD MOTORS; AND TO AMEND SECTION 50-23-140, RELATING TO THE PRIORITY AND VALIDITY OF LIENS UPON A CERTIFICATE OF TITLE FOR A WATERCRAFT OR OUTBOARD MOTOR, SO AS TO ALLOW FOR THE RETENTION OR DISCHARGE OF A LIEN ELECTRONICALLY.

Ordered for consideration tomorrow.

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Appointments Reported

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

Senate - Majority:

Scott E. Frick, 33 Sunset Drive, Greenville, SC 29605 *VICE* Samuel L. Erwin (resigned)

Received as information.

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2020, and to expire June 30, 2026

At-Large:

Thomas Scott Beck, 422 Gold Nugget Point, Prosperity, SC 29127

Received as information.

Reappointment, South Carolina Workers' Compensation Commission Chairman, with the term to commence June 30, 2020, and to expire June 30, 2022

Chairman:

Thomas Scott Beck, 422 Gold Nugget Point, Prosperity, SC 29127

Received as information.

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2020, and to expire June 30, 2026

At-Large:

Aisha K. Taylor, 156 Seaton Ridge Drive, Blythewood, SC 29016

Received as information.

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2020, and to expire June 30, 2026

At-Large:

Avery B. Wilkerson, 329 Tamwood Circle, Cayce, SC 29033-1907

Received as information.

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Message from the House

Columbia, S.C., April 21, 2021

Mr. President and Senators:

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

S. 704 -- Senators Hembree, Massey and Malloy: A JOINT RESOLUTION TO PROVIDE FOR A RETURN TO FIVE-DAY, IN-PERSON CLASSROOM INSTRUCTION FOR THE 2020-2021 AND 2021-2022 SCHOOL YEAR, AND TO SUSPEND THE EARNINGS LIMITATION UNDER CERTAIN TERMS AND FOR CERTAIN MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM. and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 21, 2021

Mr. President and Senators:

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

H. 3589 -- Reps. Allison, Lucas, M.M. Smith, Calhoon, Felder and Huggins: A BILL TO AMEND SECTION 59-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 754 -- Senator Goldfinch: A CONCURRENT RESOLUTION TO CONGRATULATE DEPUTY DREW WINANS, DEPUTY JEROME MAYBANK, AND DEPUTY BRANDON MCWETHY OF THE

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GEORGETOWN COUNTY SHERIFF'S OFFICE FOR RECEIVING THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR AND TO COMMEND THEM FOR THEIR HEROIC ACTIONS IN THE LINE OF DUTY.

Returned with concurrence.

Received as information.

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

HOUSE BILL RETURNED

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

H. 3689 -- Rep. Allison: A BILL TO AMEND SECTION 56-3-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND LICENSURE OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT IF A COMMERCIAL MOTOR VEHICLE IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN AND IS OPERATED UNDER A UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) NUMBER ASSIGNED TO A PERSON OTHER THAN THE VEHICLE'S OWNER, THEN THE PERSON TO WHOM THE USDOT NUMBER IS ASSIGNED MAY REGISTER THE COMMERCIAL MOTOR VEHICLE BY SUBMITTING THE APPROPRIATE APPLICATION AND FEES TO THE DEPARTMENT OF MOTOR VEHICLES.

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: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 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, 57, 59, 63, 68, 74, 84, 88, 99, 101, 102, 103, 104, 106, 107, 110, 111, 112, 115, 116, 117, 129, 131, 132, 143, and 144, CHAPTER 3 OF 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

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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, AND NORMANDY INVASION AND PEARL HARBOR SURVIVORS, THE ISSUANCE OF MEMBERS OF THE UNITED STATES ARMED SERVICES, UNITED STATES NAVAL ACADEMY, UNITED STATES AIR FORCE ACADEMY, SUPPORT OUR TROOPS, KOREAN WAR VETERANS, VIETNAM VETERANS, MARINE CORPS LEAGUE, WORLD WAR II VETERANS, GOLD STAR FAMILY OPERATION DESERT STORM-DESERT SHIELD, OPERATION 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 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.

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: A BILL 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.

ORDERED ENROLLED FOR RATIFICATION

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

H. 3179 -- Reps. G.M. Smith, McCabe, Caskey, Yow and Brawley: A BILL TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

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PRESCRIPTIONS, SO AS TO EXEMPT SURGICALLY IMPLANTED DRUG DELIVERY SYSTEMS FROM THE THIRTY-ONE DAY SUPPLY LIMITATION.

H. 3567 -- Reps. Bernstein, Collins, Felder, Hosey, Murray, Henegan, Jefferson and R. Williams: A BILL TO AMEND SECTION 63-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD A DEFINITION FOR "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" AND OTHER TERMS; TO AMEND SECTIONS 63-7-1210 AND 63-7-2350, AS AMENDED, RELATING TO INVESTIGATIONS OF INSTITUTIONAL ABUSE AND RESTRICTIONS ON FOSTER CARE PLACEMENTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTIONS 63-7-1730 AND 63-7-1740 SO AS TO REQUIRE ASSESSMENT, CASE PLANNING, AND JUDICIAL REVIEW FOR CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CONFORMING CHANGES.

HOUSE BILL RETURNED

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

H. 4064 -- Reps. G.M. Smith, Sandifer and Weeks: A BILL 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.

AMENDED, READ THE SECOND TIME

H. 4027 -- Rep. Burns: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO AMEND REWA'S SERVICE AREA AND TO REVISE THE MEMBERSHIP OF THE GOVERNING COMMISSION.

The Senate proceeded to a consideration of the Bill.

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Senator CORBIN proposed the following amendment (4027R001.SP.TDC), which was adopted:

Amend the bill, as and if amended, on page 2, at line 14, by adding an appropriately numbered new SECTION to read:

/SECTION __. A.Act 745 of 1967, as last amended by Act 284 of 2018, is amended by adding a new section to read:

“Section 2.9. (A) Notwithstanding another provision of law, Renewable Water Resources (ReWa), formerly the Western Carolina Regional Sewer Authority, shall place all real property acquired south of Highway 414 near the North Greenville University Campus in a conservation easement that shall be managed by Upstate Forever or a similar independent entity capable of managing and preserving the property. ReWa shall annually donate to the entity managing the property seventy-five thousand dollars for a period of five years to cover administrative costs and to fund programs dedicated to preserving the rural nature, environmental integrity, and sustainability of the Tigerville community. Any documents related to the conservation easement shall be publicly recorded and considered public documents for the purposes of complying with the Freedom of Information Act.

(B) ReWa is permitted to reserve no more than a fifty foot easement and eight or fewer acres from the same property identified in subsection (A) for the installation of a new treatment facility to service the Cherokee Valley neighborhood and North Greenville University, provided that the treatment facility shall not be larger than a three hundred thousand gallon per day capacity facility. This treatment facility shall be designed and operated by utilizing the latest technology and best wastewater treatment practices and shall comply with all applicable state and federal regulations. ReWa shall be responsible for all costs related to the design, construction, operation, and maintenance of the water treatment facility.

(C) With the exception of North Greenville University and the Cherokee Valley neighborhood, ReWa is prohibited from serving the Tigerville area.”

B.Act 745 of 1967, as last amended by Act 284 of 2018, is amended by adding an appropriately numbered new section to read:

“Section __. The operational records of all ReWa facilities shall be available through a Freedom of Information request to ReWa or the South Carolina Department of Health and Environmental Control.” /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

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The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

Total--40

NAYS

Total--0

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

OBJECTION

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

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MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD;
AND TO REPEAL SECTION 50-9-655 RELATING TO PIG
TRANSPORT AND RELEASE PERMITS.

Senator VERDIN objected to the consideration of the Bill.

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

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

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3991.004), which was withdrawn:

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):

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(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 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 three years, or both.

(2)(a) It is unlawful for any individual or entity other than a permitted secondary metals recycler to purchase, obtain, otherwise acquire or to attempt to purchase, obtain, or otherwise acquire a used,

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detached catalytic converter or any nonferrous part of a catalytic converter.

(b) It is unlawful for any individual or entity to possess, 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;

(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.

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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 obtain, purchase, or otherwise acquire a used, detached catalytic converter or any nonferrous part of a used catalytic converter unless the business has a permit from the local sheriff's office, the sale occurs at the purchaser's fixed site, and:

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

(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.

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(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:

(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;

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(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

(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 illegally obtained or possessed used and detached catalytic converter or part of a used catalytic converter is a separate violation and subjects the individual or entity 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 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 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

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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. /
Re-number sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was withdrawn.

Senator HUTTO proposed the following amendment (JUD3991.006), 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

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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 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.”

“(1)(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 three years, or both.

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

(b) It is unlawful for any individual or entity to possess, 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;

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(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;

(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 obtain, purchase, or otherwise acquire a used, detached catalytic converter or any nonferrous part of a used catalytic converter unless the business has a permit from the local sheriff's office, the sale occurs at the purchaser'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

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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

(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.

(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:

(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

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(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

(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 illegally obtained or possessed used and detached catalytic converter or part of a used catalytic converter is a separate

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violation and subjects the individual or entity 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 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 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. /
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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The question being the second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

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

OBJECTION

H. 3056 -- Reps. Hixon, Forrest and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 50-19-210 THROUGH 50-19-240 ALL RELATING TO THE PRESTWOOD LAKE WILDLIFE REFUGE BOARD; BY REPEALING SECTIONS 50-19-1710 THROUGH 50-19-1730 ALL RELATING TO THE CATAWBA-WATEREE FISH AND GAME COMMISSION; BY REPEALING ARTICLE 1 OF CHAPTER 19, TITLE 50 RELATING TO THE CHEROKEE FISH AND GAME CLUB; BY REPEALING ARTICLE 3 OF CHAPTER 19, TITLE 50 RELATING TO THE DARLINGTON COUNTY

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ADVISORY FISH AND GAME COMMISSION; BY REPEALING ARTICLE 17 OF CHAPTER 19, TITLE 50 RELATING TO THE DUTIES OF THE LEE COUNTY LEGISLATIVE DELEGATION TO PROTECT FISH AND GAME IN LEE COUNTY; BY REPEALING ARTICLE 19 OF CHAPTER 19, TITLE 50 RELATING TO THE MARION COUNTY FISH AND GAME COMMISSION AND THE ESTABLISHMENT OF THE SHELLY LAKE FISH SANCTUARY IN MARION COUNTY; BY REPEALING ARTICLE 21 OF CHAPTER 19, TITLE 50 RELATING TO FISH AND WILDLIFE PROJECTS IN MARLBORO COUNTY; BY REPEALING ARTICLE 23 OF CHAPTER 13, TITLE 51 RELATING TO THE ENOREE RIVER GREENWAY COMMISSION; BY REDESIGNATING ARTICLE 5 OF CHAPTER 19, TITLE 50 AS "SLADE LAKE FISHING"; AND BY REDESIGNATING ARTICLE 29 OF CHAPTER 19, TITLE 50 AS "FISHING AND HUNTING IN LAKE WATEREE".

Senator MALLOY objected to the consideration of the Bill.

READ THE SECOND TIME

H. 3101 -- Reps. Allison, Felder and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 40 TO CHAPTER 5, TITLE 56 SO AS TO PROVIDE FOR THE DISPOSITION OF A MOTOR VEHICLE IN THE POSSESSION OF A SALVAGE POOL OPERATOR WHO, UPON THE REQUEST OF AN INSURANCE COMPANY OR CHARITY, TAKES POSSESSION OF A MOTOR VEHICLE THAT IS THE SUBJECT OF AN INSURANCE CLAIM OR A CHARITY DONATION AND SUBSEQUENTLY INSURANCE COVERAGE IS DENIED OR THE CHARITY DOES NOT TAKE OWNERSHIP OF THE MOTOR VEHICLE; TO AMEND SECTION 56-1-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE PROVISIONS THAT PERTAIN TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO CREATE ADDITIONAL TERMS AND DEFINITIONS RELATING TO SALVAGE, JUNK, AND OFF-ROAD-USE VEHICLES; TO AMEND SECTION 56-19-480, AS AMENDED, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES OF TITLE, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SPECIAL PLATES FOR VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO DELETE AN OBSOLETE TERM, MAKE TECHNICAL CHANGES, TO PROVIDE THIS SECTION APPLIES ALSO TO

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SALVAGE FLOOD AND SALVAGE FIRE VEHICLES, AND TO DELETE THE PROVISION THAT REQUIRES CERTAIN VEHICLES TO UNDERGO AN INSPECTION; AND TO AMEND SECTION 56-19-485, RELATING TO THE TITLE BRAND DESIGNATION OF VEHICLES AS "WRECKAGE" OR "SALVAGE", SO AS TO DELETE THESE DESIGNATIONS AND TO PROVIDE THE TITLE BRAND DESIGNATION MUST BE ONE THAT IS CONTAINED IN SECTION 56-1-10.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the Bill.

The question being the second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Williams	Young	

Total--41

NAYS

Total--0

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

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CARRIED OVER

S. 748 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-AUCTIONEERS' COMMISSION, RELATING TO AUCTIONEERS' COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5010, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

AMENDMENT PROPOSED, OBJECTION

S. 717 -- Senators Jackson and Verdin: A BILL TO AMEND SECTION 44-7-170(B) OF THE 1976 CODE, RELATING TO INSTITUTIONS AND TRANSACTIONS EXEMPT FROM THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, TO ADD DIABETES SCREENING FACILITIES.

The Senate proceeded to a consideration of the Bill.

Senator CLIMER proposed the following amendment (717R001.SP.WC):

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

/SECTION __. A. Article 3, Chapter 7, Title 44 of the 1976 Code is renamed the "State Health Facility Licensure Act".

B. Section 44-7-110 of the 1976 Code is amended to read:

"Section 44-7-110. This article may be cited as the 'State Certification of Need and Health Facility Licensure Act'."

SECTION __. Section 44-7-120 of the 1976 Code is amended to read:

~~"Section 44-7-120. The purpose of this article is to promote cost containment, prevent unnecessary duplication of health care facilities and services, guide the establishment of health facilities and services which will best serve public needs, and ensure that high quality services are provided in health facilities in this State. To achieve these purposes, this article requires:~~

~~(1) the issuance of a Certificate of Need before undertaking a project prescribed by this article;~~

~~(2) adoption of procedures and criteria for submittal of an application and appropriate review before issuance of a Certificate of Need;~~

~~(3) preparation and publication of a State Health Plan;~~

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(4) the licensure of facilities rendering medical, nursing, and other health care.”

SECTION __. Section 44-7-130 of the 1976 Code is amended to read:

“Section 44-7-130. As used in this article:

(1) ~~‘Affected person’ means the applicant, a person residing within the geographic area served or to be served by the applicant, persons located in the health service area in which the project is to be located and who provide similar services to the proposed project, persons who before receipt by the department of the proposal being reviewed have formally indicated an intention to provide similar services in the future, persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. Persons from another state who would otherwise be considered ‘affected persons’ are not included unless that state provides for similar involvement of persons from South Carolina in its certificate of need process.~~

(2) ‘Ambulatory surgical facility’ means a facility organized and administered for the purpose of performing surgical procedures for which patients are scheduled to arrive, receive surgery, and be discharged on the same day. The owner or operator makes the facility available to other providers who comprise an organized professional staff.

(2) ‘Birthing center’ means a facility or other place where human births are planned to occur. This does not include the usual residence of a mother, any facility that is licensed as a hospital, or the private practice of a physician who attends a birth.

(3) ‘Board’ means the State Board of Health and Environmental Control.

(4) ~~Reserved.~~ ‘Children, adolescents, or young adults in need of mental health treatment’ in a residential treatment facility means a child, adolescent, or young adult under the age of twenty-one who manifests a substantial disorder of cognitive or emotional process that lessens or impairs to a marked degree that child’s, adolescent’s, or young adult’s capacity either to develop or to exercise age-appropriate or age-adequate behavior, including, but not limited to, marked disorders of mood or thought processes; severe difficulties with self-control or judgment, including behavior dangerous to himself or others; and serious disturbances in a child’s, adolescent’s, or young adult’s ability to care for or relate to others.

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~~(5) ‘Competing applicants’ means two or more persons or health care facilities as defined in this article who apply for Certificates of Need to provide similar services or facilities in the same service area within a time frame as established by departmental regulations and whose applications, if approved, would exceed the need for services or facilities.~~

~~(6) ‘Community residential care facility’ means a facility which offers room and board and provides a degree of personal assistance for two or more persons eighteen years old or older.~~

~~(7)(6) ‘Day care Daycare facility for adults’ means a facility for adults eighteen years or older which that:~~

~~(a) offers in a group setting a program of individual and group activities and therapies; The program~~

~~(b) is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day, thereby preventing in order to prevent unnecessary institutionalization; and~~

~~(c) shall provide provides a minimum of four and a maximum of fourteen hours of operation a day.~~

~~(8)(7) ‘Department’ means the Department of Health and Environmental Control.~~

~~(9)(8) ‘The federal act’ means Title VI of the United States Public Health Service Act (the Hill Burton Construction Program); Title XVI of the United States Public Health Service Act (National Health Planning and Resources Development Act of 1974 — Public Law 93-641); grants for all center and facility construction under Public Law 91-211 (community mental health centers’ amendments to Title II, Public Law 88-164, Community Mental Health Centers Act); grants for all facility construction under Public Law 91-517 (developmental disabilities services and facilities construction amendments of 1970 to Part C, Title I, grants for construction of facilities for persons with intellectual disability — Public Law 88-164); and other federal programs as may exist or be enacted which provide for the construction of hospitals or related health facilities. ‘Facility for chemically dependent or addicted persons’ means a facility organized to provide outpatient or residential services to chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.~~

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(9) 'Facility wherein abortions are performed' means a facility, other than a hospital, in which any second-trimester or any five or more first-trimester abortions are performed in a month.

(10) 'Freestanding emergency service' or 'off-campus emergency service' means an extension of an existing hospital emergency department that is intended to provide comprehensive emergency service but does not include a service that does not provide twenty-four hour, seven day per week operations or that is not capable of providing basic services as defined for hospital emergency departments. A service that does not qualify as a freestanding emergency service must not be classified as a freestanding emergency service and must not advertise, or display or exhibit any signs or symbols, that would identify the service as a freestanding emergency service.

~~(10)~~(11) 'Health care facility' means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, or narcotic treatment programs, and any other facility for which Certificate of Need review is required by federal law.

~~(11)~~(12) 'Health service' means clinically related, diagnostic, treatment, or rehabilitative services and includes alcohol, drug abuse, and mental health services for which specific standards or criteria are prescribed in the State Health Plan.

~~(12)~~(13) 'Hospital' means a facility that is organized and administered to provide overnight medical or surgical care or nursing care of for an illness, injury, or infirmity; that and may provide obstetrical care; and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy. Hospital 'Hospital' may include a residential treatment facilities facility for children, and adolescents, or young adults in need of mental health treatment which are that is physically a part of a licensed psychiatric hospital. This definition does not include facilities which that are licensed by the Department of Social Services.

(14) 'Intermediate care facility for persons with an intellectual disability' means a facility that serves four or more persons with an intellectual disability or persons with related conditions and that provides health or rehabilitative services on a regular basis to individuals whose

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mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

~~(13)~~(15) 'Nursing home' means a facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

~~(14) 'Facility for chemically dependent or addicted persons' means a facility organized to provide outpatient or residential services to chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.~~

~~(15)~~(16) 'Person' means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.

(17) 'Radiation therapy facility' means a person or a health care facility that provides or seeks to provide mega-voltage therapeutic services to patients through the use of high energy radiation.

~~(16)~~(18) 'Residential treatment facility for children and adolescents' means a facility operated for the assessment, diagnosis, treatment, and care of two or more 'children and adolescents in need of mental health treatment' which provides:

(a) a special education program with a minimum program defined by the South Carolina Department of Education;

(b) recreational facilities with an organized youth development program; and

(c) residential treatment for a child or adolescent in need of mental health treatment.

~~(17) 'Solely for research' means a service, procedure, or equipment which has not been approved by the Food and Drug Administration (FDA) but which is currently undergoing review by the FDA as an investigational device. FDA research protocol and any applicable Investigational Device Exemption (IDE) policies and regulations must be followed by a facility proposing a project 'solely for research'.~~

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~~(18) 'Children, adolescents, and young adults in need of mental health treatment' in a residential treatment facility means a child, adolescent, or young adult under age twenty one who manifests a substantial disorder of cognitive or emotional process, which lessens or impairs to a marked degree that child's, adolescent's, or young adult's capacity either to develop or to exercise age appropriate or age adequate behavior. The behavior includes, but is not limited to, marked disorders of mood or thought processes, severe difficulties with self control and judgment including behavior dangerous to self or others, and serious disturbances in the ability to care for and relate to others.~~

~~(19) 'Intermediate care facility for persons with intellectual disability' means a facility that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.~~

~~(20) 'Freestanding or mobile technology' means medical equipment owned or operated by a person other than a health care facility for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan.~~

~~(21) 'Like equipment with similar capabilities' means medical equipment in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not constitute a material change in service or a new service.~~

~~(22) 'Facilities wherein abortions are performed' means a facility, other than a hospital, in which any second trimester or five or more first trimester abortions are performed in a month.~~

~~(23) 'Radiation therapy facility' means a person or a health care facility which provides or seeks to provide mega voltage therapeutic services to patients through the use of high energy radiation.~~

~~(24) 'Birthing center' means a facility or other place where human births are planned to occur. This does not include the usual residence of the mother or any facility that is licensed as a hospital or the private practice of a physician who attends the birth.~~

~~(25) 'Freestanding emergency service' also referred to as an off-campus emergency service, means an extension of an existing hospital emergency department that is an off-campus emergency service and that is intended to provide comprehensive emergency service. The~~

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~~hospital shall have a valid license and be in operation to support the off-campus emergency service. A service that does not provide twenty-four hour, seven-day per week operation or that is not capable of providing basic services as defined for hospital emergency departments must not be classified as a freestanding emergency service and must not advertise or display or exhibit any signs or symbols that would identify the service as a freestanding emergency service.~~

~~(26) ‘Crisis stabilization unit facility’ means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week.”~~

SECTION __. Section 44-7-140 of the 1976 Code is amended to read:

“Section 44-7-140. The department is designated the sole state agency for control and administration of the ~~granting of Certificates of Need and~~ licensure of health facilities and other activities necessary to be carried out under this article.”

SECTION __. A. Section 44-7-150 of the 1976 Code is amended to read:

“Section 44-7-150. In carrying out the purposes of this article, the department shall:

(1) require reports and make inspections and investigations as considered necessary;

(2) to the extent that is necessary to effectuate the purposes of this article, enter into agreements with other departments, commissions, agencies, and institutions, public or private;

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department and approved by the board to carry out the department’s licensure ~~and Certificate of Need~~ duties under this article, ~~including regulations to deal with competing applications;~~

(4) accept on behalf of the State and deposit with the State Treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purpose of this article and expend it for that purpose; and

(5) ~~The department may charge and collect fees to cover the cost of operating the Certificate of Need program, including application fees, filing fees, issuance fees, and nonapplicability/exemption determination fees. The department shall develop regulations which set fees as~~

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~~authorized by this article. The level of these fees must be determined after careful consideration of the direct and indirect costs incurred by the department in performing its various functions and services in the Certificate of Need program. All fees and procedures for collecting fees must be adopted pursuant to procedures set forth in the Administrative Procedures Act. Any fee collected pursuant to this section in excess of seven hundred fifty thousand dollars must be retained by the department and designated for the administrative costs of the Certificate of Need program. The first seven hundred fifty thousand dollars collected pursuant to this section must be deposited into the general fund of the State. Until fees are promulgated through regulation, all fees established as of January 1, 2009, remain in effect promulgate regulations, in accordance with the Administrative Procedures Act, that establish fees as authorized by this article.~~”

B. Fees authorized by Article 3, Chapter 7, Title 44 that are promulgated as of January 1, 2009 shall remain in effect until further regulations are promulgated pursuant to Section 44-7-150(5), as amended by this act.

SECTION __. Section 44-7-320 of the 1976 Code is amended to read:

“Section 44-7-320. (A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

(a) violating a provision of this article or departmental regulations;

~~(b) permitting, aiding, or abetting the commission of an unlawful act relating to the securing of a Certificate of Need or the establishment, maintenance, or operation of a facility requiring certification of need or licensure under this article;~~

~~(e)~~ engaging in conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

~~(d)~~(c) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or persons with intellectual disability, whose admission or treatment has been prescribed by a physician who is a member of the facility’s medical staff; or discriminating against alcoholics, the mentally ill, or persons with intellectual disability solely because of the alcoholism, mental illness, or intellectual disability; or

~~(e)~~(d) failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy System for the Handicapped, Inc., as allowed by law.

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(2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing period but includes consideration of all pertinent information regarding the facility and the applicant.

(3) If in the department's judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the department immediately may suspend the facility's license and shall contact the appropriate agencies for placement of the residents. Within five calendar days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section.

(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons for the determination. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty-day period, requests in writing a contested case hearing before the board, or its designee, pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

(C) The penalty imposed by the department for violation of this article or its regulations must be not less than one hundred nor more than five thousand dollars for each violation of any of the provisions of this article. Each day's violation is considered a subsequent offense.

(D) Failure to pay a penalty within thirty days is grounds for suspension, revocation, or denial of a renewal of a license. ~~No~~ A license ~~may~~ must not be issued, reissued, or renewed until all penalties finally assessed against a person or facility have been paid.

~~(E) No Certificate of Need may be issued to any person or facility until a final penalty assessed against a person or a facility has been paid.~~

~~(F) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the State."~~

SECTION __. A. Sections 44-7-160, 44-7-170, 44-7-180, 44-7-190, 44-7-200, 44-7-210, 44-7-220, 44-7-225, 44-7-230, and 44-7-240 of the 1976 Code are repealed.

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B.(A) Beginning on the effective date of this act, there is no requirement for the issuance of a Certificate of Need for any project or operation of a facility in this State. The Department of Health and Environmental Control shall not take any action on any pending applications for a Certificate of Need, shall notify a facility that has a pending application that there is no requirement for the issuance of a Certificate of Need, and shall identify any licensing requirements that are applicable to the facility's proposed project or operation.

(B) For a facility with an existing Certificate of Need, the Department of Health and Environmental Control shall notify the facility that it is no longer required to submit periodic reports or to submit architectural or engineering drawings and specifications and that the Department of Health and Environmental Control shall not make further inspections to determine compliance with the Certificate of Need, as there is no such requirement in the State, and shall identify any licensing requirements that are applicable to the facility's proposed project or operation.

(C) Beginning on the effective date of this act, the Department of Health and Environmental Control shall not accept new applications for a Certificate of Need, shall review its relevant regulations for the purposes of submitting revised regulations that implement the provisions of this act to the General Assembly for approval, and shall update its website and other publicly available information to reflect that there is no requirement under the laws of this State for the issuance of a Certificate of Need for any project or operation of a facility and to summarize the licensing requirements and associated application process applicable to a facility for any projects or operations.

(D) A court with jurisdiction over a case resulting from an appeal of a denial of a Certificate of Need application that is pending on the effective date of this act shall issue an appropriate order of dismissal that includes in its findings that there is no requirement for a Certificate of Need for any project or operation of a facility in this State.

SECTION __. The repeal or amendment by this act of any law, whether temporary or permanent, or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for

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the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

Senator HUTTO objected to further consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 596 -- Senators Senn, Campsen, McElveen and Leatherman: A BILL TO AMEND CHAPTER 1, TITLE 48 OF THE 1976 CODE, RELATING TO THE POLLUTION CONTROL ACT, BY ADDING SECTION 48-1-92, TO PROVIDE FOR THE REGULATION OF PRE-PRODUCTION PLASTIC BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

The Senate proceeded to a consideration of the Bill.

Senator SENN proposed the following amendment (596R002.KMM.SS), which was adopted:

Amend the bill, as and if amended, on page 2, by striking lines 26-35 and inserting:

/ (D) A facility that violates a provision of this section shall be subject to the department's enforcement procedures, and such a facility shall further:

(1) for a first violation during a five-year period, be fined up to twenty-five thousand dollars;

(2) for a second violation during a five-year period, be fined up to fifty thousand dollars; and

(3) for a third or subsequent violation during a five-year period, be fined up to one hundred thousand dollars and have its permit revoked for five years." /

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 42; Nays 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

Total--42

NAYS

Climer

Total--1

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

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

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (231R001.SP.GH), which was adopted:

Amend the bill, as and if amended, on page 1, by striking lines 39 and 40 and inserting:

/Prevention Lifeline. The school must also print on either side of the cards the social media platform, telephone number, or text number for at least one additional crisis resource selected by the school district or charter school sponsor pursuant to the available data regarding local school or community needs, including, but not limited to: /

Amend the bill further, as and if amended, on page 2, by striking lines 5 and 6 and inserting:

/public or private institution of higher learning must also print on either side of the cards the social media platform, telephone number, or text number for at least one additional crisis resource selected by the public or private institution of higher learning pursuant to the available data regarding local school or community needs, including, but not limited to: /

Amend the bill further, as and if amended, on page 2, at line 16, by inserting:

/ (D) Public schools, charter schools, and institutions of higher learning issuing student identification cards pursuant to this section shall annually and prior to the start of each school year certify to their respective governing bodies that the contact information being printed on student identification cards is up to date and reflects the current contact information for crisis resources posted on the South Carolina Department of Mental Health's website." /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Williams
Young		

Total--43

NAYS

Total--0

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

CARRIED OVER

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

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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.

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

ADOPTED

H. 3662 -- Rep. Ott: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN CALHOUN COUNTY FROM ITS INTERSECTION WITH INABINET ROAD TO ITS INTERSECTION WITH THE ST. MATTHEWS TOWN LIMIT "OTHNIEL WIENGES, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

H. 4018 -- Reps. Wheeler, Dabney, J.L. Johnson and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION DEDICATE THE PORTION OF BULL STREET IN THE CITY OF CAMDEN FROM ITS INTERSECTION WITH BROAD STREET TO ITS INTERSECTION WITH MARKET STREET "VONNIE HOLLIDAY WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF STREET CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

H. 4025 -- Reps. Jefferson, Davis, Pendarvis, Tedder and Kimmons: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF RIDGE ROAD AND HIGHWAY S-18-78 IN DORCHESTER COUNTY "ANGIE LEE CRUM CROSSING" AND

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ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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

MOTION ADOPTED

At 1:43 P.M., on motion of Senator HEMBREE, the Senate agreed to dispense with the balance of the Motion Period.

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

H. 3589--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

H. 3589 -- Reps. Allison, Lucas, M.M. Smith, Calhoon, Felder and Huggins: A BILL TO AMEND SECTION 59-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

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

Senator SETZLER spoke on the report.

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

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

Ayes 42; Nays 1

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AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

Total--42

NAYS

Kimpson

Total--1

The Committee of Conference Committee was adopted as follows:

H. 3589 -- Conference Report

The General Assembly, Columbia, S.C., April 13, 2021

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3589 -- Reps. Allison, Lucas, M.M. Smith, Calhoun, Felder and Huggins: A BILL TO AMEND SECTION 59-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

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

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That the same do pass with the following amendments:

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

/ SECTION 1. Section 59-19-350(A) of the 1976 Code is amended to read:

“(A)(1) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school of choice~~ one or more schools of innovation within the district that ~~is~~ are exempt from applicable state statutes and regulations which govern other schools in the district ~~and regulations promulgated by the State Board of Education~~. To achieve the status of a school of innovation and have exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption and shall disclose the financial model to be used. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education, provided a district may not designate all schools in the district as schools of innovation.

(2) To achieve the status of exemption:

(a) A school district must identify each state statute, regulation and local district policy from which the school is requesting exemption and specify how this flexibility will support academic achievement for students and the Profile of the Graduate. No district is permitted to request flexibility from all state regulations and statutes for any school or schools.

(b) The district superintendent must submit a request containing the information in subitem (a) to the local board of trustees for approval, which must be considered in a public meeting and requires a two-thirds vote of the board for approval. Any change in the request must be approved by the local board by a two-thirds vote.

(c) Once approved by a local school board, the district superintendent must submit the request to the State Board of Education for approval, which requires a two-thirds vote of the State Board. Any change in a request that is pending approval by, or has been approved by, the State Board of Education must be made in the same manner as provided in subitem (b) and this subitem for initial requests.

(3) Each school of innovation annually before July first shall:

(a) demonstrate compliance with the financial model identified in item (1);

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(b) provide full financial statements detailing how it receives and expends funds; and

(c) report the academic achievement of its students as indicated by the performance of its students on the same assessments and matrices required of all other public schools, based on grade level.

(4) Nothing in this section permits a local school district board of trustees to relinquish control or oversight of the schools created pursuant to this section, and the local school district board must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation.”

SECTION 2. This act takes effect upon approval by the Governor. / Amend title to conform.

/s/Sen. Nikki Giles Setzler

Rep. Merita Ann “Rita” Allison

/s/Sen. Greg Hembree

/s/Rep. R. Raye Felder

/s/Sen. Rex Fontaine Rice

/s/Rep. Terry Alexander

On Part of the Senate.

On Part of the House.

, and a message was sent to the House accordingly.

H. 3589--REPORT OF COMMITTEE OF CONFERENCE ENROLLED FOR RATIFICATION

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

A message was sent to the House accordingly.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 38 -- Senators Grooms, Rice, Hembree, Verdin, Kimbrell, Corbin, Loftis, Campsen, Bennett and Young: A BILL TO ENACT THE “REINFORCING COLLEGE EDUCATION ON AMERICA’S CONSTITUTIONAL HERITAGE ACT” OR THE “REACH ACT”; TO AMEND SECTION 59-29-120(A), RELATING TO THE STUDY OF THE UNITED STATES CONSTITUTION REQUISITE FOR GRADUATION, TO PROVIDE THAT EACH PUBLIC HIGH SCHOOL MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH

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STUDENT FOR AT LEAST ONE YEAR; TO AMEND SECTION 59-29-130, RELATING TO THE DURATION OF INSTRUCTION IN THE ESSENTIALS OF THE UNITED STATES CONSTITUTION, TO PROVIDE THAT EACH INSTITUTION OF HIGHER LEARNING MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH UNDERGRADUATE STUDENT FOR THREE SEMESTER CREDIT HOURS; AND TO REPEAL SECTION 59-29-140, RELATING TO THE ENFORCEMENT OF THE PROGRAM OF STUDY OF THE UNITED STATES CONSTITUTION BY THE STATE SUPERINTENDENT OF EDUCATION.

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 464 -- Senators Rankin, McElveen, Adams, Talley, Matthews, Garrett, Goldfinch, Gambrell, Hutto, Harpootlian, Williams, Young, Campsen, Hembree, Gustafson, Shealy, Stephens, Verdin, Alexander, Davis, K. Johnson, Cromer and Turner: A BILL TO AMEND SECTION 58-31-20 OF THE 1976 SOUTH CAROLINA CODE OF LAWS TO PROVIDE A MEMBER OF THE BOARD OF DIRECTORS OF THE PUBLIC SERVICE AUTHORITY SHALL NOT BE APPOINTED FOR MORE THAN TWO UNEXPIRED CONSECUTIVE TERMS AND FOR EDUCATION AND EXPERIENCE REQUIREMENTS FOR A BOARD MEMBER; TO ADD SECTION 58-31-225 TO PROVIDE THAT THE OFFICE OF REGULATORY STAFF HAS AUTHORITY TO MAKE INSPECTIONS, AUDITS AND EXAMINATIONS OF THE PUBLIC SERVICE AUTHORITY FOR ELECTRIC AND WATER RATES; TO AMEND SECTION 58-31-380 TO ESTABLISH A PROCESS TO RECEIVE PUBLIC COMMENT AND A PUBLIC HEARING IN SETTING ELECTRIC RATES, AND FOR THE OFFICE OF REGULATORY STAFF TO REVIEW THE PROPOSED RATES AND COMMENT BEFORE THE RATES GO INTO EFFECT; TO AMEND SECTION 58-33-20 TO INCLUDE THE PUBLIC SERVICE AUTHORITY IN THE REQUIREMENTS FOR UTILITY FACILITY SITING; TO AMEND SECTION 58-37-40 TO DELETE SUBSECTION (A)(3); AND TO ADD SECTION 58-37-45 TO REQUIRE THE SOUTH CAROLINA PUBLIC SERVICE

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AUTHORITY TO SUBMIT AN INTEGRATED RESOURCE PLAN TO THE PUBLIC SERVICE COMMISSION AND TO PROVIDE FOR PLAN REQUIREMENTS.

The Senate proceeded to a consideration of the Bill.

Amendment No. 6

Senator MASSEY proposed the following amendment (JUD0464.006), which was tabled:

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

/ SECTION __ 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 to 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.

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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. /

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Point of Order

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

Senator GOLDFINCH spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

Senator MASSEY resumed speaking on the amendment.

Senator MALLOY spoke on the Point of Order.

On motion of Senator SCOTT, with unanimous consent, the Point of Order was withdrawn.

Senator SCOTT moved to lay the amendment on the table.

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

Ayes 36; Nays 8

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Leatherman	Loftis
Malloy	Martin	Matthews
McElveen	McLeod	Peeler
Rankin	Sabb	Scott
Setzler	Shealy	Stephens

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Turner Williams Young

Total--36

NAYS

Climer Corbin Fanning
Kimbrell Kimpson Massey
Rice Talley

Total--8

The amendment was laid on the table.

Amendment No. 10

Senators CLIMER, KIMPSON and M. JOHNSON proposed the following amendment (464R006.SP.WC), which was tabled:

Amend the bill, as and if amended, on page 25, at line 20, by inserting an appropriately numbered new SECTION to read:

/SECTION __. A.Article 3, Chapter 31, Title 58 of the 1976 Code is amended by adding:

“Section 58-31-365. (A) The Public Service Authority must not include as a condition for subscribing to, purchasing, or acquiring notes, bonds, evidences of indebtedness, or other obligations of the Public Service Authority that the Public Service Authority be the sole entity to establish and modify rates.

(B) This section is not intended to conflict with Section 58-31-360. In the event that a court of competent jurisdiction determines that there is a conflict, the provisions of Section 58-31-360 shall prevail.”

B.This SECTION takes effect on January 1, 2023, and applies after May 31, 2023. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

Point of Quorum

At 3:44 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

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Call of the Senate

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

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Setzler
Shealy	Stephens	Talley
Turner	Williams	Young

A quorum being present, the Senate resumed.

Senator CLIMER resumed speaking on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

Ayes 24; Nays 17

AYES

Adams	Allen	Campsen
Gambrell	Garrett	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
Malloy	Matthews	McElveen
McLeod	Rankin	Sabb
Scott	Shealy	Stephens
Talley	Williams	Young

Total--24

NAYS

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Alexander	Bennett	Cash
Climer	Corbin	Davis
Gustafson	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Leatherman	Loftis
Massey	Peeler	Rice
Setzler	Turner	

Total--17

The amendment was laid on the table.

Amendment No. 11

Senators MASSEY and KIMPSON proposed the following amendment (JUD0464.018), which was adopted:

Amend the bill, as and if amended, page 10, by striking line 32 through line 34, in Section 58-31-730(B)(5)(c), as contained in SECTION 4, and inserting:

/ (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; /

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 12

Senator MASSEY proposed the following amendment (JUD0464.019), which was adopted:

Amend the bill, as and if amended, page 12, by striking line 16 through line 33, in Section 58-31-730(F), as contained in SECTION 4, and inserting:

/ (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 rates must not be in effect for more than one year. 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

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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. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 13

Senator MASSEY proposed the following amendment (JUD0464.021), which was adopted:

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

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

“(C) Any severance package, payment or other benefit of whatever nature conferred upon an 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 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.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

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The amendment was adopted.

Amendment No. 14

Senator MASSEY proposed the following amendment (JUD0464.027), which was carried over:

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

/ SECTION ____ . Chapter 4, Title 58 of the 1976 Code is amended by adding Section 58-4-51:

“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.” /

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

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

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“Section 58-4-55. (A) The regulatory staff, in accomplishing its responsibilities under Sections 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 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 information or documents 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.

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(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 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

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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 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

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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, 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 or another party of interest may file a complaint 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.” /

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

/ SECTION __. 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, but written record of the testimony or statement so given under oath must be made.”

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SECTION __. 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 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 __. 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 __. 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.” /

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Renumber sections to conform.
Amend title to conform.

Senator MASSEY explained the amendment.

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

Amendment No. 15

Senator MASSEY proposed the following amendment (JUD0464.029), which was carried over:

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

/ SECTION __. To amend Section 58-4-60 of the 1976 Code to read:

(F) Expenses incurred by the Office of Regulatory Staff in the administration of Section 58-4-51 in the performance of its duties and responsibilities related to the Public Service Authority, or related to other matters pertaining to the Public Service Authority as required by law must be covered by assessments made by the Comptroller General to the Public Service Authority once annually. The Office of Regulatory Staff shall certify annually to the Public Utilities Review Committee the amounts to be assessment to the Public Service Authority as shown as a line item in the Office of Regulatory Staff budget. The Office of Regulatory Staff shall certify to the Comptroller General the amounts to be assessed to the Public Service Authority no later than May 1st. The Comptroller General shall remit the amounts to the Office of Regulatory Staff based on the approval of the Office of Regulatory Staff budget by the Public Utilities Review Committee. /

Renumber sections to conform.
Amend title to conform.

Senator MASSEY explained the amendment.

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

Amendment No. 16

Senators MASSEY, CLIMER, KIMPSON and DAVIS proposed the following amendment (JUD0464.005), which was carried over:

Amend the bill, as and if amended, beginning on page 15, line 38, and ending on page 21, line 16, by striking SECTION 7, in its entirety, and inserting:

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/ SECTION 7. 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 with one hundred thousand or more customer accounts 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, electric utilities with less than one hundred thousand customer accounts, 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, electric utility with less than one hundred thousand customer accounts, 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 the wholesale power generator. Where plan components listed in subsections (B)(1) and (2) of this section do not apply to an electrical utility with less than one hundred thousand customer accounts as a result of its own generation resources being comprised of more than seventy-five percent renewable energy or because it purchases wholesale load balancing generation services, then the plan may state that fact or refer to the plan of the wholesale power generator. For purposes of this section, a wholesale power generator does not include a municipally created joint agency if that joint agency receives at least seventy-five percent of its electricity from a generating facility owned in partnership with an electrical utility and that electrical utility:

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(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:

(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

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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.

(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;

(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

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actions the utility proposes to take in order to achieve that peak demand reduction.

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

(C)(1) The commission shall have a proceeding to review each electrical utility's and the Public Service Authority's 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.

(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 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

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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 electrical utility shall retain the burden of proof to show that all of its investments and expenditures are reasonable and prudent when seeking cost recovery in rates.

(D)(1) An electrical utility or the Public Service Authority shall 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.

(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." /

Renumber sections to conform.

Amend title to conform.

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Senator MASSEY explained the amendment.

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

Amendment No. 17

Senator MASSEY proposed the following amendment (JUD0464.014), which was carried over:

Amend the bill, as and if amended, page 24, by striking line 4 through line 17, as included in Section 1-3-240(C)(1)(m), as contained in SECTION 10, and inserting:

~~/ "(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;" /~~

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

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

ACTING PRESIDENT PRESIDES

Senator CORBIN assumed the Chair.

PRESIDENT PRESIDES

At 4:46 P.M., the PRESIDENT assumed the Chair.

Amendment No. 2

Senator KIMBRELL proposed the following amendment (464R002.SP.JK), which was carried over:

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

/SECTION __. Section 58-31-30 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

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“() Any debts or obligations contracted by or for the Public Service Authority, and the board of directors of the Public Service Authority, the advisory board, or the officers pursuant to this section, must be submitted to the Joint Bond Review Committee for review and approved by the State Fiscal Accountability Authority as provided by Chapter 47, Title 2.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

On motion of Senator KIMBRELL, the amendment was carried over.

Call of the Senate

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

Adams	Alexander	Allen
Campsen	Cash	Climer
Corbin	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Leatherman	Loftis
Malloy	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Senator GROOMS asked unanimous consent to proceed to Amendment No. 4C.

Amendment No. 4C

Senator SETZLER proposed the following amendment (DG\464C008.NBD.DG21), which was adopted:

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

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

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

(1) ‘SFAA’ means the State Fiscal Accountability Authority.

(2) ‘Committee’ or ‘committees’ means the Senate Finance Committee and the House Ways and Means Committee.

(B) The Senate Finance Committee and the House Ways and Means Committee shall review and provide fiscal accountability of the Public Service Authority (Authority) no less frequently than every two years. The committees shall provide a report with findings to the Senate Legislative Oversight Committee and the House Legislative Oversight Committee.

(C)(1) Every two years, or as often as requested by either committee, the Authority must submit to the committees:

(a) annual audited financial statements;

(b) projected and actual annual revenue;

(c) actual annual expenditures;

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

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

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

(g) 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;

(h) performance objectives and results;

(i) performance measurements used to evaluate program effectiveness;

(j) any outstanding litigation issues; and

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

(2) 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.

(3) Any problems or issues of concern that arise during this oversight process may be forwarded to the State Inspector General for

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investigation after a vote of either committee. The Inspector General is granted the authority to complete the investigation.

(D)(1) When the Authority issues bonds, notes, or other indebtedness, including any refinancing that does not achieve a savings in total debt service, it must notify the committees of such in writing and include:

- (a) the date of issuance;
- (b) the issuance amount;
- (c) sources of payment; and
- (d) any ratings assigned to the debt, including the reports of the rating services.

(2) Once revenue debt outstanding meets or exceeds sixty percent of debt capacity, the Joint Bond Review Committee and SFAA must be notified prior to any new issuances of debt.

(3) For purposes of this subsection, debt capacity means the total amount of debt that can be undertaken by the Authority while maintaining compliance with its legal, contractual or rating-dependent debt service coverage requirements, incorporating reasonable assumptions and projections for future revenue, interest rates, and term of the indebtedness. The review and approval process set forth in item (2) is triggered whenever existing debt as a percentage of total debt capacity exceeds sixty percent.

(E)(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.

SFAA, after review and comment by the Joint Bond Review Committee, may adopt instructions which must be followed by the Authority that submitted the report required by this subsection.

(2) A transfer of any interest in real property by the Authority, regardless of the value of the transaction, requires review by the Joint Bond Review Committee and approval of SFAA.

(3) The reporting and review requirements of this item do not apply to encroachment agreements, rights-of-way, or lease agreements made by the Authority with private individuals for residential use on and near lakes in this State.

(F) Any and all executive compensation and retention programs must be reviewed by JBRC and the Agency Head Salary Commission. Additionally, any employment contracts or retention contracts that last

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longer than five years, and all contract extensions, must be reviewed by JBRC and the Agency Head Salary Commission.

(G) The Authority is a public body for purposes of the Freedom of Information Act.

(H) 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.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Motion Under Rule 26B Waived

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

The question being the second reading of the Bill.

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

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator STEPHENS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Benny L. Webb of Sumter, S.C. Benny graduated from Morris College and earned a master's degree in Public Administration and received certification from the South Carolina Law Enforcement Academy. Benny retired after thirty six years of an extensive career in law enforcement. He was a member of the NAACP, Omega Psi Phi Fraternity, Sumter chapter of the Morris College Alumni Association and a mentor for the Boys to Men Program to mention a few. Benny was recognized as the ABC Agent of the Year in 1991, Omega Man of the Year in 1993 and received the Presidential Citation from Morris College in 2003. Benny was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 5:33 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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