

NO. 51

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

THURSDAY, APRIL 7, 2022

Thursday, April 7, 2022
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Joel 2:12

We read in the book of Joel: "Yet even now, says the Lord, return to me with all your heart, with fasting, with weeping, and with mourning."

Join me as we pray, please: Most Holy and loving Lord, we find ourselves on the verge of yet another Holy Week, that period when many of us will continue to reflect upon how we live moment by moment, day by day. So we do ask You, O God, to forgive us for those many times when we have likely disappointed You through some of our decisions and a lot of our actions. Rather, in weeks and months to come may we all be more determined than ever to live in ways that are pleasing to You. And especially bless these servants of yours here in this Senate, O God. May they always labor diligently to bring about good for the people of this State. We so pray in Your loving and hope-filled name, O Lord. Amen.

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

Point of Quorum

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

Doctor of the Day

Senator GAMBRELL introduced Dr. T. Edwin Evans of Seneca, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator FANNING, at 11:31 A.M., Senator McLEOD was granted a leave of absence for the balance of the day.

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Leave of Absence

On motion of Senator TURNER, at 11:31 A.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator SHEALY, at 11:31 A.M., Senator KIMBRELL was granted a leave of absence for today.

Leave of Absence

On motion of Senator KIMPSON, at 11:40 A.M., Senator MATTHEWS was granted a leave of absence until 12:30 P.M.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 1077 Sen. Scott
S. 1237 Sen. Malloy

RECALLED AND ADOPTED

S. 1245 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION INSTALL APPROPRIATE SIGNS AND MARKERS TO COMMEMORATE THE LADY GAMECOCKS BASKETBALL TEAM WINNING THE 2022 NCAA CHAMPIONSHIP.

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

The Resolution was recalled from the Committee on Transportation.

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

There was no objection.

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

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

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RECALLED

H. 4938 -- Reps. Parks and Howard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 10 IN MCCORMICK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 28 TO ITS INTERSECTION WITH THE MCCORMICK/GREENWOOD COUNTY LINE "CAPTAIN JUNNE 'J.R.' JONES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1249 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO SEPARATION NOTICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5093, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1250 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, RELATING TO SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4993, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1251 -- Senator Malloy: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 1, ARTICLE XVII OF THE CONSTITUTION OF THIS STATE, RELATING TO QUALIFICATIONS FOR OFFICE, TO PROVIDE THAT A RESIDENT OF ANOTHER STATE MAY BE ELECTED TO SERVE ON A COLLEGE OR UNIVERSITY BOARD OF TRUSTEES.

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

H. 3106 -- Reps. Bannister, G. R. Smith, Dillard, Elliott, Hosey and Willis: A BILL TO AMEND SECTIONS 9-1-1085 AND 9-11-225, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO EMPLOYER AND EMPLOYEE CONTRIBUTION RATES UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM AND THE POLICE OFFICERS RETIREMENT SYSTEM RESPECTIVELY, SO AS TO PROVIDE THAT AN EMPLOYER, UP TO CERTAIN LIMITS, MAY ELECT TO PAY ALL OR A PORTION OF REQUIRED EMPLOYEE CONTRIBUTIONS DURING A FISCAL YEAR.

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

H. 3120 -- Reps. Hyde, V. S. Moss, Cobb-Hunter, Long, Cogswell, W. Cox, Gagnon, T. Moore, W. Newton, Finlay, Huggins, Ballentine, Caskey, Wooten, Crawford, Henderson-Myers, Erickson, Bradley, Herbkersman, J. E. Johnson, Carter, S. Williams and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO A PROPERTY OWNER WHO ENCUMBERS HIS PROPERTY WITH A PERPETUAL RECREATIONAL TRAIL EASEMENT.

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

H. 3252 -- Reps. White, Blackwell, Whitmire, W. Cox, McGarry and B. Newton: A BILL TO AMEND SECTION 23-9-25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE V-SAFE PROGRAM, SO AS TO SIMPLIFY THE DEFINITION OF FIRE DEPARTMENTS AND THE PROJECTS ON WHICH GRANT FUNDS MAY BE EXPENDED, TO INCREASE GRANT AMOUNTS,

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AND TO SPECIFY PROJECTS FOR WHICH GRANTS MAY BE AWARDED; TO AMEND SECTION 38-7-20, AS AMENDED, RELATING TO INSURANCE PREMIUM TAXES, SO AS TO DIRECT ADDITIONAL FUNDS TO THE V-SAFE PROGRAM; TO AMEND SECTION 12-37-935, RELATING TO THE ADDITIONAL DEPRECIATION REIMBURSEMENT, SO AS TO DIRECT A PERCENTAGE OF SUCH FUNDS TO THE V-SAFE PROGRAM; AND TO AMEND SECTION 11-11-150, RELATING TO DEDUCTIONS FROM THE ESTIMATE OF REVENUES, SO AS TO MAKE A CONFORMING CHANGE.

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

H. 3340 -- Reps. Bailey, Hardee, Atkinson, Hayes, Brittain and Weeks: A BILL TO AMEND SECTION 12-20-105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATE LICENSE TAX CREDITS ALLOWED CERTAIN TAXPAYERS FOR CONTRIBUTIONS TO QUALIFYING INFRASTRUCTURE AND ECONOMIC DEVELOPMENT PROJECTS, SO AS TO INCREASE THE MAXIMUM ANNUAL CREDIT AMOUNT FROM FOUR HUNDRED THOUSAND TO SIX HUNDRED THOUSAND DOLLARS, TO PROVIDE ADDITIONAL ANNUAL CREDIT AMOUNTS OF FIFTY THOUSAND DOLLARS, ONE HUNDRED THOUSAND DOLLARS, AND ONE HUNDRED FIFTY THOUSAND DOLLARS, RESPECTIVELY, FOR QUALIFYING PROJECTS LOCATED IN COUNTIES CLASSIFIED FOR THE TARGETED JOBS TAX CREDIT AS TIER II, III, AND IV COUNTIES, TO PROVIDE ADDITIONAL ELIGIBILITY REQUIREMENTS FOR THESE INCREASED CREDIT AMOUNTS, AND TO ALLOW UNUSED CREDITS TO BE CARRIED FORWARD TO THE THREE SUCCEEDING TAX YEARS.

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

H. 3669 -- Reps. Hart, Gilliard, Weeks, Caskey, Wooten, B. Cox, Gilliam, Hosey, Clyburn, Bailey, J. E. Johnson, W. Cox, White, R. Williams, McDaniel, King and Rivers: A BILL TO AMEND SECTION 12-37-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS LIABLE FOR TAXES AND ASSESSMENTS ON REAL PROPERTY, SO AS TO PROVIDE THAT CERTAIN DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES ARE EXEMPT FROM PROPERTY TAXES IN THE YEAR IN WHICH THE DISABILITY OCCURS.

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

H. 3709 -- Reps. J. L. Johnson, M. M. Smith, Brawley, Govan, Pendarvis, Tedder, Matthews, Henegan, McDaniel, Henderson-Myers, Yow, McGarry, Rivers and S. Williams: A BILL TO AMEND SECTION 12-36-2630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEVEN PERCENT SALES TAX ON ACCOMMODATIONS, SO AS TO CHANGE THE AGE THAT A CERTAIN ONE PERCENT SALES TAX DOES NOT APPLY FROM INDIVIDUALS OVER THE AGE OF EIGHTY-FIVE TO INDIVIDUALS OVER THE AGE OF SEVENTY.

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

H. 3840 -- Reps. Erickson, Herbkersman, Bradley, W. Newton, Wooten, Caskey, B. Cox, Blackwell, Dabney, King, Jefferson, Brawley, Howard, S. Williams, G. R. Smith, Huggins, Murray and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 67, TITLE 40 SO AS TO ESTABLISH THE "AUDIOLOGY AND SPEECH-LANGUAGE INTERSTATE COMPACT ACT", TO STATE THE PURPOSE OF THE ACT, TO PROVIDE DEFINITIONS, TO OUTLINE STATE PARTICIPATION, TO OUTLINE PRIVILEGES FOR AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS RESULTING FROM THE COMPACT, TO ALLOW FOR THE PRACTICE OF TELEHEALTH, TO PROVIDE ACCOMMODATIONS FOR ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES, TO PROVIDE A MECHANISM FOR TAKING ADVERSE ACTIONS AGAINST LICENSEES, TO ESTABLISH THE "AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION", TO ESTABLISH A DATA SYSTEM, TO OUTLINE THE RULEMAKING PROCESS, TO ADDRESS OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT DUTIES AND RESPONSIBILITIES, TO ESTABLISH THE DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY, RULES, WITHDRAWAL, AND AMENDMENT, TO ADDRESS STATUTORY CONSTRUCTION, SEVERABILITY, AND BINDING EFFECT OF THE COMPACT; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 67, TITLE 40 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

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

H. 4048 -- Rep. G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-11-445 SO AS PROVIDE THAT THE STATE OF SOUTH CAROLINA MUST PROVIDE A LEGAL DEFENSE FOR AND INDEMNIFICATION TO A STATE AGENCY, DEPARTMENT, OR INSTRUMENTALITY AGAINST A CLAIM OR SUIT THAT ARISES OUT OF OR BY VIRTUE OF THE PERFORMANCE OF OFFICIAL DUTIES ON BEHALF OF A STATE AGENCY, DEPARTMENT, OR INSTRUMENTALITY, AND TO PROVIDE A SIMILAR DEFENSE AND INDEMNIFICATION TO BOARD MEMBERS AND EMPLOYEES, AND OFFICERS OF THE ENTITY; TO REPEAL SECTION 1-11-440 RELATING TO LEGAL DEFENSES AND INDEMNIFICATIONS PROVIDED TO MEMBERS OF THE FISCAL ACCOUNTABILITY AUTHORITY AND ITS DIRECTOR; AND TO REPEAL SECTION 12-4-325 RELATING TO LEGAL DEFENSES AND INDEMNIFICATION PROVIDED TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF REVENUE.

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

H. 4243 -- Reprs. Crawford, McGinnis, Hardee, J. E. Johnson, Brittain, Weeks, Erickson and Bradley: A BILL TO AMEND SECTION 12-39-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADJUSTMENTS IN VALUATION AND ASSESSMENT FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO REQUIRE AN ADJUSTMENT FOR DAMAGES CAUSED BY FLOODING OR A HURRICANE.

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

H. 4252 -- Reprs. Bannister, West, Anderson, B. Cox, Elliott, Willis, W. Cox, B. Newton, Pendarvis, Ballentine, Crawford, Daning, Gagnon, Herbkersman, W. Newton, Erickson and Bradley: A BILL TO AMEND SECTION 12-10-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGISLATIVE INTENT OF THE ENTERPRISE ZONE ACT OF 1995, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-10-30, RELATING TO DEFINITIONS, SO AS TO ADD A DEFINITION OF "RELATED PERSON"; TO AMEND SECTION 12-10-50, RELATING TO QUALIFICATIONS FOR BENEFITS, SO AS TO PROVIDE

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THAT TO QUALIFY FOR BENEFITS A BUSINESS MUST ENTER INTO A RETAINING AGREEMENT WITH A CERTAIN TECHNICAL COLLEGE; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS, SO AS TO PROVIDE FOR CERTAIN DESIGNATIONS OF QUALIFYING BUSINESSES AND TO INCREASE THE AMOUNT OF CERTAIN GROSS WAGES AN EMPLOYEE MUST EARN; TO AMEND SECTION 12-10-81, RELATING TO THE JOB DEVELOPMENT TAX CREDITS, SO AS TO INCREASE THE AMOUNT OF CERTAIN GROSS WAGES AN EMPLOYEE MUST EARN; AND TO AMEND SECTION 12-10-100, RELATING TO THE CRITERIA FOR DETERMINATION AND SELECTION OF A QUALIFYING BUSINESS, SO AS TO MAKE A CONFORMING CHANGE.

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

H. 4519 -- Reps. Huggins, Dabney, Forrest, Bustos, Wooten and McGarry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-13-40 SO AS TO PROVIDE THAT A REGISTERED BARBER MAY PRACTICE BARBERING IN A BEAUTY SALON; AND TO AMEND SECTION 40-13-20, RELATING TO THE DEFINITION OF "BEAUTY SALON", SO AS INCLUDE BARBERING WITHIN THE SCOPE OF PROFESSIONAL SERVICES THAT MAY BE PERFORMED IN A BEAUTY SALON IN ADDITION TO COSMETOLOGY.

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

H. 4541 -- Reps. Haddon, Erickson, Cobb-Hunter, Bennett, Bustos, Jones, Matthews, McCravy and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-13-37 SO AS TO PROVIDE FOR THE TREATMENT OF PREGNANT AND POSTPARTUM INMATES.

Read the first time and referred to the Committee on Corrections and Penology.

H. 4614 -- Reps. B. Cox, White, Wooten, Caskey, Elliott, T. Moore, G. R. Smith, M. M. Smith, Bennett, Ballentine, Jones, Morgan, McCabe, Blackwell, Oremus, Atkinson, Davis, Kirby, B. Newton, Willis, Taylor, Hill, W. Cox, Garvin and Fry: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-

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11-2250 SO AS TO PERMIT A PERSON AUTHORIZED TO HUNT ON A WILDLIFE MANAGEMENT AREA TO HUNT ON A SUNDAY.

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

H. 4775 -- Reps. Hiott, Bailey, Carter, Erickson and Bradley: A BILL TO AMEND CHAPTER 60, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANUFACTURER RESPONSIBILITY FOR THE RECOVERY AND RECYCLING OF CERTAIN ELECTRONIC WASTE, SO AS TO ADD AND CHANGE DEFINITIONAL TERMS; TO REQUIRE MANUFACTURERS OF COVERED DEVICES TO OFFER AN ELECTRONIC WASTE RECOVERY PROGRAM AND TO ESTABLISH MINIMUM REQUIREMENTS OF SUCH RECOVERY PROGRAMS; TO ESTABLISH TELEVISION AND COMPUTER MONITOR COLLECTION SITE CONVENIENCE STANDARDS BASED ON COUNTY POPULATION; TO REQUIRE TELEVISION AND COMPUTER MONITOR MANUFACTURERS TO SUBMIT AN ANNUAL MANUFACTURER RECOVERY PLAN TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR REVIEW AND APPROVAL AND TO ESTABLISH MINIMUM PLAN REQUIREMENTS; TO ALLOW MANUFACTURER CLEARINGHOUSES, ACTING ON BEHALF OF CERTAIN MANUFACTURERS, TO COMPLY WITH THE CHAPTER'S PROVISIONS AND TO ESTABLISH CERTAIN REQUIREMENTS APPLICABLE TO MANUFACTURER CLEARINGHOUSES; TO SET FORTH POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO CREATE AND CHANGE CERTAIN FEES AND PENALTIES; TO PROVIDE FOR PERIODIC REVIEW OF THE CHAPTER'S PROVISIONS BY A STAKEHOLDER GROUP; AND FOR OTHER PURPOSES; AND TO REPEAL SECTION 14 OF ACT 129 OF 2014, AS AMENDED, RELATING TO A SUNSET PROVISION.

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

H. 4805 -- Rep. Elliott: A BILL TO AMEND SECTION 12-20-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF LICENSE TAXES ON CORPORATIONS, SO AS TO PROVIDE THAT THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF

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CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

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

H. 4817 -- Reps. Ligon, Simrill, McGarry, B. Newton, Atkinson, R. Williams, Wheeler, Hardee, Gagnon, Hill, Huggins, Taylor and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SHORT LINE RAILROAD MODERNIZATION ACT" BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT EQUAL TO FIFTY PERCENT OF AN ELIGIBLE TAXPAYER'S QUALIFIED RAILROAD RECONSTRUCTION OR REPLACEMENT EXPENDITURES, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX CREDIT.

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

H. 4918 -- Reps. Thayer, Pope, White, Erickson, Gilliam, Long, Wooten, Atkinson, Magnuson, Haddon, T. Moore, Hyde, Allison, R. Williams, Jefferson, Yow, Forrest, B. Newton, W. Newton, Herbkersman and McGarry: A BILL TO AMEND SECTION 9-11-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EARNINGS LIMITATION UPON RETURN TO COVERED EMPLOYMENT IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO INCREASE THE AMOUNT THAT MAY BE EARNED WITHOUT AFFECTING THE MONTHLY RETIREMENT ALLOWANCE FROM TEN THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS FOR CERTAIN RETIRED MEMBERS.

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

H. 4948 -- Rep. Rutherford: A BILL TO AMEND SECTION 17-5-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS AUTHORIZED TO VIEW PHOTOGRAPHS AND VIDEOS OF AN AUTOPSY, SO AS TO RESTRUCTURE THE CIRCUMSTANCES UNDER WHICH PHOTOGRAPHS AND VIDEOS OF AN AUTOPSY MAY BE DISSEMINATED.

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

H. 4985 -- Reps. Hosey, Henegan, Clyburn, Rivers, Tedder, R. Williams, K. O. Johnson, Thigpen, Bamberg, Kirby, Govan, Cobb-Hunter, S. Williams, J. L. Johnson, Alexander, McKnight, Weeks,

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Murray and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

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

H. 4986 -- Rep. Ott: A BILL TO AMEND SECTION 50-5-555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAP PLACEMENT, SO AS TO PROHIBIT TRAPS IN THE WATERS OF THE GENERAL TRAWL ZONE WHEN THESE WATERS ARE OPEN TO TRAWLING FOR SHRIMP.

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

H. 4994 -- Reps. Ligon, B. Newton, Hiott, Haddon, Nutt, Ott, Kirby, Chumley, Burns, Bryant and V. S. Moss: A BILL TO AMEND SECTION 27-50-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCLOSURE STATEMENTS REQUIRED FOR REAL PROPERTY TRANSACTIONS, SO AS TO REQUIRE THE DISCLOSURE OF ADJACENT PROPERTY UTILIZED FOR AGRICULTURAL PURPOSES.

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

H. 4999 -- Rep. Hiott: A BILL TO AMEND SECTION 44-56-200 CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HAZARDOUS WASTE CLEANUP, SO AS TO PROVIDE STANDARDS FOR CONDUCTING CERTAIN CLEANUP, REMOVAL, REMEDIATION, OR OTHER RESPONSES; TO PROVIDE SITE-SPECIFIC REMEDIATION STANDARDS; AND TO DEFINE NECESSARY TERMS.

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

H. 5075 -- Reps. G. M. Smith and West: A BILL TO AMEND SECTION 12-6-3795, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HOUSING TAX CREDIT, SO AS TO DEFINE TERMS AND LIMIT THE CREDIT; TO AMEND ARTICLE 3 OF CHAPTER 11, TITLE 1, RELATING TO THE ALLOCATION OF STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO DEVELOP A

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STATE CEILING ALLOCATION PLAN ANNUALLY, TO SPECIFY REQUIREMENTS OF THE PLAN, AND TO PROVIDE A PROCESS FOR PERIODIC ALLOCATIONS OF THE STATE CEILING; AND TO REPEAL SECTION 1-11-370 RELATING TO INDEBTEDNESS INCLUDED WITHIN ANY LIMITS ON PRIVATE ACTIVITY BONDS.

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

H. 5144 -- Reps. G. M. Smith, Wheeler, Lowe, Kirby, Weeks, R. Williams, Jefferson and Yow: 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 FURTHER SPECIFY THE APPLICATION OF THE EXEMPTION OF PROPERTY OF TELEPHONE COMPANIES AND RURAL TELEPHONE COOPERATIVES.

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

H. 5198 -- Reps. Lucas, G. M. Smith, Rutherford, Simrill, Finlay, Yow, R. Williams, Jefferson and Cobb-Hunter: A BILL TO AMEND SECTION 59-117-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD; TO AMEND SECTION 59-117-20, RELATING TO TERMS OF ELECTED MEMBERS OF THE BOARD, SO AS TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2023; TO AMEND SECTION 59-117-40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THE CHAIRMAN SERVES A TWO-YEAR TERM, TO PROVIDE A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN, AND TO REVISE CERTAIN POWERS; AND TO AMEND SECTION 59-117-50, RELATING TO MEETINGS OF THE BOARD, SO AS TO PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

Senator MALLOY spoke on the Bill.

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

H. 5215 -- Reps. Rutherford and Rose: A BILL TO AMEND ARTICLE 142, CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF

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"UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO ALSO PROVIDE FOR THE ISSUANCE OF "UNIVERSITY OF SOUTH CAROLINA 2022 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES BY THE DEPARTMENT.

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

H. 5222 -- Reps. Kirby, Lowe, Alexander, Jordan, R. Williams, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, 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, King, Ligon, Long, Lucas, Magnuson, 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, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOSEPH W. KING, EXECUTIVE DIRECTOR FOR FLORENCE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP, UPON THE OCCASION OF HIS RETIREMENT AFTER A DISTINGUISHED TENURE OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

REPORTS OF STANDING COMMITTEE

Senator ALEXANDER from the Committee on Operations and Management polled out S. 1107 favorable:

S. 1107 -- Senators Shealy and Senn: A SENATE RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE ON FRIDAY, JUNE 17, 2022.

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**Poll of the Labor, Commerce and Industry Committee
Polled 9; Ayes 9; Nays 0; Not Voting 0**

AYES

Alexander	Peeler	Setzler
Rankin	Hutto	Malloy
Massey	Shealy	Turner

Total--9

NAYS

Total--0

NOT VOTING

Total--0

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Operations and Management polled out S. 1231 favorable:

S. 1231 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 17, 2022, FROM 11:30 A.M. TO 1:00 P.M. HOWEVER, THE CHAMBERS MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

**Poll of the Labor, Commerce and Industry Committee
Polled 9; Ayes 9; Nays 0; Not Voting 0**

AYES

Alexander	Peeler	Setzler
Rankin	Hutto	Malloy
Massey	Shealy	Turner

Total--9

NAYS

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Total--0

NOT VOTING

Total--0

Ordered for consideration tomorrow.

Appointments Reported

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

Statewide Appointments

Reappointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2020, and to expire June 30, 2024

1st Congressional District:

Barry D. Malphrus, 6036 Vaux Road, Beaufort, SC 29906-9472

Received as information.

Reappointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2021, and to expire June 30, 2025

4th Congressional District:

Robin B. Blackwood, 222 East Park Ave., Greenville, SC 29601-1634

Received as information.

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2022, and to expire March 21, 2027

4th Congressional District:

Bobby H. Mann, 140 Hammond Dr., Taylors, SC 29687-6923 *VICE*
Sharon L. Wilson

Received as information.

Message from the House

Columbia, S.C., April 6, 2022

Mr. President and Senators:

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

H. 3730 -- Reps. R. Williams, Jefferson, Gilliard and Murray: A BILL TO AMEND SECTION 56-5-2710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE OBEYING A SIGNAL THAT INDICATES AN APPROACHING TRAIN, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES THAT REQUIRE A DRIVER TO STOP A VEHICLE APPROACHING A RAILROAD GRADE CROSSING.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 7, 2022

Mr. President and Senators:

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

H. 4177 -- Reps. Lowe, Pope and Ligon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-3-190 SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO HIRE A WATERFOWL PROGRAM MANAGER WITHIN THE WILDLIFE AND FRESHWATER FISHERIES DIVISION, TO PROVIDE CERTAIN DUTIES AND RESPONSIBILITIES FOR THE POSITION; BY ADDING SECTION 50-9-930 SO AS TO ESTABLISH THE WATERFOWL ADVISORY COMMITTEE TO ASSIST IN THE DEVELOPMENT, PROTECTION, AND PROPAGATION OF NATIVE WATERFOWL IN THIS STATE AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE; TO AMEND SECTION 50-9-510, AS AMENDED, RELATING TO MIGRATORY WATERFOWL PERMITS, SO AS TO INCREASE THE FEES FOR MIGRATORY WATERFOWL PERMITS; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, SO AS TO PROVIDE FOR CERTAIN EXPENDITURES FROM THE REVENUES OF RESIDENT AND NONRESIDENT MIGRATORY WATERFOWL PERMITS; AND TO PROVIDE THAT SECTIONS 3 AND 4 OF THIS ACT ARE REPEALED ON JANUARY 1, 2027.

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and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 7, 2022

Mr. President and Senators:

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

H. 4571 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST CLEVELAND STREET IN THE CITY OF DILLON FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO ITS INTERSECTION WITH NORTH ELEVENTH AVENUE "CASEY MANNING DRIVE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT ITS INTERSECTION WITH NORTH ELEVENTH AVENUE CONTAINING THESE WORDS.

and has ordered the Concurrent Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

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

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

S. 1220 -- Senator Rice: A BILL TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF PICKENS COUNTY BOARD OF TRUSTEES, SO AS TO REAPPORTION THE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REVISED ELECTION DISTRICTS, AND TO

THURSDAY, APRIL 7, 2022

UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED.

HOUSE BILL RETURNED

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

H. 5159 -- Reps. G.R. Smith, Allison, Bannister, Burns, Chumley, B. Cox, W. Cox, Dillard, Elliott, Haddon, Morgan, Robinson, Trantham and Willis: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2022, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE NEWLY DRAWN ELECTION DISTRICTS.

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

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

S. 1235 -- Senator Matthews: A BILL TO AMEND ACT 190 OF 1991, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY, SO AS TO REAPPORTION THE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REVISED ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO REMOVE ARCHAIC LANGUAGE.

SECOND READING BILL

S. 1241 -- Senator Matthews: A BILL TO ADD TWO MEMBERS TO THE WALTERBORO-COLLETON COUNTY AIRPORT COMMISSION.

On motion of Senator MATTHEWS.

S. 1241--Ordered to a Third Reading

On motion of Senator MATTHEWS, S. 1241 was ordered to receive a third reading on Friday, April 8, 2021.

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

S. 984 -- Senators Hembree, Massey, Gustafson and Rankin: A BILL TO AMEND SECTION 6-1-300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, SO AS TO PROVIDE THAT A SERVICE OR USER FEE MUST BE USED TO THE NONEXCLUSIVE BENEFIT OF THE PAYERS; AND TO AMEND SECTION 6-1-330, RELATING TO A SERVICE OR USER FEE, SO AS TO PROVIDE THAT A PROVISION APPLIES TO AN ENTIRE ARTICLE.

The Senate proceeded to a consideration of the Bill.

Senators KIMPSON, HEMBREE and DAVIS proposed the following amendment (984R002.SP.MEK), which was adopted:

Amend the bill, as and if amended, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Notwithstanding Section 8-21-30, et seq., no public officer shall be personally liable for any amount charged pursuant to SECTION 1. This SECTION applies retroactively to any service or fee imposed after December 31, 1996. /

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators RICE and FANNING proposed the following amendment (984R003.SP.MWF), which was adopted:

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

/ SECTION __. Section 6-1-330 of the 1976 Code is amended by adding appropriately lettered new subsections to read:

“() A local governing body that repealed a road maintenance fee after June 30, 2021, and subsequently approved a millage increase for road maintenance, must repeal the millage imposed to replace the previous road maintenance fee before reimposing the road maintenance fee.

() A local governing body that imposes a user or service fee pursuant to Section 6-1-300(6) must publish the amount of dollars annually collected on each fee on the county’s website.” /

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Renumber sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The amendment was adopted.

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

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

Ayes 32; Nays 7; Abstain 2

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
Kimpson	Loftis	Malloy
Massey	McElveen	Rankin
Reichenbach	Rice	Sabb
Scott	Stephens	Turner
Verdin	Williams	

Total--32

NAYS

Climer	Cromer	<i>Johnson, Michael</i>
Martin	Peeler	Senn
Shealy		

Total--7

ABSTAIN

Hutto	Young
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Total--2

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

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Statement by Senators YOUNG and HUTTO

We abstained from voting on S. 984 because of a possible client conflict.

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

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

S. 1032 -- Senators Martin, Verdin, Kimbrell, Garrett, Senn and Climer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-80 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; AND TO REPEAL SECTION 23-6-60 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF SAFETY.

The Senate proceeded to a consideration of the Bill.

Senator MARTIN explained the Bill.

The question being third reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

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Williams

Young

Total--41

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House.

ORDERED ENROLLED FOR RATIFICATION

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

H. 3509 -- Reps. Fry, Felder, Bernstein, Collins, Kimmons, Robinson, Haddon, V.S. Moss, Pope, Forrest, J.L. Johnson, W. Cox, Carter, Oremus, Henegan, Jefferson and R. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 63 SO AS TO ESTABLISH AN EXTENDED FOSTER CARE PROGRAM AND RELATED PROCEDURES TO ENABLE CERTAIN CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ON THEIR EIGHTEENTH BIRTHDAY TO CONTINUE TO RECEIVE SERVICES AND SUPPORTS FROM THE DEPARTMENT UNTIL THE AGE OF TWENTY-ONE; TO DEFINE TERMS; TO PROVIDE FOR VOLUNTARY AND COURT-ORDERED EXTENDED FOSTER CARE; TO REQUIRE CASE REVIEW AND PERMANENCY PLANNING; AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING HEARINGS, SO AS TO MAKE CONFORMING CHANGES.

**COMMITTEE AMENDMENT ADOPTED
READ THE THIRD TIME
SENT TO THE HOUSE**

S. 1077 -- Senators Alexander, Rankin, Massey, K. Johnson, Sabb, Garrett, Gambrell, McElveen, Kimbrell, Stephens, McLeod, M. Johnson, Kimpson, Hutto, Grooms, Climer, Davis, Gustafson, Williams, Loftis, Fanning, Adams and Scott: A BILL TO AMEND CHAPTER 27, TITLE 58 OF THE 1976 CODE BY ADDING ARTICLE 8, TO ALLOW THE PUBLIC SERVICE COMMISSION TO AUTHORIZE THE ISSUANCE OF BONDS FOR THE

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PURPOSES OF OFFSETTING AND REDUCING PRUDENTLY INCURRED COSTS FOR STORM RECOVERY ACTIVITY AND TO ESTABLISH THE REQUIREMENTS AND PROCESSES FOR THE AUTHORIZATION OF THESE BONDS; AND TO AMEND SECTION 36-9-109 TO MAKE FURTHER CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD1077.005), which was adopted:

Amend the bill, as and if amended, beginning on page 1, line 29, and ending on page 2, line 3, by striking Section 58-27-1100, and inserting:

/ Section 58-27-1100. Upon application by an electrical utility, the commission may by order authorize the issuance of bonds for the purposes of offsetting and reducing prudently incurred costs due to storm recovery activity. It is in the interest of the State and its citizens to encourage and facilitate the use of securitized bonds as a method for enabling electrical utilities to lower the cost of financing the costs of these activities under certain conditions, and to empower the commission to review a securitization mechanism to determine whether it is consistent with the public interest and worthy of approval. In order for the commission to authorize the issuance of these bonds, it must find that an electrical utility's use of this financing mechanism will provide quantifiable net benefits to customers on a present value basis as compared to the costs that would have been incurred absent the issuance of storm recovery bonds, and will result in the lowest storm recovery charges consistent with market conditions at the time the storm recovery bonds are priced and the terms set forth in a financing order issued by the commission. /

Amend the bill further, as and if amended, page 3, by striking lines 32-39, and inserting:

/ (13)(a) The term 'storm recovery activity' means an activity or activities by an electrical utility, its affiliates, or its contractors directly and specifically in connection with the restoration of service and infrastructure associated with electric power outages affecting customers of an electrical utility as the result of a storm or storms, including activities related to mobilization, staging, and construction, reconstruction, replacement, or repair of electric generation, transmission, distribution, or general plant facilities.

(b) No electric utility is required to securitize nor is it prohibited from securitizing those capital improvements or infrastructure upgrades

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that have a quantifiable net benefit to consumers and that improve the resiliency of the transmission and distribution system. /

Amend the bill further, as and if amended, page 6, by striking lines 11-20 and inserting:

/ (7) a comparison between the net present value of the costs to customers that are estimated to result from the issuance of storm recovery bonds based on current market conditions and the costs that would result from the application of the traditional method of financing and recovering storm recovery costs from customers. The comparison should demonstrate that the issuance of storm recovery bonds and the imposition of storm recovery charges are expected to provide quantifiable net benefits to customers on a present value basis as compared to the costs that would have been incurred absent the issuance of storm recovery bonds; and /

Amend the bill further, as and if amended, page 12, by striking lines 3-20 and inserting:

/ (B) The commission may not order or otherwise directly or indirectly require an electrical utility to use storm recovery bonds to finance any project, addition, plant, facility, extension, capital improvement, equipment, or any other expenditure except as permitted under this article. After the issuance of a financing order, the electrical utility retains sole discretion regarding whether to cause the storm recovery bonds to be issued, including the right to defer or postpone such sale, assignment, transfer, or issuance, unless otherwise provided in the financing order. Nothing shall prevent the electrical utility from abandoning the issuance of storm recovery bonds under the financing order by filing with the commission a statement of abandonment and the reasons therefor. The commission may not refuse to allow an electrical utility to recover storm recovery costs in an otherwise permissible fashion, or refuse or condition authorization or approval of the issuance and sale by an electrical utility of securities or the assumption by the electrical utility of liabilities or obligations, solely because of the potential availability of storm recovery bond financing. /

Amend the bill further, as and if amended, page 17, by striking lines 18-35 and inserting:

/ (3) Any right that an electrical utility has in the storm recovery property before its pledge, sale, or transfer or any other right created under this article or created in the financing order and assignable under this article or assignable pursuant to a financing order is property in the form of a contract right or a chose in action. Transfer of an interest in storm recovery property to an assignee is enforceable only upon all of

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the following items having been attained: (i) the issuance of a financing order, (ii) the assignor having rights in such storm recovery property or the power to transfer rights in such storm recovery property to an assignee, (iii) the execution and delivery by the assignor of transfer documents in connection with the issuance of storm recovery bonds, and (iv) the receipt of value for the storm recovery property. An enforceable transfer of an interest in storm recovery property to an assignee is perfected against all third parties, including subsequent judicial or other lien creditors, when a notice of that transfer has been given by the filing of a financing statement in accordance with item (B)(3) of this section. The transfer is perfected against third parties as of the date of filing.

/

Amend the bill further, as and if amended, page 18, by striking lines 41-43 and inserting:

/ Section 58-27-1135. All financing statements referenced in this article are subject to Part 5 of Chapter 9 of the Code, except that the requirement as to continuation statements does not apply. /

Amend the bill further, as and if amended, page 20, by striking lines 28-30 and inserting:

/ (B) Any person or entity that issues storm recovery bonds may include the language specified in this section in the storm recovery bonds and related documentation. /

Amend the bill further, as and if amended, page 20, by striking lines 35-39 and inserting:

/ Section 58-27-1165. If there is a conflict between this article and any other law regarding the attachment, assignment, perfection, effect of perfection, priority of, assignment or transfer of, or security interest in storm recovery property, this article shall govern. /

Re-number sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senator HARPOOTLIAN proposed the following amendment (1077R002.SP.RAH), which was withdrawn:

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

/ SECTION 1. Chapter 27, Title 58 of the 1976 Code is amended by adding:

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“Article 8

Section 58-27-1100. Upon application by an electrical utility, the commission may by order authorize the issuance of bonds for the purposes of offsetting and reducing prudently incurred costs due to qualified recovery activity. It is in the interest of the State and its citizens to encourage and facilitate the use of securitized bonds as a method for enabling electrical utilities to lower the cost of financing the costs of these activities under certain conditions, and to empower the commission to review a securitization mechanism to determine whether it is consistent with the public interest and worthy of approval. In order for the commission to authorize the issuance of these bonds, it must find that an electrical utility’s use of this financing mechanism will provide quantifiable net benefits to customers on a present value basis as compared to the costs that would have been incurred absent the issuance of storm recovery bonds, and will result in the lowest qualified recovery charges consistent with market conditions at the time the recovery bonds are priced and the terms set forth in a financing order issued by the commission.

Section 58-27-1105. When used in this article:

(1) The term ‘ancillary agreement’ means a bond, insurance policy, letter of credit, reserve account, surety bond, liquidity or credit support arrangement, or other financial arrangement entered into in connection with recovery bonds.

(2) The term ‘assignee’ means a legally recognized entity to which an electrical utility assigns, sells, or transfers, other than as a security, all or a portion of its interest in or right to qualified recovery property. The term includes a corporation, limited liability company, general partnership or limited partnership, public authority, trust, financing entity, or any entity to which an assignee assigns, sells, or transfers, other than as security, all or a portion of its interest in or right to qualified recovery property.

(3) The term ‘bondholder’ means a person who holds a storm recovery bond.

(4) The term ‘code’ means The Uniform Commercial Code, Title 36 of the South Carolina Code of Laws.

(5) The term ‘commission’ means the Public Service Commission of South Carolina.

(6) The term ‘electrical utility’ is as defined in Section 58-27-10(7).

(7) The term ‘financing costs’ includes all of the following:

(a) interest and acquisition, defeasance, or redemption premiums payable on recovery bonds;

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(b) any payment required under an ancillary agreement and any amount required to fund or replenish a storm reserve account or other accounts established under the terms of any indenture, ancillary agreement, or other financing documents pertaining to recovery bonds;

(c) any other cost related to issuing, supporting, repaying, refunding, and servicing recovery bonds, including servicing fees, accounting and auditing fees, trustee fees, legal fees, consulting fees, structuring adviser fees, administrative fees, placement and underwriting fees, independent director and manager fees, capitalized interest, rating agency fees, stock exchange listing and compliance fees, security registration fees, filing fees, information technology programming costs, and any other costs necessary to otherwise ensure the timely payment of recovery or other amounts or charges payable in connection with the bonds, including costs related to obtaining the financing order;

(d) any taxes and license fees or other fees imposed on the revenues generated from the collection of a qualified recovery charge or otherwise resulting from the collection of qualified recovery charges, in any such case whether paid, payable, or accrued;

(e) any state and local taxes, franchise, gross receipts, and other taxes or similar charges, including regulatory assessment fees, whether paid, payable, or accrued;

(f) any costs incurred by the commission or the Office of Regulatory Staff for any outside consultants, including counsel and advisors, retained in connection with the securitization of qualified recovery costs.

(8) The term ‘financing order’ means an order that authorizes the issuance of recovery bonds; the imposition, collection, and periodic adjustments of a qualified recovery charge; the creation of qualified recovery property; and the sale, assignment, or transfer of qualified recovery property to an assignee.

(9) The term ‘financing party’ means bondholders and trustees, collateral agents, any party under an ancillary agreement, or any other person acting for the benefit of bondholders.

(10) The term ‘financing statement’ is as defined in Section 36-9-102.

(11) The term ‘pledgee’ means a financing party to which an electrical utility or its successors or assignees mortgages, negotiates, pledges, or creates a security interest or lien on all or any portion of its interest in or right to qualified recovery property.

(12) The term ‘storm’ means, individually or collectively, a named tropical storm or hurricane, a tornado, ice storm or snowstorm, flood, an earthquake, or other significant weather or natural disaster.

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(13)(a) The term ‘qualified electric activity’ means an activity or activities by an electrical utility, its affiliates, or its contractors directly and specifically in connection with the restoration of service and infrastructure associated with:

(i) electric power outages affecting customers of an electrical utility as the result of a storm or storms, including activities related to mobilization, staging, and construction, reconstruction, replacement, or repair of electric generation, transmission, distribution, or general plant facilities; or

(ii) clean-up or remediation of any coal combustion residuals (CCRs).

(b) No electric utility is required to securitize nor is it prohibited from securitizing those capital improvements or infrastructure upgrades that have a quantifiable net benefit to consumers and that improve the resiliency of the transmission and distribution system.

(14) The term ‘recovery bonds’ means bonds, debentures, notes, certificates of participation, certificates of beneficial interest, certificates of ownership, or other evidences of indebtedness or ownership that are issued by an electrical utility or an assignee pursuant to a financing order, the proceeds of which are used directly or indirectly to recover, finance, or refinance commission-approved qualified recovery costs and financing costs, and that are secured by or payable from qualified recovery property. If certificates of participation or ownership are issued, references in this article to principal, interest, or premium shall be construed to refer to comparable amounts under those certificates.

(15) The term ‘qualified recovery charge’ means the amounts authorized by the commission to repay, finance, or refinance qualified recovery costs and financing costs and that are nonbypassable charges (i) imposed on and part of all retail customer bills, (ii) collected by an electrical utility or its successors or assignees, or a collection agent, in full, separate and apart from the electrical utility’s base rates, and (iii) paid by all existing or future retail customers receiving transmission or distribution service, or both, from the electrical utility or its successors or assignees under commission-approved rate schedules or under special contracts, even if a customer elects to purchase electricity from an alternative electricity supplier following a fundamental change in regulation of electrical utilities in this State.

(16) The term ‘qualified recovery costs’ means:

(a)(i) all incremental costs, including capital costs, appropriate for recovery from existing and future retail customers receiving transmission or distribution service from an electrical utility that an

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electrical utility has incurred or expects to incur as a result of the applicable storm that are caused by, associated with, or remain as a result of undertaking qualified recovery activity; or

(ii) commission-approved and prudently incurred costs related to clean-up and remediation of any CCR that have a quantifiable benefit to customers.

(b) Qualified recovery costs shall be net of applicable insurance proceeds, tax benefits, income tax savings, and any other amounts intended to reimburse the electrical utility for qualified recovery activities such as government grants, or aid of any kind and where determined appropriate by the commission, and may include adjustments for capital replacement and operating costs previously considered in determining normal amounts in the electrical utility's most recent general rate proceeding. Qualified recovery costs may include, to the extent determined appropriate by the commission, the cost to replenish and fund any storm reserves, the costs of retiring any existing indebtedness relating to qualified recovery activities, and carrying costs.

(c) With respect to qualified recovery costs that the electrical utility expects to incur, any difference between costs expected to be incurred and actual, reasonable and prudent costs incurred, or any other rate-making adjustments appropriate to fairly and reasonably assign or allocate cost recovery to customers over time, shall be addressed in a future general rate proceeding, as may be facilitated by other orders of the commission issued at the time or prior to such proceeding; provided, however, that the commission's adoption of a financing order and approval of the issuance of recovery bonds may not be revoked or otherwise modified.

(17) The term 'qualified recovery property' means:

(a) All rights and interests of an electrical utility or successor or assignee of the electrical utility under a financing order, including the right to impose, bill, charge, collect, and receive qualified recovery charges authorized under the financing order and to obtain periodic adjustments to such charges as provided in the financing order.

(b) All revenues, collections, claims, rights to payments, payments, money, or proceeds arising from the rights and interests specified in the financing order, regardless of whether such revenues, collections, claims, rights to payment, payments, money, or proceeds are imposed, billed, received, collected, or maintained together with or commingled with other revenues, collections, rights to payment, payments, money, or proceeds.

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(18) The term ‘early retirement’ means the permanent closure, decommissioning, or retirement of a coal fired generation plant on a schedule that is earlier than its previously scheduled retirement with the result that the utility has not recovered the entire commission-approved investment in the facility by the time of its retirement.

Section 58-27-1110. (A) An electrical utility may petition the commission for a financing order. The petition shall include all of the following:

(1) a description of the qualified recovery activities that the electrical utility has undertaken or proposes to undertake and the reasons for undertaking the activities, or if the electrical utility is subject to a settlement agreement that governs the type and amount of principal costs that could be included in qualified recovery costs, a description of the settlement agreement;

(2) the qualified recovery costs and an estimate of the costs of any qualified recovery activities that are being undertaken but are not completed;

(3) the level of the storm recovery reserve, if any, that the electrical utility proposes to establish or replenish and has determined would be appropriate to recover through recovery bonds and is seeking to so recover, and such level that the electrical utility is funding or will seek to fund through other means, together with a description of the factors and calculations used in determining the amounts and methods of recovery;

(4) an indicator of whether the electrical utility proposes to finance all or a portion of the qualified recovery costs using recovery bonds. If the utility proposes to finance a portion of such costs, the electrical utility must identify the specific portion in the petition. By requesting not to finance a portion of such qualified recovery costs using recovery bonds, an electrical utility shall not be deemed to waive its right to seek to recover such costs pursuant to a separate proceeding with the commission;

(5) an estimate of the financing costs related to the recovery bonds;

(6) an estimate of the qualified recovery charges necessary to recover the qualified recovery costs, including the storm recovery reserve amount, if any, determined appropriate by the commission, and financing costs and the period for recovery of such costs;

(7) a comparison between the net present value of the costs to customers that are estimated to result from the issuance of recovery bonds based on current market conditions and the costs that would result from the application of the traditional method of financing and

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recovering qualified recovery costs from customers. The comparison should demonstrate that the issuance of recovery bonds and the imposition of qualified recovery charges are expected to provide quantifiable net benefits to customers on a present value basis as compared to the costs that would have been incurred absent the issuance of storm recovery bonds; and

(8) direct testimony, exhibits, and supporting work papers supporting the petition, testimony, and exhibits. Such work papers may be filed under seal to the extent necessary to protect confidential, proprietary, or sensitive information. The electrical utility shall provide functional exhibits and work papers to the Office of Regulatory Staff and to the commission, subject to any appropriate confidentiality designations.

(B) If the principal costs the electrical utility proposes to finance using recovery bonds were not already subject to review by the commission in a general rate proceeding, then the electrical utility must file a petition with the commission for review and approval of those costs no later than one hundred and eighty days before filing a petition for a financing order pursuant to this section.

(1) Any petition for review and approval of the principal costs shall be accompanied by direct testimony, exhibits, and supporting work papers supporting the petition, testimony, and exhibits. Such work papers may be filed under seal to the extent necessary to protect confidential, proprietary, or sensitive information. The electrical utility shall provide functional exhibits and work papers to the Office of Regulatory Staff and to the commission, subject to any appropriate confidentiality designations.

(2) If the electrical utility must file a petition for review and approval of the principal costs, the electrical utility shall not be required to provide additional notice prior to filing a petition for a financing order pursuant to this section; otherwise, the utility shall file a notice of its intent to file a petition for a financing order pursuant to this article not less than thirty days prior to filing any such petition.

(C)(1) Proceedings on a petition for a financing order submitted pursuant to this section begin with the petition by an electrical utility, filed subject to the time frame specified in subsection (B) of this section, as applicable, and shall be disposed of in accordance with the requirements of this chapter and the rules of the commission, except as follows:

(a) within fourteen days after the date the petition is filed, the commission shall establish a procedural schedule that permits a

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commission decision no later than one hundred thirty-five days after the date the petition is filed; and

(b) no later than one hundred thirty-five days after the date the petition is filed, the commission shall issue a financing order or an order rejecting the petition. A party to the commission proceeding may petition the commission for reconsideration of the financing order within the time prescribed in Section 58-27-2150.

(2) A financing order issued by the commission to an electrical utility shall include all of the following elements and shall not issue unless each of the following elements is met:

(a) except for changes made pursuant to the formula-based mechanism authorized under this section, the amount of qualified recovery costs, including the level of storm recovery reserves, if any, to be financed using recovery bonds. The commission shall describe and estimate the amount of financing costs that may be recovered through qualified recovery charges and specify the period over which qualified recovery costs and financing costs may be recovered;

(b) a finding that the proposed issuance of recovery bonds and the imposition and collection of a qualified recovery charge will provide quantifiable net benefits to customers on a present value basis as compared to the costs that would have been incurred absent the issuance of recovery bonds;

(c) a finding that the structuring, marketing, and pricing of the recovery bonds will result in the lowest storm qualified charges consistent with market conditions at the time the recovery bonds are priced and the terms set forth in such financing order. The financing order must provide detailed findings of fact addressing cost effectiveness and associated rate impacts upon retail customers and retail customer classes;

(d) a requirement that, for so long as the recovery bonds are outstanding and until all financing costs have been paid in full, the imposition and collection of qualified recovery charges authorized under a financing order shall be nonbypassable and paid by all existing and future retail customers receiving transmission or distribution service, or both, from the electrical utility or its successors or assignees under commission-approved rate schedules or under special contracts, even if a customer elects to purchase electricity from an alternative electric supplier following a fundamental change in regulation of electrical utilities in this State;

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(e) a determination of what portion, if any, of the storm recovery reserves, if any, must be held in a funded reserve and any limitations on how the reserve may be held, accessed, or used;

(f) a formula-based true-up mechanism for making, at least annually, expeditious periodic adjustments in the qualified recovery charges that customers are required to pay pursuant to the financing order and for making any adjustments that are necessary to correct for any over collection or under collection of the charges or to otherwise ensure the timely payment of recovery bonds, financing costs, and other required amounts and charges payable in connection with the recovery bonds;

(g) the qualified recovery property that is or shall be created in favor of an electrical utility or its successors or assignees, and that shall be used to pay or secure recovery bonds and all financing costs;

(h) the degree of flexibility to be afforded to the electrical utility in establishing the terms and conditions of the recovery bonds, including, but not limited to, repayment schedules, expected interest rates, and other financing costs, and subject to any conditions in the financing order, including the pre-bond issuance review process which the commission shall establish;

(i) how qualified recovery charges will be allocated among customer classes;

(j) a requirement that, after the final terms of an issuance of recovery bonds have been established and before the issuance of recovery bonds, the electrical utility determines the resulting initial qualified recovery charge in accordance with the financing order and that such initial qualified recovery charge be final and effective upon the issuance of such recovery bonds without further commission action so long as the recovery charge is consistent with the financing order and the pre-bond issuance review process established by the commission in the financing order is complete;

(k) a method of tracing funds collected as qualified recovery charges, or other proceeds of qualified recovery property, and the determination that such method shall be deemed the method of tracing such funds and determining the identifiable cash proceeds of any qualified recovery property subject to a financing order under applicable law; and

(l) any other conditions not otherwise inconsistent with this section that the commission determines are appropriate.

(3) A financing order issued to an electrical utility may provide that creation of the electrical utility's qualified recovery property is conditioned upon, and simultaneous with, the sale or other transfer of the

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qualified recovery property to an assignee and the pledge of the qualified recovery property to secure recovery bonds.

(4) If the commission issues a financing order and the recovery bonds are issued, the electrical utility shall file with the commission at least annually a petition or a letter applying the formula-based mechanism and, based on estimates of consumption for each rate class and other mathematical factors, requesting administrative approval to make the applicable adjustments. The review of the filing shall be limited to determining whether there are any mathematical or clerical errors in the application of the formula-based mechanism relating to the appropriate amount of any over collection or under collection of qualified recovery charges and the amount of an adjustment. The adjustments shall ensure the recovery of revenues sufficient to provide for the payment of principal, interest, acquisition, defeasance, financing costs, or redemption premium and other fees, costs, and charges with respect to recovery bonds approved under the financing order. Within sixty days after receiving an electrical utility's request pursuant to this paragraph, the commission shall either approve the request or inform the electrical utility of any mathematical or clerical errors in its calculation. If the commission informs the electrical utility of mathematical or clerical errors in its calculation, the electrical utility may correct its error and refile its request. The time frames previously described in this paragraph shall apply to a refiled request.

(5) Subsequent to the transfer of qualified recovery property to an assignee or the issuance of recovery bonds authorized thereby, whichever is earlier, a financing order is irrevocable and, except for changes made pursuant to the formula-based mechanism authorized in this article, the commission may not amend, modify, or terminate the financing order by any subsequent action or reduce, impair, postpone, terminate, or otherwise adjust recovery charges approved in the financing order. After the issuance of a financing order, the electrical utility retains sole discretion regarding whether to assign, sell, or otherwise transfer qualified recovery property or to cause recovery bonds to be issued, including the right to defer or postpone such assignment, sale, transfer, or issuance, unless otherwise provided in the financing order.

(6) If required by the commission in a financing order, within one business day after the final terms of the recovery bonds are determined, the electrical utility shall provide an issuance advice letter to the commission.

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(a) Such issuance advice letter shall be in the form approved in a financing order and include the final terms of the recovery bond issuance, up-front financing costs and on-going financing costs. Such issuance advice letter shall include a certification from the electrical utility, the primary underwriter(s), and a qualified independent third-party designated by the commission, as a condition to closing, certifying whether the sale of recovery bonds complies with the requirements of this article and the financing order. The certifications of the electrical utility and independent third-party shall certify whether the issuance of recovery bonds and the imposition and collection of a qualified recovery charge will in fact provide quantifiable net benefits to customers on a present-value basis as compared to the costs that would have been incurred absent the issuance of recovery bonds. The certifications of the electrical utility, primary underwriter(s), and independent third-party shall certify whether the structuring, marketing, and pricing of the recovery bonds will in fact result in the lowest qualified recovery charges consistent with market conditions at the time the recovery bonds were priced and the terms set forth in the financing order.

(b) Unless otherwise provided in the financing order, by no later than noon on the fourth business day after the final terms of the recovery bonds are determined, the commission shall either accept the issuance advice letter or deliver an order to the electrical utility to prevent the issuance of the recovery bonds. To the extent the commission does not deliver an order to prevent the issuance of the recovery bonds within the time period prescribed in the financing order, the recovery bonds may be issued without further action of the commission.

(D) At the request of an electrical utility, the commission may commence a proceeding and issue a subsequent financing order that provides for refinancing, retiring, or refunding recovery bonds issued pursuant to the original financing order if the commission finds that the subsequent financing order satisfies all of the criteria specified in this article for a financing order. Effective upon retirement of the refunded recovery bonds and the issuance of new recovery bonds, the commission shall adjust the related qualified recovery charges accordingly.

(E) Within thirty days after the commission issues a financing order or a decision denying a request for reconsideration or, if the request for reconsideration is granted, within thirty days after the commission issues its decision on reconsideration, an adversely affected party may petition for judicial review in the Supreme Court of South Carolina. Review on appeal shall be based solely on the record before the commission and

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briefs to the court and is limited to determining whether the financing order, or the order on reconsideration, conforms to the State Constitution and to state and federal law, and is within the authority of the commission under this article. The Supreme Court of South Carolina shall proceed to hear and determine the action as expeditiously as practicable and give the action precedence over other matters not accorded similar precedence by law.

(F)(1) A financing order remains in effect and qualified recovery property under the financing order continues to exist until recovery bonds issued pursuant to the financing order have been paid in full or defeased and, in each case, all commission-approved financing costs of such recovery bonds have been recovered in full.

(2) A financing order issued to an electrical utility remains in effect and unabated notwithstanding the reorganization, bankruptcy or other insolvency proceedings, merger, or sale of the electrical utility or its successors or assignees.

Section 58-27-1115. (A) The commission may not, in exercising its powers and carrying out its duties regarding any matter within its authority pursuant to this chapter, consider the recovery bonds issued pursuant to a financing order to be the debt of the electrical utility other than for federal income tax purposes, consider the qualified recovery charges paid under the financing order to be the revenue of the electrical utility for any purpose, or consider the qualified recovery costs or financing costs specified in the financing order to be the costs of the electrical utility, nor may the commission determine any action taken by an electrical utility which is consistent with the financing order to be unjust or unreasonable unless the electrical utility abandons the issuance of recovery bonds or the electrical utility's petition for a financing order is ultimately denied.

(B) The commission may not order or otherwise directly or indirectly require an electrical utility to use recovery bonds to finance any project, addition, plant, facility, extension, capital improvement, equipment, or any other expenditure except as permitted under this article. After the issuance of a financing order, the electrical utility retains sole discretion regarding whether to cause the recovery bonds to be issued, including the right to defer or postpone such sale, assignment, transfer, or issuance, unless otherwise provided in the financing order. Nothing shall prevent the electrical utility from abandoning the issuance of recovery bonds under the financing order by filing with the commission a statement of abandonment and the reasons therefor. The commission may not refuse to allow an electrical utility to recover qualified recovery costs in an

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otherwise permissible fashion, or refuse or condition authorization or approval of the issuance and sale by an electrical utility of securities or the assumption by the electrical utility of liabilities or obligations, solely because of the potential availability of storm recovery bond financing.

Section 58-27-1120. The electric bills of an electrical utility that has obtained a financing order and caused recovery bonds to be issued must comply with the provisions of this section; however, the failure of an electrical utility to comply with this section does not invalidate, impair, or affect any financing order, qualified recovery property, recovery charge, or recovery bonds. The electrical utility must do the following:

(1) explicitly reflect that a portion of the charges on such bill represents recovery charges approved in a financing order issued to the electrical utility and, if the qualified recovery property has been transferred to an assignee, must include a statement to the effect that the assignee is the owner of the rights to recovery charges and that the electrical utility or other entity, if applicable, is acting as a collection agent or servicer for the assignee. The tariff applicable to customers must indicate the recovery charge and the ownership of the charge; and

(2) include the recovery charge on each customer's bill as a separate line item and include both the rate and the amount of the charge on each bill.

Section 58-27-1125. (A) Provisions applicable to qualified recovery property:

(1) All qualified recovery property that is specified in a financing order constitutes an existing, present intangible property right or interest therein, notwithstanding that the imposition and collection of recovery charges depends on the electrical utility to which the financing order is issued performing its servicing functions relating to the collection of recovery charges and on future electricity consumption. The property exists (i) regardless of whether or not the revenues or proceeds arising from the property have been billed, have accrued, or have been collected and (ii) notwithstanding the fact that the value or amount of the property is dependent on the future provision of service to customers by the electrical utility or its successors or assignees and the future consumption of electricity by customers.

(2) Qualified recovery property specified in a financing order exists until recovery bonds issued pursuant to the financing order are paid in full and all financing costs and other costs of such recovery bonds have been recovered in full.

(3) All or any portion of qualified recovery property specified in a financing order issued to an electrical utility may be transferred, sold,

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conveyed, or assigned to a successor or assignee, that is wholly owned, directly or indirectly, by the electrical utility and created for the limited purpose of acquiring, owning, or administering qualified recovery property or issuing recovery bonds under the financing order. All or any portion of qualified recovery property may be pledged to secure recovery bonds issued pursuant to the financing order, amounts payable to financing parties and to counterparties under any ancillary agreements, and other financing costs. Any transfer, sale, conveyance, assignment, grant of a security interest in or pledge of qualified recovery property by an electrical utility or an affiliate of the electrical utility, to an assignee, to the extent previously authorized in a financing order, does not require the prior consent and approval of the commission.

(4) If an electrical utility defaults on any required payment of charges arising from qualified recovery property specified in a financing order, a court, upon application by an interested party, and without limiting any other remedies available to the applying party, shall order the sequestration and payment of the revenues arising from the qualified recovery property to the financing parties or their assignees. Any such financing order remains in full force and effect notwithstanding any reorganization, bankruptcy, or other insolvency proceedings with respect to the electrical utility or its successors or assignees.

(5) The interest of a transferee, purchaser, acquirer, assignee, or pledgee in qualified recovery property specified in a financing order issued to an electrical utility, and in the revenue and collections arising from that property, is not subject to setoff, counterclaim, surcharge, or defense by the electrical utility or any other person or in connection with the reorganization, bankruptcy, or other insolvency of the electrical utility or any other entity.

(6) Any successor to an electrical utility, whether pursuant to any reorganization, bankruptcy, or other insolvency proceeding or whether pursuant to any merger or acquisition, sale, or other business combination, or transfer by operation of law, as a result of electrical utility restructuring or otherwise, must perform and satisfy all obligations of, and have the same rights under a financing order as, the electrical utility under the financing order in the same manner and to the same extent as the electrical utility, including collecting and paying to the person entitled to receive the revenues, collections, payments, or proceeds of the qualified recovery property. Nothing in this subsection is intended to limit or impair any authority of the commission concerning the transfer or succession of interests of electrical utilities.

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(7) Recovery bonds shall be nonrecourse to the credit or any assets of the electrical utility other than the qualified recovery property as specified in the financing order and any rights under any ancillary agreement.

(B) Provisions applicable to security interests:

(1) The creation, perfection, and enforcement of any security interest in qualified recovery property to secure the repayment of the principal and interest and other amounts payable in respect of recovery bonds, amounts payable under any ancillary agreement, and other financing costs are governed by this section and not by the provisions of the code.

(2) A security interest in qualified recovery property is created, valid, and binding and perfected at the later of the times that: (i) the financing order is issued, (ii) a security agreement is executed and delivered by the debtor granting such security interest, (iii) the debtor has rights in such qualified recovery property or the power to transfer rights in such qualified recovery property, or (iv) value is received for the qualified recovery property. The description of qualified recovery property in a security agreement is sufficient if the description refers to this article and the financing order creating the storm recovery property.

(3) A security interest shall attach without any physical delivery of collateral or other act, and, upon the filing of a financing statement with the office of the Secretary of State, the lien of the security interest shall be valid, binding, and perfected against all parties having claims of any kind in tort, contract, or otherwise against the person granting the security interest, regardless of whether the parties have notice of the lien. Also upon this filing, a transfer of an interest in the qualified recovery property shall be perfected against all parties having claims of any kind, including any judicial lien or other lien creditors or any claims of the seller or creditors of the seller, and shall have priority over all competing claims other than any prior security interest, ownership interest, or assignment in the property previously perfected in accordance with this section.

(4) The Secretary of State shall maintain any financing statement filed to perfect any security interest under this article in the same manner that the Secretary maintains financing statements filed by transmitting utilities under the code. The filing of a financing statement under this article shall be governed by the provisions regarding the filing of financing statements in the code.

(5) The priority of a security interest in qualified recovery property is not affected by the commingling of qualified recovery charges with

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other amounts. Any pledgee or secured party shall have a perfected security interest in the amount of all qualified recovery charges that are deposited in any cash or deposit account of the qualifying utility in which qualified recovery charges have been commingled with other funds and any other security interest that may apply to those funds shall be terminated when they are transferred to a segregated account for the assignee or a financing party.

(6) No application of the formula-based adjustment mechanism as provided in this article will affect the validity, perfection, or priority of a security interest in or transfer of qualified recovery property.

(7) If a default or termination occurs under the recovery bonds, the financing parties or their representatives may foreclose on or otherwise enforce their lien and security interest in any qualified recovery property as if they were secured parties with a perfected and prior lien under the code, and the commission may order amounts arising from qualified recovery charges be transferred to a separate account for the financing parties' benefit, to which their lien and security interest shall apply. On application by or on behalf of the financing parties, the Circuit Court of Richland County shall order the sequestration and payment to them of revenues arising from the recovery charges.

(C) Provisions applicable to the sale, assignment or transfer of qualified recovery property:

(1) Any sale, assignment or other transfer of qualified recovery property shall be an absolute transfer and true sale of, and not a pledge of or secured transaction relating to, the seller's right, title and interest in, to, and under the qualified recovery property if the documents governing the transaction expressly state that the transaction is a sale or other absolute transfer other than for federal and state income tax purposes. For all purposes other than federal and State income tax purposes, the parties' characterization of a transaction as a sale of an interest in qualified recovery property shall be conclusive that the transaction is a true sale and that ownership has passed to the party characterized as the purchaser, regardless of whether the purchaser has possession of any documents evidencing or pertaining to the interest. A transfer of an interest in qualified recovery property may be created only when all of the following have occurred: (i) the financing order creating the qualified recovery property has become effective; (ii) the documents evidencing the transfer of qualified recovery property have been executed by the assignor and delivered to the assignee; and (iii) value is received for the qualified recovery property. After such a transaction, the qualified recovery property is not subject to any claims of the transferor

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or the transferor's creditors, other than creditors holding a prior security interest in the qualified recovery property perfected in accordance with subsection (B) of this section.

(2) The characterization of the sale, assignment, or other transfer as an absolute transfer and true sale and the corresponding characterization of the property interest of the purchaser shall not be affected or impaired by the occurrence of any of the following factors:

(a) commingling of qualified recovery charges with other amounts;

(b) the retention by the seller of (i) a partial or residual interest, including an equity interest, in the qualified recovery property, whether direct or indirect, or whether subordinate or otherwise, or (ii) the right to recover costs associated with taxes, franchise fees, or license fees imposed on the collection of qualified recovery charges;

(c) any recourse that the purchaser may have against the seller;

(d) any indemnification rights, obligations, or repurchase rights made or provided by the seller;

(e) the obligation of the seller to collect qualified recovery charges on behalf of an assignee;

(f) the transferor acting as the servicer of the qualified recovery charges or the existence of any contract that authorizes or requires the electrical utility, to the extent that any interest in qualified recovery property is sold or assigned, to contract with the assignee or any financing party that it will continue to operate its system to provide service to its customers, will collect amounts in respect of the qualified recovery charges for the benefit and account of such assignee or financing party, and will account for and remit such amounts to or for the account of such assignee or financing party;

(g) the treatment of the sale, conveyance, assignment, or other transfer for tax, financial reporting, or other purposes;

(h) the granting or providing to bondholders a preferred right to the qualified recovery property or credit enhancement by the electrical utility or its affiliates with respect to such recovery bonds; or

(i) any application of the formula-based adjustment mechanism as provided in this article.

(3) Any right that an electrical utility has in the qualified recovery property before its pledge, sale, or transfer or any other right created under this article or created in the financing order and assignable under this article or assignable pursuant to a financing order is property in the form of a contract right or a chose in action. Transfer of an interest in qualified recovery property to an assignee is enforceable only upon all

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of the following items having been attained: (i) the issuance of a financing order, (ii) the assignor having rights in such qualified recovery property or the power to transfer rights in such qualified recovery property to an assignee, (iii) the execution and delivery by the assignor of transfer documents in connection with the issuance of recovery bonds, and (iv) the receipt of value for the qualified recovery property. An enforceable transfer of an interest in qualified recovery property to an assignee is perfected against all third parties, including subsequent judicial or other lien creditors, when a notice of that transfer has been given by the filing of a financing statement in accordance with item (B)(3) of this section. The transfer is perfected against third parties as of the date of filing.

(4) The Secretary of State shall maintain any financing statement filed to perfect any sale, assignment, or transfer of qualified recovery property under this section in the same manner that the Secretary maintains financing statements filed by transmitting utilities under the code. The filing of any financing statement under this article shall be governed by the provisions regarding the filing of financing statements in the code. The filing of such a financing statement is the only method of perfecting a transfer of qualified recovery property.

(5) The priority of a transfer perfected under this article is not impaired by any later modification of the financing order or qualified recovery property or by the commingling of funds arising from qualified recovery property with other funds. Any other security interest that may apply to those funds, other than a security interest perfected under subsection (B) of this section, is terminated when they are transferred to a segregated account for the assignee or a financing party. If qualified recovery property has been transferred to an assignee or financing party, any proceeds of that property must be held in trust for the assignee or financing party.

(6) The priority of the conflicting interests of assignees in the same interest or rights in any qualified recovery property is determined as follows:

(a) conflicting perfected interests or rights of assignees rank according to priority in time of perfection. Priority dates from the time a filing covering the transfer is made in accordance with item 3 of subsection (B) of this section;

(b) a perfected interest or right of an assignee has priority over a conflicting unperfected interest or right of an assignee;

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(c) a perfected interest or right of an assignee has priority over a person who becomes a lien creditor after the perfection of such assignee's interest or right.

Section 58-27-1130. The description of qualified recovery property being transferred to an assignee in any sale agreement, purchase agreement, or other transfer agreement, granted or pledged to a pledgee in any security agreement, pledge agreement, or other security document, or indicated in any financing statement is only sufficient if such description or indication refers to the financing order that created the qualified recovery property and states that the agreement or financing statement covers all or part of the property described in the financing order. This section applies to all purported transfers of, and all purported grants or liens or security interests in, qualified recovery property, regardless of whether the related sale agreement, purchase agreement, other transfer agreement, security agreement, pledge agreement, or other security document was entered into, or any financing statement was filed.

Section 58-27-1135. All financing statements referenced in this article are subject to Part 5 of Chapter 9 of the code, except that the requirement as to continuation statements does not apply.

Section 58-27-1140. The law governing the validity, enforceability, attachment, perfection, priority, and exercise of remedies with respect to the transfer of an interest or right or the pledge or creation of a security interest in any qualified recovery property shall be the laws of this State.

Section 58-27-1145. Neither the State, its agencies, and instrumentalities, nor its political subdivisions are liable on any recovery bonds, and the bonds are not a debt or a general obligation of the State or any of its political subdivisions, agencies, or instrumentalities nor are they special obligations or indebtedness of the State, its agencies, or its political subdivisions. An issue of recovery bonds does not, directly, indirectly, or contingently obligate the State or its agencies, instrumentalities, or political subdivisions, to levy any tax or make any appropriation for payment of the recovery bonds, other than in their capacities as consumers of electricity. All recovery bonds must contain on the face thereof a statement to the following effect: 'Neither the full faith and credit nor the taxing power of the State of South Carolina is pledged to the payment of the principal of, or interest on, this bond, nor shall the holder of this bond have any recourse against the State, its agencies, instrumentalities, or political subdivisions for the payment of the principal of, or interest on, this bond.'

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Section 58-27-1150. All of the following entities may legally invest any sinking funds, moneys, or other funds in recovery bonds:

- (1) the South Carolina Pooled Investment Fund established pursuant to Section 6-6-10;
- (2) banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations, and other persons carrying on a banking or insurance business;
- (3) personal representatives, guardians, trustees, and other fiduciaries; and
- (4) all other persons authorized to invest in bonds or other obligations of a similar nature.

Section 58-27-1155. (A) The State and its agencies, including the commission, pledge and agree with bondholders, the owners of the qualified recovery property, and other financing parties that the State and its agencies will not take any action listed in this section as to any outstanding recovery bonds, qualified recovery charges, or qualified recovery property. This paragraph does not preclude limitation or alteration if full compensation is made by law for the full protection of the qualified recovery charges collected pursuant to a financing order and of the bondholders and any assignee or financing party entering into a contract with the electrical utility. The prohibited actions are as follows:

- (1) altering the provisions of this article, which authorize the commission to create an irrevocable contract right or chose in action by the issuance of a financing order, to create qualified recovery property, and make the qualified recovery charges imposed by a financing order irrevocable, binding, or nonbypassable charges;
- (2) taking or permitting any action that impairs or would impair the value of qualified recovery property or the security for the recovery bonds, or revises the qualified recovery costs for which storm recovery is authorized;
- (3) in any way impairing the rights and remedies of the bondholders, assignees, and other financing parties; and
- (4) except for changes made pursuant to the formula-based adjustment mechanism authorized under this section, reducing, altering, or impairing qualified recovery charges that are to be imposed, billed, charged, collected, and remitted for the benefit of the bondholders, any assignee and any other financing parties until any and all principal, interest, premium, financing costs and other fees, expenses, or charges

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incurred, and any contracts to be performed in connection with the related recovery bonds, have been paid and performed in full.

(B) Any person or entity that issues recovery bonds may include the language specified in this section in the recovery bonds and related documentation.

Section 58-27-1160. An assignee or financing party is not an electrical utility or person providing electric service by virtue of engaging in the transactions described in this section.

Section 58-27-1165. If there is a conflict between this article and any other law regarding the attachment, assignment, perfection, effect of perfection, priority of, assignment or transfer of, or security interest in qualified recovery property, this article shall govern.

Section 58-27-1170. In connection with its responsibilities under this article, the commission may retain independent outside consultants to serve as advisors and counsel to the commission. Such consultants shall not have authority to direct how the electrical utility places the recovery bonds to market. Any such consultants will be subject to the same ex parte prohibitions contained in Chapter 3, Title 58 as are applicable to the employees of the commission. The commission shall endeavor to retain such consultants in order to best control costs ultimately paid by customers. The compensation paid to such consultants may not exceed compensation generally paid by the regulated industry for such specialists. The consultants' duty will be to the commission, and the consultants shall not have any financial interest in the recovery bonds or participate in the underwriting or secondary market trading of the recovery bonds. The commission is exempt from complying with the State Procurement Code in the selection and hiring of independent outside consultants authorized by this section.

Section 58-27-1175. If any provision of this section is held invalid or is invalidated, superseded, replaced, repealed, or expires for any reason, that occurrence does not affect the validity of any action allowed under this section which is taken by an electrical utility, an assignee, a financing party, a collection agent, or a party to an ancillary agreement; and any such action remains in full force and effect with respect to all recovery bonds issued or authorized in a financing order issued under this section before the date that such provision is held invalid or is invalidated, superseded, replaced, or repealed, or expires for any reason.

Section 58-27-1180. A violation of this article or of a financing order issued under this article subjects the utility that obtained the order to penalties under Article 19 of this chapter and to any other penalties or remedies that the commission determines are necessary to achieve the

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intent of this article and the intent and terms of the financing order and to prevent any increase in financial impact to the utility's ratepayers above that set forth in the financing order. If the commission orders a penalty or a remedy for a violation, the monetary penalty or remedy and the costs of defending against the proposed penalty or remedy may not be recovered from the ratepayers. The commission may not make adjustments to recovery charges for any such penalties or remedies."

SECTION 2. Section 36-9-109(d) is amended to read:

"(13) an assignment of a deposit account in a consumer transaction, but Sections 36-9-315 and 36-9-322 apply with respect to proceeds and priorities in proceeds; ~~or~~

(14) a transfer by a government or governmental unit; or

(15) The creation, perfection, priority, or enforcement of any sale, assignment of, pledge of, security interest in, or other transfer of, any interest or right or portion of any interest or right in any qualified recovery property as defined in Section 58-27-1105(17)."

SECTION 3. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

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

Senator RANKIN spoke on the Bill.

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

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

Ayes 37; Nays 4

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimpson
Loftis	Malloy	Massey

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Matthews	McElveen	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Stephens
Turner	Verdin	Williams
Young		

Total--37

NAYS

Harpootlian	Martin	Peeler
Shealy		

Total--4

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

HOUSE BILLS RETURNED

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

H. 3105 -- Reps. Yow, Burns, Chumley, Magnuson, McCravy, Wooten, Fry, B. Cox, May, Haddon, Long, Gilliam, Forrest, Nutt, Trantham, Oremus, McGarry, Bennett, Jones, Thayer, Hiott, Willis, Huggins, Hixon, McCabe, Dabney, B. Newton, Bryant, Elliott, M.M. Smith, Pope, D.C. Moss, Ballentine, Lucas, Crawford, Erickson, Bradley, T. Moore, Wheeler, Herbkersman, W. Newton, Martin, Taylor and Davis: A BILL TO AMEND CHAPTER 32, TITLE 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE "SOUTH CAROLINA RELIGIOUS FREEDOM ACT", SO AS TO PROVIDE THAT RELIGIOUS SERVICES ARE DEEMED AN ESSENTIAL SERVICE DURING A STATE OF EMERGENCY AND MUST BE ALLOWED TO CONTINUE OPERATING THROUGHOUT THE STATE OF EMERGENCY.

H. 3524 -- Reps. Hixon and Forrest: A BILL TO AMEND ACT 205 OF 2016, AS AMENDED, RELATING TO THE EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, SO AS TO EXTEND THE SUNSET PROVISION TO JUNE 30, 2022.

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

S. 1237 -- Senators McLeod, Matthews, Shealy, Senn, Gustafson and Malloy: A BILL TO AMEND ARTICLE 142, CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF “UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN’S BASKETBALL NATIONAL CHAMPIONS” SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO ALSO PROVIDE FOR THE ISSUANCE OF “UNIVERSITY OF SOUTH CAROLINA 2022 WOMEN’S BASKETBALL NATIONAL CHAMPIONS” SPECIAL LICENSE PLATES BY THE DEPARTMENT.

The Senate proceeded to a consideration of the Bill.

Senator McLEOD proposed the following amendment (1237MM1), which was adopted:

Amend the bill, as and if amended, strike all after the enacting words and insert the following:

/ SECTION 1. Article 142, Chapter 3, Title 56 of the 1976 Code is amended to read:

“Article 142

‘University of South Carolina 2017 and 2022 Women’s Basketball National Champions’ Special License Plates

Section 56-3-14210. (A)(1) The Department of Motor Vehicles shall issue ‘University of South Carolina 2017 and 2022 Women’s Basketball National Champions’ special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names.

(B) The University of South Carolina may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside to defray costs of production and distribution must be distributed to the fund established for the University of South Carolina pursuant to Section 56-3-3710(B) used for the purposes provided in that section.

(D) License number ‘1’ for the ‘University of South Carolina 2017 and 2022 Women’s Basketball National Champions’ license plates ~~is~~ are

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reserved for the University of South Carolina Women's Basketball Coach.

(E) The Department must issue to registrants who have a license plate commemorating only the 2017 Women's Basketball National Championship the license plate commemorating both the 2017 and 2022 national championship once the 2017 license plate reaches the end of its ten-year lifecycle. This subsection does not apply to registrants who choose to switch to the '2017 and 2022' license plate on their own."

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

Senator HUTTO explained the amendment.

The amendment was adopted.

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

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

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Total--0

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

RECOMMITTED

S. 1175 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5072, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator CAMPSSEN explained the Resolution.

On motion of Senator CAMPSSEN, the Resolution was recommitted to Committee on Fish, Game and Forestry.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1119 -- Senator Fanning: 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 EXEMPT ALL REAL PROPERTY OWNED BY A NONPROFIT EDUCATIONAL FOUNDATION OF A PUBLIC SCHOOL DISTRICT AND WHICH IS DEVOTED TO PROVIDING HOUSING FOR CLASSROOM TEACHERS.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\1119C001.NBD.DG22), which was adopted:

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

/ SECTION 1. Section 12-37-220(B)(11) of the 1976 Code, as last amended by Act 68 of 2021, is further amended by adding an appropriately lettered subitem to read:

“() all real property owned by a nonprofit educational foundation of a public school district and which is devoted to providing housing for teachers and teacher interns in the school district, so long as the property

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was exempt from property taxes for at least the previous ten property tax years;" /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

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

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

Ayes 34; Nays 5

AYES

Adams	Alexander	Allen
Campsen	Climer	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimpson
Loftis	Malloy	Martin
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Stephens	Turner	Verdin
Williams		

Total--34

NAYS

Bennett	Cash	Corbin
Shealy	Young	

Total--5

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

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S. 1119--Ordered to a Third Reading

On motion of Senator VERDIN, S. 1119 was ordered to receive a third reading on Friday, April 8, 2021.

READ THE SECOND TIME

H. 3859 -- Reps. Jordan, Sandifer, Kirby and Cogswell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT A PERSON WHO OWNS OR OPERATES A WEBSITE DEALING IN ELECTRONIC DISSEMINATION OF THIRD-PARTY COMMERCIAL RECORDINGS OR AUDIOVISUAL WORKS SHALL MAKE CERTAIN DISCLOSURES, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION, TO PROVIDE THAT THIS CHAPTER IS SUPPLEMENTAL TO STATE AND FEDERAL CRIMINAL AND CIVIL LAW, AND TO PROVIDE THAT VIOLATIONS CONSTITUTE AN UNFAIR TRADE PRACTICE.

The Senate proceeded to a consideration of the Bill.

The question then being 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	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpoottlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Martin	Massey	Matthews
McElveen	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

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NAYS

Total--0

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

CARRIED OVER

H. 4831 -- Reps. Elliott, B. Cox, Caskey, Ballentine, Wooten, McGarry, Forrest, Erickson, Bernstein, Wetmore, Carter, Atkinson, Cogswell, W. Cox, Weeks, Wheeler, Henegan and Murray: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF COMMERCE TO CONDUCT AN ECONOMIC DEVELOPMENT STUDY TO EVALUATE THE STATE'S BUSINESS ADVANTAGES, ECONOMIC CLIMATE, WORKFORCE READINESS, AND ANY OTHER RELEVANT STATE ASSETS TO CREATE A ROADMAP TO EFFECTIVELY COMPETE IN ATTRACTING OFFSHORE WIND ENERGY SUPPLY CHAIN INDUSTRIES TO THE STATE; AND TO PROVIDE FOR THE PURPOSE AND DUTIES OF THE STUDY.

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

READ THE SECOND TIME

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 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.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

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The question then being 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	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Loftis	Malloy
Martin	Massey	Matthews
McElveen	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

ADOPTED

H. 4828 -- Reps. Jefferson, Gilliard, McDaniel, Weeks and Murray:
A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY FROM ITS INTERSECTION WITH THE ENTRANCE TO THE RIDGEVILLE INDUSTRIAL CAMPUS TO TIMOTHY CREEK "VICTORIA W. DELEE 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.

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H. 4977 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF NORTH WILLISTON ROAD AND EAST POCKET ROAD IN FLORENCE COUNTY "REVEREND DR. WAYMON MUMFORD INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

Remarks to be Printed

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

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 7, 2022, at 12:30 P.M. and the following Acts and Joint Resolution were ratified:

(R139, S. 1157) -- Senator Hutto: AN ACT TO AMEND ACT 105 OF 2021, RELATING TO THE CONSOLIDATION OF BARNWELL COUNTY SCHOOL DISTRICTS 29 AND 19, SO AS TO PROVIDE THAT IF THE TERM OF AN INCUMBENT MEMBER OF EITHER OF THE TWO PRESENT BOARDS EXPIRES DURING THE DISTRICTS' CONSOLIDATION TRANSITIONAL PERIOD, THEN THE BARNWELL COUNTY LEGISLATIVE DELEGATION MAY REAPPOINT THAT MEMBER FOR A TRUNCATED TERM TO EXPIRE ON JULY 1, 2022.

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(R140, S. 1167) -- Senator Peeler: AN ACT TO AMEND SECTION 7-7-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CHEROKEE COUNTY, SO AS TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO REMOVE ARCHAIC LANGUAGE.

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(R141, H. 3205) -- Reps. Taylor, Lucas, Pope, Elliott, Allison, Hiott, Fry, J.E. Johnson, Jordan, Caskey, B. Newton, Bryant, G.M. Smith, G.R. Smith, Willis, Huggins, Blackwell, Erickson, Forrest, Hixon, Herbkersman, Thayer, Wooten, Morgan, Daning, Hardee, B. Cox, Bannister, Hewitt, Felder, Stringer, Davis, Calhoon, Oremus, Bennett, Gilliam, West, Haddon, Trantham, Lowe, McGarry, M.M. Smith, Bustos, V.S. Moss, W. Newton, May, Martin, Brittain, McGinnis, Bradley, Ballentine, Dabney, Carter, T. Moore and Kimmons: A JOINT RESOLUTION TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS.

L:\COUNCIL\ACTS\3205ZW22.DOCX

(R142, H. 3730) -- Reps. R. Williams, Jefferson, Gilliard and Murray: AN ACT TO AMEND SECTION 56-5-2710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE OBEYING A SIGNAL THAT INDICATES AN APPROACHING TRAIN, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES THAT REQUIRE A DRIVER TO STOP A VEHICLE APPROACHING RAILROAD GRADE CROSSINGS.

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(R143, H. 3889) -- Rep. Hewitt: AN ACT TO AMEND SECTION 50-21-860, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON THE USE OF AIRBOATS, SO AS TO PROHIBIT THE OPERATION OF AN AIRBOAT ON CERTAIN RIVERS IN GEORGETOWN AND HORRY COUNTIES DURING THE SEASON FOR HUNTING DUCK.

L:\COUNCIL\ACTS\3889PH22.DOCX

(R144, H. 4618) -- Reps. Morgan and R. Williams: AN ACT TO AMEND SECTION 56-5-2720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING CERTAIN VEHICLES TO STOP BEFORE CROSSING RAILROAD TRACKS, SO AS TO REVISE THE TYPES OF VEHICLES AND RAILROAD

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GRADE CROSSINGS SUBJECT TO THIS PROVISION, AND TO DEFINE THE TERMS “BUSINESS DISTRICT” AND “BUS”.
L:\COUNCIL\ACTS\4618CM22.DOCX

(R145, H. 4904) -- Rep. Hixon: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-90 SO AS TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES TO OBTAIN AND USE SCHEDULE III NONNARCOTICS AND SCHEDULE IV CONTROLLED SUBSTANCES FOR WILDLIFE MANAGEMENT; AND TO AMEND SECTION 47-3-420, RELATING TO METHODS OF ANIMAL EUTHANASIA, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT OF NATURAL RESOURCES.
L:\COUNCIL\ACTS\4904PH22.DOCX

(R146, H. 4906) -- Rep. Hixon: AN ACT TO AMEND SECTION 50-11-105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILDLIFE DISEASE CONTROL, SO AS TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES TO TAKE ACTION REGARDING WILDLIFE DISEASE CONTROL.
L:\COUNCIL\ACTS\4906PH22.DOCX

(R147, H. 4907) -- Rep. Hixon: AN ACT TO AMEND SECTION 50-1-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF FRESHWATER GAME FISH, SO AS TO INCLUDE ALL BLACK BASS AND TROUT HYBRIDS; TO AMEND SECTION 50-13-10, RELATING TO DEFINITIONS, SO AS TO DEFINE “LANDING NET (DIP NET)” AND TO ADD BARTRAM’S BASS, ALABAMA BASS, AND TROUT HYBRIDS; TO AMEND SECTION 50-13-80, RELATING TO TAKING FISH BY SNAGGING, SO AS TO PROHIBIT ALL TAKING OF FISH BY SNAGGING; TO AMEND SECTION 50-13-210, RELATING TO DAILY POSSESSION LIMITS, SO AS TO ADD BARTRAM’S BASS AND ALABAMA BASS; TO AMEND SECTION 50-13-310, RELATING TO GAME FISH CAUGHT WITH NETS AND OTHER NONGAME FISHING DEVICES, SO AS TO ALLOW FOR THE TAKING OF GAME FISH WITH A LANDING NET; TO AMEND SECTION 50-13-620, RELATING TO FLOATING MARKERS FOR FISHING DEVICES, SO AS TO REQUIRE THE INSPECTION OR REMOVAL OF A TROTLINE AFTER TWENTY-FOUR HOURS; TO AMEND SECTION 50-13-635,

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RELATING TO PERMISSIBLE FISHING DEVICES, SO AS TO ALLOW FOR THE USE OF A LANDING NET; TO AMEND SECTION 50-13-670, AS AMENDED, RELATING TO THE POSSESSION OF GAME FISH, SO AS TO PROVIDE THAT THE SECTION DOES NOT APPLY TO THE USE OF A LANDING NET; TO AMEND SECTION 50-13-675, AS AMENDED, RELATING TO PERMITTED NONGAME FISHING DEVICES, SO AS TO INCLUDE LANDING NETS, AMONG OTHER THINGS; AND TO AMEND SECTION 50-13-1610, RELATING TO THE PROHIBITION OF THE SALE OR TRAFFIC OF CERTAIN GAME FISH, SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO THE TAKING OF FISH FROM THE FRESHWATERS OF THIS STATE.

L:\COUNCIL\ACTS\4907PH22.DOCX

(R148, H. 5098) -- Rep. Bamberg: AN ACT TO AMEND ACT 104 OF 2021, RELATING TO THE CONSOLIDATION OF BAMBERG EHRHARDT SCHOOL DISTRICT ONE AND DENMARK OLAR SCHOOL DISTRICT TWO (THE TWO PRESENT SCHOOL DISTRICTS) INTO ONE SCHOOL DISTRICT KNOWN AS THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE TWO PRESENT SCHOOL DISTRICTS' BOARDS OF TRUSTEES IF THE APPOINTMENTS TO THE BAMBERG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES RESULT IN THE ABSENCE OF A QUORUM ON BOTH OF THE TWO PRESENT DISTRICTS' BOARDS OF TRUSTEES.

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(R149, H. 5138) -- Reprs. Hosey and Bamberg: AN ACT TO AMEND ACT 105 OF 2021, RELATING TO THE CONSOLIDATION OF BARNWELL COUNTY SCHOOL DISTRICTS 29 AND 19, SO AS TO PROVIDE THAT IF THE TERM OF AN INCUMBENT MEMBER OF EITHER OF THE TWO PRESENT BOARDS EXPIRES DURING THE DISTRICTS' CONSOLIDATION TRANSITIONAL PERIOD, THEN THE BARNWELL COUNTY LEGISLATIVE DELEGATION MAY REAPPOINT THAT MEMBER FOR A TRUNCATED TERM TO EXPIRE ON JULY 1, 2022.

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Motion Adopted

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

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ADJOURNMENT

At 12:59 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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