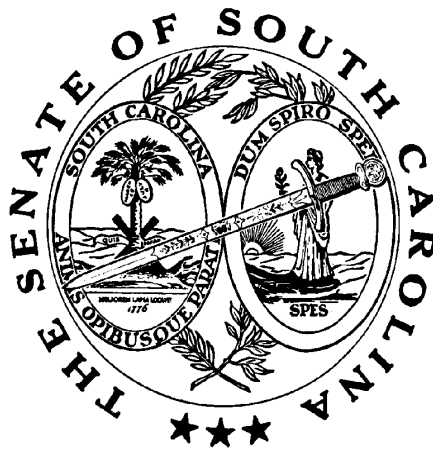


NO. 66

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, MAY 4, 2022

Wednesday, May 4, 2022
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 10:00 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:

Genesis 2:1

We read in Genesis: "Thus the heavens and the earth were completed in all their vast array."

Let us pray, friends: Holy God, we would never, ever dare compare our work here in the Senate of South Carolina to Your work. However, unlike all You created, Lord, we are fully aware that not everything this Senate hoped to achieve this term has been accomplished, and at this point many goals likely will not be achieved. Therefore, Lord, we fervently pray that You will grant these leaders the will to use the last days of this 124th Session wisely and well. Guide them as they still strive to use the time that remains this term to bring about positive and meaningful results for all of our citizens, not just a few. And through it all, Lord, allow each of these leaders to feel the power of Your presence at their side as You lead them forward in meaningful fashion. All this we pray in Your loving name, O Lord. Amen.

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

Point of Quorum

At 10:05 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Gustafson
Harpootlian	Hembree	Hutto

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<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Malloy	Martin	Massey
Reichenbach	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Young

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, Governor's School of Agriculture at John De la Howe School Board of Trustees, with the term to commence April 1, 2019, and to expire April 1, 2024

At-Large:

Anne Hancock, 108 Live Oak Court, Greenwood, SC 29649-8960
VICE Thomas R. Love

Referred to the Committee on Education.

Initial Appointment, South Carolina Arts Commission, with the term to commence June 30, 2021, and to expire June 30, 2024

At-Large:

Flavia B. Harton, 110 Pine Forest Drive, Greenville, SC 29601-4422
VICE Charles T. Ferillo

Referred to the Committee on Education.

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2021, and to expire July 1, 2024

South Carolina Chamber of Commerce recommendation:

Kippy D. Miller, 15 Calumet Court, Greenville, SC 29615-6005

Referred to the Committee on Education.

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Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2022, and to expire June 30, 2028

3rd Congressional District:

Laney S. Spigener III, 2546 Dials Church Road, Gray Court, SC 29645-4844 *VICE* Robert C. Hubbard III

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2021, and to expire April 6, 2027

7th Congressional District:

Todd Christopher Brown, 5010 Big Bear Court, Myrtle Beach, SC 29579-5183 *VICE* Bethany M. Tapp

Referred to the Committee on Agriculture and Natural Resources.

Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2018, and to expire August 15, 2022

At-Large:

Charles David Tuttle, 821 Harborside Lane, Columbia, SC 29229-7431 *VICE* David C. Goodall

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large:

Charles David Tuttle, 821 Harborside Lane, Columbia, SC 29229-7431

Referred to the Committee on Labor, Commerce and Industry.

Local Appointments

Reappointment, Allendale County Master-in-Equity, with the term to commence December 31, 2022, and to expire December 31, 2028

Walter H. Sanders, Jr., 167 Allendale Fairfax Highway P. O. Box 840, Fairfax, SC 29827

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

Whilden V. Baggett, 105 Bonneau Street, Bonneau, SC 29431-8620

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

Rad S. Deaton, 1501 Snowy Egret Pointe, Hanahan, SC 29410-8580

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

William D. Wilson, Jr., 114 Fairhaven Drive, Goose Creek, SC 29445-8002 *VICE* Judge Mark Stokes

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jeffrey Bloom, 143 Buckhead Lane, Swansea, SC 29160-8303

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Cassandra Keller, 165 Blair Road, St. Matthews, SC 29135-8539

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Joseph David Teague, Sr., 255 Boone Lane, Swansea, SC 29160-8246

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

Nicholas J. Clekis, 2193 River Road, Johns Island, SC 29455-8870
VICE Mr. Jackson Seth Whipper

Initial Appointment, Chesterfield County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Kimberly B. Gaskins, 1647 East Jackson Rd., Chesterfield, SC 29709
VICE Diane Dyches

Reappointment, Chesterfield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kimberly B. Gaskins, 1647 East Jackson Rd., Chesterfield, SC 29709

WEDNESDAY, MAY 4, 2022

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
June C. Briggs, 1052 Perch Dr., Manning, SC 29102-7730

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
Janice Coney, 103 Gregory Street, Manning, SC 29102-2611

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
Elease H. Fulton, 12647 Raccoon Road, Manning, SC 29102-8882

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
Patrick G. Goodwin, P.O. Box 329, Turbeville, SC 29162-0329

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
Monica Reed Johnson, 503 Sykes Street, Manning, SC 29102-2131

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
R. Shawn McCord, 537 Sunset Drive, Manning, SC 29102-2208

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
Angela Witherspoon, 1215 Sportsman Drive, Manning, SC 29102-4874 *VICE* Nannette Frye

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
P. Shayne Stephens, 4133 Bloomville Rd., Manning, SC 29102

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
Harriet A. Bonds, 103 Silverhill Road, Walterboro, SC 29488-3555

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026
Kenneth A. Campbell, Jr., 652 Otis Road, Walterboro, SC 29488

WEDNESDAY, MAY 4, 2022

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Elbert O. Duffie III, 1075 Dallas Lane, Walterboro, SC 29488-8190

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Central Williams, 379 Locust Street, Walterboro, SC 29488 *VICE*
Keisha Gadsden

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Andrew Bethea, 1062 Highway 917 W., Latta, SC 29565-4731

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Mackie Hayes, P. O. Box 1204, Dillon, SC 29536-1204

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Lutherine Williams, Post Office Box 1016, Dillon, SC 29536-1016

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Laura Saunders, 3 Brookside Way, Greenville, SC 29605-1211

Initial Appointment, Hampton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Marion C. Fairey, Jr., 4895 Savannah Highway, Hampton, SC 29924-7225 *VICE* Algernon Gibson Solomons

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jennifer Carter, 8328 Coosaw Scenic Drive, Ridgeland, SC 29936-4146 *VICE* Donna Doe Lynch

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jacqueline S. Lee, P. O. Box 639, Ridgeland, SC 29936-2611

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Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Curtisha Ingram, 3008 Chinaberry Drive, Lancaster, SC 29720-9018

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Van Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058-9130

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Douglas M. Vecchio, 197 Floyd Rd., Kershaw, SC 29067

Initial Appointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kathy Byrd Bass, P. O. Box 8C2, Marion, SC 29574 *VICE* Danny O. Barker, II

Reappointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kelik Fling, 2715 East Highway 76, Suite B, Mullins, SC 29574-6015

Reappointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Cheryl Graham, 924 South Highway 501, Marion, SC 29571-6006

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

Charles Frances Bagwell, 318 Woodgrove Trace, Spartanburg, SC 29301-6432

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

Joseph Franklin Hart, 307 Bogan Road, Jonesville, SC 29353-2741
VICE Arthur T. Sprouse, Jr.

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Martin Ira Easler, 209 Short Street, Kingstree, SC 29556-3926

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Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Randy Brice Foxworth, 209 Short Street, Kingstree, SC 29556

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Delores Williams, 209 Short Street, Kingstree, SC 29556-3926

Doctor of the Day

Senator SENN introduced Dr. Mike Finch of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator HUTTO, at 10:09 A.M., Senator McELVEEN was granted a leave of absence until 12:00 P.M.

Leave of Absence

On motion of Senator FANNING, at 10:45 A.M., Senator McLEOD was granted a leave of absence until 12:00 P.M.

Leave of Absence

On motion of Senator SETZLER, at 10:45 A.M., Senator JACKSON was granted a leave of absence until 1:00 P.M.

Leave of Absence

On motion of Senator SABB, at 10:45 A.M., Senator SCOTT was granted leave for today.

Leave of Absence

On motion of Senator GROOMS, at 3:04 P.M., Senators CAMPSSEN and MASSEY were granted a leave of absence until 3:30 P.M.

Leave of Absence

On motion of Senator HEMBREE, at 5:36 P.M., Senator BENNETT was granted a leave of absence for the balance of the week.

Leave of Absence

On motion of Senator HARPOOTLIAN, at 6:02 P.M., Senators SETZLER and McELVEEN were granted a leave of absence for the balance of the day.

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CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:

S. 1306 Sen. Stephens

RECALLED

H. 3775 -- Reps. Robinson, Dillard, Elliott, Erickson, Parks, Martin, Fry, Matthews, V.S. Moss, G.R. Smith, Brawley, Rose, Stavrinakis and Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-144 SO AS TO PROVIDE DEFINITIONS AND THAT NO HEALTH BENEFIT PLAN MAY REQUIRE AN INSURED TO FAIL TO SUCCESSFULLY RESPOND TO A DRUG OR DRUGS FOR STAGE FOUR ADVANCED, METASTATIC CANCER PRIOR TO THE APPROVAL OF A DRUG PRESCRIBED BY HIS OR HER PHYSICIAN.

Senator CROMER asked unanimous consent to make a motion to recall the Bill from the Committee on Banking and Insurance.

The Bill was recalled from the Committee on Banking and Insurance and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4992 -- Reps. Bailey, Hardee, Hayes, Atkinson and McGinnis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE WACCAMAW SWAMP BRIDGE ALONG SOUTH CAROLINA HIGHWAY 9 IN HORRY COUNTY "SERGEANT GORDON BEST MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION 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. 1316 -- Senator Gambrell: A CONCURRENT RESOLUTION TO CONGRATULATE THE DAUGHTERS OF THE AMERICAN REVOLUTION, MT. ARIEL CHAPTER, AT THE DEDICATION OF

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ITS AMERICA 250 PATRIOTS MARKER AND TO SALUTE THE DAR CHAPTER ON ITS NEW PROGRAM TO COMMEMORATE AMERICAN REVOLUTIONARY WAR PATRIOTS IN CONJUNCTION WITH OUR NATION'S TWO HUNDRED FIFTIETH ANNIVERSARY CELEBRATION IN 2026.

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

S. 1317 -- Senator Martin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CHRIS SHOWALTER FOR HIS EXCEPTIONAL CAREER AS A NASCAR TRUCK CHIEF.

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The Senate Resolution was adopted.

H. 4568 -- Reps. Oremus, McCravy, Allison, Bailey, Bennett, Bryant, Burns, Chumley, B. Cox, Dabney, Erickson, Gagnon, Gilliam, Haddon, Hayes, Hiott, Hixon, Huggins, Hyde, J. E. Johnson, Jones, Jordan, Long, Lucas, Magnuson, Martin, May, McCabe, McGarry, T. Moore, Morgan, D. C. Moss, V. S. Moss, Nutt, G. R. Smith, M. M. Smith, Stringer, Thayer, Trantham, West, Willis, Wooten, Yow, Forrest, Taylor, Caskey, White, Whitmire, Crawford, Fry, W. Newton, Herbkersman, Bradley, Blackwell, Pope and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-90 SO AS TO REQUIRE THE DISCLOSURE OF MEDICAL INFORMATION TO PERSONS WHO MAY RECEIVE A CHEMICALLY INDUCED ABORTION, WITH EXCEPTIONS.

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

H. 5088 -- Rep. Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 417 AND GREEN POND ROAD IN SPARTANBURG COUNTY CONTAINING THE WORDS "UNITED STATES POSTAL SERVICE AIRMAIL DIRECTIONAL ARROW SITE".

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

H. 5211 -- Rep. Forrest: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE SALUDA RIVER ALONG

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HOLLYWOOD SCHOOL ROAD IN SALUDA COUNTY "HARMON BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE CONTAINING THESE WORDS.

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

H. 5236 -- Reps. Robinson, G. R. Smith, Bannister, Trantham, Elliott, B. Cox, Willis and Chumley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 291 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 385 TO ITS INTERSECTION WITH MAULDIN ROAD "CIVIL RIGHTS MOVEMENT WAY" IN HONOR OF DR. BILL AND LOTTIE GIBSON AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "CIVIL RIGHTS MOVEMENT WAY".

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

H. 5243 -- Rep. Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 15 AND BROWNTOWN ROAD IN LEE COUNTY "W.A. BERRY MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

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

H. 5285 -- Reps. Dabney, J. L. Johnson and Wheeler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF MOTOR VEHICLES NAME ITS FACILITY LOCATED AT 1056 EHRENLOU DRIVE IN THE CITY OF CAMDEN IN KERSHAW COUNTY IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT SERGEANT MAJOR AND MRS. THOMAS PATRICK PAYNE.

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

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REPORTS OF STANDING COMMITTEES

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

H. 3291 -- Reps. Pope, Burns, Chumley, Bryant, V.S. Moss, Haddon, Forrest and Ligon: A BILL TO AMEND SECTION 16-11-600, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING AND THE POSTING OF NOTICE OF TRESPASSING, SO AS TO ALLOW FOR A DIFFERENT METHOD OF THE POSTING OF NOTICE OF TRESPASSING INVOLVING CLEARLY VISIBLE PURPLE-PAINTED BOUNDARIES.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 3599 -- Reps. B. Newton, McGarry, Dabney, Brawley, Gilliard, King, Jefferson, Howard, S. Williams, Carter, Erickson and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 36, TITLE 40 SO AS TO ENACT THE "OCCUPATIONAL THERAPY LICENSURE COMPACT" WHICH ENTERS SOUTH CAROLINA INTO A MULTISTATE OCCUPATIONAL LICENSURE COMPACT TO PROVIDE FOR THE RECIPROCAL PRACTICE OF OCCUPATIONAL THERAPY AMONG THE STATES THAT ARE PARTIES TO THE COMPACT; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 36 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

Ordered for consideration tomorrow.

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

H. 3772 -- Reps. Bernstein, G.M. Smith, Stavrinakis, Herbkersman, Rutherford, Elliott, Collins, W. Newton, Bannister, M.M. Smith, Brittain, Murray, Gilliard, Hewitt, Fry, Erickson, Bradley, Martin, Kirby, Davis, Kimmons, Garvin and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-280 SO AS TO ALLOW A RETAIL DEALER LICENSED TO SELL BEER AND WINE IN THIS STATE TO USE A DELIVERY SERVICE, OR ITS OWN EMPLOYEES OR INDEPENDENT CONTRACTORS TO FACILITATE THE DELIVERY OF CERTAIN BEER AND WINE, TO PROVIDE FOR A DELIVERY LICENSE, TO SPECIFY CERTAIN DELIVERY

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PROHIBITIONS AND OTHER REQUIREMENTS FOR THE DELIVERY OF SUCH BEER AND WINE.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 4082 -- Reps. Felder, Brawley, Robinson, Henegan and Oremus: A BILL TO AMEND SECTION 40-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE STATE BOARD OF COSMETOLOGY, SO AS TO DEFINE THE TERM "HAIR DESIGNER"; TO AMEND SECTION 40-13-230, RELATING TO LICENSES ISSUED BY THE BOARD, SO AS TO PROVIDE FOR THE LICENSURE OF HAIR DESIGNERS; AND TO AMEND SECTION 40-13-5, RELATING TO OCCUPATIONS REGULATED BY THE PRACTICE ACT FOR COSMETOLOGISTS AND COSMETOLOGY, SECTION 40-13-110, RELATING TO DISCIPLINARY ACTIONS, SECTION 40-13-240, RELATING TO EXAMINATIONS AND FEES, AND SECTION 40-13-270, ALL RELATING TO RECIPROCITY WITH OTHER

WEDNESDAY, MAY 4, 2022

LICENSING JURISDICTIONS, ALL SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 5036 -- Reps. Sandifer, West, Thigpen, Hardee, Jordan, Anderson, Bailey, Gagnon, Simrill, Thayer, White and Atkinson: A BILL TO AMEND ARTICLE 3 OF CHAPTER 15, TITLE 31, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDINGS UNFIT FOR HABITATION IN COUNTIES, SO AS TO EXTEND THE PROVISIONS OF THE CHAPTER TO BUILDINGS UNFIT FOR OCCUPATION, TO ADD A CAUSE FOR WHICH POLICE POWERS MAY BE USED REGARDING RUBBISH, AND TO DELETE AN APPROVAL REQUIREMENT.

Ordered for consideration tomorrow.

Appointments Reported

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

Statewide Appointments

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2020, and to expire June 30, 2023

1st Congressional District:

Mary M. Amonitti, 45 Queens Folly Road, Apartment 651, Hilton Head Island, SC 29928-5189 *VICE* Chery F. C. Ludlam

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Received as information.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2021, and to expire June 30, 2024

4th Congressional District:

Stephen E. Hall, 6 Lotus Court, Greenville, SC 29609 *VICE* Vacant

Received as information.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2019, and to expire June 30, 2022

6th Congressional District:

Sharon L. Sellers, 427 Santee Drive, Santee, SC 29142-9304 *VICE* Vacant

Received as information.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2020, and to expire June 30, 2023

2nd Congressional District:

Kimberly P. Snipes, 8 Forest Walk Court, Irmo, SC 29063-9308

Received as information.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2021, and to expire June 30, 2025

1st Congressional District:

Calvin Whitfield, 3436 Rivers Ave., Suite 2A, North Charleston, SC 29405-7743 *VICE* Kenneth E. Battle

Received as information.

Reappointment, State Inspector General, with the term to commence May 10, 2021, and to expire May 10, 2025

Brian D. Lamkin, 308 Old Course Loop, Blythewood, SC 29016

Received as information.

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Appointments Reported

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointments

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2018, and to expire June 30, 2022

7th Congressional District:

Bryan H. Dowd, 1931 Osprey Drive, P. O. Box 5090, Florence, SC 29501-8133

Received as information.

Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2018, and to expire August 15, 2022

At-Large/Chairman:

C. Todd Latiff, 101 Wyntuck Court, Clemson, SC 29631-1987 *VICE*
Donald Tomlin, Current acting Chairman Robert D. Mickle, Jr.

Received as information.

Reappointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2022, and to expire August 15, 2026

At-Large/Chairman:

C. Todd Latiff, 101 Wyntuck Court, Clemson, SC 29631-1987

Received as information.

Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2020, and to expire August 15, 2024

At-Large:

Alisa Gale Mosley, 2120 Redland Road, Campobello, SC 29322-9216
VICE Sue Ann Shannon

Received as information.

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Message from the House

Columbia, S.C., May 3, 2022

Mr. President and Senators:

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

MASTER-IN-EQUITY

Reappointment, Allendale County Master-in-Equity, with term to commence December 31, 2022, and to expire December 31, 2028:

The Honorable Walter H. Sanders, Jr., 167 Allendale Fairfax Highway, P. O. Box 840, Fairfax, S.C. 29827

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 4, 2022

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Matthews, Jones and McGarry to the Committee of Conference on the part of the House on:

S. 506 -- Senators Kimbrell, Rice, Garrett, Talley, M. Johnson, Fanning, Corbin, Alexander and Gustafson: A BILL TO AMEND SECTION 44-1-143 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR HOME-BASED FOOD PRODUCTION OPERATIONS, TO EXPAND THE TYPES OF NONPOTENTIALLY HAZARDOUS FOODS THAT MAY BE SOLD TO INCLUDE ALL NONPOTENTIALLY HAZARDOUS FOODS, TO ALLOW FOR DIRECT SALES TO RETAIL STORES, TO ALLOW FOR ONLINE AND MAIL ORDER DIRECT-TO-CONSUMER SALES, TO ALLOW HOME-BASED FOOD PRODUCTION OPERATORS TO PROVIDE ON THEIR LABELS AN IDENTIFICATION NUMBER PROVIDED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AT THE OPERATOR'S REQUEST, IN LIEU OF THEIR ADDRESSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Very respectfully,

Speaker of the House

Received as information.

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S. 506--CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators CLIMER, FANNING and KIMBRELL were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 4, 2022

Mr. President and Senators:

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

S. 613 -- Senator Davis: A BILL TO AMEND SECTION 40-33-42(C) OF THE 1976 CODE, RELATING TO RESTRICTIONS ON THE DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL UNDER THE NURSE PRACTICE ACT, TO PROVIDE AN EXCEPTION FOR CERTIFIED MEDICAL ASSISTANTS; TO AMEND ARTICLE 1, CHAPTER 47, TITLE 40 OF THE 1976 CODE, RELATING TO PHYSICIANS AND MISCELLANEOUS HEALTH CARE PROFESSIONALS, BY ADDING SECTION 40-47-196, TO SPECIFY TASKS THAT CAN BE DELEGATED TO A CERTIFIED MEDICAL ASSISTANT; TO DELETE SECTION 40-47-30(A)(5) AND SECTION 40-47-935(C) OF THE 1976 CODE, RELATING TO THE RELEVANCE OF THE SOUTH CAROLINA PHYSICIAN ASSISTANTS PRACTICE ACT TO PROHIBITING A LICENSED PHYSICIAN FROM DELEGATING TASKS TO UNLICENSED PERSONNEL AND TO A PA DELEGATING CERTAIN TASKS TO UNLICENSED ASSISTIVE PERSONNEL; AND TO DEFINE NECESSARY TERMS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 4, 2022

Mr. President and Senators:

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

S. 968 -- Senators Alexander, Climer and Kimbrell: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 25 OF THE 1976 CODE,

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RELATING TO THE DEPARTMENT OF VETERANS' AFFAIRS, BY ADDING SECTION 25-11-85 TO ESTABLISH THE "VETERANS SERVICE ORGANIZATION BURIAL HONOR GUARD SUPPORT FUND" TO HELP OFFSET THE COSTS INCURRED BY SOUTH CAROLINA CHAPTERS OF CONGRESSIONALLY CHARTERED VETERANS SERVICE ORGANIZATIONS IN PROVIDING HONOR GUARD BURIAL DETAILS AT THE FUNERALS OF QUALIFYING SOUTH CAROLINA MILITARY VETERANS, AND TO DEFINE RELEVANT TERMS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 4, 2022

Mr. President and Senators:

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

S. 1117 -- Senator Climer: A BILL TO AMEND ARTICLE 2, CHAPTER 41, TITLE 46 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA GRAIN PRODUCERS GUARANTY FUND, TO EXPAND THE FUND TO INCLUDE COTTON PRODUCERS, TO ADD AN ASSESSMENT ON COTTON, TO INCREASE THE AMOUNT THE FUND MUST ACCUMULATE IN ORDER TO SUSPEND ASSESSMENTS, TO ESTABLISH THE SOUTH CAROLINA AGRICULTURAL COMMODITIES COMMISSION AS A SUCCESSOR TO THE STATE AGRICULTURAL COMMISSION AND TO PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE NEW COMMISSION, AND TO DEFINE NECESSARY TERMS; TO AMEND SECTION 46-41-60 OF THE 1976 CODE, RELATED TO SURETY BONDS FOR LICENSEES, TO PROVIDE THAT THE SURETY BOND VALUE IS BASED UPON A TIERED SYSTEM; AND TO AMEND SECTION 46-41-170 OF THE 1976 CODE, RELATED TO PENALTIES, TO MAKE CONFORMING CHANGES.

Very respectfully,

Speaker of the House

Received as information.

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Placed on Calendar for consideration tomorrow.

HOUSE CONCURRENCES

S. 486 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME HIGHWAY 17-A AT ITS CROSSING OF THE CSX MAIN LINE IN MONCK'S CORNER "STEVE C. DAVIS VIADUCT" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 655 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GRANT ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH EAST SEVEN MILE ROAD TO ITS INTERSECTION WITH BASSWOOD ROAD "JUDGE TAFT GUILF, JR. ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 787 -- Senator Stephens: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME ST. MARK BOWMAN ROAD IN DORCHESTER COUNTY "CAPTAIN JEROME JONES ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 1055 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF GIBSON ROAD WHERE HIGHWAY 378 SPLITS TOWARD LAKE MURRAY IN LEXINGTON COUNTY "H.E. 'BUCKY' PHILLIPS, JR. INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

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S. 1069 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME US 1 BETWEEN I-20 AND THE TOWN OF LEXINGTON IN LEXINGTON COUNTY "SCHP TROOPER FIRST CLASS ROBERT P. PERRY, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 1230 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTER COUNTY FROM ITS INTERSECTION WITH PILGRIM ROAD TO THE CHESTER/UNION COUNTY LINE "MAJOR GENERAL GARY T. MCCOY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

S. 1280 -- Senators Martin and Talley: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NORTH TYGER RIVER BRIDGE ON HWY 296, ALSO KNOWN AS REIDVILLE ROAD, BETWEEN SHENANDOAH DRIVE AND NICHOLS DRIVE IN SPARTANBURG COUNTY "KEEGAN ISAIAH JOHNSON BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

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S. 1306 -- Senators Hutto, Shealy and Stephens: A CONCURRENT RESOLUTION TO RECOGNIZE OLIVER "BUDDY" POUGH, HEAD FOOTBALL COACH OF SOUTH CAROLINA STATE UNIVERSITY, FOR HIS OUTSTANDING COACHING CAREER AND TO CONGRATULATE HIM FOR BEING NAMED AS A SOUTH CAROLINA STATE EMPLOYEE ASSOCIATION HONOREE.

Returned with concurrence.

Received as information.

S. 1310 -- Senator Garrett: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE STUDENTS IN HOLLYWOOD ELEMENTARY SCHOOL CLASS 3A AND THEIR TEACHER, MRS. ANGELIA JACKSON, AND TO CONGRATULATE THEM FOR THEIR OUTSTANDING PERFORMANCE IN THE IMAGINE MATH 2022 NATIONAL MARCH MATH MADNESS CHALLENGE.

Returned with concurrence.

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 of Representatives:

S. 1270 -- Senators Peeler, Fanning, Climer and M. Johnson: A BILL TO AMEND ACT 473 OF 2002, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF CLOVER SCHOOL DISTRICT 2 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS, AND TO REMOVE ARCHAIC LANGUAGE.

On motion of Senator CLIMER.

SECOND READING BILL

S. 1315 -- Senators Climer and M. Johnson: A BILL TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION

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DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO REAPPORTION THESE ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS, AND TO REMOVE ARCHAIC LANGUAGE.

On motion of Senator CLIMER.

S. 1315--Ordered to a Third Reading

On motion of Senator CLIMER, S. 1315 was ordered to receive a third reading on Thursday, May 5, 2022.

AMENDMENT PROPOSED, CARRIED OVER

S. 458 -- Senators Adams, Talley, Bennett, Senn, Alexander and Loftis: A BILL TO AMEND SECTIONS 44-53-190(B) AND 44-53-370(e) OF THE 1976 CODE, RELATING IN PART TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR “TRAFFICKING IN FENTANYL”, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (VR\458C001.CC.VR22):

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

/ SECTION 1. Section 44-53-110 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() ‘Fentanyl-related substances’ means, unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, that is structurally related to fentanyl by one or more of the following modifications:

(a) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(b) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;

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(c) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(d) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(e) replacement of the N-propionyl group by another acyl group or hydrogen.

This definition includes, but is not limited to, the following substances: Methylacetyl fentanyl, Alpha-methylfentanyl, Methylthiofentanyl, Benzylfentanyl, Beta-hydroxyfentanyl, Beta-hydroxy-3-methylfentanyl, 3-Methylfentanyl, Methylthiofentanyl, Fluorofentanyl, Thenylfentanyl or Thienyl fentanyl, Thiofentanyl, Acetylfentanyl, Butyrylfentanyl, Beta-Hydroxythiofentanyl, Lofentanil, Ocfentanil, Ohmfentanyl, Benzodioxolefentanyl, Furanyl fentanyl, Pentanoyl fentanyl, Cyclopentyl fentanyl, Isobutyryl fentanyl, Remifentanil, Crotonyl fentanyl, Cyclopropyl fentanyl, Valeryl fentanyl, Fluorobutyryl fentanyl, Fluoroisobutyryl fentanyl, Methoxybutyryl Fentanyl, Isobutyryl fentanyl, Chloroisobutyryl fentanyl, Acryl fentanyl, Tetrahydrofuran fentanyl, Methoxyacetyl fentanyl, Fluorocrotonyl fentanyl, Cyclopentenyl fentanyl, Phenyl fentanyl, Cyclobutyl fentanyl, Methylcyclopropyl fenantyl.”

SECTION 2. Section 44-53-190(B) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“ . Fentanyl-related substances”

SECTION 3. Section 44-53-370(e) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() four grams or more of any fentanyl or fentanyl-related substance, as defined in Section 44-53-110, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, is guilty of a felony which is known as ‘trafficking in fentanyl’ and, upon conviction, must be punished as follows:

(a) four grams of more, but less than fourteen grams:

(1) for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars;

(2) for a second or subsequent offense, a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended or probation granted, and a fine of one hundred thousand dollars;

(b) fourteen grams or more but less than twenty-eight grams, a mandatory term of imprisonment of twenty-five years, no part of which

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may be suspended nor probation granted, and a fine of two hundred thousand dollars;

(c) twenty-eight grams or more, a mandatory term of imprisonment of not less than twenty-five years nor more than forty years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent, or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Senator HEMBREE explained the amendment.

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

CARRIED OVER

H. 3037 -- Reps. Garvin, Robinson, Cobb-Hunter, Hosey, J.L. Johnson, Matthews, S. Williams, Rivers, Jefferson, R. Williams, Govan and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-117 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER OR AN OCCUPANT OF THE VEHICLE SUFFERS FROM CERTAIN MEDICAL CONDITIONS AND TO PROVIDE THE CRIMINAL JUSTICE ACADEMY SHALL OFFER COURSES TO TRAIN LAW ENFORCEMENT OFFICERS ON HANDLING SITUATIONS THAT MAY ARISE FROM THE ENFORCEMENT OF THIS PROVISION.

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

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HOUSE BILL RETURNED

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

H. 3006 -- Reps. Brawley, Robinson, Cobb-Hunter, Haddon, Henegan, Hosey, J.L. Johnson, Govan, King, Gilliard, Murray, McDaniel, Henderson-Myers and Garvin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-785 SO AS TO PROVIDE PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS MAY NOT USE DEBT COLLECTION AGENCIES TO COLLECT OR ATTEMPT TO COLLECT OUTSTANDING DEBTS ON STUDENT SCHOOL LUNCH OR BREAKFAST ACCOUNTS, TO PROVIDE PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS MAY NOT ASSESS OR COLLECT ANY INTEREST, FEES, OR OTHER SUCH MONETARY PENALTIES FOR OUTSTANDING DEBTS FOR STUDENT SCHOOL LUNCH OR BREAKFAST ACCOUNTS, AND TO PROVIDE THE PROVISIONS OF THIS ACT APPLY TO DEBTS ON STUDENT LUNCH AND BREAKFAST ACCOUNTS OUTSTANDING ON THE EFFECTIVE DATE OF THIS ACT AND INCURRED AFTER THE EFFECTIVE DATE OF THIS ACT.

CARRIED OVER

H. 3144 -- Reps. White, Robinson, Thigpen, V.S. Moss, Dillard, Weeks, Wheeler, Fry, B. Newton, Forrest, Rivers and S. Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-150-365 SO AS TO ESTABLISH THE "SOUTH CAROLINA WORKFORCE INDUSTRY NEEDS SCHOLARSHIP (SC WINS)", TO PROVIDE THAT CERTAIN STUDENTS ATTENDING A TWO-YEAR TECHNICAL COLLEGE ARE ELIGIBLE FOR THE SCHOLARSHIP, AND TO PROVIDE ELIGIBILITY REQUIREMENTS.

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

CARRIED OVER

H. 3271 -- Reps. Henderson-Myers, Govan, Hyde, T. Moore, Weeks, G.M. Smith, King, McDaniel, Collins, Morgan and Caskey: A BILL TO AMEND SECTIONS 15-49-10 AND 15-49-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONS FOR A CHANGE OF NAME, SO AS TO REQUIRE A PETITIONER TO HAVE RESIDED IN THE STATE OF SOUTH CAROLINA FOR AT

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LEAST SIX MONTHS TO BE ELIGIBLE TO APPLY FOR A NAME CHANGE.

On motion of Senator HUTTO the Bill was carried over.

CARRIED OVER

H. 4075 -- Reps. Wetmore, Stavrinakis and Weeks: A BILL TO AMEND SECTION 23-3-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO CONFORM THE REGISTRATION PROVISIONS FOR SECOND DEGREE CRIMINAL SEXUAL CONDUCT WITH A MINOR TO THIRD DEGREE CRIMINAL SEXUAL CONDUCT WITH A MINOR.

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

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. 4601 -- Reps. W. Cox, G.R. Smith, Bustos, Gagnon, Bennett, McGarry, Atkinson, Hayes, M.M. Smith, V.S. Moss and Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-2020 SO AS TO, AMONG OTHER THINGS, DESIGNATE AMBULANCE SERVICE AS AN ESSENTIAL SERVICE IN SOUTH CAROLINA; TO REQUIRE THAT EACH COUNTY GOVERNING BODY ENSURES THAT AT LEAST ONE LICENSED AMBULANCE SERVICE IS OPERATING WITHIN THE COUNTY; AND TO DEFINE RELEVANT TERMS.

CARRIED OVER

H. 4766 -- Reps. Allison, Lucas, Felder and Alexander: A BILL TO AMEND SECTION 13-1-2030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT, SO AS TO DELETE REFERENCES TO DESIGNEES ON THE COORDINATING COUNCIL.

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

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:

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H. 4600 -- Reps. West and Bennett: A BILL TO AMEND SECTIONS 44-22-40 AND 44-22-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY CONSENT ON BEHALF OF CERTAIN PATIENTS TO ELECTRO-CONVULSIVE THERAPY OR MAJOR MEDICAL TREATMENT, SO AS TO CONFORM THE ORDER OF PRIORITY OF SUCH PERSONS TO THE ORDER OF PRIORITY IN THE ADULT HEALTH CARE CONSENT ACT.

CARRIED OVER

H. 4837 -- Reps. Elliott, B. Cox, Felder, B. Newton, Pope, Wooten, Caskey, Collins, Haddon, Gilliam, W. Cox, Atkinson, Jefferson, Forrest, R. Williams, Bryant, T. Moore, Hardee, McGinnis, Anderson, Thigpen, Hayes, Rutherford, Hyde, Daning, Bennett, Huggins, M.M. Smith, White, V.S. Moss, Blackwell, Taylor, Ballentine, Henegan and Matthews: A BILL TO AMEND SECTION 40-37-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OPTOMETRY MOBILE UNITS, SO AS TO PROVIDE ADDITIONAL REQUIREMENTS FOR THE OPERATION OF SUCH UNITS.

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

HOUSE BILL RETURNED

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

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.

CARRIED OVER

H. 3795 -- Rep. Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SIGN LANGUAGE INTERPRETERS ACT" BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO REQUIRE A SPECIFIED LEVEL OF COMPETENCE FOR SIGN LANGUAGE INTERPRETERS USED BY CERTAIN ENTITIES OF STATE GOVERNMENT, PUBLIC SCHOOLS, AND HOSPITAL SYSTEMS, TO PROVIDE SIGN LANGUAGE INTERPRETATION SERVICES TO MEMBERS OF THE PUBLIC WHO ARE DEAF OR HARD OF HEARING AND

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HAVE CERTAIN SPEECH IMPAIRMENTS, AND TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 59-33-120 SO AS TO PROVIDE FOR THE PROMULGATION OF REGULATIONS FOR THE APPROPRIATE CREDENTIALING OF SIGN LANGUAGE INTERPRETERS IN PUBLIC AND SPECIAL SCHOOLS, AND TO REQUIRE INTERPRETERS FOR THE DEAF WORKING IN SCHOOLS AND SCHOOL DISTRICTS IN THIS STATE TO SUBMIT THE SAME BACKGROUND CHECKS AS EDUCATORS; TO AMEND SECTION 15-27-15, RELATING TO THE APPOINTMENT OF SIGN LANGUAGE INTERPRETERS BY THE JUDICIAL DEPARTMENT FOR PARTIES OR WITNESSES WHO ARE DEAF OR HARD OF HEARING, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE NECESSARY DEFINITIONS; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2022.

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

AMENDMENT PROPOSED, 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.

The Senate proceeded to a consideration of the Resolution.

Senator DAVIS proposed the following amendment (PH\4831C001.JN.PH22):

Amend the joint resolution, as and if amended, by striking SECTION 5, and inserting:

/ SECTION 5. A. The General Assembly hereby finds and declares that:

(1) the economic and financial well-being of South Carolina and its citizens depends upon continued economic development and opportunities for employment;

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(2) the cost of electricity and the availability of renewable energy sources for electricity are important factors in the decision for a commercial and industrial entity to locate or expand their existing establishments in South Carolina;

(3) competitive electric rates, terms, and conditions and the ability to utilize renewable energy sources for electric power generation are necessary to attract prospective commercial or industrial entities to invest in South Carolina and to encourage and incent robust economic growth in the State;

(4) the Public Service Commission of South Carolina should weigh and consider any quantifiable net benefits that may result from economic development opportunities resulting from prospective commercial or industrial entities in determining whether rates, terms, and conditions proposed by an electrical utility as defined by Section 58-27-10(7) are reasonable, prudent, and in the best interest of the electrical utility's general body of retail customers; and

(5) rates proposed by electrical utilities for prospective commercial or industrial entities that are at or greater than the electrical utility's marginal cost should be presumed reasonable.

B. For the purposes of this act unless otherwise specified:

(1) "Commission" means Public Service Commission of South Carolina.

(2) "Electrical utility" has the same meaning as provided in Section 58-27-10(7).

(3) "Prospective manufacturing entity" means a commercial or industrial entity that proposes to:

(a) request new, permanent electric service to a new establishment or location in an electrical utility's service territory;

(b) expand an existing establishment in an electrical utility's service territory that has existing permanent electric service and which expansion will result in additional electrical load on the electrical utility's system; or

(c) locate in an existing establishment and establish a new customer service account with the electrical utility for which expansion will result in additional electrical load on the electrical utility's system;

(4) "Marginal cost" means the electrical utility's marginal cost for producing energy.

(5) "Rate proposal" means a written document that identifies the rates, terms, and conditions for electric service offered by an electrical utility to a prospective manufacturing entity.

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(6) “Contracts” shall have the same meaning as the term is used in Section 58-27-980.

(7) “Qualifying customer” means a commercial or industrial customer that agrees to locate its operations in South Carolina; or expand its existing establishment; and such location or expansion results in the addition of a minimum of:

- (a) 500 kilowatts at one point of delivery;
- (b) one hundred new employees; and
- (c) capital investment of four hundred thousand dollars following the electrical utility’s approval for service.

(8) “Renewable energy facility” means a solar array or other facility constructed by or on behalf of a qualifying customer for the exclusive purpose of supplementing electric power generation from a renewable energy source for its economic development location or expansion.

C. (A) Notwithstanding any other provision of law, an electrical utility may provide the South Carolina Department of Commerce or a prospective manufacturing entity with a rate proposal containing terms and conditions that would incentivize and encourage the prospective manufacturing entity to employ additional workforce and to make capital investments in the electrical utility’s service territory. The rate proposal provided by an electrical utility may differ from the final contract, rate, terms, and conditions with the qualifying customer.

(B) The electrical utility shall file the rate proposal with the commission for review and acceptance. The rate proposal is determined to be presumptively reasonable if the rates, terms, and conditions are equal to or greater than the electrical utility’s marginal cost.

D. (A) Nothing in this act shall restrict the commission’s authority to regulate rates and charges or review contracts entered into by, or supervise the operations of electrical utilities.

(B) An electrical utility may offer economic development rates to a qualifying customer that may be lower than the rate or rates that the qualifying customer otherwise would be or is subject to under the electrical utility’s commission-approved tariffs in effect at the time; provided, however, that the economic development rate must not be lower than the electrical utility’s marginal cost of providing service to the qualifying customer.

(C) An electrical utility may negotiate and enter into agreements that contain economic development rates with a qualifying customer, which agreements and rates shall be subject to commission approval, and which shall be for a term not exceeding ten years. The electrical utility may offer the qualifying customer real-time pricing options or riders for other

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clean energy attributes which may support the qualifying customer's sustainability goals.

(D) In the commission's determination of the public interest for any economic development rate or contract, the electrical utility bears the burden of proof to establish that:

(1) the rates or charges assessed to the electrical utility's other customers do not subsidize the cost of providing economic development rates to a qualifying customer;

(2) the rates of other electrical utility operations do not increase; and

(3) other customers of the electrical utility do not experience a rate increase due to a rate or rates offered to a qualifying customer.

E. In compliance with federal and state law, the utility may expedite interconnection of a proposed renewable energy facility to be constructed by a qualifying customer to support electric power generation at its economic development location or expansion where high-quality and reliable electric service are not adversely impacted.

F. The provisions of this joint resolution must be liberally construed to effectuate the purposes of this joint resolution.

SECTION 6. This joint resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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

READ THE SECOND TIME

H. 3050 -- Reps. D.C. Moss, McGarry, Wooten, Hixon, Erickson and Bradley: A BILL TO AMEND SECTION 23-23-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CERTIFICATION OF A LAW ENFORCEMENT OFFICER EMPLOYED OR APPOINTED BY A PUBLIC LAW ENFORCEMENT AGENCY, SO AS TO PROVIDE A NONCERTIFIED LAW ENFORCEMENT OFFICER ONLY SHALL PERFORM HIS DUTIES AS A LAW ENFORCEMENT OFFICER WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER, AND TO MAKE A TECHNICAL CHANGE.

The Senate proceeded to a consideration of 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	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	Peeler	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

AMENDED, READ THE SECOND TIME

H. 3588 -- Reps. Allison, Felder and Carter: A BILL TO AMEND SECTION 59-149-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR LIFE SCHOLARSHIPS, SO AS TO STRENGTHEN ENGLISH, MATHEMATICS, AND COMPUTER SCIENCE FOUNDATIONS OF HIGH SCHOOL SENIORS SEEKING LIFE SCHOLARSHIPS BY REQUIRING SUCCESSFUL COMPLETION OF CERTAIN ENGLISH AND MATHEMATICS OR COMPUTER SCIENCE COURSEWORK DURING THEIR SENIOR YEARS, AND TO EXCLUDE MEMBERS

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OF THE 2022-2023 SENIOR CLASS FROM THESE REQUIREMENTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\3588C001.NBD.WAB22), which was adopted:

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

/ SECTION 1. Section 59-149-15(A) and (B) of the 1976 Code are amended to read:

“(A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a LIFE Scholarship for the current year, shall receive an additional LIFE Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional LIFE Scholarship stipend each year, the student must receive the underlying LIFE Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student’s freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and

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dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a LIFE Scholarship stipend but must include a contractual requirement that the education student recipient must upon graduation work in a South Carolina public school for one year for every year the stipend is received. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.”

SECTION 2. Section 59-104-25(A) and (B) of the 1976 Code are amended to read:

“(A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in education, science, or mathematics as defined below, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed three thousand three hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if the student enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education, science, or mathematics major. In addition, during his freshman year, the student majoring in science or mathematics must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student’s freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall

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include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. The Commission on Higher Education shall by regulation define what constitutes an education major and shall set forth eligibility criteria that the student must meet to receive a Palmetto Fellows Scholarship stipend but must include a contractual requirement that the education student recipient must upon graduation work in a South Carolina public school for one year for every year the stipend is received. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.”

SECTION 3. Section 59-149-50(A) of the 1976 Code is amended to read:

“(A) To be eligible for a LIFE Scholarship, a student must be either a student who has graduated from a high school located in this State, a student who has completed at least three of the final four years of high school within this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, a student who has graduated from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent, or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. These students also must meet the requirements of subsection (B) and be eligible for in-state tuition and fees as determined pursuant to Chapter 112, Title 59 and applicable regulations. In addition, the student must have graduated from high school with a minimum of a 3.0 cumulative grade average on a 4.0 scale and have scored 1100 or better on the Scholastic Aptitude Test (SAT) or ~~have the equivalent ACT score~~ 22 on the ACT; provided that, if the student is to attend such a public or independent two-year college or university in this State, including a technical college, the SAT/ACT requirement does not apply. If a student chooses to attend such a public or independent institution of this State and does not make the required SAT/ACT score or the required high school grade point average, as applicable, the student may earn a LIFE Scholarship after his freshman year if he meets the grade point average and semester credit hour requirements of subsection (B). For the purpose of meeting the rank criteria pursuant to this section, the existing

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high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship.”

SECTION 4. In the event that the SAT or ACT changes their respective scoring ranges, the Commission on Higher Education shall adjust the minimum scores required by this chapter in order to ensure equivalency.

SECTION 5. This act takes effect July 1, 2023. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (3588R001.SP.SRM), which was adopted:

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

/SECTION __. Section 59-104-20(H) of the 1976 Code is amended to read:

“(H)Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection. A student who uses a Palmetto Fellows Scholarship to attend an eligible two-year institution

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shall receive a maximum of four continuous semesters, and may continue to use the scholarship to attend an eligible four-year institution, subject to the maximum number of semesters for which the student may be eligible for the scholarship.” /

Renumber sections to conform.
Amend title to conform.

Senator MARTIN 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 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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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**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3591 -- Reps. Allison, Lucas, Erickson, Bradley and Kirby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-35 SO AS TO IMPROVE THE MEANS FOR EVALUATING EDUCATOR PREPARATION PROGRAMS BY PROVIDING FOR THE ANNUAL DEVELOPMENT AND PUBLICATION OF THE SOUTH CAROLINA TEACHER PREPARATION REPORT CARD; AND BY ADDING SECTION 59-26-120 SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN EDUCATOR PREPARATION PROGRAMS WITH CERTAIN INFORMATION REGARDING GRADUATES OF THOSE PROGRAMS, TO PROVIDE EDUCATOR PREPARATION PROGRAMS MAY NOT SHARE IDENTIFIABLE EDUCATOR DATA WITH THIRD PARTIES WITHOUT WRITTEN CONSENT, AND TO PROVIDE THIS INFORMATION IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\3591C001.NBD.WAB22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-26-35(A) and inserting:

/ (A) The South Carolina Commission on Higher Education, with the assistance of the Department of Education, State Board of Education, the Center for Research on Teacher Education (SC-TEACHER), and the Revenue and Fiscal Affairs Office, shall form a commission to conduct a detailed assessment of the current data infrastructure, develop metrics, determine weightings, construct a unified data upload system, and construct public and private facing data reports, including, but not limited to, annually publishing before November first an online report card known as the 'South Carolina Educator Preparation Report Card'. The report card must be made available on the State Department of Education and the Commission on Higher Education's websites. The commission shall develop a format that each educator preparation program must use on its website that shows all required information regarding its respective program. The report card shall evaluate the ability of educator preparation programs, including alternative programs, to prepare new teachers for success in South Carolina's classrooms, as well as describe the school and district contexts in which completers

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work. The report card must include data on a variety of measures to provide an overall picture of how well each educator preparation program prepares effective educators and meets state goals, including, but not limited to, the following:

- (1) number of undergraduate and graduate completers;
- (2) placement and one, three, and five year retention rates by districts and regions of the State;
- (3) performance-based assessments of candidates;
- (4) ability of program to recruit a strong, diverse cohort of candidates and prepare them to teach in the content areas of greatest need;
- (5) quality of clinical experiences, including access to qualified and trained mentors, time in the field, and opportunities to apply knowledge and skills in the clinical setting;
- (6) effectiveness of individuals who completed a provider's program and are employed in a public school classroom. The information must be differentiated by provider and, where applicable, across content areas; and
- (7) graduate and employer satisfaction. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator CASH spoke on the Bill.

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

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

Ayes 21; Nays 20

AYES

Alexander	Allen	Bennett
Climer	Gambrell	Garrett
Goldfinch	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	Kimpson
Malloy	Massey	Peeler
Sabb	Setzler	Talley
Turner	Williams	Young

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Total--21

NAYS

Adams	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Grooms	Gustafson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Matthews	Reichenbach
Rice	Senn	Shealy
Stephens	Verdin	

Total--20

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4161 -- Rep. Bannister: A BILL TO AMEND SECTION 12-21-2710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TYPES OF GAMING MACHINES PROHIBITED BY LAW, SO AS TO PROVIDE THAT THE PROHIBITION DOES NOT APPLY TO CERTAIN ITEMS THAT ARE DESIGNATED FOR USE IN OUT-OF-STATE JURISDICTIONS; AND TO AMEND SECTION 16-19-50, RELATING TO THE KEEPING OF UNLAWFUL GAMING TABLES, SO AS TO PROVIDE THAT THE PROHIBITION DOES NOT APPLY TO CERTAIN ITEMS THAT ARE DESIGNATED FOR USE IN OUT OF STATE JURISDICTIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD4161.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 35 and 36, in Section 12-21-2710, as contained in SECTION 1, and inserting therein the following:

/ gaming device manufacturer is a manufacturing entity that is in good standing with the South Carolina Secretary of State's Office, is /

Amend the bill further, page 2, by striking lines 15 and 16, in Section 16-19-50, as contained in SECTION 2, and inserting therein the following:

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/ gaming device manufacturer is a manufacturing entity that is in good standing with the South Carolina Secretary of State's Office, is /
Renumber sections to conform.
Amend title to conform.

Senator HUTTO 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 33; Nays 6

AYES

Alexander	Allen	Bennett
Campsen	Climer	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Gustafson
Harpootlian	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Massey
Matthews	Peeler	Reichenbach
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams

Total--33

NAYS

Cash	Corbin	Grooms
Loftis	Rice	Young

Total--6

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

OBJECTION

H. 3833 -- Reps. Erickson, Bradley, Herbkersman, Dabney, Brawley, King, Gilliard, Jefferson, Howard, S. Williams, Henegan and Govan: A

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BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)” BY ADDING ARTICLE 3 TO CHAPTER 55, TITLE 40 SO AS TO PROVIDE FOR THE ENTRY OF SOUTH CAROLINA INTO THIS MULTISTATE COMPACT, TO PROVIDE FOR THE STRUCTURE, FUNCTIONS, POWERS, AND DUTIES OF THE GOVERNING BODY OF THE COMPACT; TO PROVIDE THE OBLIGATIONS, BENEFITS, AND RIGHTS OF COMPACT MEMBERS; TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 55, TITLE 40 AS ARTICLE 1 ENTITLED “GENERAL PROVISIONS”; AND TO AMEND SECTIONS 40-55-60 AND 40-55-80, RELATING TO THE STATE BOARD OF EXAMINERS IN PSYCHOLOGY AND QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES.

Senator ALEXANDER objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

H. 4597 -- Reps. Bustos, M.M. Smith, Huggins, Bennett, Hill, Matthews and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 43, TITLE 44 SO AS TO PROHIBIT DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES IN ACCESSING ANATOMICAL GIFTS AND ORGAN TRANSPLANTS; TO DEFINE CERTAIN TERMS; TO ESTABLISH REQUIREMENTS AND PROHIBITED CONDUCT FOR COVERED ENTITIES, INCLUDING HOSPITALS AND ORGAN PROCUREMENT ORGANIZATIONS, WITH REGARD TO THE ORGAN TRANSPLANT PROCESS; TO CREATE CIVIL REMEDIES FOR VIOLATION OF THE PROVISIONS OF THE ARTICLE; TO ESTABLISH REQUIREMENTS APPLICABLE TO HEALTH INSURERS THAT PROVIDE COVERAGE FOR ANATOMICAL GIFTS AND ORGAN TRANSPLANTS; AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT proposed the following amendment (4597R001.SP.SB), which was adopted:

Amend the bill, as and if amended, on page 6, lines 4 - 43, and on page 7, lines 1 - 7, by striking Section 44-43-1550 in its entirety.

Re-number sections to conform.

Amend title to conform.

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Senator BENNETT 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 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

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

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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.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS proposed the following amendment (4519R001.KMM.TD), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

Senator CAMPSEN spoke on the Bill.

The question then being second 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	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McLeod	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

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NAYS

Total--0

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

AMENDED, CARRIED OVER

H. 4889 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-79-215 SO AS TO PROHIBIT AN ALARM BUSINESS OR CONTRACTOR FROM BEING FINED FOR A FALSE ALARM NOT ATTRIBUTED TO IMPROPER INSTALLATION, DEFECTIVE EQUIPMENT, OR OPERATIONAL ERROR BY THE ALARM BUSINESS OR CONTRACTOR.

The Senate proceeded to a consideration of the Bill.

Senator CORBIN proposed the following amendment (4889R001.SP.TDC), which was adopted:

Amend the bill, as and if amended, on page 1, by striking lines 25 through 26 and inserting:

/"Section 40-79-215. An alarm business or contractor as defined in this chapter, or an alarm business call center, must not be fined or assessed a civil penalty for false /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

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

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

OBJECTION

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

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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 HUTTO objected to consideration of the Bill.

READ THE SECOND TIME

S. 1314 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF MOTOR VEHICLES, RELATING TO DRIVER TRAINING SCHOOLS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5105, 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 GROOMS explained the Resolution.

The question then being second reading of the Resolution.

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	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey

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Matthews	McLeod	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\3340C001.NBD.DG22), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-20-105(A) and inserting:

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/ “Section 12-20-105. (A) Any company subject to a license tax under Section 12-20-100 may claim a credit against its license tax liability for amounts paid in cash to provide infrastructure for an eligible project. A company may enter into a multi-year commitment to provide cash for eligible infrastructure. Where a company has entered into an agreement to pay in cash for infrastructure for an eligible project, and the eligible project is not constructed by the end of the tax year, the company may provide cash in that or a future year to another eligible project and retain the credit. /

Amend the bill further, SECTION 1, by striking Section 12-20-105(C)(7) and inserting:

/ (7) for a qualifying project pursuant to subsection (B)(2) cash payments to a county, political subdivision, or agency of this State for purposes of defraying public debt incurred to pay for infrastructure on the project are allowed. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

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

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

OBJECTION

H. 3948 -- Reps. Stavrinakis, Murphy and Dillard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-37-60 SO AS TO PROVIDE THAT A COUNTY THAT HAS IMPOSED A TAX PURSUANT TO CHAPTER 37, TITLE 4, ALSO MAY IMPOSE ANOTHER SALES AND USE TAX.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

Senator SENN objected to further consideration of the Bill.

CARRIED OVER

H. 4775 -- Reps. Hiott, Bailey, Carter, Erickson and Bradley: A BILL TO AMEND CHAPTER 60, TITLE 48, CODE OF LAWS OF SOUTH

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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.

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

READ THE SECOND TIME

H. 5057 -- Reps. Simrill, Pope, Erickson and W. Newton: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2021 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

The Senate proceeded to a consideration of the Bill.

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Senator DAVIS explained 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	Harpootlian	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McLeod	Peeler	Reichenbach
Rice	Sabb	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

OBJECTION

H. 5074 -- Reps. Haddon, Allison, Burns and Hiott: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY

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COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

Senator FANNING objected to consideration of the Bill.

CARRIED OVER

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\5144C001.NBD.DG22):

Amend the bill, as and if amended, SECTION 1, page 1, by striking lines 38 - 42 and inserting:

/ (b) Property qualifying for the exemption authorized by subitem (a) includes property used in providing telephone service, as defined in Section 33-46-20, in rural areas, including mixed-use property, without regard to: /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

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

OBJECTION

S. 1303 -- Senator Harpootlian: A SENATE RESOLUTION TO CONDEMN THE GOVERNMENT OF SOMALIA FOR ITS OPPRESSIVE AND VIOLENT TREATMENT OF WOMEN AND CHRISTIANS UNDER THE PROVISIONS OF SHARIA LAW.

Senator HARPOOTLIAN objected to consideration of the Resolution.

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ADOPTED

H. 4043 -- Reps. R. Williams and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HOFFMEYER ROAD IN DARLINGTON COUNTY WEST OF THE DARLINGTON/FLORENCE COUNTY LINE TO A POINT WEST OF ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 340 "TERRENCE CARRAWAY 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.

RECESS

At 12:35 P.M., on motion of Senator MASSEY, the Senate recessed from business until 1:45 P.M.

At 1:55 P.M., the Senate resumed.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Matthews
McElveen	Peeler	Reichenbach
Rice	Sabb	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Objection

Senator WILLIAMS asked unanimous consent for immediate consideration of the local appointments pending on the desk.

Senator MATTHEWS objected.

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MOTION TO VARY THE ORDER OF THE DAY ADOPTED

Senator MASSEY moved under Rule 32A to vary the order of the day and proceed directly to the morning hour.

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

Ayes 33; Nays 5

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Massey	Peeler
Reichenbach	Rice	Setzler
Shealy	Talley	Turner
Verdin	Williams	Young

Total--33

NAYS

Corbin	Martin	Matthews
Sabb	Stephens	

Total--5

The motion to vary the order of the day was adopted.

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

RULE 32B

Pursuant to Rule 32B, Senator MASSEY, as Chairman of the Committee on Rules, called H. 4075 from the Contested Calendar.

The Committee on Rules was polled as follows:

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**Poll of the Rules Committee
Polled 17; Ayes 15; Nays 0; Not Voting 2**

AYES

Massey	Cromer	Malloy
Martin	Campsen	Allen
Corbin	Young	Sabb
Grooms	Hembree	Shealy
Goldfinch	Harpootlian	<i>M. Johnson</i>

Total--15

NAYS

Total--0

NOT VOTING

Kimpson	McLeod
---------	--------

Total--0

Ordered for consideration after the Special Orders.

RECALLED

H. 4776 -- Reps. Willis, McCravy, Thayer, Bailey, Wooten, B. Cox, McGarry, Magnuson, Pope, Taylor, G.R. Smith, Gilliam, Jones, M.M. Smith, Trantham, Erickson, Huggins, Long, Hiott, Burns, May, Haddon, Oremus, Bennett, Daning, T. Moore, Chumley, Nutt, Hyde, Dabney, McCabe, Bryant, Forrest, Hixon, J.E. Johnson, Lucas, Morgan and D.C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "MEDICAL ETHICS AND DIVERSITY ACT" BY ADDING CHAPTER 139 TO TITLE 44 SO AS TO SET FORTH FINDINGS OF THE GENERAL ASSEMBLY REGARDING THE RIGHT OF CONSCIENCE IN THE HEALTH CARE INDUSTRY; TO DEFINE CERTAIN TERMS; TO AUTHORIZE MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS NOT TO PARTICIPATE IN HEALTH CARE SERVICES THAT VIOLATE THE PRACTITIONER'S OR ENTITY'S CONSCIENCE AND TO PROTECT THESE INDIVIDUALS AND ENTITIES FROM CIVIL, CRIMINAL, OR ADMINISTRATIVE LIABILITY AND FROM

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DISCRIMINATION FOR EXERCISING THEIR PERSONAL RIGHT OF CONSCIENCE, WITH EXCEPTIONS; TO CREATE A PRIVATE RIGHT OF ACTION FOR MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS FOR VIOLATION OF THE CHAPTER; AND FOR OTHER PURPOSES.

Senator MASSEY asked unanimous consent to make a motion to recall the Bill from the Committee on Medical Affairs.

Senator GROOMS explained the Bill.

The Bill was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

MADE SPECIAL ORDER

H. 4776 -- Reps. Willis, McCravy, Thayer, Bailey, Wooten, B. Cox, McGarry, Magnuson, Pope, Taylor, G.R. Smith, Gilliam, Jones, M.M. Smith, Trantham, Erickson, Huggins, Long, Hiott, Burns, May, Haddon, Oremus, Bennett, Daning, T. Moore, Chumley, Nutt, Hyde, Dabney, McCabe, Bryant, Forrest, Hixon, J.E. Johnson, Lucas, Morgan and D.C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "MEDICAL ETHICS AND DIVERSITY ACT" BY ADDING CHAPTER 139 TO TITLE 44 SO AS TO SET FORTH FINDINGS OF THE GENERAL ASSEMBLY REGARDING THE RIGHT OF CONSCIENCE IN THE HEALTH CARE INDUSTRY; TO DEFINE CERTAIN TERMS; TO AUTHORIZE MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS NOT TO PARTICIPATE IN HEALTH CARE SERVICES THAT VIOLATE THE PRACTITIONER'S OR ENTITY'S CONSCIENCE AND TO PROTECT THESE INDIVIDUALS AND ENTITIES FROM CIVIL, CRIMINAL, OR ADMINISTRATIVE LIABILITY AND FROM DISCRIMINATION FOR EXERCISING THEIR PERSONAL RIGHT OF CONSCIENCE, WITH EXCEPTIONS; TO CREATE A PRIVATE RIGHT OF ACTION FOR MEDICAL PRACTITIONERS, HEALTH CARE INSTITUTIONS, AND HEALTH CARE PAYERS FOR VIOLATION OF THE CHAPTER; AND FOR OTHER PURPOSES.

Senator MASSEY moved that the Bill be made a Special Order.

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

Ayes 29; Nays 14

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Shealy	Talley	Turner
Verdin	Young	

Total--29

NAYS

Allen	Fanning	Harpootlian
Hutto	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Sabb	Setzler
Stephens	Williams	

Total--14

The Bill was made a Special Order.

MOTION ADOPTED

At 2:33 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

CONCURRENCE

S. 910 -- Senator Grooms: A BILL TO AMEND SECTIONS 1, 2, AND 3 OF ACT 518 OF 1982, AS LAST AMENDED BY ACT 408 OF 2012, RELATING TO THE COMPOSITION OF THE BERKELEY COUNTY SCHOOL DISTRICT BOARD OF EDUCATION, TO PROVIDE THAT EIGHT BOARD MEMBERS SHALL BE ELECTED IN NON-PARTISAN ELECTIONS FROM SINGLE-MEMBER

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DISTRICTS IN WHICH THEY ARE RESIDENTS, COTERMINOUS WITH COUNTY COUNCIL DISTRICTS AND SHARING THE CORRESPONDING DISTRICT NUMBERS; TO PROVIDE THAT ONE MEMBER SHALL BE ELECTED FROM THE COUNTY AT LARGE; TO STAGGER TERMS OF OFFICE; AND TO REPEAL SECTION 3A OF ACT 518 OF 1982, AS LAST AMENDED BY ACT 296 OF 2012, RELATING TO APPORTIONING NINE SINGLE-MEMBER SCHOOL BOARD DISTRICTS IN THE COUNTY.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator GROOMS explained the amendments.

On motion of Senator GROOMS, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

CONCURRENCE

S. 1059 -- Senator Verdin: A BILL TO AMEND SECTION 40-33-43, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS IN CERTAIN FACILITIES, SO AS TO EXTEND THIS AUTHORIZATION TO INTERMEDIATE CARE FACILITIES FOR PERSONS WITH INTELLECTUAL DISABILITY.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator VERDIN explained the amendments.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett

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Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

On motion of Senator VERDIN, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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

H. 4608 -- Reps. Trantham, Oremus, Burns, McCravy, G.R. Smith, M.M. Smith, B. Cox, Bennett, McGarry, Taylor, Jones, Gilliam, Yow, Hixon, Hill, Gagnon, Whitmire, Haddon, Bannister, Magnuson, May, Dabney, Long, Willis, McCabe, Morgan, Bryant, V.S. Moss, Nutt, T. Moore, Forrest, Bailey, West, Thayer, White, McKnight, Atkinson, Fry, Caskey, Blackwell, Ballentine, Wooten, Huggins, Chumley and Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SAVE WOMEN'S SPORTS ACT" BY ADDING SECTION 59-1-500 SO AS TO EXPRESS LEGISLATIVE INTENT AND MAKE CERTAIN FINDINGS; TO REQUIRE GENDER-BASED OR COEDUCATIONAL DESIGNATION OF CERTAIN PUBLIC SECONDARY AND POSTSECONDARY SCHOOL SPORTS TEAMS; TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR MALES MAY BE OPEN TO FEMALE STUDENT PARTICIPANTS; TO PROVIDE

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SUCH SPORTS TEAMS DESIGNATED FOR FEMALES MAY NOT BE OPEN TO MALE PARTICIPANTS; TO PROVIDE ASSUMPTIONS CONCERNING THE CORRECTNESS OF BIOLOGICAL GENDER STATEMENTS ON OFFICIAL BIRTH CERTIFICATES OF STUDENTS; AND TO PROVIDE REMEDIES TO STUDENTS AND SCHOOLS FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Amendment No. 1

Senator CASH proposed the following amendment (4608R002.SP.RJC), which was adopted:

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

/SECTION 1. This act must be known and may be cited as the “Save Women’s Sports Act”.

SECTION 2. (A) It is the intent of the General Assembly to maintain opportunities for female athletes to demonstrate their strength, skills, and athletic abilities, and to provide them with opportunities to obtain recognition and accolades, college scholarships, and numerous other long-term benefits that result from participating and competing in athletic endeavors.

(B) The General Assembly finds that:

(1) maintaining the fairness for women’s athletic opportunities is an important state interest; and

(2) requiring the designation of separate sex specific athletic teams or sports is necessary to maintain fairness for women’s athletic opportunities.

SECTION 3. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-500. (A) For purposes of this section, a statement of a student’s biological sex on the student’s official birth certificate is considered to have correctly stated the student’s biological sex at birth if the statement was filed at or near the time of the student’s birth.

(B)(1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public elementary or secondary school or public postsecondary institution must be expressly designated as one of the following based on the biological sex at birth of team members:

(a) males, men, or boys;

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- (b) females, women, or girls; or
- (c) coed or mixed, including both males and females.

(2) Athletic teams or sports designated for males, men, or boys shall not be open to students of the female sex, unless no team designated for females in that sport is offered.

(3) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

(4) A private school or a private institution sponsoring an athletic team or sport in which its students or teams compete against a public school or institution must also comply with this section for the applicable team or sport.

(C)(1) A student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section may initiate a cause of action against the school or postsecondary institution as provided in subsection (C)(4).

(2) A student who is subject to retaliation or other adverse action by a school, postsecondary institution, or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or postsecondary institutions in this State, may initiate a cause of action against the school, postsecondary institution, or athletic association or organization as provided in subsection (C)(4).

(3) A school or postsecondary institution that suffers any direct or indirect harm as a result of a violation of this section may initiate a cause of action against the governmental entity, licensing or accrediting organization or athletic association or organization as provided in subsection (C)(4).

(4) An action arising under this section must be commenced within two years after the alleged injury and subject to the South Carolina Tort Claims Act, as provided in Section 15-78-10, et seq.”

SECTION 3. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59-63-72. A public school district supported by state funds shall not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules or policies of the association, body, or entity recognizes, sanctions, and regulates interscholastic competition of wrestling teams composed exclusively of female students.”

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SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Senator CASH explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 30; Nays 8

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Williams	Young

Total--30

NAYS

Allen	Fanning	Harpootlian
Hutto	Kimpson	Matthews
McLeod	Sabb	

Total--8

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The amendment was adopted.

Amendment No. 2

Senator CASH proposed the following amendment (4608R003.SP.RJC), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 59-1-500(B)(2) and inserting:

/(2) Athletic teams or sports designated for males, men, or boys shall not be open to students of the female sex, unless no team designated for females in that sport is offered at the school in which the student is enrolled. /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The amendment was adopted.

Amendment No. 3

Senator HUTTO proposed the following amendment (WAB\4608C005.RT.WAB22), which was tabled:

Amend the bill, as and if amended, SECTION 2, Section 59-1-500, by adding an appropriately lettered subsection to read:

/ () Public funds may not be expended for the purpose of defending this section against any constitutional challenge or any challenge brought under Title IX of the Education Amendments of 1972, 20 11 U.S.C. s. 1681 et seq., or any other provision of federal law./

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator CAMPSSEN spoke on the amendment.

Senator CASH moved to lay the amendment on the table.

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

Ayes 32; Nays 11

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer

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Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

Total--32

NAYS

Allen	Fanning	Harpoottlian
Hutto	<i>Johnson, Kevin</i>	Kimpson
Matthews	McElveen	McLeod
Sabb	Stephens	

Total--11

The amendment was laid on the table.

Amendment No. 4

Senator HUTTO proposed the following amendment (WAB\4608C077.RT.WAB22), which was tabled:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-1-500(C)(1) and (2) and inserting:

/ (1) A student, including a transgender student, who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages, and any other relief available under law against the school or public postsecondary institution.

(2) A student, including a transgender student, who is subject to retaliation or other adverse action by a school, public postsecondary institution, or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or public postsecondary institutions in this State, has a private cause of action for injunctive relief, damages, and any other relief available under law against the school, institution, or athletic association or organization. /

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Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was laid on the table.

Amendment No. 5

Senator HUTTO proposed the following amendment (WAB\4608C076.RT.WAB22), which was tabled:

Amend the bill, as and if amended, SECTION 2, Section 59-1-500 by adding an appropriately lettered subsection to read:

/ () The provisions of this section apply to Furman University and its student athletes. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator CASH moved to lay the amendment on the table.

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

Ayes 28; Nays 10

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Peeler
Reichenbach	Rice	Sabb
Senn	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--28

NAYS

Allen	Cromer	Fanning
Harpootlian	Hutto	<i>Johnson, Kevin</i>
Kimpson	Matthews	McLeod

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Stephens

Total--10

The amendment was laid on the table.

Senator MATTHEWS spoke on the Bill.

Senator HARPOOTLIAN spoke on the Bill.

Senator GUSTAFSON spoke on the Bill.

Senator McLEOD spoke on the Bill.

Senator KIMPSON spoke on the Bill.

Senator HUTTO spoke on the Bill.

Senator K. JOHNSON spoke on the Bill.

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

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

Ayes 30; Nays 10

AYES

Adams	Alexander	Campsen
Cash	Climer	Corbin
Cromer	Davis	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Williams	Young

Total--30

NAYS

Allen	Fanning	Harpootlian
Hutto	Jackson	Kimpson
Matthews	McLeod	Sabb
Stephens		

Total--10

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

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

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

H. 4075 -- Reps. Wetmore, Stavrinakis and Weeks: A BILL TO AMEND SECTION 23-3-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO CONFORM THE REGISTRATION PROVISIONS FOR SECOND DEGREE CRIMINAL SEXUAL CONDUCT WITH A MINOR TO THIRD DEGREE CRIMINAL SEXUAL CONDUCT WITH A MINOR.

The Senate proceeded to a consideration of the Bill.

Senators HEMBREE, HUTTO and MALLOY proposed the following amendment (JUD4075.006), which was adopted:

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

/ SECTION 1. Section 23-3-430 of the 1976 Code is amended to read:

“Section 23-3-430. (A) Any person, regardless of age, residing in the State of South Carolina who in this State has been convicted of, ~~adjudicated delinquent for~~, pled guilty or nolo contendere to an offense described below, or who has been convicted, ~~adjudicated delinquent~~, pled guilty or nolo contendere, or found not guilty by reason of insanity in any comparable court in the United States, or a foreign country, or who has been convicted, ~~adjudicated delinquent~~, pled guilty or nolo contendere, or found not guilty by reason of insanity in the United States federal courts of a similar offense, or who has been convicted of, ~~adjudicated delinquent for~~, pled guilty or nolo contendere, or found not guilty by reason of insanity to an offense for which the person was required to register in the state where the conviction or plea occurred, shall be required to register pursuant to the provisions of this article. A person who has been found not guilty by reason of insanity shall not be required to register pursuant to the provisions of this article unless and until the person is declared to no longer be insane or is ordered to register by the trial judge. A person who has been convicted, ~~adjudicated~~

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~~delinquent~~, pled guilty or nolo contendere, or found not guilty by reason of insanity in any court in a foreign country may raise as a defense to a prosecution for failure to register that the offense in the foreign country was not equivalent to any offense in this State for which he would be required to register and may raise as a defense that the conviction, ~~adjudication~~, plea, or finding in the foreign country was based on a proceeding or trial in which the person was not afforded the due process of law as guaranteed by the Constitution of the United States and this State.

(B) For purposes of this article, a person who remains in this State for a total of thirty days during a twelve-month period is a resident of this State.

(C)(1) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to, ~~or been adjudicated delinquent~~ for any of the following offenses shall be referred to as ~~an~~ a Tier I offender:

- ~~(1) eriminal sexual conduct in the first degree (Section 16-3-652);~~
- ~~(2) eriminal sexual conduct in the second degree (Section 16-3-653);~~
- ~~(3) eriminal sexual conduct in the third degree (Section 16-3-654);~~
- ~~(4) eriminal sexual conduct with minors, first degree (Section 16-3-655(A));~~
- ~~(5) eriminal sexual conduct with minors, second degree (Section 16-3-655(B)). If evidence is presented at the eriminal proceeding and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16-3-655(B)(2) provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;~~
- ~~(6) eriminal sexual conduct with minors, third degree (Section 16-3-655(C));~~
- ~~(7) engaging a child for sexual performance (Section 16-3-810);~~
- ~~(8) producing, directing, or promoting sexual performance by a child (Section 16-3-820);~~
- ~~(9) eriminal sexual conduct: assaults with intent to commit (Section 16-3-656);~~
- ~~(10) incest (Section 16-15-20);~~
- ~~(11) buggery (Section 16-15-120);~~
- ~~(12) peeping, voyeurism, or aggravated voyeurism (Section 16-17-470);~~

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~~(13) violations of Article 3, Chapter 15, Title 16 involving a minor;~~

~~(14) a person, regardless of age, who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in this State, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that based on the circumstances of the case the convicted person should register as a sex offender;~~

~~(15) kidnapping (Section 16-3-910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;~~

~~(16) kidnapping (Section 16-3-910) of a person under eighteen years of age except when the offense is committed by a parent;~~

~~(17) trafficking in persons (Section 16-3-2020) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;~~

~~(18) criminal sexual conduct when the victim is a spouse (Section 16-3-658);~~

~~(19) sexual battery of a spouse (Section 16-3-615);~~

~~(20) sexual intercourse with a patient or trainee (Section 44-23-1150);~~

~~(21) criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:~~

~~(a) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16-15-375(5);~~

~~(b) perform a sexual activity in the presence of the person solicited (Section 16-15-342); or~~

~~(22) administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44-53-370(f), except petit larceny or grand larceny.~~

~~(23) any other offense specified by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), the Sex Offender Registration and Notification Act (SORNA).~~

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(a) criminal sexual conduct in the third degree (Section 16-3-654);

(b) kidnapping (Section 16-3-910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

(c) incest (Section 16-15-20);

(d) buggery (Section 16-15-120);

(e) peeping, voyeurism, or aggravated voyeurism (Section 16-17-470);

(f) a person, regardless of age, who has been convicted or pled guilty or nolo contendere in this State, or who has been convicted or pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted or pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that, based on the circumstances of the case, the convicted person should register as a sex offender;

(g) sexual intercourse with a patient or trainee (Section 44-23-1150);

(h) administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44-53-370(f), except petit larceny or grand larceny;

(i) any other offense as described in Section 23-3-430(D), or

(j) any other offense required by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), the Sex Offender Registration and Notification Act (SORNA).

(2) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to any of the following offenses shall be referred to as a Tier II offender:

(a) criminal sexual conduct in the second degree (Section 16-3-653);

(b) engaging a child for sexual performance (Section 16-3-810);

(c) producing, directing, or promoting sexual performance by a child (Section 16-3-820);

(d) trafficking in persons (Section 16-3-2020) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

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(e) criminal sexual conduct with minors, second degree (Section 16-3-655(B)). If evidence is presented at the criminal proceeding, or in any court of competent jurisdiction, and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16-3-655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(f) criminal sexual conduct with minors, third degree (Section 16-3-655(C)). If evidence is presented at the criminal proceeding, or in any court of competent jurisdiction, and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16-3-655(B)(2), provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(g) criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:

(i) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16-15-375(5);

(ii) perform a sexual activity in the presence of the person solicited (Section 16-15-342); or

(h) violations of Article 3, Chapter 15, Title 16 involving a minor.

(3) For purposes of this article, a person who has been convicted of, or pled guilty or nolo contendere to any of the following offenses shall be referred to as a Tier III offender:

(a) criminal sexual conduct in the first degree (Section 16-3-652);

(b) criminal sexual conduct with minors, first degree (Section 16-3-655(A));

(c) criminal sexual conduct: assaults with intent to commit (Section 16-3-656);

(d) kidnapping (Section 16-3-910) of a person under eighteen years of age except when the offense is committed by a parent;

(e) criminal sexual conduct when the victim is a spouse (Section 16-3-658);

(f) sexual battery of a spouse (Section 16-3-615); or

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(g) any offense listed or described in this section committed after the offender becomes a Tier I or Tier II offender.

(D) Upon conviction, ~~adjudication of delinquency~~, guilty plea, or plea of nolo contendere of a person of an offense not listed in this article, the presiding judge may order as a condition of sentencing that the person be included in the sex offender registry if good cause is shown by the ~~solicitor~~ prosecution.

(E) SLED shall remove a person's name and any other information concerning that person from the sex offender registry immediately upon notification by the Attorney General that the person's adjudication, conviction, guilty plea, or plea of nolo contendere for an offense listed in subsection (C) was reversed, overturned, or vacated on appeal and a final judgment has been rendered.

(F) If an offender receives a pardon for the offense for which he was required to register, the offender must reregister as provided by Section 23-3-460 and may not be removed from the registry except:

- (1) as provided by the provisions of subsection (E); or
- (2) if the pardon is based on a finding of not guilty specifically stated in the pardon.

(G) If an offender files a petition for a writ of habeas corpus or a motion for a new trial pursuant to Rule 29(b), South Carolina Rules of Criminal Procedure, based on newly discovered evidence, the offender must reregister as provided by Section 23-3-460 and may not be removed from the registry except:

- (1) as provided by the provisions of subsection (E); or
- (2)(a) if the circuit court grants the offender's petition or motion and orders a new trial; and
- (b) a verdict of acquittal is returned at the new trial or entered with the state's consent."

SECTION 2. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

"Section 23-3-436. (A) A child who is fourteen years of age or older and who has been adjudicated delinquent by a family court in this State for any Tier III offense is required to register in accordance with this article.

(B) A child who is fourteen years of age or older and has been adjudicated delinquent of any other offense listed in Section 23-3-430(C) may be required, in the discretion of the family court, to register in accordance with this article. In making this determination, the court shall consider:

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(1) the likelihood the juvenile will reoffend, based on a psychosexual risk assessment and evaluation by a licensed clinical psychologist or licensed psychiatrist employed by the Department of Juvenile Justice. The Circuit Solicitor's Office, Attorney General's Office, or the juvenile also may have an independent psychosexual risk assessment evaluation by a licensed psychologist or psychiatrist;

(2) the age of the juvenile at the time of the offense and adjudication;

(3) mitigating factors;

(4) aggravating factors including, but not limited to, age of victim, use of force, or use of weapons;

(5) prior adjudications; and

(6) other factors the court considers relevant.

(C) A child twelve years of age but less than fourteen years of age who has been adjudicated delinquent by a family court in this State for any Tier III offense may be required to register in discretion of the Family Court.

(1) In making the determination, the court must consider:

(a) the likelihood the person will reoffend, based on a psychosexual risk assessment and evaluation by a licensed clinical psychologist or licensed psychiatrist as ordered by the court. The Circuit Solicitor's Office, Attorney General's Office, or the juvenile also may have an independent psychosexual risk assessment evaluation by a licensed psychologist or psychiatrist;

(b) the age of the juvenile at the time of the offense and adjudication;

(c) mitigating factors;

(d) aggravating factors including, but not limited to, age of victim, use of force, or use of weapons;

(e) prior adjudications; and

(f) other factors the court considers relevant.

(D) A resident child who is adjudicated delinquent in any other state is required to register in this state subject to the requirements of the sentencing jurisdiction including duration of registration."

SECTION 3. Sections 23-3-460(A) and (C) of the 1976 Code are amended to read:

"(A) A person required to register pursuant to this article is required to register biannually for life subject to the provisions of Section 23-3-462 and Section 23-3-463. For purposes of this article, 'biannually' means each year during the month of his birthday and again during the sixth month following his birth month. The person required to register shall

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register and must reregister at the sheriff's department in each county where he resides, owns real property, is employed, or attends any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school. A person determined by a court to be a sexually violent predator pursuant to state law is required to verify registration and be photographed every ninety days by the sheriff's department in the county in which he resides unless the person is committed to the custody of the State, and verification will be held in abeyance until his release."

"(C) If a person required to register pursuant to this article changes his address within the same county, that person must send written notice of the change of address to the sheriff within three business days of establishing the new residence. If a person required to register under this article owns or acquires real property or is employed within a county in this State, or attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school, he must register with the sheriff in each county where the real property, employment, or the public or private school is located within three business days of acquiring the real property, beginning employment at any school, or attending the public or private school."

SECTION 4. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

"Section 23-3-462. (A) After successful completion of the requirements of this section, an offender may apply to the South Carolina Law Enforcement Division for the termination of the requirements of registration pursuant to this article. If it is determined that the offender has met the requirements of this section, SLED shall remove the offender's name and identifying information from the sex offender registry and shall notify the offender within one hundred twenty days that the offender has been relieved of the registration requirements of this article.

(1) An offender may file a request for termination of the requirement of registration with SLED, in a form and process established by the agency:

(a) after having been registered for at least fifteen years if the offender was required to register based on an adjudication of delinquency or the offender was required to register as a Tier I offender;

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(b) after having been registered for at least twenty-five years, if the offender was convicted as an adult, and was required to register as a Tier II offender;

(c) an offender who was required to register as an offender because of a conviction in another state or because of a federal conviction may apply to be removed from the requirements of the registry if he is eligible to be removed under the laws of the jurisdiction where the conviction occurred.

(2) An offender who was convicted as an adult, and who is required to register as a Tier III offender may not file a request for termination of registration with SLED nor shall any such request be granted pursuant to this subsection.

(3) The requesting offender must have successfully completed all sex offender treatment programs that have been required.

(4) The requesting offender must not have been convicted of failure to register within the previous ten years.

(5) The offender must not have been convicted of any additional sexual offense or violent sexual offense after being placed on the registry.

(6) A filing fee, as set by SLED but not to exceed two hundred fifty dollars, shall be paid to file the request for termination of registration requirements. The initial application may be filed with SLED and the administrative review may begin one hundred twenty days prior to the date specified in subsection (A)(1); however, any removal may not occur prior to the date specified.

(7) SLED shall notify the original prosecuting agency, if within the State, within sixty days of the receipt of the application if, after initial investigation, it is determined that there are no automatically disqualifying factors and that there is a likelihood of approval of the application. The original prosecuting agency, if within the State, may file with SLED an objection including the reasons for the objection; however, the objection must be received prior to the end of the one hundred twenty-day application process. The original prosecuting agency must comply with the victim notice provisions of the Victim's Rights Act. If an objection is filed by the prosecuting agency, the request for termination pursuant to this section must be denied and the applicant must be informed of his right to file for a hearing pursuant to Section 23-3-463.

(B) Upon receipt of the request for termination, SLED shall review documentation provided by the offender and contained in the offender's file and the sex offender registry to determine whether the offender has

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complied with the requirements of this section. In addition, SLED shall conduct fingerprint-based state and federal criminal history checks to determine whether the offender has been convicted of any additional sexual offenses, as defined in Section 23-3-430.

(C) If all the requirements of this section are verified, SLED shall, within one hundred twenty days of receipt of the request for termination, remove an offender's name from the registry and notify the offender that the offender is no longer required to comply with the registry requirements of this article.

(D) If it is determined that the offender has been convicted of any additional sexual offenses or violent sexual offenses during the applicable period, has not substantially complied with this section, or an objection has been filed by the original prosecuting agency, SLED shall not remove the offender's name from the sex offender registry and shall notify the offender that the offender has not been relieved of the provisions in this article.

(1) If an offender is denied a termination request, the offender may petition again for termination with SLED no sooner than five years after the previous denial.

(2) If an offender is denied a termination request based on conviction of any additional sexual offenses or violent sexual offenses, the offender may not submit a petition to SLED for termination unless the subsequent conviction is overturned or pardon granted.

(E) An offender whose request for termination of registration requirements is denied by SLED is entitled to appeal the denial to the general sessions court pursuant to the requirements of Section 23-3-463 for the county in which the conviction occurred if the conviction occurred within the State, or if not, the county in which the offender resides. Individuals placed on the registry as a juvenile should petition the family court that adjudicated them delinquent. The SLED official who denied the request for termination of registration requirements may submit an affidavit to the court detailing the reasons the request was denied.

(F) If a person is convicted of multiple offenses requiring registration, and the offenses fall within different tiers, the person only may petition for removal of the registration requirement once the required time passes for the highest tier offense they have been convicted of that requires registration. If a petition based upon this section is denied, the person may not petition again until five years after the date of the final order.”

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SECTION 5. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-463. (A) An offender may file a motion with the general sessions court to request an order to be removed from the requirements of the sex offender registry act if:

(1) he is a Tier I or Tier II offender or if the offender was required to register based on an adjudication of delinquency whose application for removal under Section 23-3-462 has been denied by SLED; or

(2) he is a Tier III offender after thirty years from the date of discharge from incarceration without supervision, or the termination of active supervision of probation, parole, or any other active alternative to incarceration.

(3) If the offender is required to register due to an out-of-state or federal conviction, the equivalent tier under the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109 248), the Sex Offender Registration and Notification Act (SORNA) shall apply.

(B) All motions pursuant to this section must be made no earlier than the appropriate timeframes related to the underlying offense as specified in Section 23-3-462(A)(1) or Section 23-3-463(A)(2). An offender is not eligible for a hearing pursuant to this section if he submitted an application prior to the timeframe specified in Section 23-3-462(A)(1) that was either not accepted or erroneously accepted by SLED.

(C) The motion must be filed in the county in which the underlying conviction occurred if the conviction occurred within the State, or if the conviction occurred outside of the State, the county in which the offender resides.

(D) A person requesting a hearing under this section is entitled to the assistance of counsel, and if the person is indigent, the court must appoint counsel to assist the person.

(E) The court may direct that a qualified evaluator designated by the South Carolina Department of Mental Health conduct an evaluation whether the offender poses a foreseeable risk to reoffend. For any such evaluation, the court must order the offender to comply with all testing and assessments deemed necessary by the evaluator. After the evaluation by the qualified evaluator designated by the department, if the offender or the prosecutor seeks an independent evaluation by an independent qualified evaluator, then that evaluation must be completed within ninety days after receipt of the request by the department evaluator. The court may grant an extension upon the request of the independent qualified evaluator and a showing of extraordinary circumstances. Any qualified

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evaluator who will be submitted as an expert at a hearing on the motion must submit a written report available to both parties.

(F) The court must make a determination upon a finding by clear and convincing evidence that the offender is no longer a foreseeable risk to reoffend and that it is in the best interest of justice to grant the motion for removal from the requirement of registration.

(G) The State of South Carolina must be named as the respondent to the action and shall be represented by the prosecution office that obtained the underlying conviction for which the offender is required to register, or, if the conviction occurred outside of the State, the Attorney General. All requirements of the Victim's Rights Act, including reasonable notice, must be observed. The following agencies have standing to request to be made a party to the motion:

(1) any original prosecuting solicitor's office for an underlying qualifying conviction if not already representing the State;

(2) the local solicitor's office where the offender resides at the time of the hearing if not already representing the State; or

(3) the Attorney General's Office if not already representing the State.

(H) If a person is convicted of multiple offenses requiring registration, and the offenses fall within different tiers, the person only may petition for removal of the registration requirement once the required time passes for the highest tier offense they have been convicted of that requires registration.

(I) If the motion is denied, the person may not file for removal from the registry pursuant to this section again until five years after the date of the final order."

SECTION 6. Section 23-3-490 of the 1976 Code is amended to read:

"Section 23-3-490. (A) Information collected for the offender registry is open to public inspection, ~~upon request to the county sheriff~~ and must be made available on the Internet or by other electronic means.

(B) A sheriff or SLED must release information regarding persons required to register under this article to a member of the public if the request is made in writing, or via electronic means on a form prescribed or utilized by SLED. The sheriff must provide the person making the request with the full names of the registered sex offenders, any aliases, any other identifying physical characteristics, each offender's date of birth, the home address on file, the offense for which the offender was required to register pursuant to Section 23-3-430, and the date, city, and state of conviction. A photocopy of a current photograph must also be

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provided. The sheriff ~~must~~ may provide to a newspaper with general circulation within the county a listing of the registry for publication.

A sheriff or SLED who provides the offender registry for publication or a newspaper which publishes the registry, or any portion of it, is not liable and must not be named as a party in an action to recover damages or seek relief for errors or omissions in the publication of the offender registry; however, if the error or omission was done intentionally, with malice, or in bad faith the sheriff or newspaper is not immune from liability.

~~(B)~~(C) A person may request on a form prescribed by SLED a list of registered sex offenders residing in a city, county, or zip code zone or a list of all registered sex offenders within the State from SLED. A person may request information regarding a specific person who is required to register under this article from SLED ~~if the person requesting the information provides the name or address of the person about whom the information is sought.~~ SLED shall provide the person making the request with the full names of the requested registered sex offenders, any aliases, any other identifying physical characteristics, each offender's date of birth, the home address on file, the offense for which the offender was required to register pursuant to Section 23-3-430, and the date, city, and state of conviction. The State Law Enforcement Division may charge a reasonable fee to cover the cost of copying and distributing sex offender registry lists as provided for in this section. These funds must be used for the sole purpose of offsetting the cost of providing sex offender registry lists.

~~(C)~~(D) Nothing in subsection (A) prohibits a sheriff from disseminating information contained in subsection (A) regarding persons who are required to register under this article if the sheriff or another law enforcement officer has reason to believe the release of this information will deter criminal activity or enhance public safety. The sheriff shall notify the principals of public and private schools, and the administrator of child day care centers and family day care centers of any offender whose address is within one-half mile of the school or business.

~~(D)~~(E) For purposes of this article, information on a person adjudicated delinquent in family court for an offense listed in Section ~~23-3-430~~ 23-3-436, and who is required to register under this article, must be made available to the public in accordance with the following provisions:

(1) If a person has been adjudicated delinquent for committing a Tier III offense, ~~any of the following offenses~~, information must be made available to the public pursuant to subsections (A) ~~and~~, (B), and (C):

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~~(a) criminal sexual conduct in the first degree (Section 16-3-652);~~

~~(b) criminal sexual conduct in the second degree (Section 16-3-653);~~

~~(c) criminal sexual conduct with minors, first degree (Section 16-3-655(A));~~

~~(d) criminal sexual conduct with minors, second degree (Section 16-3-655(B));~~

~~(e) engaging a child for sexual performance (Section 16-3-810);~~

~~(f) producing, directing, or promoting sexual performance by a child (Section 16-3-820);~~

~~(g) kidnapping (Section 16-3-910); or~~

~~(h) trafficking in persons (Section 16-3-2020) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense.~~

(2) Information shall only be made available, upon request, to victims of or witnesses to the offense, public or private schools, child day care centers, family day care centers, businesses or organizations that primarily serve children, women, or vulnerable adults, as defined in Section 43-35-10(11), for persons adjudicated delinquent for committing any of the following offenses: other offenses requiring registration.

~~(a) criminal sexual conduct in the third degree (Section 16-3-654);~~

~~(b) criminal sexual conduct: assaults with intent to commit (Section 16-3-656);~~

~~(c) criminal sexual conduct with a minor: assaults with intent to commit (Section 16-3-656);~~

~~(d) criminal sexual conduct with minors, third degree (Section 16-3-655(C));~~

~~(e) peeping (Section 16-17-470);~~

~~(f) incest (Section 16-15-20);~~

~~(g) buggery (Section 16-15-120);~~

~~(h) violations of Article 3, Chapter 15 of Title 16 involving a minor, which violations are felonies; or~~

~~(i) indecent exposure.~~

(3) A person who is under twelve years of age at the time of his adjudication, conviction, guilty plea, or plea of nolo contendere for a first offense of any offense listed in Section 23-3-430(C) shall be required to register pursuant to the provisions of this chapter; however, the person's name or any other information collected for the offender registry shall not be made available to the public.

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~~(4) A person who is under twelve years of age at the time of his adjudication, conviction, guilty plea, or plea of nolo contendere for any offense listed in Section 23-3-430(C) and who has a prior adjudication, conviction, guilty plea, or plea of nolo contendere for any offense listed in Section 23-3-430(C) shall be required to register pursuant to the provisions of this chapter, and all registry information concerning that person shall be made available to the public pursuant to items (1) and (2).~~

~~(5)~~(3) Nothing in this section shall prohibit the dissemination of all registry information to law enforcement.

~~(E)~~(F) For purposes of this section, use of computerized or electronic transmission of data or other electronic or similar means is permitted.”

SECTION 7. This act is retroactive and shall apply to any resident of this State who currently is required to register as a sex offender pursuant to the provisions of Article 7, Chapter 3, Title 23, and who meets the requirements set forth in the act.

SECTION 8. This act takes effect upon approval by the Governor. /
Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator GOLDFINCH proposed the following amendment (JUD4075.004), which was adopted:

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

/ SECTION __. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-538. (A) As contained in this section:

(1) ‘Child-oriented business’ means any business whose primary service includes the education, care, or entertainment of children, including but not limited to: a school, daycare center, children's recreational facility, arcade, trampoline park, amusement park, public playground, or mobile food delivery whose primary business is the sale or delivery of ice cream or candy to children.

(2) ‘Children's recreational facility’ means a facility owned and operated by a city, county, or special purpose district used for the purpose of recreational activity for children under the age of eighteen.

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(3) ‘Daycare center’ means an arrangement where, at any one time, there are three or more preschool-age children, or nine or more school-age children receiving child care.

(B) It is unlawful for a sex offender who has been convicted of any of the following offenses to operate, work for, be employed by, or volunteer for a child-oriented business:

- (1) criminal sexual conduct with a minor, first degree;
- (2) criminal sexual conduct with a minor, second degree;
- (3) assault with intent to commit criminal sexual conduct with a minor;
- (4) kidnapping a person under eighteen years of age; or
- (5) trafficking in persons of a person under eighteen years of age except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense.

(C) If upon registration of a sex offender, or at any other time, a local law enforcement agency determines that a sex offender is in violation of this section, a law enforcement agency or a probation or parole agent must notify the sex offender of the violation. If a person who is required to register under this chapter continues to operate, be employed by, or volunteer for a child-oriented business after notice, the person, upon conviction, must be punished as follows:

- (1) for a first offense, the sex offender is guilty of a misdemeanor and must be imprisoned not more than thirty days, or fined not more than five hundred dollars, or both;
- (2) for a second offense, the sex offender is guilty of a misdemeanor and must be imprisoned not more than three years, or fined not more than one thousand dollars, or both;
- (3) for a third or subsequent offense, the sex offender is guilty of a felony and must be imprisoned for not more than five years, or fined not more than five thousand dollars, or both.

(D) The owner of any business who knowingly employs a person in violation of this section after receiving notice by a member of law enforcement or other appropriate governmental agency shall be subject to a civil fine of up to one hundred dollars per day.” /

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

Senator GOLDFINCH explained the amendment.

The amendment was adopted.

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

Total--42

NAYS

Total--0

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

Motion Adopted

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

LOCAL APPOINTMENTS

Confirmations

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

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

P. Shayne Stephens, 4133 Bloomville Rd., Manning, SC 29102

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Reappointment, Allendale County Master-in-Equity, with the term to commence December 31, 2022, and to expire December 31, 2028

Walter H. Sanders, Jr., 167 Allendale Fairfax Highway, P. O. Box 840, Fairfax, SC 29827

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jennifer Carter, 8328 Coosaw Scenic Drive, Ridgeland, SC 29936-4146 *VICE* Donna Doe Lynch

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

Nicholas J. Clekis, 2193 River Road, Johns Island, SC 29455-8870 *VICE* Mr. Jackson Seth Whipper

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Laura Saunders, 3 Brookside Way, Greenville, SC 29605-1211

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

Charles Frances Bagwell, 318 Woodgrove Trace, Spartanburg, SC 29301-6432

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

Joseph Franklin Hart, 307 Bogan Road, Jonesville, SC 29353-2741 *VICE* Arthur T. Sprouse, Jr.

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Curtisha Ingram, 3008 Chinaberry Drive, Lancaster, SC 29720-9018

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Van Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058-9130

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Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Douglas M. Vecchio, 197 Floyd Rd., Kershaw, SC 29067

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Harriet A. Bonds, 103 Silverhill Road, Walterboro, SC 29488-3555

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jacqueline S. Lee, P. O. Box 639, Ridgeland, SC 29936-2611

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

Kimberly B. Gaskins, 1647 East Jackson Rd., Chesterfield, SC 29709

Initial Appointment, Chesterfield County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2026

Kimberly B. Gaskins, 1647 East Jackson Rd., Chesterfield, SC 29709
VICE Diane Dyches

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Jeffry Bloom, 143 Buckhead Lane, Swansea, SC 29160-8303

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Cassandra Keller, 165 Blair Road, St. Matthews, SC 29135-8539

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Joseph David Teague, Sr., 255 Boone Lane, Swansea, SC 29160-8246

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

Whilden V. Baggett, 105 Bonneau Street, Bonneau, SC 29431-8620

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

Rad S. Deaton, 1501 Snowy Egret Pointe, Hanahan, SC 29410-8580

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

William D. Wilson, Jr., 114 Fairhaven Drive, Goose Creek, SC 29445-8002 *VICE* Judge Mark Stokes

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Elbert O. Duffie III, 1075 Dallas Lane, Walterboro, SC 29488-8190

Reappointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kenneth A. Campbell, Jr., 652 Otis Road, Walterboro, SC 29488

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Central Williams, 379 Locust Street, Walterboro, SC 29488 *VICE* Keisha Gadsden

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

R. Shawn McCord, 537 Sunset Drive, Manning, SC 29102-2208

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Monica Reed Johnson, 503 Sykes Street, Manning, SC 29102-2131

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Patrick G. Goodwin, P.O. Box 329, Turbeville, SC 29162-0329

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Elease H. Fulton, 12647 Raccoon Road, Manning, SC 29102-8882

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Janice Coney, 103 Gregory Street, Manning, SC 29102-2611

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

June C. Briggs, 1052 Perch Dr., Manning, SC 29102-7730

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Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Angela Witherspoon, 1215 Sportsman Drive, Manning, SC 29102-4874 *VICE* Nannette Frye

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Martin Ira Easler, 209 Short Street, Kingstree, SC 29556-3926

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Randy Brice Foxworth, 209 Short Street, Kingstree, SC 29556

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Delores Williams, 209 Short Street, Kingstree, SC 29556-3926

Reappointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Cheryl Graham, 924 South Highway 501, Marion, SC 29571-6006

Initial Appointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kathy Byrd Bass, P. O. Box 8C2, Marion, SC 29574 *VICE* Danny O. Barker II

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Andrew Bethea, 1062 Highway 917 W., Latta, SC 29565-4731

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Mackie Hayes, P. O. Box 1204, Dillon, SC 29536-1204

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Lutherine Williams, Post Office Box 1016, Dillon, SC 29536-1016

Reappointment, Marion County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kelik Fling, 2715 East Highway 76, Suite B, Mullins, SC 29574-6015

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Initial Appointment, Hampton County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Marion C. Fairey, Jr., 4895 Savannah Highway, Hampton, SC 29924-7225 *VICE* Algernon Gibson Solomons

ADJOURNMENT

At 6:06 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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